

Licensing Act Committee

Appendix 3

1. Licensing Act Committee

Appointed by Council at the first business meeting of the municipal year.

The Licensing Act Committee will sit as a full committee and is responsible for dealing with the Council's Liquor Licensing, Gambling Act and other specified functions.

This is a Committee of the Council appointed by the Council under Section 6 of the Licensing Act 2003.

The Council has arranged under Section 7 of the 2003 Act and S101 of the Local Government Act 1972 for the discharge by the Committee of such of the Council's functions, as specified in the Local Authorities (Functions and Responsibilities) Regulations 2000-Schedule 1B as amended, and to undertake all licensing functions, powers and duties conferred by the Licensing Act 2003.

2. Membership

a) Political Balance

The committee is not required to have proportional political balance in accordance with the requirements of the Local Government & Housing Act 1989.

b) Membership

11 members

c) Chairing the Committee

Chairman to be appointed by the Council at the first business meeting of the new municipal year.

3. Terms of Reference

Sitting as the Licensing Act Committee, to oversee, develop and approve licensing policy (with the exception of matters reserved by statute to Council or the Cabinet).

This includes:

- a) responsibility for monitoring the operation of licensable activities under the Licensing Act 2003 and the Gambling Act 2005 within the Borough;
- b) receiving reports on these matters and on the functions delegated to the Licensing Act 2003 Sub-Committee Panels and to officers. To call for a report on any individual case;
- c) being consulted on the review and determination of the Licensing Policy Statement and the Statement of Gambling Policy including procedures for Council consultation with external stakeholders;

- d) setting fees and charges as required and (subject to Regulations) to determine the fees payable for applications for premises licences and related matters under the Gambling Act 2005;
- e) determining the procedures to be followed in handling applications, notices, representations and all hearings, subject to the relevant Regulations;
- f) exercising the functions of the Licensing Act Sub-Committee Panels in any case referred to the Committee by its Chair, or by the Chair of a Licensing Act Sub-Committee Panel on the grounds of its special significance or difficulty;
- g) presenting an annual report on the work of the Licensing Act Committee to Council; and
- h) in a Council Election Year when there is a need to hold a hearing in the period between Election day and the Annual Meeting of the Council, those Members of the Licensing Committee who are re-elected as Councillors shall meet as the Licensing Committee to exercise any of the functions of the Licensing Act Sub-Committee Panels, or under (f) above, and shall elect a Chair for the meeting.

Excluded from the Licensing Act Committee's terms of reference are:

- (a) The functions statutorily referred to the Cabinet and the full Council including the formal review and determination of the Licensing Policy Statement and the Statement of Gambling Policy; and
- (b) The functions delegated to the Licensing Act Sub-Committee Panels as set out below, except where referred back to the Committee under sub-paragraph 3(f) above.

4. Delegation to Sub-Committee – Licensing Act 2003 Sub-Committee Panel

- a) This is a sub-committee of the Licensing Act Committee, appointed by the Committee under the Licensing Act 2003.
- b) The Licensing Act Committee has arranged under Section 9 of that Act to delegate its day to day decision making on such matters to the Sub-Committee Panel of such of the Council's functions as set out in the terms of reference below.
- c) Certain functions are delegated by the Sub-Committee Panel to officers. These are identified in the Scheme of Delegation which can found in the Constitution.
- d) The Sub-Committee Panel shall consist of 3 members and will be drawn from the full Licensing Act Committee on an ad-hoc basis. The Chair of the Sub-Committee Panel will either be the Chair or Vice Chair (depending on availability) of the Licensing Act Committee.

5. Licensing Act Sub-Committee Panel – Terms of Reference

Sitting as a Sub-Committee Panel comprising of 3 members, the Sub-Committee Panel will carry out the following functions:-

Except for matters of Policy, to undertake all licensing functions, powers and duties conferred by the Licensing Act 2003 and Gambling Act 2005, including (but not limited to) the matters set out immediately below and also subsequently in Paragraph 5:

Licensing Act 2003

Except for matters of Policy, to undertake all functions, powers and duties conferred by the Licensing Act 2003 including (but not limited to) the matters set out below:

- a) Power to determine applications for personal licences;
- b) Power to determine applications for premises licences and club premises certificate;
- c) Power to determine applications for variation of premises licence and club premises certificates;
- d) Power to determine applications for transfer of premises licences;
- e) Power to review premises licence and club premises certificates; and
- f) Power to determine police or Environmental Health objections to temporary event notices.

Gambling Act 2005

Where representations on the following applications have been received and not withdrawn, to determine applications:

- a) for premises licences;
- b) for variation of premises licences;
- c) for transfer of premises licences;
- d) for a provisional statement;
- e) for club gaming or club machine permits; and
- f) the cancellation of club gaming or club machine permits.

In addition, the Sub-Committee Panel will:

- g) decide whether to give a counter notice to a temporary use notice;
- h) take "action" under Section 202 where the review is heard by the committee;
- i) exercise its power to register pool betting operating licence;
- j) exercise its power to grant track betting licences;
- k) exercise its power to licence inter-track betting schemes;
- l) exercise its power to grant gaming and betting machine licences;
- m) exercise its power to register societies wishing to promote lotteries; and
- n) exercise its power to issue premises licences and to receive temporary use notices.

In these matters, the decision of a Sub-Committee Panel will represent that of the full Committee.

Paragraph 5

Schedule 1B – Local Authorities (Functions and Responsibilities) (England)

Regulations 2000

(Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule))

The list below relates to the exercise of specialist legislation including (but not exclusively) the following, subject to the functions not being Council functions as set out above:

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| 1. Power to register pool promoters. | Schedule 2 to the Betting, Gaming and Lotteries Act 1963 (c. 2)(12). |
| 2. Power to grant track betting licences. | Schedule 3 to the Betting, Gaming and Lotteries Act 1963(13). |
| 3. Power to license inter-track betting schemes. | Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963(14). |
| 4. Power to grant permits in respect of premises with amusement machines. | Schedule 9 to the Gaming Act 1968 (c. 65)(15). |
| 5. Power to register societies wishing to promote lotteries. | Schedule 1 to the Lotteries and Amusements Act 1976 (c. 32)(16). |
| 6. Power to grant permits in respect of premises where amusements with prizes are provided. | Schedule 3 to the Lotteries and Amusements Act 1976(17). |
| 7. Power to license night cafes and take-away food shops. | Licensing Act 2003 |