

**CITY OF BRADFORD METROPOLITAN COUNCIL**

**REPORT OF THE INDEPENDENT  
REMUNERATION PANEL**

**June 2004**

## **TRANSFER OF LICENSING ACT FUNCTIONS TO LOCAL AUTHORITIES UNDER THE LICENSING ACT 2003**

### **Purpose of Report**

The Independent Remuneration Panel were asked by the Council to examine proposals for new member decision making bodies required to implement the transfer of licensing functions to local authorities under the Licensing Act 2003 and whether these necessitated any changes to the scheme of members' allowances.

### **Background Information**

The Licensing Act 2003 received Royal Assent on the 10 July 2003. The most fundamental change will be the merging of the current and various liquor and entertainment licensing regimes into a unified system of control administered by local authorities.

Under the Act the Council is the licensing authority for the licensing functions in the Act. The Council is required to establish a Licensing Committee consisting of at least ten but not more than fifteen members of the Council.

The Committee must discharge the licensing functions on behalf of the Council, excepting the approval of the Licensing Policy required by the Act and applications to be dealt by another committee in accordance with arrangements made under the Act.

A Licensing Committee may establish one or more sub-committees consisting of three members of the Committee and arrange for the discharge of its functions by a sub-committee or an officer. Officers may not make decisions on applications that are the subject of representations or a police objection, unless these can be described as frivolous or vexatious.

The Act does not allow the licensing functions to be discharged by an existing committee, or for the Licensing Committee to discharge other regulatory functions of the Council other than under the above arrangements. Consequently, the Council will need to appoint a new Licensing Committee to discharge the licensing functions of the Act.

The sub-committees of the Licensing Committee must consist of Licensing Committee members. If sub-committees are appointed, the work of the Committee will be discharged substantially by the sub-committees. The Licensing Committee may wish to reserve to itself matters of district-wide significance.

## Proposed Arrangements

The Panel was informed that the Council was likely to establish a Committee and three geographically based Sub-Committees. The Committee would have appointed to it up to fifteen members and the Sub-Committees would probably consist of three members drawn in rotation from the main Committee membership.

It was anticipated that the in the first year of operation the volume of licence applications to be dealt with would be considerable requiring Sub-Committees to meet frequently, possibly even on a weekly basis. The main Committee would meet less frequently to consider issues of licensing policy.

## Independent Remuneration Panel Considerations

The Panel accepts that the demands of the Licensing Committee and its sub-committee in terms of the number and duration of meetings would require a significant time commitment from members appointed to the committee. The panel considers it appropriate therefore that a special responsibility allowance be paid to ordinary members of the committee in recognition of the commitment of time that is expected from them. An appropriate level of allowance is considered to be 10% of the allowance of the Leader of the Council.

The Panel considers that it is also appropriate to pay a Special Responsibility Allowance to the Chair of the Committee. The responsibilities are comparable with those of the chairs of the Licensing Panel and Regulatory Committee and it is therefore proposed that the same level of Special Responsibility Allowance of 35% of the Leader of the Council's allowance is paid.

## Recommendations

1. **It is recommended that the Council amends the Scheme of Members' Allowances to include the following additional Special Responsibility Allowances:**

<b>Position</b>	<b>Percentage of Leader's SRA</b>	<b>Amount</b>
<b>Chair of Licensing Committee</b>	<b>35%</b>	<b>£10,880</b>
<b>Member of Licensing Committee</b>	<b>10%</b>	<b>£ 3,109</b>

2. **The allowance paid to ordinary members of the Licensing Committee be reviewed after one year of operation .**

**Rodney Brooke (Chair)**

Lorraine Clarke

Sandy Needham

