

# OVERVIEW OF LICENSING COMMITTEE RESPONSIBILITIES - TERMS OF REFERENCE, DELEGATIONS, POLICIES TIMETABLE AND STATUTORY RETURNS

<b>Committee</b>	Licensing Committee
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<b>Papers with report</b>	Appendix 1 - Table of Delegations for Licensing Decisions Appendix 2 - Table of Licensing Policies and dates for revision Appendix 3 - 2018 Home Office Return
<b>Ward(s) affected</b>	All

## HEADLINE

1. To note the Committee's Terms of Reference, i.e. remit, which has been agreed by Council and is largely as require in law.
2. To provide Members with information concerning the scheme of delegations in respect of licensing decisions.
3. To advise Members of the various Licensing policies in force and their dates for revision.
4. To provide Members with copies of the 2018 Statutory Returns to the Home Office and Gambling Commission.

## RECOMMENDATION

**That the Committee note the information.**

## INFORMATION

### Terms of Reference

The Committee's Terms of Reference is set out below. This also provides the framework for which licensing related decisions are taken by the Sub-Committees and Officers.

#### **(a) Introduction**

*The Committee discharges the Council's functions under the Licensing Act 2003, Gambling Act 2005, Sex Establishment Venue Licences under the Local Government (Miscellaneous Provisions) Act 1982, Street Trading determination functions under the London Local Authorities Act 1990 and the Scrap Metal Dealers Act 2013, which are statutory in nature.*

#### **(b) Membership**

*The Committee will have 10 Members (10 is the minimum required under regulations). Political balance rules do not apply to the make-up of the*

*Committee. The Licensing Committee will meet on a regular basis and the Licensing sub-committees will meet on a programmed basis to effectively discharge its functions.*

*There will be a single Licensing Sub-Committee which will comprise 3 Members of the Licensing Committee selected on a rota basis, with any substitute Members, if required, being selected from the Licensing Committee only. The meetings of the Sub-Committee will be chaired by either the Chairman or Vice-Chairman of the Licensing Committee. Political balance rules do not apply to the make-up of the Sub-Committee. The Sub-Committee will determine all agreed delegated licensing functions.*

**(c) Terms of Reference**

- 1. To oversee the discharge of all licensing functions of the Council as the licensing authority under the Licensing Act 2003, Gambling Act 2005, Local Government (Miscellaneous Provisions) Act 1982, London Local Authorities Act 1990; the Scrap Metal Dealers Act 2013 and The Police Reform & Social Responsibility Act 2011, except, in respect of each, the determination of the Council's Statement of Licensing Policy and the publication of that Statement.*
- 2. To establish and appoint sub-committees to determine any applications requiring a hearing under the Licensing Act 2003, Gambling Act 2005, Local Government (Miscellaneous Provisions) Act 1982, London Local Authorities Act 1990 and the Scrap Metal Dealers Act 2013 or otherwise the determination of any application not delegated to officers.*
- 3. To arrange for the discharge of the functions governed by the Licensing Act 2003, Gambling Act 2005, Local Government (Miscellaneous Provisions) Act 1982, London Local Authorities Act 1990 and the Scrap Metal Dealers Act 2013 by its sub-committees or by officers except where prohibited by the Licensing Act 2003 and Gambling Act 2005*
- 4. To receive and consider reports, where appropriate, on the needs of the local tourist economy, employment and investment in the area and any other matter directly related to the licensing functions in the Borough.*

**Delegations**

Appendix 1 shows the current Officer and Member-level delegations for licensing decisions. These have been in place for a number of years and show what decisions are delegated to the sub-committees and what decisions are delegated to officers to take. This provides for flexible and responsive decision-making, whilst also ensuring Members take the more significant, contested licensing decisions. Additionally, Members should note that Full Council on 7 September 2017 agreed a new provision to enable ward councillors, with reasons and within the consultation period, to ask that an application under the Licensing and Gambling Acts be called directly into a Licensing Sub-Committee for determination - rather than determined officers. The same provision exists for planning applications to Planning Committees.

### **Licensing related policies**

The Council is required to have key licensing policies in places, which require either Cabinet or Full Council approval. The Licensing Committee is a key consultee on these, prior to final decision. Appendix 2 shows the timetable for policy reviews for Members' information.

### **Home Office returns**

Each year, the Council is required to submit a statutory return to the Home Office which details all the licensed premises under the Licensing Act 2003 that have permission for alcohol, entertainment and/or late night refreshment. A copy of the 2018 return is provided as Appendix 3, for general information that Members may find useful.

### **Implications on related Council policies**

None at this stage

### **Legal implications**

None at this stage

### **Financial Implications**

None at this stage

### **Background Papers / Further Reading Material**

None