

Section 11 – Licensing Act Committee

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1 Membership

- a) The Licensing Act Committee will be comprised of 11 members appointed each year at the Annual meeting of Council. Substitute members are permitted in accordance with paragraph 4.7.28 of the rules of procedure for Council.

- b) The Committee will comply with the political balance rules in Section 15 of the Local Government and Housing Act 1989.

2 Quorum and Frequency of Meetings

- a) The quorum of the Committee shall be three members.

- b) Meetings shall not be programmed and take place only when business dictates.

3 Responsibility

The Licensing Act Committee is responsible for:

- 1) Any function of a licensing authority under the Licensing Act 2003, other than the approval of the Statement of Licensing Policy.

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- 2) Any function of a licensing authority under the Gambling Act 2005, other than the approval of the Licensing Authority Statement of Policy and determining policy not to permit casinos
- 3) Ensuring that the Council complies with its duty to comply with the requirement to provide information to Gambling Commission.
- 4) Functions relating to exchange of information under Section 30 of the Gambling Act 2005.
- 5) Functions relating to occasional use notices.
- 6) Resolving not to issue a casino premises licence under Section 166 of the 2005 Act.
- 7) Designating an officer of the council as an authorised person for a purpose relating to premises under Section 304 of the Gambling Act 2005.
- 8) Making an order to disapply section 279 or 282(1) of the Gambling Act 2005 in relation to specified premises.
- 9) The institution of criminal proceedings under Section 346 of the Gambling Act 2005.
- 10) Exchanging information under Section 350 of the Gambling Act 2005.
- 11) Functions relating to the determination of fees for premises licences under the Gambling (Premises Licence Fees) (England and Wales) Regulations
- 12) Functions relating to the registration and regulation of small society lotteries under Schedule 11 to the Gambling Act 2005.
- 13) In the exercise of a function specified above -
 - a) Power to impose any condition, limitation or other restriction on an approval, consent, licence, permission or registration granted.
 - b) Power to determine any other terms to which any such approval, consent, licence, permission or registration is subject.
 - c) Power to determine whether, and in what manner, to enforce any failure to comply with an approval, consent, licence, permission or registration granted.

- d) Power to determine whether, and in what manner, to enforce any failure to comply with a condition, limitation or term to which any such approval, consent, licence, permission or registration is subject.
- e) Power to determine whether, and in what manner, to enforce any other contravention in relation to a matter with regard to which the function of determining an application for approval, consent, licence, permission or registration would not be the responsibility of an executive of the authority.
- f) Power to amend, modify or vary such approval, consent, licence, permission or registration or any condition, limitation or term to which it is subject.
- g) Power to revoke any such approval, consent, licence, permission or registration.
- h) The function of determining whether a charge should be made for any approval, consent, licence, permit or registration and where a charge is made, the amount of that charge.
- i) Responsibility for approving all strategies, protocols and procedural documents that fall within the remit of the Committee (excluding budget and policy framework items).
- j) Power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of those functions.

4 Licensing Panels

4.1 Licensing Act 2003

Under the Licensing Act 2003, each Licensing Panel has delegated authority to make decisions on:

- a) Applications for a personal licence where there is a police objection;
- b) Applications for a personal licence where unspent convictions are revealed;
- c) Applications for a premises licence or club premises certificate where a relevant representation is made and not withdrawn;

- d) Applications for a provisional statement where a relevant representation is made and not withdrawn;
- e) Applications to vary on premises licence or club premises certificate if a relevant representation is made and not withdrawn;
- f) Applications to vary, the designated premises supervisor, where a police objection is made;
- g) Applications for transfer of a premises licence where a police objection is made;
- h) Applications for interim authorities where a police objection is made;
- i) Applications to review a premises licence or club premises certificate;
- j) Determinations of a police objection to a temporary event notice.

4.2 Gambling Act 2005

Under the Gambling Act 2005, each Licensing Panel has delegated authority to make decisions on

- a) Applications for a premises licence and for variation of a licence where representations.
- b) Applications for a transfer of a licence where representations have been received from the Commission.
- c) Applications for a provisional statement where representations have been made and not withdrawn.
- d) A review of a premises licence.
- e) Applications for club gaming and club machine permits where objections have been made and not withdrawn and applications for the cancellation of such permits.
- f) The giving of a counter notice to a temporary use notice.

4.3 Licensing Panel Composition

- a) A Hearing Panel will be drawn from the membership of the Licensing Act Committee on an ad hoc basis.

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- b) Members of the Panel will be selected based on availability respecting political balance where possible.
- c) Members representing a Ward in which the application premises are situated will not be selected.
- d) Each selected Member shall be asked to confirm their attendance. If confirmation cannot be given then the next Member alphabetically will be selected.

5 Member Training

All members and substitute members of the Licensing Act Committee will receive training with regard to licensing policy. Only Councillors who are willing to attend within a reasonable time such training will be permitted to serve on the Committee.

6 Delegation

Delegations from the Licensing Act Committee to Officers can be found in Section 19 of this constitution.

7 Rules of Procedure

- a) Paragraphs 4.7.2, 4.7.17, 4.7.18, 4.7.19, 4.7.20, 4.7.21, 4.7.22, 4.7.28 and 4.7.29 of the rules and procedure for Council shall apply to meetings of the Licensing Act Committee as they apply to Council meetings.
- b) References to "the Mayor and Deputy Mayor" shall apply to the Chair and Vice-Chair respectively of the Committee and references to the "Council Chamber" shall apply to the room in which the meeting is held.