

**To: Licensing and Gambling Acts Committee**

**Date: 28<sup>th</sup> May 2012**

**Report of: Head of Law and Governance**

**Title of Report: LICENSING AND GAMBLING ACTS COMMITTEE – APPOINTMENT OF SUB-COMMITTEES**

### **Summary and Recommendations**

**Purpose of report:** To establish licensing casework sub-committees for the 2012 - 13 Council Year to deal with casework flowing from the Council's responsibilities under the Licensing Act 2003 and the Gambling Act 2005.

**Report approved by:**

**Legal:** Jeremy Thomas

**Policy Framework:** Not applicable

**Recommendation(s):** The Committee is RECOMMENDED to:-

- (1) appoint as many casework licensing sub-committees of three members as there are combinations of three members in the total number of members of the Committee;
- (2) agree that the Sub-Committees' powers and duties be as set out in the Annex to this report.

1. All licensing authorities must establish a Licensing Committee under the Licensing Act 2003. The Licensing Committee may appoint one or more sub-committees, for example to deal with licensing casework, (i.e. applications for licences of one sort or another under the Act). The sub-committees are also responsible for any casework that might arise under the Gambling Act 2005. The sub-committees must consist of no more and no less than 3 members. The sub-committees do not need to be politically balanced. Last year the Committee appointed licensing and gambling casework sub-committees to discharge licensing casework under the two Acts.

2. In order to spread the casework across members of the Licensing and Gambling Acts Committee, the Committee is being recommended this year to appoint as many sub-committees as there are combinations of three members in the total number of members of the Committee. In that way any three members of the Committee will constitute a sub-committee.
3. The recommended powers and duties of the Sub-Committees (as contained in the Council's Constitution) are as set out in the Annex to this report.
4. Hearings of the Sub-Committee have been programmed for approximately every three/ four weeks, starting on 31<sup>st</sup> May. All the meetings are programmed to start at 5.00 pm.

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**Background papers:** None

**Version number:** 1

**LICENSING AND GAMBLING ACTS CASEWORK SUB-COMMITTEES**

**Powers and duties – Licensing**

- decide whether to give, change or transfer premises licences or club registration certificates when there are objections
- decide whether to give a temporary premises licence to a replacement licence holder when there are objections
- review premises licences and club registration certificates after a closure order
- decide valid applications for a review of a premises licence or club registration certificate
- deal, when there are objections, with applications for a statement saying the council expects to give a licence to premises that are yet to be built or converted
- decide whether to prevent one-off events or to impose conditions when there are objections from the police or the Responsible Authority for Environmental Health\*

*\*Wording has been updated to follow changes in the law*

- decide applications to change the premises supervisor or appoint a temporary supervisor when there are objections from the police
- decide applications for personal licences when there are objections from the police
- decide whether to withdraw a personal licence on hearing of a conviction
- respond to consultation on an application by another body that gives licences.

**Powers and duties – Gambling**

- deal, when there are objections, with premises licence applications, changes and transfers
- review premises licences
- deal, when there are objections, with applications for a statement stating the council expects to give a licence to premises that are yet to be built, converted or occupied

- decide whether to prevent temporary events or uses when there are objections
- deal, when there are objections, with applications for club gaming, or club machine permits and cancellation of such permits
- deal, when there are police objections or officers would want to refuse them, with applications for prize gaming permits
- deal with anything else that needs a hearing or that cannot legally be delegated to officers