



**AGENDA PAPERS MARKED 'TO FOLLOW' FOR
LICENSING COMMITTEE**

Date: Wednesday, 22 May 2019

Time: 7.15 pm or at the later rising of the Council meeting

Place: Council Chamber, Trafford Town Hall, Talbot Road, Stretford, M32 0TH

A G E N D A	PART I	Pages
2. MINUTES		
	To receive and if so determined, to approve as a correct record the minutes of the Licensing Committee meeting held on 23 May 2018.	1 - 2
3. MEMBERSHIP		
	To note the membership, including Chairman, Vice-Chairman and Opposition Spokesperson of the Licensing Committee for the Municipal Year 2019/20.	3 - 4
4. TERMS OF REFERENCE		
	To note the terms of reference for the Licensing Committee.	5 - 10
5. APPOINTMENT OF SUB-COMMITTEES AND DELEGATION TO OFFICERS		
	To appoint the membership of the following Sub-Committees and agree their terms of reference:- (a) Public Protection Sub-Committee (b) Licensing Sub-Committee	11 - 14
6. CONFIRMATION OF APPOINTMENTS AND TERMS OF REFERENCE TO SAFETY AT SPORTS GROUND SUB-COMMITTEE		
	The Committee is requested to appoint the membership of the Safety at Sports Ground Sub-Committee as recommended by Council at its Annual Meeting held on Wednesday 22 May 2019 and agree their terms of reference.	15 - 16

SARA TODD

Chief Executive

Membership of the Committee

Councillors A. Duffield (Chair), D. Jarman (Vice-Chair), B. Brotherton, D. Bunting, D. Butt, Mrs. D.L. Haddad, J. Holden, S. Longden, A. New, J.D. Newgrosh, E.W. Stennett, S. Taylor, S. Thomas and M.J. Welton.

Further Information

For help, advice and information about this meeting please contact:

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This agenda was issued on **Wednesday 22 May 2019** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall; Talbot Road, Stretford, Manchester, M32 0TH.

1.

LICENSING COMMITTEE

23rd MAY 2018

PRESENT

Councillor A. Duffield (In the Chair),
Councillors B. Brotherton, Mrs. A. Bruer-Morris, D. Bunting, Mrs. D. Haddad,
J. Holden, D. Jarman, D. Jerrome, S. Longden, E. Malik, B. Sharp,
W. Stennett MBE, S. Thomas and M. Whetton.

In attendance

Miss M. Cody - Democratic & Scrutiny Officer.

APOLOGY

An apology for absence was received from Councillor S.K. Anstee.

1. MINUTES

RESOLVED: That the Minutes of the meeting held on 24th May, 2017, be approved as a correct record and signed by the Chairman.

2. MEMBERSHIP

RESOLVED: That the Membership of the Committee for the 2018/19 Municipal Year, as appointed at the Annual Meeting of the Council held on 23rd May, 2018 and set out below, be noted:

Councillors S.K. Anstee, B. Brotherton, Mrs. A. Bruer-Morris, D. Bunting, A. Duffield (Chair), Mrs. D. Haddad, J. Holden (Opposition Spokesperson), D. Jarman (Vice-Chair), D. Jerrome, S. Longden, E. Malik, B. Sharp, W. Stennett MBE, S. Thomas and M. Whetton.

3. TERMS OF REFERENCE

RESOLVED: That the Terms of Reference for the Licensing Committee as agreed at the Annual Meeting of the Council held on 23rd May, 2018, be noted.

4. APPOINTMENT OF SUB-COMMITTEES AND DELEGATION TO OFFICERS

(a) Public Protection Sub-Committee

RESOLVED -

- (1) That the Membership of the Public Protection Sub-Committee shall comprise 9 Members (4:4:1), namely Councillors A. Duffield (Chair), D. Jarman (Vice-Chair), B. Brotherton, D. Bunting, Mrs. D. Haddad, J. Holden (Opposition Spokesperson), D. Jerrome, S. Thomas and M. Whetton.

Licensing Committee
23rd May, 2018

- (2) That up to 5 substitute Members (3:2:0) for the Public Protection Sub-Committee be appointed from the membership of the Licensing Committee, namely Councillors Mrs. A. Bruer-Morris, S. Longden, E. Malik, B. Sharp and W. Stennett MBE.
- (3) That the Terms of Reference for the Public Protection Sub-Committee be approved.

(b) Licensing Sub-Committee

RESOLVED -

- (1) That the Licensing Sub-Committee be appointed and Chaired in accordance with the protocol set out in the report.
- (2) That the Terms of Reference for the Licensing Sub-Committee be approved.

5. CONFIRMATION OF APPOINTMENTS AND TERMS OF REFERENCE TO SAFETY AT SPORTS GROUND SUB-COMMITTEE

RESOLVED -

- (1) That the Membership of the Safety at Sports Ground Sub-Committee, as recommended by Council at its Annual Meeting held on 23rd May, 2018, be confirmed as Councillors S. Thomas (Chair), A. Whyte (Vice-Chair) and J. Holden.
- (2) That the Terms of Reference for the Safety at Sports Ground Sub-Committee be approved.

ANNOUNCEMENTS

The Chair reminded Members of the Committee of the forthcoming training sessions and requested that they make every effort to attend.

The meeting commenced at 7.45 pm and finished at 7.47 pm.

TRAFFORD COUNCIL

MEMBERSHIP OF COMMITTEES 2019/20

Notes on Membership:

(1) It is advisable that the number of members serving on both the Licensing and Planning Development Control Committees in each political group is kept to a minimum to ensure that the potential for conflicts of interest is kept to a minimum.

(2) All Licensing Committee Members may be called upon as Members of the Licensing Sub-Committee, the meetings for which are held during the working day. Therefore, it would be preferable if Members serving on this Committee could also be available during the day time.

COMMITTEE				NO. OF MEMBERS
LICENSING				15
LABOUR GROUP	CONSERVATIVE GROUP	GREEN GROUP	LIBERAL DEMOCRAT GROUP	
Councillors:- Barry Brotherton Anne Duffield CH David Jarman V-CH Steven Longden Adele New Whit Stennett Sophie Taylor Simon Thomas	Councillors:- Dan Bunting Dylan Butt OS Denise Haddad John Holden Vacancy	Councillors:- Michael Welton	Councillors:- Julian Newgrosh	
TOTAL	8	4 & 1 Vacancy	1	1

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LICENSING COMMITTEE

Terms of Reference

1. To exercise the Council's licensing functions under the Licensing Act 2003 with the exception of any function conferred on the Council under Section 5 of the Act (statement of licensing policy).
2. In respect of each 5 year period, in consultation with the Executive, to formulate or prepare for approval by the Council its policy with respect to the exercise of its licensing functions under the Licensing Act 2003.
3. To keep the policy with respect to the exercise of its licensing functions under the Licensing Act 2003 under review and recommend any revisions to the policy to the Council.
4. To exercise the Council's licensing functions under the Gambling Act 2005 with the exception of any function conferred on the Council under Section 349 of the Act (statement of licensing policy).
5. To exercise powers in relation to the following functions as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000:
 - (i) all licensing and registration functions except those relating to town and country planning and the regulation of the use of the highway;
 - (ii) functions under any 'relevant statutory provision' within the meaning of Part I of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as employer; and
 - (iii) associated functions under any local Act.
6. To establish one or more Sub-Committees under Section 10(1) of the Licensing Act 2003 and Section 154 of the Gambling Act 2005 consisting of three members of the Licensing Committee for the discharge of functions exercisable by the Committee under the Licensing Act 2003 and the Gambling Act 2005. The functions to be exercised by the Sub-Committees include the functions set out at Appendix 1 and Appendix 2. Licensing Act and Gambling Act Sub-Committees shall be chaired in accordance with the protocol set out at Appendix 3.
7. To establish a Safety at Sports' Grounds Sub-Committee consisting of three Members of Council to oversee the exercise of the Council's functions in relation to safety at sports' grounds.

8. To establish a Public Protection Sub-Committee for the discharge of all other licensing, registration and regulatory functions within the terms of reference of the Licensing Committee not covered by the sub-committees in paragraphs 6 and 7 above. That in establishing a Public Protection Sub-Committee this is to be a Sub-Committee of 9 Members (4:4:1) with up to 5 substitute Members for the Sub-Committee Members being allowed (3:2:0). The substitute Members for the Sub-Committee can only be nominated from the membership of the Licensing Committee.

Delegation

In exercising the power and duties assigned to them in their terms of reference, the Licensing Committee shall have delegated power to resolve and to act on behalf of and in the name of the Council.

Appendix 1 to the Licensing Committee's Terms of Reference

Delegated Functions Licensing Act

TABLE OF DELEGATED FUNCTIONS

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a police objection is made	If no objection is made
Application for personal licence with unspent convictions		All Cases	
Application for premises licence/club premises certificate		If a relevant representation is made	If no relevant representation is made
Application for provisional statement		If a relevant representation is made	If no relevant representation is made
Application to vary premises licence/club premises certificate		If a relevant representation is made	If no relevant representation is made
Application for minor variation			All cases
Application to vary designated premises supervisor		If a police objection is made	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection is made	All other cases
Application for interim authorities		If a police objection is made	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision to Serve Counter Notice to Temporary Event Notice where permitted limits have been exceeded			All cases
Application for Temporary Event Notice		If a police objection is made	All other cases

Appendix 2 to the Licensing Committee's Terms of Reference

Delegated Functions Gambling Act

TABLE OF DELEGATED FUNCTIONS

Matter to be dealt with	Full Council	Sub-Committee of Licensing Committee	Officers
Final approval of three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)			X
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		X	
Application for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

Appendix 3 to the Licensing Committee's Terms of Reference

List of proposed Chairs

Name	Order of Priority
Chair of Licensing Committee	1
Vice-Chair of Licensing Committee	2
Opposition Spokesperson for Licensing Committee	3
Member of Licensing Committee	4
Member of Licensing Committee	5

Note: the order of priority is applicable when more than one chair is a member of the same Sub-Committee.

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AGENDA ITEM 5(a)

TRAFFORD COUNCIL

MEMBERSHIP OF SUB-COMMITTEES 2019/20

SUB-COMMITTEE		NO. OF MEMBERS
PUBLIC PROTECTION		9
COUNCILLORS		
Barry Brotherton	Dan Bunting	Michael Welton
Anne Duffield CH	Dylan Butt OS	
David Jarman V-CH	Denise Haddad	
Simon Thomas		
Sophie Taylor		
TOTAL	5	3
		1

[5 Substitutes: John Holden, Steven Longden, Adele New, Whit Stennett and 1 Vacancy]

PUBLIC PROTECTION SUB-COMMITTEE

Terms of Reference

1. To exercise powers in relation to the following functions as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000:
 - (i) all licensing and registration functions except those relating to town and country planning, the regulation of the use of the highway and Safety at Sports Grounds.
 - (ii) functions under any 'relevant statutory provision' within the meaning of Part I of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as employer; and
 - (iii) associated functions under any local Act.
2. Membership of the Public Protection Sub-Committee shall comprise 9 Members (5:3:1) with up to 5 substitute Members being allowed (3:2:0). The substitute Members for the Public Protection Sub-Committee can only be nominated from the membership of the Licensing Committee.

Delegation

In exercising the power and duties assigned to them in their terms of reference, the Public Protection Sub-Committee shall have delegated power to resolve and to act on behalf of and in the name of the Council.

AGENDA ITEM 5(b)

TRAFFORD COUNCIL

SUB-COMMITTEES 2019/20

LICENSING SUB-COMMITTEE CHAIRPERSON	5
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CHAIR	ORDER OF PRIORITY	
Anne Duffield	1	Chair of Licensing
David Jarman	2	Vice-Chair of Licensing
Dylan Butt	3	Opposition Spokesperson
Barry Brotherton	4	Member of Licensing
Simon Thomas	5	Member of Licensing

TOTAL	5
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Note: the order of priority is applicable when more than one chair is a member of the same Sub-Committee.

LICENSING SUB-COMMITTEE

Terms of Reference

1. To exercise the Licensing Sub-Committee's functions under the Licensing Act 2003 regarding consideration of contested applications and reviews.
2. To establish one or more Sub-Committees under Section 10 (1) of the Licensing Act 2003 consisting of three members of the Licensing Committee for the discharge of functions exercisable by the Committee under the Licensing Act 2003. The functions to be exercised by the Sub Committees include the functions set out at Agenda Item 4, Appendix 1.
3. To establish one or more Sub-Committees under Section 154 of the Gambling Act 2005 consisting of three members of the Licensing Committee for the discharge of functions exercisable by the Committee under the Gambling Act 2005. The functions to be exercised by the Sub-Committees include the functions set out at Agenda Item 4, Appendix 2.
4. Sub-Committees shall be appointed as follows:-
 - (a) one Member to be taken from the list of proposed Chair;
 - (b) the other two Members to be drawn from membership of the Licensing Committee, and may include Members from the list of Chairs;
 - (c) the membership of the Sub-Committees to reflect the political balance of the Council where possible;
 - (d) subject to the above, membership of the Sub-Committees to be determined by the Director of Legal and Democratic Services in consultation with the Chair of the Licensing Committee;
 - (e) where possible a Sub-Committee will not consider applications relating to premises located in the wards represented by its members.
5. When the Licensing Sub-Committee consists of more than one member from the list of Chairs it will be chaired in accordance with the order of priority.

Delegation

In exercising the power and duties assigned to them in their terms of reference, the Licensing Sub-Committee shall have delegated power to resolve and to act on behalf of and in the name of the Council.

TRAFFORD COUNCIL

MEMBERSHIP OF SAFETY AT SPORTS GOUNDS 2019/20

SUB-COMMITTEE		NO. OF MEMBERS
SAFETY AT SPORTS GROUNDS		3
COUNCILLORS		
Kevin Proctor V-CH	John Holden	
Amy Whyte CH		
TOTAL	2	1

SAFETY AT SPORTS GROUNDS SUB-COMMITTEE

Terms of Reference

To receive reports from the Safety at Sports Grounds Advisory Group, or other source, in relation to any matters concerning safety at sports grounds in the Borough. To promote public awareness of safety issues arising from those reports and to undertake annual inspections of the sports grounds on behalf of the Council.

Delegation

In exercising the power and duties assigned to them in their terms of reference, the Safety at Sports Grounds Sub-Committee shall have delegated power to resolve and to act on behalf of and in the name of the Council.

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