



Leeds
CITY COUNCIL

Agenda item:

Originator:

Gill Marshall/Kate Feltham

Tel: 2478842/3951167

Report of the Assistant Chief Executive Corporate Governance

General Purposes Committee

Date: 18 May 2010

Subject: Licensing Arrangements

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. This report proposes a number of amendments to the constitution in relation to the licensing arrangements at Leeds City Council. The amendments reflect changes in legislation and/or promote clarity within the constitution.

1.0 Purpose of this report

- 1.1 To inform members of proposed amendments to the constitution documents relating to the Council's licensing arrangements.
- 1.2 To request that the Committee consider and recommend the proposed amendments to full Council.

2.0 Background information

- 2.1 The Licensing Committee was created under the Licensing Act 2003 ("the 2003 Act") its initial terms of reference were to deal with all the different types of licences granted under that Act. Functions under the Gambling Act 2005 ("the 2005 Act") were added to the terms of reference in January 2007. Section 7 of the Licensing Act 2003 also provides that full Council may arrange for the Licensing Committee to discharge any function of the Authority which relates to a matter referred to the Licensing Committee, but which is not a licensing function (Section 7(3)). Council may also refer the matter to the Committee where a matter relates to both a licensing function and to a function of the Authority which is not a licensing function, and arrange for the Committee to discharge the other non licensing function (Section 7(5)(b)).
- 2.2 The Licensing and Regulatory Panel deals with other licensing matters such as taxi and private hire licensing and sex establishments. It also has a wide range of terms of reference covering miscellaneous licensing functions and permissions such as marriage premises and acupuncture. These miscellaneous functions are invariably dealt with by officers under delegated powers.

3.0 Main issues

Licensing Committee Terms of Reference

- 3.1 The Licensing Committee currently deals with the functions of making a Designated Public Places Order (DPPO) in respect of alcohol consumption under the Criminal Justice and Police Act 2001. Making a DPPO is not a licensing function under the 2003 Act but relates to a licensing function. This function is one that has been delegated to the Licensing Committee by full Council under the provisions in Section 7(3) of the Licensing Act 2003. The terms of reference for Licensing Committee currently include reference to this function in the footnotes and it is proposed that this function is moved into the main body of the terms of reference for the purposes of clarity.
- 3.2 The Violent Crime Reduction Act 2006 introduced Alcohol Disorder Zones (ADZs). These came into force in 2009 when regulations were made. An area can be designated an ADZ where there is a problem with alcohol related nuisance, crime and disorder but there is no clear link between the problem and an individual licensed premises. A problem with an individual licensed premises can already be tackled under current licensing legislation. The process for designating an ADZ is set out in the regulations and involves consulting on the proposals obtaining the consent of the police, developing an action plan and operating and administering the ADZ.
- 3.3 It is proposed that the function of making an ADZ is delegated to the Licensing Committee again using the power in Section 7(3) Licensing Act 2003. This is

because ADZs could be said to relate to an existing licensing function, however they are not licensing functions under the 2003 Act. It is therefore proposed that the function of making an ADZ be added to the Licensing Committee's terms of reference.

- 3.4 Revised terms of reference for the Licensing Committee incorporating these proposals are attached at Appendix 1.

Licensing and Regulatory Panel Terms of Reference

- 3.5 During 2010 the Council will have new powers to regulate lap dancing and similar sexual entertainment venues. These powers come from the Policing and Crime Act 2009 which amends the Local Government (Miscellaneous Provisions) Act 1982. The Local Government (Miscellaneous Provisions) Act 1982 already deals with sex shops and sex cinemas. Leeds City Council has previously adopted the existing powers and these functions are currently delegated to the Licensing and Regulatory Panel. It is considered likely that the council will wish to adopt these new powers. It is therefore proposed that the additional powers be delegated in the same manner to the Licensing and Regulatory Panel, to be used if adopted.
- 3.6 Revised terms of reference for the Licensing and Regulatory Panel incorporating this additional function are attached at Appendix 2.

Article 8A

- 3.7 Amendments to Article 8A are also proposed to clarify that the Licensing Committee can carry out functions that are not licensing functions but which are referred to it by virtue of the powers in Section 7 of the Licensing Act 2003.
- 3.8 An amendment requiring members to undergo compulsory training as requested by Member Management Committee is also proposed.
- 3.9 A revised Article 8A incorporating these changes is attached at Appendix 3.

Assistant Chief Executive (Corporate Governance) Officer Delegation Scheme (Council (none executive) functions)

- 3.10 Consequential amendments to the Officer Delegation Scheme for the Assistant Chief Executive (Corporate Governance) could be required if the proposed amendments to the terms of reference for the Licensing and Regulatory Panel are approved. The scheme could be amended to delegate the powers to licence sexual entertainment venues to officers as well as to the Panel. These amendments are additional to those set out in the ACE (Corporate Governance) Officer Delegation Scheme which is attached to a separate report attached to this agenda.
- 3.11 If the proposed amendments to the Licensing Committee terms of reference are approved then it will be for the Licensing Committee itself to delegate those powers to officers. Therefore these proposals are not currently reflected in the ACE (Corporate Governance) Officer Delegation Scheme.

4.0 Implications for council policy and governance

- 4.1 The proposed amendments will ensure that the functions to be carried out by the Licensing Committee and Licensing and Regulatory Panel are clearly stated and updated to contain new functions given to the Council in newly enacted legislation.

5.0 Legal and resource implications

- 5.1 The proposed amendments will ensure the constitution is updated to contain functions granted by new legislation.
- 5.2 Any additional resource implications as a result of ADZ's and the licensing of sexual entertainment venues should be covered by existing departmental budgets.

6.0 Conclusions

- 6.1 That the proposed constitutional amendments shown in the attached appendixes and the consequential amendments to the Officer Delegations Scheme should be recommended to full Council.

7.0 Recommendations

- 7.1 That the Committee consider this report and recommend to full Council that the function of marketing an Alcohol Disorder Zone is a function which relates to the licensing functions of the Licensing Committee and should be delegated by full Council to the Licensing Committee.
- 7.2 That the proposed amendments to the Licensing Committee's Terms of Reference shown at Appendix 1 be recommended to full Council.
- 7.3 That the proposed amendments in the Licensing and Regulatory Panels Terms of Reference shown at Appendix 2 be recommended to full Council.
- 7.4 That the proposed amendments to Article 8A shown at Appendix 3 be recommended to full Council.
- 7.5 That consequential amendments to the Assistant Chief Executive (Corporate Governance) (Council (none-executive) functions) to delegate the power to licence sexual entertainment venues to officers be recommended to full Council.