

Constitution- Part 3 – Responsibility for Functions (Licensing Committee)**3. Licensing Committee**

- 3.1. All matters relating to Licensing functions as set out in the relevant legislation are delegated to Officers pursuant to the Chief Executive's Scheme of Delegation to determine other than those matters set out below which shall be the responsibility of the Licensing Committee.
- 3.2. The Licensing Committee has responsibility for the following:
- (a) Making recommendations to Full Council in relation to the Council's policies under the Licensing Act 2003, the Gambling Act 2005, the Police Reform and Social Responsibility Act 2011, and the Council's Regulations on the Control of Sex Establishments made under the Local Government (Miscellaneous Provisions) Act 1982 and any other relevant legislation
 - (b) Making decisions in connection with statutory commercial public safety licensing of a type that may require quasi-judicial process or intervention – e.g. alcohol, entertainment, gambling, sexual entertainment venues, street trading, charitable collections and public carriages
 - (c) Establishing Licensing Sub-Committees, subject to statutory provisions, and to determine the number of such Committees, after first consulting with the Monitoring Officer or the Monitoring Officer's nominated representative to ensure Councillors have suitable expertise and to avoid political imbalance
 - (d) Delegating appropriate matters to Licensing Sub-Committees for a decision. Any such delegation is without prejudice to the Licensing Committee's ability to consider and determine those matters notwithstanding the delegation, these matters may include the following-
 - (i) Decisions on applications made under the Licensing Act 2003 for new Premises Licences and/ or Club Premises Certificates where representations have been made and not withdrawn
 - (ii) Decisions on applications made under the Licensing Act 2003 to vary Premises Licences and/ or Club Premises Certificates where representations have been made and not withdrawn
 - (iii) Decisions on applications made by the Police under the Licensing Act 2003 for expedited reviews of Premises Licences and/or Club Premises Certificates
 - (iv) Decisions on applications to review Premises Licences and/or Club Premises Certificates made under the Licensing Act 2003, including those licences which have been the subject of an earlier expedited review
 - (v) Decisions on applications made under the Licensing Act 2003 for Personal Licences where representations have been made and not withdrawn, or where the applicant has unspent convictions
 - (vi) Decisions on applications made under the Licensing Act 2003 for a Provisional Statement where representations have been made and not withdrawn

- (vii) Decisions on applications for a Temporary Event Notice made under the Licensing Act 2003 where Police or Environmental Health representations have been made
- (viii) Decisions on Public Carriage licensing matters which fall outside of existing policies
- (ix) Decisions on Public Carriage disciplinary matters
- (x) Decisions on applications made under the Gambling Act 2005 where representations have been received and not withdrawn for the following:
 - Applications for new Premises Licences
 - Applications for Variation of a Premises Licence
 - Applications for a Provisional Statement
 - Applications for other permits
- (xi) Decisions on applications for transfer of a Premises Licence made under the Gambling Act 2005 where representations have been received from the Gambling Commission
- (xii) Decisions on applications made under the Gambling Act 2005 for:
 - Cancellation of Club Gaming/Club Machine Permits
 - Cancellation of Licensed Premises Gaming Machine Permits
 - A decision to give a Counter Notice to a Temporary Use Notice
- (xiii) Making decisions in matters under the Licensing Act 2003 where there are unresolved Police representations relating to applications:
 - To vary the Designated Personal Licence Holder
 - For the transfer of a Premises Licence
 - For Interim Authorities
- (xiv) Making decisions on all applications relating to premises or land operated by the Council where relevant representations are received
- (xv) Making decisions on applications to review Premises Licences made under the Gambling Act 2005
- (xvi) Making decisions on applications relating to Street Trading which fall outside of existing policies
- (xvii) Making decisions on Public Carriage disciplinary matters that may result in the revocation or suspension of a Taxi Operators Licence
- (xviii) Making decisions on applications for new Sex Establishment and Sexual Entertainment Licences
- (xix) Making decisions on applications for renewals of Sex Establishment and Sexual Entertainment Licences where representations have been received and not withdrawn
- (xx) Making any decisions required to be made within the following legislative frameworks which have not been delegated by the Committee to Officers:
 - Caravan Site Act 1968 and Mobile Home Act 2013 and related legislation
 - Charities Act 1992 and related legislation

- Street Trading Permits and Table and Chair permissions and related permissions
 - Animal Welfare Licensing – where there are objections to licences
- (e) Approving the level of fees charged by the Council
- (f) Making decisions on the tariffs charged by the Public Carriage Trade