1. SUMMARY

1.1 The Licensing Act 2003 requires each Licensing Authority to establish a licensing committee in order to oversee its policy with respect to the exercise of its licensing functions under the Act. The renaming of this Committee as the "General Purposes and Licensing Committee", together with the appropriate powers, fulfils this purpose in Bromley. A Licensing Committee may establish one or more Sub-Committees. Draft secondary regulations recently released by the Department of Culture, Media and Sport for public consultation include details relating to such Sub-Committees. This report examines the setting up and operation of a Licensing Sub-Committee in Bromley together with an update on other aspects of the new licensing arrangements.

2. RECOMMENDATIONS

2.1 That the Council be recommended to agree that the Constitution be varied to provide for one member of the Executive to be eligible to serve on the Licensing Sub-Committee.

2.2 That the Draft Procedure for Hearings under the Licensing Sub-Committee as set out in Appendix 1 be approved.

2.3 That, subject to the Council's agreement to the recommended variation to the Constitution referred to in 2.1 above, the schedule of meetings of the Licensing Sub-Committee, membership and appointed alternates, as set out in Appendix 2, be approved.

2.4 That all the Licensing Sub-Committee meetings set out in Appendix 2 be scheduled to start at 10a.m., subject to the need for an alternative starting time to be arranged in the event of extenuating circumstances.

2.5 That a further report be submitted to this Committee in May 2005 setting out a similar schedule of Licensing Sub-Committee meetings, membership and appointed alternates up to the end of November 2005.
3. COMMENTARY

3.1 The Licensing Act 2003 has introduced a single, integrated, local authority run scheme for licensing premises that sell alcohol, provide public entertainment or provide refreshment at night. This Committee, as the Licensing Committee, will be responsible for Bromley’s policy under the powers of the Licensing Act 2003. It was reported to this Committee’s last meeting (Minute 24 - 28.7.04) that the ”1st appointed day” from when the new system will run in parallel with the existing system will be the 7th February 2005. The new system will take full effect from the ”2nd appointed day”, which is likely to be a date in November 2005. Draft secondary regulations recently released by the Department for Culture, Media and Sport for public consultation include details relating to the operation of one or more sub-committees which may be set up, and other aspects. However, details of the fee structure are still awaited from Central Government.

3.2 As a result of the fundamental change to the existing licensing arrangements involving the transfer of responsibility for the granting of alcohol licences to the Council, it is estimated that an additional 720 premises licences and up to 1,000 personal licences will have to be considered. Where meaningful objections are received to applications for variations to existing licences, these will need to be considered at an appeal Hearing by a Licensing Sub-Committee. The Director of Environment and Leisure Services estimates that there could be somewhere between 200 - 250 cases where Sub-Committee Hearings may be necessary. The Act requires such applications to be submitted within six months from the ”1st appointed day” (7th February 2005) and for all matters to have been dealt with within a further three months, therefore nine months in all.

(a) Licensing Sub-Committee Hearings

3.3 In order to deal with these appeal Hearings, this Committee may set up one or more Licensing Sub-Committees each comprising three Members who, together with their alternates, will all be drawn from this Committee. Members will be aware that the Council’s Constitution formerly provided that a member of the Executive could not be a member of either this (the General Purposes and Licensing) Committee or the existing Licensing Appeals Sub-Committee. However, at the Annual Council Meeting on 12th May 2004 a motion was agreed varying the Constitution to allow one member of the Executive to serve on this Committee. Therefore, in order to avoid any ambiguity and to enable all members of this Committee to serve on the Licensing Sub-Committee, it is suggested that the Council be recommended to agree that the Constitution should provide for one member of the Executive to be eligible to serve on the Licensing Sub-Committee. In accordance with the decision of the former General Purposes Committee (Minute 97-16.4.03), the Licensing Sub-Committee meetings will operate on a non-proportionality basis. In addition, in line with current practice, Ward Members will not be permitted to sit on a Licensing Sub-Committee that is considering an application relating to premises situated in the same electoral Ward. The Draft Procedure for Hearings under the Licensing Act 2003 is set out in Appendix 1 to this report.

3.4 In view of the potentially substantial number of Sub-Committee meetings that will be required, it is suggested that provision is made in the Council diary for meetings to be scheduled on a one per week basis with effect from the week beginning Monday 7th March 2005. (This is the earliest possible date a meeting could be held were an application to be submitted on 7th February 2005 (the ”1st appointed day”) and taking into account the requisite statutory consultation period.) Additional meetings could be convened if it was found necessary whilst scheduled meetings would be cancelled where there was a lack of business. Whilst it is felt preferable and more practicable for such meetings to be held in the daytime (starting at say, 10a.m., which is the current practice), Members are reminded that the former General Purposes Committee expressed a view that arrangements should
be flexible and agreed that the Sub-Committee meetings should be held in either the day
time or the evening (with regard to the latter starting at say, 6.30p.m. or 7p.m.). It is
possible that more than one application will need to be considered at each Sub-Committee
meeting and this, in turn, will impact on the starting time.

3.5 Therefore, in the light of the above, attached at Appendix 2 is a schedule setting out a
suggested list of meeting dates, allocated Members and their appointed alternates (subject
to the agreement of the recommended variation to the Council’s Constitution referred to in
paragraph 3.3 above), for the Licensing Sub-Committee from the week beginning 7th
March 2005 up to the week beginning 9th May 2005 - the current Municipal Year ends at
the Annual Council Meeting on 11th May 2005. The majority of the meetings have been
scheduled for a Friday morning starting at 10a.m. In the event that a Member is
unavailable to attend a Sub-Committee meeting as allocated or they are ineligible because
a license application to be considered at that meeting relates to premises within their
Ward, they should, without delay, contact the Legal and Democratic Services Department
who will seek a replacement from one of the appointed alternates.

3.6 If the suggested arrangements are agreed by this Committee, a further report setting out a
similar schedule of meetings, membership and alternates up to the end of November 2005
will be submitted for approval to the Committee’s meeting in May 2005 taking account of
any changes in the membership of this Committee for 2005/2006 to be agreed at the
Annual Council Meeting on 11th May 2005.

4. POLICY IMPLICATIONS

4.1 New duties will fall on the London Borough of Bromley as the Licensing Authority to carry
out its licensing functions under the Licensing Act 2003 with a view to promoting the
following licensing objectives:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance;
- The protection of children from harm.

5. FINANCIAL IMPLICATIONS

5.1 In accordance with the Members’ Allowances Scheme adopted by the Council on 22
March 2004, Members of the Licensing Sub-Committee will be paid a quasi-judicial
allowance at an annual rate of 2.5% of the Leader’s Special Responsibility Allowance. At
present this is £583.61 per annum. The allowance is payable with effect from the
commencement of licensing responsibilities on 7 February 2005, and as a quasi-judicial
allowance, it is payable in addition to any other special responsibility allowance received
by a Member. The Scheme also provides that the workload and allowances of Members
of the Licensing Sub-Committee will be reviewed after twelve months experience of liquor
licensing. The additional cost of £8,750 in a full year and £1,270 in 2004/05 can be met
from within the existing approved budget for Members’ Allowances.

6. LEGAL IMPLICATIONS

6.1 These are addressed in the report.
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