

CITY AND COUNTY OF SWANSEA

NOTICE OF MEETING

You are invited to attend a Meeting of the

STATUTORY LICENSING COMMITTEE

At: Committee Room 1 - Civic Centre

On: Friday, 22 August 2014

Time: 9.45 am

AGENDA

Page No.

- 1 Apologies for Absence.
- 2 Disclosures of Personal and Prejudicial Interest. 1 - 2
- 3 Minutes: 3
To approve and sign as a correct record the minutes of the Statutory Licensing Committee held on 20 June, 2014.
- 4 Licensing Act 2003 - Delegation to Sub Committees. 4 - 5



Patrick Arran
Head of Legal, Democratic Services & Procurement
Friday, 15 August 2014

Contact: Democratic Services - Tel: (01792) 637292

STATUTORY LICENSING COMMITTEE (12)

Councillors

Labour Councillors: 8

David W Cole	Paul Lloyd
Phil Downing (Vice Chair)	Penny M Matthews (Chair)
Andrea S Lewis	Hazel M Morris
Clive E Lloyd	Byron G Owen

Liberal Democrat Councillors: 2

C L Philpott	T Huw Rees
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Independent Councillor: 1

Keith E Marsh	
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Conservative Councillor: 1

Anthony C S Colburn	
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Others:

Lynda Anthony	Divisional Licensing Officer 4 Copies
Paula Livingstone	Team Leader, Housing and Public Health
Lyndsay Thomas	Legal
Catherine Swain	Group Leader, Transportation
Police	
Public Relations Office	
Fire Service	
Democratic Services	
Archives	

Total Copies needed – 28

Disclosures of Interest

To receive Disclosures of Interest from Councillors and Officers

Councillors

Councillors Interests are made in accordance with the provisions of the Code of Conduct adopted by the City and County of Swansea. You must disclose orally to the meeting the existence and nature of that interest.

NOTE: You are requested to identify the Agenda Item / Minute No. / Planning Application No. and Subject Matter to which that interest relates and to enter all declared interests on the sheet provided for that purpose at the meeting.

1. If you have a **Personal Interest** as set out in **Paragraph 10** of the Code, you **MAY STAY, SPEAK AND VOTE** unless it is also a Prejudicial Interest.
2. If you have a Personal Interest which is also a **Prejudicial Interest** as set out in **Paragraph 12** of the Code, then subject to point 3 below, you **MUST WITHDRAW** from the meeting (unless you have obtained a dispensation from the Authority's Standards Committee)
3. Where you have a Prejudicial Interest you may attend the meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, **provided** that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. In such a case, you **must withdraw from the meeting immediately after the period for making representations, answering questions, or giving evidence relating to the business has ended**, and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration (**Paragraph 14** of the Code).
4. Where you have agreement from the Monitoring Officer that the information relating to your Personal Interest is **sensitive information**, as set out in **Paragraph 16** of the Code of Conduct, your obligation to disclose such information is replaced with an obligation to disclose the existence of a personal interest and to confirm that the Monitoring Officer has agreed that the nature of such personal interest is sensitive information.
5. If you are relying on a **grant of a dispensation** by the Standards Committee, you must, before the matter is under consideration:
 - i) Disclose orally both the interest concerned and the existence of the dispensation; and
 - ii) Before or immediately after the close of the meeting give written notification to the Authority containing:

- a) Details of the prejudicial interest;
- b) Details of the business to which the prejudicial interest relates;
- c) Details of, and the date on which, the dispensation was granted; and
- d) Your signature

Officers

Financial Interests

1. If an Officer has a financial interest in any matter which arises for decision at any meeting to which the Officer is reporting or at which the Officer is in attendance involving any member of the Council and /or any third party the Officer shall declare an interest in that matter and take no part in the consideration or determination of the matter and shall withdraw from the meeting while that matter is considered. Any such declaration made in a meeting of a constitutional body shall be recorded in the minutes of that meeting. No Officer shall make a report to a meeting for a decision to be made on any matter in which s/he has a financial interest.
2. A "financial interest" is defined as any interest affecting the financial position of the Officer, either to his/her benefit or to his/her detriment. It also includes an interest on the same basis for any member of the Officers family or a close friend and any company firm or business from which an Officer or a member of his/her family receives any remuneration. There is no financial interest for an Officer where a decision on a report affects all of the Officers of the Council or all of the officers in a Department or Service.

CITY AND COUNTY OF SWANSEA

MINUTES OF THE STATUTORY LICENSING COMMITTEE

HELD AT COUNCIL CHAMBER - CIVIC CENTRE ON FRIDAY, 20 JUNE
2014 AT 9.45 AM

PRESENT: Councillor P M Matthews (Chair) Presided

Councillor(s)	Councillor(s)	Councillor(s)
D W Cole	P Lloyd	T H Rees
P Downing	H M Morris	
A S Lewis	B G Owen	

Officers:-

Y Lewis	–	Licensing Officer
R Jenkins	–	Licensing Officer
L Thomas	–	Senior Lawyer
S Woon	–	Democratic Services Officer

5 **APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors A C S Colburn, C E Lloyd. K E Marsh and C L Philpott.

6 **DISCLOSURES OF PERSONAL AND PREJUDICIAL INTEREST.**

In accordance with the Code of Conduct adopted by the City and County of Swansea, no interests were declared.

7 **MINUTES:**

RESOLVED that the minutes of the meeting of the Statutory Licensing Sub Committee held on 28 May, 2014, be accepted as a correct record.

The meeting ended at 9.50 am

CHAIR

Agenda Item 4

**REPORT OF THE DIRECTOR OF PLACE
TO THE STATUTORY LICENSING COMMITTEE
22 AUGUST 2014**

**LICENSING ACT 2003
DELEGATION TO SUB COMMITTEES**

1. Introduction

- 1.1 All matters relating to the discharge by a Licensing Authority of its licensing functions are, by virtue of section 7 of the Licensing Act 2003 (the Act), referred to its licensing committee and, accordingly, that committee discharges those functions on behalf of the Authority.
- 1.2 Some licensing functions listed in the Act are retained by the Authority.

2. Proceedings of a Licensing Committee

- 2.1 Under the provisions of section 9 of the Act, a licensing committee may establish one or more sub committees consisting of three members of the committee.
- 2.2 The licensing committee may arrange for the discharge of any of its functions by sub-committees and officers of the licensing authority (subject to certain restrictions).
- 2.3 Subject to regulations governing proceedings at licensing committees and their sub committees, a licensing committee may regulate its own procedure and that of its sub committees.

3. Validation of Sub Committees

- 3.1 In compliance with the Act the Statutory Licensing Committee has been established to discharge the Authority's licensing functions.
- 3.2 In order that the requirements of the Act can be dealt with in an efficient manner, it will be necessary for the Statutory Licensing Committee to arrange for the discharge of some of its functions by a sub committee.
- 3.3 Such delegation is allowed under section 10 of the Act.

4. Recommendation

4.1 It is therefore recommended that the Statutory Licensing Committee resolves:-

- 4.1.1 To establish a Statutory Licensing Sub-committee which will comprise of 3 members of the Statutory Licensing Committee, and
- 4.1.2 that the Statutory Licensing Sub-committee will discharge any licensing functions on behalf of the Statutory Licensing Committee.

The Statutory Licensing Committee's instructions are requested.

Background Papers: Licensing Act 2003
Contact Officer: Lynda Anthony
Extension: 5087