

Title of Report: Proposed Changes to the Constitution**Report to be considered by:** Licensing Committee**Forward Plan Ref:****Purpose of Report:**

To discuss proposed changes to the Council's constitution to allow applications for review of premises licences under s52(2) /club premises certificates under s88(2) of the Licensing Act 2003 to be delegated to Licensing Sub-committees to determine.

Recommended Action:

To suggest that Licensing officers take forward a recommendation to full Council that the constitution be amended as outlined above.

Reason for decision to be taken:

To enable the determination of a review of a premises licence /club premises certificate to dealt with by a Licensing Sub-committee

Key background documentation:

Licensing Act 2003

Portfolio Member:	Councillor Findlay
Tel. No.:	*
E-mail Address:	*

Contact Officer Details

Name:	Brian Leahy
Job Title:	Senior Licensing Officer
Tel. No.:	01635 519209
E-mail Address:	bleahy@westberks.gov.uk

Executive Summary

1. Introduction

- 1.1 The Licensing Act 2003 puts the duty to determine applications for review of premises licences or club premises certificates on the local licensing authority.
- 1.2 The Council's constitution at 3.1.4. states all such cases must be dealt with by Full Licensing Committee.
- 1.3 The Council's constitution at 3.1.3. states that any amendment to the Council's constitution must be made by Full Council.
- 1.4 A recent application for review has highlighted the practical difficulties of convening a full licensing committee to determine such matters, which should be dealt with promptly. Following that application, officers received a request from members to review the constitution to consider whether the duty under 1.1 can be delegated further.
- 1.5 Having reviewed the legislation which states a hearing must be held to consider applications to review premises licences/ club premises certificates, officers concluded that this power could not be delegated to officers but it would be appropriate for this function to be delegated to Licensing Sub-committees.

2. Recommendations

- 2.1 That officers to progress the amendment of the Council's constitution to permit the delegation of the power to determine applications for the review of premises licences/ club premises certificates to Licensing Sub-committees through the appropriate channels.

Appendices

None.

Policy:	There is no established policy on this subject.
Financial:	None
Personnel:	None
Legal:	Any decision reviewing a premises licence/ club premises certificate is appealable through the Magistrates' Court.
Environmental:	None
Equalities:	None
Property:	None
Risk Management:	None
Community Safety:	None
Local Stakeholders:	None
Officers Consulted:	None
Trade Union:	None