

LICENSING AND REGULATORY COMMITTEE

MEMBERS 10

QUORUM 3

General Role

To consider policy issues on licensing and to act as the Licensing Committee under the Licensing Act 2003, and for Gambling Act 2005 matters and any other relevant legislation that may be introduced.

To consider policy issues on any relevant legislation that may be introduced.

Frequency of Meetings

Monthly

As and when required (Licensing and Regulatory Sub-Committee).

Substitutes

Any member from the same political group providing requisite training undertaken.

No substitutes are permitted for Licensing and Regulatory Sub-Committee.

Licensing Functions

- (i) To review and make recommendations to Council upon policies in relation to licensing matters under the Licensing Act 2003 and the statement of licensing policy.
- (ii) To discharge the Council's functions as a Licensing Authority under the Licensing Act 2003, with agreed policy.
- (iii) To review and make recommendations to Council upon policies in relation to licensing matters under the Gambling Act 2005 and the statement principles.
- (iv) To discharge the Council's functions as a Licensing Authority under the Gambling Act 2005, within agreed policy.
- (v) To arrange for the discharge of any of the licensing functions exercisable by the Committee to an officer of the Licensing Authority subject to the limitations set out in Section 10(4) of the Licensing Act 2003 and Section 154 of the Gambling Act 2005.
- (vi) To discharge any other Council function which relates to a matter which is a licensing function under the Licensing Act 2003 or the Gambling Act 2005, but which is not a licensing function (i.e. street trading) after consideration of a report from the Licensing Section.

Licensing Act 2003

- (i) To carry out functions as the Licensing Committee pursuant to the Licensing Act 2003.
- (ii) To advise the Council on its 'Statement of Licensing Policy', related Licensing policies and practices and make recommendations to the Council on their adoption and review.
- (iii) To appoint Sub-Committees of three members (to be known as Licensing Sub Committees).

To delegate any of its functions within its terms of reference to the Licensing Sub-Committee or officers, subject to the restrictions set out in the Licensing Act 2003.

Regulatory Functions

- (i) To establish and act through Committees made up of 3 members of the Regulatory Committee (to be known as Regulatory Sub-Committees) to determine a range of regulatory and other functions (including Naming of Streets, Trees, Staffing etc).
- (ii) Power to issue licences, certificates or consents including (where legally possible):
 - (a) a power to attach conditions to any licence, certificate or consent;
 - (b) a power to refuse to grant any licence, certificate or consent;
 - (c) a power to set general conditions and regulations with respect to all licences of a certain kind;
 - (d) the power to revoke or suspend licences, certificates or consent;
 - (e) any function for which the Council may charge and issue any approval or consent that may be needed under the terms of any licence.
- (iii) The Regulatory Committee shall decide its own procedures for dealing with applications and disciplinary hearings and in carrying out these functions shall have due regard to any relevant regulations/national guidance. It shall have the power to set enforcement and other licensing or regulatory policies.

Hackney Carriage and Private Hire Vehicle Licensing

- (i) To determine suspension or revocation (or else no action) of licences for Hackney Carriage vehicles, Hackney Carriage drivers, Private Hire Vehicles, Private Hire Drivers, Private Hire Operators.

- (ii) To determine applications for licences for Hackney Carriage Vehicles; Hackney Carriage Drivers; Private Hire Vehicles; Private Hire Drivers and Private Hire Operators when the Head of Environment is disposed to recommend suspension or revocation of a licence or refusal to grant or refusal to renew and chooses not to exercise his/her delegated authority but refers the matter to the Regulatory Committee for consideration in accordance with a protocol approved by the Regulatory Committee.

General Matters

- (i) Any other appeal arrangements as shall arise under any enactment or government regulation.
- (ii) To determine licences, registrations and consents or to make, revoke or vary closing orders as necessary pursuant to licensing, regulatory, environmental, safety and other statutes (or any subsequent amendment thereto) if the appropriate officer is disposed to recommend revocation, variation, refusal or refusal to renew or does not wish to use his/her delegated authority.

Gambling Act Functions

- (i) To carry out functions as the Licensing Committee pursuant to the Gambling Act 2005.
- (ii) To advise the Council on its 'Statement of Licensing Principles', related Gambling Act 2005 policies and practices and make recommendations to the Council on their adoption and review.
- (iii) To appoint Sub-Committees of three members to be known as the Licensing Sub-Committee.
- (iv) To delegate any of its functions within its terms of reference to the Licensing Sub-Committee or officers, subject to the restrictions set out in the Gambling Act 2005.

LICENSING ACT 2003: SCHEME OF DELEGATIONS

Matter to be dealt with	Committee	Sub Committee	Officers
		WHERE OBJECTION, REPRESENTATION or REVIEW	NO OBJECTION or REPRESENTATION
Application for personal licence		✓	✓
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		✓	✓
Application for provisional statement		✓	✓
Application to vary premises licence/ club premises certificate		✓	✓
Application to vary designated premises supervisor		✓	✓
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		✓	✓
Applications for interim authorities		✓	✓
Application to review premises licence/ club premises certificate		All cases	
Decision on whether a representation is irrelevant frivolous vexatious etc			All cases *
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	

Matter to be dealt with	Committee	Sub Committee	Officers
		WHERE OBJECTION, REPRESENTATION or REVIEW	<u>NO</u> OBJECTION or REPRESENTATION
Determination of a police representation to a temporary event notice		All cases	
Determination of minor variation applications for premises licences and club premises certificates			All cases
Determination of applications to disapply mandatory conditions at community premises		✓	✓
Licensing Authority role as a responsible authority			All cases

* In consultation with Chair, Vice-Chair or other members of the Regulatory Committee

GAMBLING ACT 2005: SCHEME OF DELEGATIONS

Matter to be dealt with	The Council	The Committee	Sub Committee	Officers
			WHERE OBJECTION, REPRESENTATION or REVIEW	NO OBJECTION or REPRESENTATION
Final approval of three year licensing policy	✓			
Policy not to permit casinos	✓			
Fee setting (when appropriate)		✓		
Application for premises licences			✓	✓
Application for a variation to a licence			✓	✓
Application for a transfer of a licence			✓	✓
Application for a provisional statement			✓	✓
Review of a premises licence			All cases	
Application for club gaming/club machine permits			✓	✓
Cancellation of club gaming/club machine permits			All cases	
Applications for other permits				All cases
Cancellation of licensed premises gaming machine permits				All cases
Consideration of temporary use notice				All cases

Matter to be dealt with	The Council	The Committee	Sub Committee	Officers
			WHERE OBJECTION, REPRESENTATION or REVIEW	NO OBJECTION or REPRESENTATION
Decision to give a counter notice to a temporary use notice			All cases	

Note:

Schedule 6 (Minor and Consequential Amendments) of the Licensing Act 2003 amends section 101 of the Local Government Act 1972. The effect of this amendment is that nothing in Section 101 applies in relation to any function under the Licensing Act 2003 of a Licensing Authority. The requirement for the Licensing Act 2003 Committee to be politically balanced does not apply, but is recommended.

The wording of the Licensing Act 2003 indicates that the Committee discharging those functions should only deal with those functions and related matters. This is supported by views expressed by the DCMS and LACORS.