

Part 7 – Terms of Reference

LICENSING ACT 2003 & GAMBLING COMMITTEE

Membership

The Licensing Act 2003 (the “2003” Act) & Gambling Act 2005 (the “2005” Act) Committee (the “Committee”) will consist of a pool of between 10 and 15 Members (unless otherwise provided by legislation) to be appointed at Council. From this pool, the Committee’s Sub-Committees will be drawn, consisting of 3 Members in accordance with Section 9 of the 2003 Act and Section 154 of the 2005 Act.

The quorum of Sub-Committees will be 3 members.

General

1. The Committee is established under section 6 of the 2003 Act to discharge the Council’s licensing functions under the 2003 and 2005 Act.
2. The Committee may delegate any of its functions to one or more sub-committees or to an officer, subject to statutory restrictions and/or Scheme of Delegation agreed by Full Council (see also 11-14 below).
3. The Committee may review the Council’s Statement of Licensing Policy under the 2003 Act and Statement of Gambling Principles under the 2005 Act and may recommend changes to Full Council.
4. No Sub-Committee Member shall consider applications affecting his/her Ward or in which he/she has a pecuniary interest by the Council’s Constitution, part 9: Member Code of Conduct.
5. The Committee Procedure Rules (Council’s Constitution, part 4b) shall be waived at Committee meetings. Such meetings shall be conducted in accordance with the appropriate legislation and procedures.

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6. All words and phrases used in these Terms of Reference have the meaning given to them by the relevant Act or regulations made thereunder.

Licence & Gambling Applications

7. The Committee will determine the following:
 - 7.1 Personal licence applications where a relevant objection is made;
 - 7.2 Whether to suspend or revoke a personal licence
 - 7.3 premises licence applications where:
 - 7.3.1 a relevant representation is received in respect of:
 - 7.3.1.1 premises licences;
 - 7.3.1.2 club premises certificates;
 - 7.3.1.3 provisional statements;
 - 7.3.1.4 full variation to premises licences;
 - 7.3.1.5 variation to club premises licences.
 - 7.3.1.6 Permits for unlicensed family entertainment centre
 - 7.3.1.7 Prize gaming permits
 - 7.3.1.8 Alcohol licensed premises gaming machine permits

(where applications have been received for five or more such machines)
 - 7.3.1.9 Club gaming machine permits

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7.3.1.10 Temporary use notices

7.3.1.11 Small society lotteries registration

7.3.2 The police have made recommendations opposing an application:

7.3.2.1 to vary designated premises supervisor;

7.3.2.2 Where the police or Secretary of State have made recommendations opposing an application

7.3.2.3 for transfer of premises licences;

7.3.2.4 for interim authorities.

7.4 Applications to review premises licences and/or club premises certificates and cancellation of club gaming/machine permits.

7.5 The consideration of objections to a temporary event notice.

7.6 The decision to give a counter notice to a temporary use notice under the 2005 Act .

Consultation

8. The Committee will determine whether the Council will object to an application for any licence, consent or certificate made to another local authority, where the Council is a consultee.

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Irrelevant, Frivolous or Vexatious Representations & Objections

9. The Strategic Director Neighbourhoods and Commercial will determine whether a representation or objection is irrelevant, frivolous or vexatious, or is otherwise not “relevant” as defined by the 2003 Act.
10. The Committee will determine whether representations are vexatious, frivolous or will certainly not influence the authority’s determination of the application, as defined by the 2005 Act.

Delegation of Powers

11. The above functions delegated to the Committee may be exercised by the Committee as a whole, or by a sub-committee.
12. The Strategic Director Neighbourhoods and Commercial is authorised to: undertake all other Council functions under the 2003 & 2005 Act; and delegate any of his/her functions to officers, as s/he thinks; subject to any scheme of delegation agreed by Full Council or this Committee.13.