

SUBJECT: Separation of licensing functions

MEETING: Full Council

DATE: 26th June 2025

DIVISION/WARDS AFFECTED: All

1. PURPOSE

- 1.1 To provide members with details of the proposed arrangements to reconfigure the functions of the existing Licensing and Regulatory Committee as set out in the report.

2. RECOMMENDATION

- 2.1 It is recommended that members:

- a) approve that the existing Licensing and Regulatory Committee be abolished;
- b) approve the establishment of two new Committees, each comprising of the same members and the same Chair and Vice-Chair as each other, to be titled the Licensing and Gambling Committee and the Taxi and Regulatory Committee (“the Committees”) respectively;
- c) approve that the functions of the existing Licensing and Regulatory Committee be divided between two newly constituted Committees, such functions and delegations being as set out in the terms of reference for each Committee, attached to this report at Appendices 1 and 2;
- d) instruct the Monitoring Officer to amend the Constitution to reflect the above changes.

3. KEY ISSUES

- 3.1 The Council currently discharges all of its licensing and regulatory functions via the Licensing and Regulatory Committee and its Sub-committee. The arrangements have been reviewed following consideration of legal advice and guidance that in order to strengthen our governance arrangements, the functions under the Licensing Act 2003, the Gambling Act 2005 and the Public Health (Wales) Act 2017 should be discharged by their own Licensing and Gambling Committee (or a Sub-committee of said Committee where appropriate), and that all other functions should be discharged by a separate committee (and Sub-committee), albeit with the same members.

- 3.2 Due to the Licensing Act 2003's prescriptive requirements as to what functions can be discharged by a committee constituted under that Act, the operation of two separate Committees as outlined above is standard practice across local government in England and Wales. By operating separate Committees as proposed, the Council will be able to maintain its effective governance arrangements.
- 3.3 This proposals were considered by the Licensing and Regulatory Committee on 20th May 2025 where they were approved subject to approval at Full Council. It is proposed that two separate Committees, with respective Sub-committees, are set up as follows.

Licensing and Gambling Committee

- 3.4 The Licensing and Gambling Committee will be responsible for all matters regulated by the Licensing Act 2003, Gambling Act 2005 and Part 4 Public Health (Wales) Act 2017 and which do not fall within the responsibility of Full Council or of a committee other than itself. It is proposed that this Committee be named the Licensing and Gambling Committee, with the terms of reference for this Committee as set outlined in Appendix 1.
- 3.5 The following licensing functions are reserved to Full Council:
- (a) any function conferred on the licensing authority by **section 5** of the Licensing Act 2003 (statement of licensing policy);
 - (b) the functions of making, and varying or revoking, an order under **section 172A** of the Licensing Act 2003 (early morning alcohol restriction order);
 - (c) any function conferred on the licensing authority under section 166 of the Gambling Act 2005 (resolution not to issue a casino licence)
 - (d) the prescribing of gambling licensing fees under section 212 of the Gambling Act 2005;
 - (e) making an order disapplying section 279 or section 282(1) of the Gambling Act 2005, in accordance with section 284 of the Gambling Act 2005;
 - (f) the designation of authorised persons in accordance with section 304 of the Gambling Act 2005;
 - (g) prosecutions by the licensing authority in accordance with section 346 of the Gambling Act 2005;
 - (h) any function conferred on the licensing authority by section 349 of the Gambling Act 2003 (three-yearly gambling licensing policy).
- 3.6 Where the Authority has referred to a committee other than the Licensing and Gambling Committee a matter which relates to a licensing function of a licensing authority and to a function of the authority which is not a licensing function, the licensing function is to be discharged by that other committee (section 7(5)(a) of the Licensing Act 2003).

- 3.7 The functions that go to the full Licensing and Gambling Committee will be the recommendation of policies fee setting under the Licensing Act 2003 and training.
- 3.8 The Committee may delegate the exercise of functions in relation to individual applications to a Sub-committee or to an officer in accordance with the terms of reference.
- 3.9 The Sub-committee will hear those applications that have relevant representations/objections and any information that may affect the continuation of a licence/permit already granted. All other matters are to be delegated to authorised officers in accordance with current delegations.

The Licensing and Gambling Committee may regulate its own procedure and that of Sub-committees, subject to any regulations in relation to the conduct of hearings, access to public and publicity.

Taxi and Regulatory Committee

- 3.10 The Taxi and Regulatory Committee will be responsible for discharging those licensing activities which are not governed by the Licensing Act 2003 or Gambling Act 2005, and which do not fall within the responsibility of Full Council. The terms of reference for this Committee can be found at Appendix 2.
- 3.11 The functions in the first instance will go to a full Taxi and Regulatory Committee which will hear those applications that have relevant representations/objections and any information that may affect the continuation of a licence/permit already granted, the adoption of policies, fee setting and training. All other matters are to be delegated to authorised officers in accordance with current delegations. The Committee may delegate the exercise of functions in relation to individual applications to a Sub-committee or to an officer as appropriate.
- 3.12 The Taxi and Regulatory Committee may regulate its own procedure and that of sub-committees, subject to any regulations in relation to the conduct of hearings, access to public and publicity.

Membership and political balance

- 3.13 Whilst the two Committees will be separately constituted, the proposed Licensing and Gambling Committee does not need to be politically balanced (although it can be) as it is not a committee created under the Local Government Act 1972. However, the Taxi and Regulatory Committee does have to be politically balanced. For the sake of continuity, it is proposed that the Committees be comprised of the same members. The effect of this will be that both committees will be politically balanced.

Committee meetings

- 3.14 The proposals will not increase the frequency of committee or sub-committee meetings. If there are items relevant to both Committees arising on the same day, this can be dealt with in both Committees (or their Sub-committees) meeting on the same day, one after the other, with separate

agendas being published.

4. RESOURCE IMPLICATIONS

None. Any additional costs will be absorbed within our existing licensing budget.

5. CONSULTEES

Chief Officer, Law & Governance (Monitoring Officer)
Head of Litigation & Deputy Monitoring Officer
Chief Officer Social Care, Safeguarding

6. AUTHOR AND CONTACT DETAILS

Linda O’Gorman – Principal Licensing Officer

7. BACKGROUND PAPERS

Appendix 1 – Licensing and Gambling Committee and Sub-Committee
Terms of Reference
Appendix 2 – Taxi and Regulatory Committee and Sub-Committee
Terms of Reference