



Overview and Scrutiny Committee Briefing Paper

Subject: Licensing Notifications to Parish and Town Councils/the role of the Licensing Committee

Director/Executive Director: Richard Webb, Assistant Director – Regulatory Services and Community Safety

Background and Reason for Briefing note:

During a discussion on the draft statement of licensing policy at the Overview and Scrutiny Committee in January 2021 a request was made that Parish and Town Councils be notified of licensing applications relating to their area.

In general, legislation and supporting guidance sets out the requirements relating to the notification of interested parties of relevant licensing applications. Under the Licensing Act 2003, applicants are required to send copies of their applications to the 'responsible authorities' such as the Police and Fire Authority rather than that responsibility falling to the licensing authority. Parish and Town Councils are not 'responsible authorities' and therefore will not normally be notified of applications relating to their area. However, the council's Licensing Team could notify Parish and Town councils of relevant applications on an informal basis (i.e. outside the statutory requirements). Representations made by Parish and Town Councils would be considered relevant representations under the Act and therefore be taken into account when decisions are made on licensing applications.

Notifications to Parish and Town Councils would be an additional action in the licensing process and therefore an additional workload for the licensing team. Therefore, we wish to ensure that only applications which are likely to be of material interest to the Parish or Town Council are notified. The following is a list of licence applications that it is suggested would be of interest to Parish and Town Councils and that those councils could be notified of.

- Alcohol Premise Licence
 - New premise
 - Amended trading hours
 - Amended trading arrangements
- Temporary Event Notice
 - Sale of alcohol and regulated entertainment
- Gambling Premise Licence
 - New or amended
- Private Hire Operators (Taxi) Licence
 - New
- Table and Chairs Permit
 - New
 - Amendment



- Pavement Licence (similar to table a chairs permit but under a temporary legal framework)
 - New
 - Amendment
- Caravan & Mobile Home Site
 - New
 - Amendment
- Sex Establishment Licence
 - New
- Scrap Metal Site Licence
 - New
 - Amendment

Types of application which would not be notified to the Parish and Town Council include taxi driver licence applications and change of designated premises supervisor for alcohol premises licence. These matters are unlikely to have any impact on the local area.

It is also proposed that the Licensing Team will not notify Parish and Town Councils of all Temporary Event Notifications since a significant proportion of these are created by the Parish and Town Councils or relate to small community events which will already be advertised in the local area.

The Committee also raised questions about the Licensing Committee of the Council.

In general, the statutory guidance under the Licensing Act 2003 includes that where “there are no relevant representations on an application for the grant of a premises licence or club premises certificate or police objection to an application for a personal licence or to an activity taking place under the authority of a temporary event notice, these matters should be dealt with by officers in order to speed matters through the system”. Consistent with this guidance, under the Council’s scheme of delegation, the Assistant Director of Regulatory Services and Community Safety is delegated the power to deal with most non-contentious licensing matters, such as applications for premises licences where no objections or representations have been received.

The Council’s Constitution sets out the decision making framework for the council and the terms of reference for each council committee. The terms of reference for the Licensing Committee are that of a decision making committee with specific responsibilities for matters such as the following (the full list of responsibilities can be seen on page 10 of the Committee Terms of Reference and Scheme of Delegation in the constitution)-

- To deal with applications to exhibit an unclassified film, or to change the classification given to any film by the British Board of Film Classification, for exhibition within the District,
- To deal with all matters which are the responsibility of the Council in relation to hackney carriage and private hire vehicles licensed by the Council, except those delegated to the Sub-Committee or Officers.



The Licensing Committee does not specifically have a role in determining policy or reviewing the work of officers involved in delivering the licensing function for the council. Unlike the Overview and Scrutiny Committee the Licensing Committee does not have functions in its terms of reference to review and monitor the council's performance, make recommendations to the Council or Executive, report to the Council or Executive, or similar.

The Terms of Reference for the Licensing Committee include a list of functions delegated to Licensing Sub-Committees. This includes matters such as-

- The hearing of, and decisions on, applications and notifications under the Licensing Act 2003 where this cannot be decided by the Assistant Director of Regulatory Services and Community Safety because valid representations/ objections have been received and not withdrawn.
- The hearing or, and decisions on, applications for review of a premises licence/ Club Premises Certificate under the Licensing Act 2003.

In practice, almost all matters that would fall to the Licensing Committee to determine are delegated to sub-committees. These sub-committees meet when required. The Licensing Committee itself rarely meets since matters reserved for the full committee arise infrequently.

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