

# **PART 8 - LICENSING COMMITTEE**

## **1. Licensing Committee**

1.1 Composition: Thirteen Members of the District Council reflecting the political proportionality of the Council

### 1.2 Terms of Reference

- (a) Except as provided in the Licensing Act 2003 and the Gambling Act 2005, the discharge of all functions of the District Council as licensing authority prescribed by those acts;
- (b) the issue, renewal, transfer, suspension and revocation of hackney carriage, private hire vehicle, driver and operator licenses;
- (c) the discharge of relevant functions relating to the licensing of sex establishments
- (d) the discharge of relevant functions relating to the Police Reform and Social Responsibility Act 2011; and
- (e) the discharge of all other functions relating to licensing and registration in so far as they are the responsibility of the District Council.

## **2. Licensing Hearing Sub-Committees**

2.1 Each municipal year the Licensing Committee will establish Licensing Hearing Sub-Committees. The Chief Executive will call a meeting of one of the sub-committees whenever there is business to be transacted.

Composition: Each Sub-Committee will contain three Members of the Licensing Committee. Any member of the Licensing Committee may act as a substitute on any of the Licensing Sub-Committees.

### 2.2 Terms of Reference

Licensing Act 2003:

- (a) determination of application for the grant/ renewal of a personal licence where an objection notice has been given by the Police;
- (b) consideration of Police objection notice following conviction of personal licence holder;

- (c) determination of application for the variation of a designated premises supervisor where a notice has been received from the Police;
- (d) determination of application for the transfer of a premises licence where a notice has been received from the Police;
- (e) determination of application for:
  - (i) premises licence;
  - (ii) club premises certificate;
  - (iii) provisional statement;
  - (iv) variation of premises licence / club premises certificates;
  - (v) review of a licence following an application by a senior police officer;

where relevant representations have been made;
- (f) determination of application for the review of a premises licence/club premises certificate;
- (g) determination on review of premises licence following closure order;
- (h) consideration of Police or Environmental Health objection notice given in response to a temporary event notice; and
- (i) consideration of Police notice given in response to an interim authority notice.

**Gambling Act 2005:**

- (a) determination of application for the grant/ variation/ transfer/ reinstatement of premises licence where relevant representations have been received.;
- (b) determination on review of premises licence;
- (c) determination of application for provisional statement where relevant representations have been received;
- (d) consideration of notice of objection to temporary use notice;
- (e) determination of application for the grant/ renewal of family entertainment centre gaming permit, club gaming permit, club machine permit, licensed premises gaming machine permit, gaming

machine permit where relevant representations have been received;  
and

- (f) cancellation of club gaming permit, club machine permit, licensed premises gaming machine permit where relevant representations have been received.

Local Government (Miscellaneous Provisions) Act 1982 (as amended by Section 27, Policing and Crime Act 2009

- (a) determination of application for the grant/ renewal/transfer/variation or revocation of a sex shop, sex cinema or sexual entertainment venue licence

Town Police Clauses Act 1847, Public Health Act 1875 and Local Government (Miscellaneous Provisions) Act 1976

- (a) to exercise the Council's powers and duties in relation to the licensing of hackney carriages and private hire vehicles, including the licensing of vehicles, drivers and operators, the control of numbers of hackney carriages, the licensing of private hire operators and the granting of permits for small buses where the matter has been referred by the delegated officer.

## **Procedures at Sub-Committees of the Licensing Committee**

### 3. Licensing Act 2003

- 3.1 Hearings shall be conducted in accordance with this Procedure Note which the Sub-Committee may vary at their discretion if considered in the public interest subject to The Licensing Act 2003 (Hearings) Regulations 2005.
- 3.2 The quorum for a Sub-Committee shall be two members.
- 3.3 At the commencement of each hearing the Sub-Committee shall elect one of its members as Chairman.
- 3.4 The order of business at hearings shall be:
  - (a) Election of Chairman.
  - (b) Declarations of interests.
  - (c) Chairman explains the procedure to be followed at the hearing, including the setting of equal time limits for all parties and the granting of adjournments.
  - (d) Chairman ascertains who is assisting or representing the parties.

- (e) Officer presentation of report
- (f) Applicant (or his/her representative) addresses the Sub-Committee.
- (g) Applicant questioned by members. At the discretion of the Sub-Committee, other parties may be permitted to question the applicant.
- (h) Any representatives of Public or Statutory Bodies who have made representations in respect of the application (or their representative) address the Sub-Committee. No issues other than those relevant to their representations may be raised.
- (i) Members question each party at the conclusion of their address. At the discretion of the Sub-Committee, the applicant may be permitted to question other parties.
- (j) Other persons who have made representations in respect of the application (or their representative) address the Sub-Committee. No issues other than those relevant to their representations may be raised.
- (k) Members question each party at the conclusion of their address. At the discretion of the Sub-Committee, the applicant may be permitted to question other parties.
- (l) Sub-Committee may offer the parties a short adjournment to discuss in the absence of the Sub-Committee whether a solution acceptable to all the parties can be put to the Sub-Committee.
- (m) Applicant (or his/her representative) makes closing address.
- (n) Sub-Committee may grant a short adjournment. The parties may not speak to members regarding the application during adjournments.
- (o) The Sub-Committee considers the application and motions put to accept or reject the application in the terms requested or to grant the application subject to specified conditions. Reasons are to be given for motions.
- (p) The parties will usually be informed of the decision at the Hearing with a decision notice issued thereafter in accordance with Regulation 26 of the 2005 Regulation, along with details of any applicable appeals process.

4. Local Government (Miscellaneous Provisions) Act 1982)
  - 4.1 Hearings shall be conducted in accordance with this Procedure Note which the Sub-Committee may vary at their discretion if considered in the public interest and subject to the Local Government (Miscellaneous Provisions) Act 1982 (as amended by Section 27, Policing and Crime Act 2009).
  - 4.2 Objectors' names or addresses will not be revealed to an Applicant without consent. However, attendance at a hearing by any Objector implies consent (Local Government (Miscellaneous Provisions) Act 1982 Schedule 3, para10 (17))
  - 4.3 The quorum for a Sub-Committee shall be two members.
  - 4.4 At the commencement of each hearing the Sub-Committee shall elect one of its members as Chairman.
  - 4.5 The order of business at hearings shall be:
    - (a) Election of Chairman.
    - (b) Declarations of interests.
    - (c) Chairman explains the procedure to be followed at the hearing, including the setting of equal time limits for all parties and the granting of adjournments.
    - (d) Chairman ascertains who is present, including all parties, representatives and witnesses.
    - (e) Presentation of report by Licensing Officer
    - (f) The Sub-Committee will hear from:
      - a. the Applicant (or his/her representative);
      - b. any Public or Statutory Bodies who have made representations;  
and
      - c. any other objectors
    - (g) All parties may use witnesses and supporting documentation, so long as these have been detailed to the Sub-Committee prior to the hearing.
    - (h) No Public or Statutory Body or other objector may raise issues other than those relevant to their written objection, unless with the agreement of

the Sub-Committee and provided that the Applicant is permitted an opportunity to deal with the objections.

- (i) Members will ask questions of each party (including their representative or witness) after they have spoken. At the discretion of the Sub-Committee the Applicant will be entitled to ask questions of the other parties or their witnesses after they have spoken. At the discretion of the Sub-Committee the other parties will be entitled to ask questions of the Applicant or their witnesses after they have spoken.
- (j) Sub-Committee may offer the parties a short adjournment to discuss in the absence of the Sub-Committee whether a solution acceptable to all the parties can be put to the Sub-Committee.
- (k) Applicant (or his/her representative) makes closing address.
- (l) Sub-Committee may grant a short adjournment to deliberate. The parties may not speak to Members regarding the application during adjournments.
- (m) The Sub-Committee considers the application and motions put to accept or reject the application in the terms requested or to grant the application subject to specified conditions. Reasons are to be given for motions.
- (n) The parties will usually be informed of the decision at the Hearing with a decision notice issued before the end of 7 working days starting the day after the last day of the hearing, along with details of any applicable appeals process.

5. The Gambling Act 2005 (Proceedings of Licensing Committees and Sub-committees) (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007

- 5.1 Hearings shall be conducted in accordance with this Procedure Note which the Sub-Committee may vary at their discretion if considered in the public interest subject to The Gambling Act 2005 (Proceedings of Licensing Committees and Sub-committees) (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007.

(Application for a premises licence under section 159; Application to vary a premises licence under section 187; Application for a premises licence to be transferred under sections 188 and 189; Application for a licence to be reinstated under sections 195 and 196; Application for a provisional statement under section 204; Review of a premises licence under section 201)

- 5.2 The agenda will be published 10 working days before the date of the hearing
- 5.3 The quorum for a Sub-Committee shall be two members.
- 5.4 At the commencement of each hearing the Sub-Committee shall elect one of its members as Chairman.
- 5.5 The order of business at hearings shall be:
- (n) Election of Chairman.
  - (o) Declarations of interests.
  - (p) Chairman explains the procedure to be followed at the hearing, including the setting of equal time limits for all parties and the granting of adjournments.
  - (q) Chairman ascertains who is present, including all parties, representatives and witnesses.
  - (r) Presentation of report by Licensing Officer
  - (s) In turn, beginning with the applicant, each party (or their representative) may
    - a. address the Sub-Committee and call witnesses on any matter relevant to the application/review;
    - b. receive questions from the Sub-Committee; and
    - c. receive questions from other parties, where this is considered appropriate by the Sub-Committee.
- (Cross examination will not usually be permitted unless the Sub-Committee considered that it is required to properly consider the issue.)
- (t) All parties may use witnesses and supporting documentation, so long as these have been detailed to the Sub-Committee prior to the hearing.
  - (u) Sub-Committee may offer the parties a short adjournment to discuss in the absence of the Sub-Committee whether a solution acceptable to all the parties can be put to the Sub-Committee. The parties may not speak to members regarding the application during adjournments.
  - (v) Applicant (or his/her representative) makes closing address.

- (w) Sub-Committee may grant a short adjournment to deliberate. The parties may not speak to Members regarding the application during adjournments.
- (x) The Sub-Committee considers the application/review and motions put to accept or reject the application in the terms requested or to grant the application subject to specified conditions. Reasons are to be given for motions.
- (l) The parties will usually be informed of the decision at the Hearing with a decision notice issued before the end of 5 working days starting the day after the last day of the hearing in accordance with Regulation 13 of the 2007 Regulations along with details of any applicable appeals process.

6. Town Police Clauses Act 1847, Public Health Act 1875 and Local Government (Miscellaneous Provisions) Act 1976

- 6.1 Hearings shall be conducted in accordance with this Procedure Note which the Sub-Committee may vary at their discretion if considered in the public interest.
- 6.2 The agenda will be published 5 working days before the date of the hearing
- 6.3 The quorum for a Sub-Committee shall be two members.
- 6.4 At the commencement of each hearing the Sub-Committee shall elect one of its members as Chairman.
- 6.5 The order of business at hearings shall be:
  - (a) Election of Chairman.
  - (b) Declarations of interests.
  - (c) Chairman explains the procedure to be followed at the hearing including, if necessary, limiting the time given to the parties and witnesses (to allow all parties to have a fair hearing but preventing any one person dominating the proceedings) for all parties and the granting of adjournments.
  - (d) Chairman ascertains who is present, including all parties, representatives and witnesses.
  - (e) Presentation of report by Licensing Officer



- (f) The Sub-Committee will hear from:
  - a. those opposed to granting the license / those seeking the review (or their representative(s)) together with their witnesses; and
  - b. the Applicant (or their representative(s)) together with their witnesses.
- (g) All parties may use witnesses and supporting documentation, so long as these have been detailed to the Sub-Committee prior to the hearing. New information shall only be accepted at the Hearing if agreed by the Sub-Committee, if it would not cause significant undue prejudice to the other parties and if the other parties are given an appropriate opportunity to consider it and produce any response.
- (h) It is expected that witnesses will not be present for any part of the hearing until they have addressed the Sub-Committee and responded to any questions. This shall not apply if the witness is:
  - the Applicant; or
  - attending on behalf of a Public or Statutory Body.
- (i) Members will ask questions of each party (including their representative or witness) after they have spoken. The Applicant will be entitled to ask questions of the other parties or their witnesses after they have spoken. At the discretion of the Sub-Committee the other parties will be entitled to ask questions of the Applicant or their witnesses after they have spoken.
- (j) Sub-Committee may offer the parties a short adjournment to discuss in the absence of the Sub-Committee whether a solution acceptable to all the parties can be put to the Sub-Committee.
- (k) Those opposed to granting the licences / those seeking the review (or their representative(s)) make closing address.
- (l) The Applicant (or his/her representative) makes closing address.
- (m) Sub-Committee may grant a short adjournment to deliberate. The parties may not speak to Members regarding the application during adjournments.
- (n) The Sub-Committee considers the application and motions put to accept or reject the application in the terms requested or to grant the

application subject to specified conditions. Reasons are to be given for motions.

- (o) The parties will usually be informed of the decision at the Hearing with a decision notice issued in due course along with details of any applicable appeals process.

References to the “Applicant” should be read as “Licensee” when appropriate.