

## LICENSING COMMITTEE

*(proposed new text in bold italics)*

### 1. TERMS OF REFERENCE

- 1.1 To be responsible for exercising regulatory and policy functions under the relevant legislation concerning the determination of licence applications, as and when necessary, relating to the following activities:
- (i) Alcohol and regulated entertainment
  - (ii) ***Other activities under the jurisdiction of the Council as the licensing authority, including those in connection with hackney carriage / private hire vehicle operations; gambling and racing licence applications; animal welfare; pollution control; house to house and street collection licences; street trading; scrap metal dealing; sex establishments and other premises requiring licences.***
- 1.2 ***The Committee shall act as the statutory committee under the Licensing Act 2003 (Section 6) when dealing with licensing policy matters in connection with 1.1(i) above. As such, the Committee shall comprise between 10 and 15 members.***
- 1.3 ***The Committee shall act as an 'ordinary committee of the Council' as defined by the Local Government Act 1972 (Section 101) when dealing with licensing policy matters in connection with 1.1(ii) above. As such, the Committee shall also be subject to the political balance requirements of the Local Government & Housing Act 1989.***

### 2. TO RECOMMEND

- (i) New policies or changes in licensing policy.
- (ii) Changes to the Committee's Terms of Reference.
- (iii) Other matters under the Committee's jurisdiction which, by virtue of statutory provision, must be determined by full Council.

### **3. DELEGATION TO THE LICENSING SUB-COMMITTEE**

- (i) Determination of licence/registration applications and enforcement action ***relating to the activities defined in 1.1 above***, referred by:
  - (a) any Member of the Council; or
  - (b) the Chief Executive or Deputy Chief Executive, including:
    - instances where they are minded to refuse a licence application; and
    - referrals arising from the scheme of delegation for alcohol and regulated entertainment licensing (see Annex 1 to these Terms of Reference).
- (ii) The Licensing Sub-Committee shall comprise three members drawn from the parent Committee. In the event of one or more of the three principal members being unable to attend a hearing, their places shall be filled by selecting substitutes from the Licensing Committee. (*Membership of the Licensing Committee does not preclude Members from attending a hearing as the local Ward Member and undertaking a representative role as an interested party within the meaning of the Licensing Act*).

### **4. DELEGATION TO OFFICERS**

1. To the Chief Executive and other Management Team Members the power to implement Council/Committee policies and deal with the day to day management of services relevant to this Committee, including the discharge of all functions of the Council, except for those which are identified above as reserved for determination by the Council, Committee or Sub-Committee.
2. The Officers named in 1. above to have the power in turn to delegate to other Officers of their choice the power to deal on their behalf and in their name with any of those functions. Such delegation shall be in writing and signed by the relevant MT Member and may contain such limitations or be subject to such conditions as that Officer shall decide.
3. For the purposes of Alcohol and Entertainment licensing, delegation shall be exercised in accordance with the scheme of delegation recommended by the Secretary of State in section 182 of the Licensing Act 2003 Guidance as refined by Minute 162, 2004/05 (Licensing Committee – 25th November 2004) ( see Annex 1 to these Terms of Reference on the following page) and section 154 of the Gambling Act 2005.

**ANNEX '1'****ANNEX '1'****Licensing Committee Scheme of Delegation regarding alcohol and regulated entertainment licensing**

The Authority will exercise and delegate functions in accordance with this table.

<b>Matter to be dealt with</b>	<b>Licensing Sub-Committee</b>	<b>Officers</b>
Application for personal licence	If a Police objection	If no objection made
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises/club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a Police objection	All other cases
Request to be removed as designated personal licence holder		All cases
Application for transfer of premises licence	If a Police objection	All other cases
Application for Interim Authorities	If a Police objection	All other cases
Application to review premises licence/club registration certificate.	All cases	
Decision on whether a complaint is frivolous, vexatious etc		All cases in consultation with Members in accordance with Standing Order 46 of Part B of the Constitution.
Decision to object when Local Authority is a consultee and not the relevant authority considering the application	All cases	
Determination of a Police representation to a temporary event notice.	All cases	