

## **LICENSING SUB-COMMITTEE**

(Panel of 3 drawn from the 13 Licensing Committee Members)

### **1. PURPOSE**

To discharge functions of the Council as Licensing Authority relating to regulated activities such as the sale of alcohol, regulated entertainment, late night refreshment and gambling.

There is a split in the delegation of functions between the Head of Community Services and the Licensing Sub-Committee. More information on the functions delegated to the relevant Head of Service and those functions reserved for the Sub-Committee can be found in this section and the Council Officer Responsibilities and Decision Making section of this Constitution.

### **2. RESPONSIBILITIES OF THE SUB-COMMITTEE**

To exercise the powers and functions of the Council as a Licensing Authority under the:

- Licensing Act 2003.
- Gambling Act 2005.

### **3. DECISIONS WHICH WILL BE TAKEN BY THE LICENSING SUB-COMMITTEE**

All of the responsibilities of the Licensing Sub-Committee (detailed in Paragraph 2) are delegated to the Head of Community Services\* except the following which are reserved to the Sub-Committee:

- a) Where an application has been submitted by or on behalf of the Council, either alone or jointly with another person.
- b) Where an application has been submitted by, or on behalf of, a Councillor, an officer or a member of their immediate family.
- c) Determination of applications for personal licences where representations have been made in respect of that application.
- d) Determination of applications for personal licences made by persons with unspent conviction(s).
- e) Determination of applications for premises licences/club premises certificates/provisional licences where representations/objections have been received and not withdrawn.
- f) Determination of applications to vary premises licences/club premises certificates where representations/objections have been received and not withdrawn.
- g) Determination of applications for Interim Authority, to vary a Designated Premises Supervisor, transfer a premises licence where a representation has been made by the Chief Police Officer (Licensing Act 2003).
- h) Determination of applications for a transfer of a licence where objections have been received by the Gambling Commission (Gambling Act 2005).
- i) Determination of applications to review premises licences/club premises certificates.

- j) Determination of the appropriate responses to temporary event notices where representations have been made by a relevant person in respect of that notice, and issuing a counter notice if such a counter notice is found to be necessary.
- k) Decision to give a counter notice to a temporary use notice.
- l) Determination of applications for provisional statements where representations have been made in respect of that application.
- m) Determination of applications for club gaming/club machine permits where objections have been received and not withdrawn.
- n) Cancellation of applications for club gaming/club machine permits.
- o) To make an order disapplying Section 279 or 282(1) of the Gambling Act 2005 in relation to specified premises in accordance with Section 284 of the Gambling Act 2005.
- p) Any other responsibilities which by law must be dealt with by the Sub-Committee.

\* NB:

- *The Head of Community Services may further delegate these matters as they see fit.*
- *The Head of Community Services may decline to exercise any of the above functions in a particular case and must then refer the matter promptly to the Sub-Committee for consideration.*

#### **4. SPECIFIC DELEGATIONS**

##### The Head of Legal, Democracy and HR:

Power to cancel a Hearing when, pursuant to Regulation 9(2) of the Licensing Act 2003 (Hearings) Regulations 2005, a Hearing is considered unnecessary.

*NB: This delegation only relates to the applications referred to in Paragraphs 3(c), (d), (e), (f), (g), (j) and (l) above.*

##### The Head of Legal, Democracy and HR:

Power to extend a time limit provided for in the Licensing Act 2003 (Hearings) Regulations 2005 in accordance with Regulation 11, where it is considered to be in the public interest.

#### **5. DOCUMENTS RELATED TO THE LICENSING SUB-COMMITTEE**

- Licensing Sub-Committee Procedure Rules.
- Council Officer Responsibilities and Decision Making.