

TERMS OF REFERENCE 2018/19**Part A**

The Licensing Committee will undertake all functions of the Authority under the 2003 Act that are not the responsibility of the Council, as follows:

- make recommendations to the Council on the Statement of Licensing Policy;
- review the Statement of Licensing Policy within statutory intervals, keeping the policy under review at other times and undertaking appropriate consultations;
- advise the Authority in respect of matters relating to the protection of children from harm;
- decide the extent to which the Authority will recommend the classification of films;
- monitor the impact of licensing on regulated entertainment in general and live music and dancing in particular;
- refer reports to the Planning Authority on the situation concerning licensed premises including the general impact of alcohol related crime and disorder;
- consider current licenses or applications for licenses where a valid representation has been made and not withdrawn;
- receive reports on the needs of the local tourist economy and the cultural strategy for the area;
- receive reports on the employment situation in the area;
- consider measures to promote the music, dancing and theatre for the wider cultural benefit.

The Director of Housing and Safer Communities has delegated authority, in consultation with the Chief Executive and Leader, to determine whether licensing matters should be considered by the Licensing Committee. Except where it is decided that a matter should be determined by the full Licensing Committee, the

Licensing Authority accepts the Secretary of State recommendations that delegation by the Licensing Committee will be approached in the following way:

Matter to be dealt with	Sub Committee	Officers
Application for personal licence	If a Police objection made	If no objection made
Application for personal licence with unspent convictions	All cases	
Revocation or suspension of personal licence by local authority where it becomes aware of convictions or immigration penalties	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 licence/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 premises supervisor		All cases
Application for transfer of premises licence	If a police objection	All other cases
Applications for interim authorities	If a police objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious etc.		All cases
Decision to object when local	All cases	

Matter to be dealt with	Sub Committee	Officers
authority is a consultee and not the relevant authority considering the application		
Determination of a police / environmental health objection to a temporary event notice.	All cases	
Classification of Films		All cases
Re-classification of Films		All cases

*Where all persons required by the Act have agreed that a hearing is not necessary then it shall be for the Chair of the Licensing Committee to determine whether to dispense with a hearing under Section 9 of the Licensing Act 2003 (Hearings) Regulations 2005.

Licensing Sub-Committees operating under delegated authority by the Licensing Committee will receive reports on matters determined by Licensing Officers with delegated authority.

- The consideration and determination of the following where a valid representation has been made and not withdrawn:
- application for a Personal Licence;
- application for Personal Licence with unspent convictions;
- Revocation or suspension of personal licence by local authority where it becomes aware of convictions or immigration penalties
- application for Premises Licence or Club Premises Certificate;
- application for provisional statement;
- application to vary a Premises Licence or Club Premises Certificate;
- application to vary Designated Premises Supervisor;
- application for transfer of Premises Licence;

- application for interim authorities;
- application to review a Premises Licence or Club Premises Certificate;
- determination of a Police Representation to a Temporary Event Notice;
- decision to object when the Authority is a consultee and not the relevant authority considering the application.
- determination of an appeal by the premises license holder in relation to interim steps imposed following a police application for a summary license review.

Part B

Under the Gambling Act 2005 the Licensing Committee will undertake all functions that are not the responsibility of the Council, as follows:

- make recommendations to the Council on the Statement of Licensing Policy;
- review the Statement of Licensing Policy within statutory intervals, keeping the policy under review at other times and undertaking appropriate consultations;
- consider current licenses or applications for licenses where a valid representation has been made and not withdrawn.

The Director of Housing and Safer Communities has delegated authority, in consultation with the Chief Executive and Leader, to determine whether licensing matters should be considered by the Licensing Committee. Except where it is decided that a matter should be determined by the full Licensing Committee, the Licensing Authority accepts the Secretary of State's recommendations regarding delegation by the Licensing Committee in the following way:

X indicates the lowest level to which decisions can be delegated.

Matter to be dealt with	Full council	Licensing (sub) committee	Officers
Three year licensing statement of principles	X		

Matter to be dealt with	Full council	Licensing (sub) committee	Officers
Policy not to permit casinos	X		
Fee Setting – when appropriate			X (subject to Executive approval)
Application for premises licences/provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Review of a premises licence		X	
Application for club gaming/club machine permits		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Alcohol licensed			X

Matter to be dealt with	Full council	Licensing (sub) committee	Officers
premises gaming machine permits for between 2 & 4 machines where there are no representations			
Alcohol licensed premises gaming machine permits for between 2 & 4 machines where there are representations		X	
Alcohol licensed premises gaming machine permits for applications in excess of 4 machines		X	
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

Licensing Sub-Committees operating under delegated authority by the Licensing Committee will receive reports on matters determined by Licensing Officers with delegated authority. The stated authority is the lowest level that decision could be taken.

The consideration and determination of the following where a valid representation has been made and not withdrawn:

- an application for a premises licence;
- an application for variation of a premises licence;
- an application for transfer, following representations by the Commission;
- an application for a provisional statement
- a review of a premises licence;
- an application for a club gaming permit or club machine permit.

The consideration and determination of the following;

- cancellation of a club gaming or club machine permit;
- decision to give a counter-notice.

Licensing issues other than those that fall under the Licensing Act 2003 or the Gambling Act 2005, the Licensing Committee will undertake the functions as follows:

- I. The consideration and determination of applications for registrations, permits or licences, which fall into one of the following categories:
 - i) opposed applications (including renewals) for massage and special treatments;
 - ii) All applications for licences under Schedule 3, The Local Government (Miscellaneous Provisions) Act, 1982 (sex establishments);
 - iii) applications for site licences under the Caravan Sites and Central Development Act, 1960;
 - iv) opposed applications for approval of premises as a venue for civil weddings under the Marriage Act, 1994;

- v) applications for licences to keep listed dangerous wild animals;
- vi) revocation of existing licences;
- vii) applications for Section 34 permits for new amusement arcades.
- viii) functions under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982

Licensing Review Sub-Committee

The Licensing Review Sub-Committee will determine:

- a) An application to review a Premises Licence or Club Premises Certificate issued under Section 52(2) of the Licensing Act 2003;
- b) An application to review a Club Premises Certificate under Section 88(2) of the Licensing Act 2003;
- c) Decision on appropriate interim steps following a police application for a summary license review under Section 53a (2) of the Licensing Act 2003;
- d) A review of a premises license following a summary review application under Section 53A (1) of the Licensing Act 2003;
- e) A review of Premises Licence following closure order under Section 167(5)(a);
- f) An application to review a Premises Licence under Section 201 of the Gambling Act 2005.