

**LICENSING ACT
COMMITTEE**

2.00 P.M.

23RD JUNE 2011

PRESENT: Councillors Joyce Taylor (Chairman), Paul Aitchison, Josh Bancroft, Kathleen Graham, Mike Greenall, Tracey Kennedy, Margaret Pattison, Roger Sherlock, Susan Sykes, Malcolm Thomas and Paul Woodruff

Apologies for Absence:

Councillors Chris Coates, Helen Helme, Vikki Price and Keith Sowden

Officers in Attendance:

Luke Gorst	Assistant Solicitor
Caroline Morrison	Senior Licensing Officer
Jane Glenton	Democratic Support Officer

1 APPOINTMENT OF VICE-CHAIRMAN

The Chairman requested nominations for the position of Vice-Chairman.

It was proposed by Councillor Sykes and seconded by Councillor Greenall:

“That Councillor Helme be appointed Vice-Chairman of the Licensing Act Committee for the Municipal Year.”

There were no further nominations and the Chairman declared Councillor Helme nominated.

Resolved:

That Councillor Helme be appointed Vice-Chairman of the Licensing Act Committee for the Municipal Year.

2 MINUTES

The minutes of the meeting held on 25th November 2010 were signed by the Chairman as a correct record.

3 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN

There were no items of urgent business.

4 DECLARATIONS OF INTEREST

There were no declarations of interest.

5 CHAIRMEN OF LICENSING ACT SUB-COMMITTEES

Members received the report of the Head of Governance to enable the Committee to make arrangements for the chairing of Licensing Act Sub-Committees during the municipal year 2011/12.

The Senior Licensing Officer reported that the Licensing Act Committee had agreed the procedure for establishing Sub-Committees to deal with hearings under the Licensing Act 2003 at its meeting on 14th February 2005. At that time, It had been resolved that three Members be appointed Chairmen of the Sub-Committees in addition to the Chairman and Vice-Chairman of the Licensing Act Committee.

Members were advised that the ad hoc Sub-Committees were empanelled from the pool of fifteen Licensing Act Committee members to include one of the five appointed Chairmen. It was noted that the Committee had nominated four, rather than five Chairmen, in some municipal years.

It was proposed by Councillor Sykes and seconded by Councillor Graham:

“That there be a total of five Chairmen of the Licensing Act Sub-Committees and that, in addition to the Chairman and Vice-Chairman of the Licensing Act Committee, Councillors Greenall, Sherlock and Thomas be appointed Licensing Act Sub-Committee Chairmen for the municipal year 2011/12.”

There were no further nominations and the Chairman declared the proposal to be carried.

Resolved:

That there be a total of five Chairmen of the Licensing Act Sub-Committees and that, in addition to the Chairman and Vice-Chairman of the Licensing Act Committee, Councillors Greenall, Sherlock and Thomas be appointed Licensing Act Sub-Committee Chairmen for the municipal year 2011/12.

6 OFFICER SCHEME OF DELEGATION

Members received the report of the Head of Governance to enable the Committee to approve an updated scheme of delegation to officers in respect of matters within its terms of reference.

The Senior Licensing Officer advised that the Council's Scheme of Delegation to Officers was contained in Part 3, Section 15 of the Council's Constitution and was being revised. Appended to the report was a revised list of officer delegations in respect of the areas of work which fell within the remit of the Licensing Act Committee. The list had been updated to ensure that the correct officer titles were used and that the relevant legislation referred to was up-to-date.

Members were advised that the determination of film classifications where there had been no classification by the British Board of Film Classification was currently delegated to the Head of Governance, in consultation with the Chairman of Licensing Act Committee.

Under the rules of delegation, the person to whom a decision was delegated could refer a particular decision back to the delegating body for decision, and it was noted that, in the event of a more controversial film, it was likely that the Head of Governance would wish to do this.

It was recommended that the Scheme of Delegation be amended to allow the Head of Governance to refer a decision in such circumstances to a Sub-Committee of three members, rather than to the full Licensing Act Committee, which would be cumbersome and contrary to the principle that the work of the Committee, in dealing with individual cases, be carried out by Sub-Committees.

Councillor Woodruff advised of his concerns regarding the proposal that the Scheme of Delegation be amended to allow the Head of Governance to refer a decision, in the event of a more controversial film, where there had been no classification by the British Board of Film Classification, to a Sub-Committee of three members, rather than to the full Licensing Act Committee. This, in his opinion, would place too much power in too few hands.

It was proposed by Councillor Woodruff and seconded by Councillor Aitchison:

“That the terms of reference of the Licensing Act Sub-Committee, in Part 3, Section 4 of the Constitution be amended as follows:

‘To determine film classification restrictions where there has been no classification by the British Board of Film Classification, and where the Head of Governance considers it appropriate in view of the nature of the particular film, the matter shall be referred to the Licensing Act Committee.’”

Upon being put to the vote, 9 Members voted in favour of the proposition and 2 in objection, whereupon the Chairman declared the proposal to be carried.

It was then proposed by Councillor Greenall and seconded by Councillor Sykes:

“That the delegations to officers, as set out in Appendix 1, for inclusion in the Council’s Constitution as part of the Scheme of Delegation to Officers, be approved, as amended.”

Upon being put to the vote, Members voted unanimously in favour of the proposition, whereupon the Chairman declared the proposal to be clearly carried.

Resolved:

- (1) That the terms of reference of the Licensing Act Sub-Committee, in Part 3, Section 4 of the Constitution be amended as follows:

‘To determine film classification restrictions where there has been no classification by the British Board of Film Classification, and where the Head of Governance considers it appropriate in view of the nature of the particular film, the matter shall be referred to the Licensing Act Committee.’

- (2) That the delegations to officers, as set out in Appendix 1, for inclusion in the Council’s Constitution as part of the Scheme of Delegation to Officers, be approved, as amended.

Chairman

(The meeting ended at 2.25 p.m.)

**Any queries regarding these Minutes, please contact
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