

## **Appendix 3 - Terms of Reference of Council Committees etc Licensing Committee**

### **Functions**

The Licensing [Committee](#) is the statutory body established by the Licensing Act 2003. It is also responsible for other statutory licensing functions. The Committee is responsible for developing and monitoring the Council's licensing function, which includes making recommendations on the Council's licensing and gambling policies. It has established Licensing [Sub-Committees](#) which are responsible for considering and determining applications, including those applications made under the Licensing Acts and the Gambling Act 2005.

The Licensing Committee will have responsibility for the functions set out below:

1. To develop, review, monitor and maintain a strategic overview for all of the Council's Licensing function;
2. To discharge functions under the Licensing Act 2003, including the setting of fees under section 197A of the Licensing Act 2003, the Licensing Act 1964 and any other relevant legislation;
3. To discharge functions under the Gambling Act 2005 as delegated to the Licensing Committee by virtue of Section 154 of that Act or otherwise and also the function of setting fees under Section 212 of that Act;
4. To discharge functions under the Local Government (Miscellaneous Provisions) Act 1982, as amended;
5. To discharge functions under Part II of the London Local Authorities Act 1991;
6. To establish and appoint Licensing Sub-Committees, and approve the delegations of functions to the Sub-Committees and any additional Sub-Committee hearing procedures over and above the Council's Procedure Rules;
7. To develop and submit to [Full Council](#) for approval a Licensing Policy Statement;
8. To develop and submit to [Cabinet](#) and Full Council for approval a Gambling Licensing Policy Statement;
9. To develop and submit to Full Council for approval a Sex Establishment Licensing Policy;
10. To maintain an overview of the Council's statement of licensing policies and make recommendations to Full Council as appropriate during review;

11. To develop and adopt a [Licensing Code of Practice](#);
12. To receive performance monitoring information on matters related to the Council's Licensing functions and to monitor appeals brought against the decisions of the Sub-Committees;
13. To receive reports on management of the Borough's night-time economy and enforcement issues;
14. To receive reports and maintain oversight of legislative changes that impact upon the Council's licensing functions and procedures;
15. To consider and make recommendations to Full Council, Cabinet or any of their committees, or any other relevant body, in respect of licensing functions and procedures; and
16. To maintain an overview of licensing training for Members.

### **Type of Committee**

Licensing Committee is a [non-executive](#) committee established by Full Council to discharge regulatory functions.

### **Membership**

Membership of this Committee is appointed in accordance with [political balance](#) at Full Council.

### **Chairing arrangements**

The [Chair](#) and [Vice Chair](#) of this committee is appointed at Full Council. In the absence of the Chair or Vice Chair, and subject to being [quorate](#), the Committee members can agree who may preside over the meeting based on the number of those present in person.

### **Quorum and Voting Arrangements**

The quorum for the Licensing Committee shall be 4 elected Councillors.

### **Substitutes**

There are no substitute arrangements for this committee.

### **Order of Business**

- (a) Receive apologies;
- (b) Receive any declarations of interest from [Councillors](#);

- (c) Approve the minutes of the previous meeting
- (d) Receive questions from, and provide answers to, members of the public on matters covered on the agenda;
- (e) Consider reports as set out in the [agenda](#).
- (f) Consider any items of urgent business.

### **Who may attend?**

Meetings of the Committee will normally be open to the public, unless [confidential](#) or [exempt](#) information is to be discussed.

### **Location**

This Committee meets at the Council's main offices or any other suitable location.

You can also view meetings online in accordance with the Access to Information Procedure Rules in [Part 6, Section C](#) of the Council's Constitution with the Protocol on Recording and Live Streaming Council Meetings set out in [Part 6, Section F](#) of the Constitution.

### **Questions to the Committee**

A member of the public who lives, works, or studies in the Borough can ask a question of the Committee with one supplementary question relating to an item on the agenda.

A Councillor may ask a question of the Committee with one supplementary question relating to an item on the agenda.

Questions to the Licensing Committee may not relate to a specific licensing application.

The total amount of time for questions with notice at the Committee will be no more than 15 minutes.

If the Chair agrees, a member of the public can ask a question at the Committee without having given notice. If a question without notice is asked, the Chair will explain that it might not be possible to give a full answer at the meeting and that a written response will be provided.

### **Frequency of meetings**

The Committee meets on dates set out in the Council's meetings calendar.

### **Papers and Notice**

The agenda and any papers for the Committee will be issued at least 5 working days in advance of the meeting, except in the case of matters of urgency.

## **Review**

The [terms of reference](#) will be reviewed on an annual basis, or as necessary, to support the functions and objectives of this Committee. Updates to the terms of reference will be agreed annually at the Committee's first meeting of the municipal year.

Last reviewed: Date xxx

## **Appendix 3 - Terms of Reference of Council Committees etc Licensing Sub-Committees**

### **Functions**

The Licensing [Sub-Committees](#) are responsible for determining applications which fall within the functions of the [Licensing Committee](#). Licensing Sub-Committees will have specific responsibility for the functions set out below.

#### Licensing Act 2003

1. To determine applications for premises licenses, club premises certificates and provisional statements where a relevant representation is received.
2. To determine applications to vary premises licences and club premises certificates where a relevant representation is received.
3. To determine applications for personal licenses where the police have served an objection notice, or the applicant has an unspent conviction.
4. To determine applications to vary a designated premises supervisor where a police objection is received.
5. To determine applications for transfer of premises licences where a police objection is received.
6. To determine applications to review premises licences and club premises certificates.
7. To determine applications for interim authorities where a police objection is received.
8. To determine whether to issue a counter notice to a temporary event notice where a police and/or environmental health authority objection is received.
9. To determine applications for expedited summary reviews of premises licences.
10. To review premises licences following receipt of a notice from the Magistrates Court of a closure order.

#### Gambling Act 2005

11. To determine applications for a premises licence and provisional statement where a relevant representation is received.

12. To determine applications to vary premises licence and provisional statement where a relevant representation is received.
13. To determine applications for transfer of premises licence where a relevant representation is received.
14. To determine applications to review a premises licence.
15. To determine applications for a club gaming permit and club machine permit where a relevant representation is received.
16. To determine whether to issue a counter notice to a temporary use notice where a relevant representation is received.

#### Schedule 3 Local Government (Miscellaneous Provisions) Act 1982 as amended

17. To determine new applications for a sex establishment licence.
18. To determine renewal applications for a sex establishment licence where a relevant representation is received and not withdrawn.
19. To determine applications to transfer a sex establishment licence where a relevant representation is received and not withdrawn.

#### Part II of the London Local Authorities Act 1991

20. The determination of all applications and registrations for massage and special treatment licenses where a relevant representation is received

### **Type of Committee**

Licensing Sub-Committee is a [non-executive committee](#) established by the Licensing Committee to discharge regulatory functions.

### **Membership**

Membership of these sub-committees are drawn from the membership of the Licensing Committee, and its substitutes, as required. Political balance is not required to be maintained.

### **Chairing arrangements**

The [Chair](#) of the Sub-Committee is appointed at each sub-committee hearing.

### **Quorum and Voting Arrangements**

The [quorum](#) for the Licensing Sub-Committee shall be 2 elected Councillors.

### **Substitutes**

Any substitutes for these Sub-Committee will be appointed from the pool of members of the Licensing Committee.

### **Order of Business**

- (a) Receive apologies;
- (b) Receive any declarations of interest from Councillors;
- (c) Approve the minutes of the previous meeting
- (d) Consider applications as set out in the [agenda](#).
- (f) Consider Temporary Event Notices

### **Who may attend?**

Meetings of the Sub-Committee will normally be open to the public, unless [confidential](#) or [exempt information](#) is to be discussed.

### **Location**

Until further notice, this Sub-Committee meets remotely.

You can also view meetings online in accordance with the Access to Information Procedure Rules in [Part 6, Section C](#) of the Council's Constitution with the Protocol on Recording and Live Streaming Council Meetings set out in [Part 6, Section F](#) of the Constitution.

### **Speaking at the Committee**

A member of the public who lives, works or is a member of a body representing local residents or local business can register to speak at a Licensing Sub-Committee hearing providing they have made a relevant representation to the Licensing Authority.

A Councillor may register to speak at a Licensing Sub-Committee hearing.

The arrangements to speak at a Licensing Sub-Committee hearing is set out in the hearing procedure.

### **Frequency of meetings**

The Sub-Committee meets on dates set out in the Council's meetings calendar.

### **Papers and Notice**

The agenda and any papers for the Sub-Committee will be issued at least 5 working days in advance of the meeting, except in the case of matters of urgency.

### **Review**

The [terms of reference](#) will be reviewed on an annual basis, or as necessary, to support the functions and objectives of this Committee. Updates to the terms of reference will be agreed annually at the Committee's first meeting of the municipal year.

Last reviewed: Date xxx