

## **APPENDIX 1**

### **LICENSING AND GAMBLING COMMITTEE**

#### **Terms of Reference**

1. To discharge the functions of a Licensing and Gambling Committee as required by the Licensing Act 2003, the Gambling Act 2005 and Part 4 Public Health (Wales) Act 2017 and not otherwise reserved to full Council or to another committee, and to authorise, approve or determine any enforcement matters under the said Acts;

#### **POWERS DELEGATED TO THE COMMITTEE**

All those matters referred to in paragraph 1 above, including a power to delegate to a Sub-committee or officer the power to determine matters within the Committee's Terms of Reference.

The following licensing functions are reserved to full Council:

- any function conferred on the licensing authority by section 5 of the Licensing Act 2003 (statement of licensing policy);
- the functions of making, and varying or revoking, an order under section 172A of the Licensing Act 2003 (early morning alcohol restriction order);
- any function conferred on the licensing authority under section 166 of the Gambling Act 2005 (resolution not to issue a casino licence);
- the prescribing of gambling licensing fees under section 212 of the Gambling Act 2005;
- 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;
- the designation of authorised persons in accordance with section 304 of the Gambling Act 2005
- prosecutions by the licensing authority in accordance with section 346 of the Gambling Act 2005;
- any function conferred on the licensing authority by section 349 of the Gambling Act 2003 (three-yearly gambling licensing policy).

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).

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.

The Committee may delegate all other licensing functions within its remit to its Sub-committee or to officers as appropriate.

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 to be delegated to authorised officers.

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.

The Licensing and Gambling Sub-committee (which deals with Licensing Act 2003, Gambling Act 2005 and Part 4 Public Health (Wales ) Act 2017) shall consist of three members. The quorum for the Licensing and Gambling Sub-committee shall be three, one of which must be either the Chair or Vice Chair of the Licensing and Gambling Committee. The Licensing and Gambling Committee does not need to be politically balanced.

Members serving on the Licensing and Gambling Sub-committee will be drawn in rotation from the whole of the Licensing and Gambling Committee. This will allow each member an equal opportunity to contribute to the work of the Committee and will hopefully ensure a fairness to members in the demands being made on them to sit;

The current restriction within Standing Orders which prohibits a meeting sitting for longer than four hours be removed from applying to the Licensing and Gambling Committees or its Sub-committee, subject to a requirement on the Committee or Sub-committee to take appropriate breaks so as to ensure the comfort of those participating in the meeting.

#### **POWERS DELEGATED TO OFFICERS**

<b>Power</b>	<b>Delegated to</b>
<b>Licensing Act 2003</b>  (i) to consider and, where appropriate, determine the following applications:  (1) application for personal licence with unspent convictions; (2) application for a Minor Variation; (3) request to be removed as designated premises supervisor;	Chief Officer Social Care and Health

<p>(ii) to consider and, where appropriate, determine the following applications where no police or other relevant representation is made:</p> <ul style="list-style-type: none"> <li>(1) application for personal licence;</li> <li>(2) application to dis-apply the requirement for a designated premises supervisor at community premises;</li> <li>(3) application for premises licence/club premises certificate;</li> <li>(4) application for provisional statement;</li> <li>(5) application to vary premises licence/club premises certificate;</li> <li>(6) application to vary designated premises supervisor;</li> <li>(7) application for transfer of premises licence;</li> <li>(8) application for interim authorities</li> </ul> <p><b>Gambling Act 2005</b></p> <p>(No delegations have been made to specific officers under the Gambling Act 2005)</p> <p><b>Public Health (Wales) Act 2017</b></p> <p>Section 61(1) - Power to designate an individual performing a special procedure to be licensed.</p> <p>Section 65(2) - Power to issue a refusal notice for a special procedure licence</p> <p>Section 65(3) - Power to issue a Special Procedures Licence where all the applicable licensing criteria is met.</p> <p>Section 66(3&amp;6) - Power to issue a refusal notice for a special procedure licence (in the case of a relevant offence)</p> <p>Section 67 - Power to renew a Special Procedures Licence where all the applicable licensing criteria is met.</p> <p>Section 68 - Power to issue a revocation notice for a special procedure licence</p>	<p>Chief Officer Social Care Health Head of Public Protection Principal EHO Principal Licensing Officer</p> <p><i>The officers specified are authorised officers for the purposes of Sections 98 to 107, Public Health (Wales) Act 2017 and shall have the power to nominate any supplementary officers as appropriate.</i></p>
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<p>Section 70(1) - Power to issue an approval certificate for a premises or vehicle.</p> <p>Section 70(1) - Power to renew an approval certificate for a premises or vehicle.</p> <p>Section 70(1) - Power to refuse an approval certificate for a premises or vehicle.</p> <p>Section 72(4) - Power to take reasonable steps for bringing a voluntary termination notice to the attention of appropriate persons.</p> <p>Section 77(2) - Power to issue a stop notice.</p> <p>Section 78(1) - Power to issue a remedial action notice in respect of a Special Procedures Licence.</p> <p>Section 79(1) - Power to issue a remedial action notice in respect of an Approved Premises Certificate.</p> <p>Section 80(2) - Power to issue a completion certificate in respect of a Special Procedure Licence or an Approved Premises Certificate.</p> <p>Section 97 - Power to carry out enforcement action and consultation in respect of intimate piercing.</p> <p>Schedule 3 Paragraph 15(3) - Power to issue a warning notice.</p>	