

Licensing Committee – Terms of Reference

1. Membership and Meeting Arrangements

1.1 The Licensing Committee will comprise of 15 Councillors appointed by the Council and will normally meet on a quarterly basis. The Quorum for the Licensing Committee shall be 4 voting members of the Committee.

1.2 The Licensing Committee has the power to appoint such sub-committees as may from time to time be necessary to discharge its duties including those under the Licensing Act 2003 and the Gambling Act 2005

2. Scope

2.1 Neither the Licensing Committee nor the Head of Customer has delegated power to approve or adopt the Council's Licensing or Gambling Policy. This is a Full Council function as set out in Article 4 of this Constitution.

2.2 The Committee will be responsible for the following functions:

- a) except as otherwise provided in the Licensing Act 2003 and the Gambling Act 2005, all functions of the licensing authority prescribed by those Acts;
- b) all functions relating to licensing and registration insofar as they are the responsibility of the Council as specified in Section B of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000;
- c) all functions relating to Health and Safety at Work as specified in Section C of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000;
- d) all functions relating to smoke-free premises as specified in Section A of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000;
- e) any other associated matters and similar licensing and regulation matters.

3. Terms of Reference Licensing Committee

3.1 Matters relating to the following statutory functions are reserved to the Licensing Committee to determine:

A. Licensing Act 2003 Functions (As Listed at Section 10(4) of the Act)

- a) Where representations or objections (within the meaning of the relevant section of the 2003 Act) have been made in respect of the following applications:
 - i) for premises licence (s18(3));
 - ii) for provisional statement (s31(3));
 - iii) for variation of premises licence (s35(3));
 - iv) to vary designated premises supervisor following police objection (s39(3));
 - v) to vary designated premises supervisor following police objection (s44(5));
 - vi) for club premises certificate (s72(3));
 - vii) to vary club premises certificate (s85(3));
 - viii) for grant of personal licence following objection (s120(7));
 - ix) for review of premises licence (s52(2) or (3));
 - x) review of club premises certificate (s88(7)).
- b) Where representations or objections (within the meaning of the relevant section of the 2003 Act) have been made in connection with the following:
 - i) review following review notice (s53C);
 - ii) review following closure order (s167(5)).
- c) Where the Licensing Committee is to determine the following matters:
 - i) consideration of objections made to interim authority notice (s48(3));
 - ii) determination of interim steps pending summary review (s53A(2)(a) or 53B);
 - iii) decision to give counter notice following police objection to temporary event notice (s105(2));
 - iv) revocation of licence where convictions come to light after grant etc(s124(4));
 - v) revocation or suspension of licence by local authority where it becomes aware of convictions or immigration penalties (s132A(8) and (12)).

B. Gambling Act 2005 Functions (As Listed in Section 154(4) of the Act)

- a) Where representations have been made (within the meaning of the section) and where relevant objections have not been withdrawn:
- i) determination of an application for a premises licence (s161);
 - ii) determination of an application for the variation of a premises licence (s161 and s187);
 - iii) determination of an application for transfer following representations by the Commission;
 - iv) determination of an application for a provisional statement (s204);
 - v) review of a premises licence (s201).

C. Licensing and Registration Functions as Specified in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000

- a) Determination of matters relating to:
- i) the revocation or suspension of taxi licences;
 - ii) the revocation or suspension of scrap metal/motor salvage licences;
 - iii) applications in respect of casino licences;
 - iv) applications in respect of sex shop licences.
- b) In the case of emergency, the above matters at (a)(i) – (iv) may be dealt with by the Head of Customer or Licensing Specialist.

5. Delegation to Officers

5.1 The Head of Customer is authorised to undertake all other decisions in relation to the above matters and functions that are not reserved to the Full Council or Licensing Committee.

5.2 The Head of Customer is authorised to delegate any of the above functions delegated to her/him in this Constitution to other officers. However, the Head of Customer must keep a register of any such delegations.

5.3 The Head of Customer may refer a matter to be dealt with by the Licensing Committee where he/she deems appropriate.