

1 LICENSING COMMITTEE PROTOCOL

- 1.1 The Terms of Reference for the Licensing Committee is stated in the Council's Constitution (Part 3 Section C). The purpose of this protocol is to set out in detail the process by which the Licensing Committee will function.
- 1.2 This Protocol shall be applied in a manner consistent with Committee Procedure Rules in Part 4 of the constitution. Any issue on procedure at the meeting shall be subject to the ruling of the Chair.
- 1.3 This document will be subject to regular review along with other governance arrangements, to ensure that it remains updated in the light of experience.

2 MEMBERSHIP AND CHAIR

- 2.1 The members and chair of the Licensing Committee shall be elected and ratified each year at the Annual Council Meeting.
- 2.2 The Licensing Committee shall comprise 11 members. The members of the Licensing Sub-Committee may comprise any three members of the Licensing Committee.
- 2.3 All members of the Licensing Committee will be consulted on their availability when it is known that a Licensing Sub Committee meeting is required.
- 2.4 From responses received three Members will be notified that they have been selected to serve on the Licensing Sub-Committee and all members of the Licensing Committee will be advised accordingly. (**Note:** All efforts will be made to ensure that all members of the Licensing Committee share Sub-Committee responsibilities on an equal basis.)
- 2.5 The Chair of the Licensing Committee shall chair the Licensing Sub Committee. In their absence, a member of the Licensing Committee who is trained to chair licensing meetings will be proposed and seconded as chair of the meeting.

3 RESPONSIBILITIES

Main Licensing Committee

- 3.1 The Licensing Committee shall act as:
 - (a) a **statutory licensing body**;
 - (b) a **non-statutory body**.
- 3.2 At the appropriate stage during the meeting, the Chair of the Licensing Committee shall announce whether the Committee is acting in its statutory or non-statutory role.

3.3 The main responsibilities of the Licensing Committee will be in regard to determining and being consulted on Licensing and Regulatory policy issues, evaluating decisions and identifying learning points and informing Member and Officer development and training. These responsibilities are explained further in paragraphs 3.4 to 3.10 below. Decision making responsibilities in relation to individual complex or contested licensing applications will be devolved to a the Licensing Sub-Committee. Uncontested or non-complex applications, or those that comply with the Scheme of Delegation, are determined by Officers.

3.4 As the **statutory licensing body** under the Licensing Act 2003 and Gambling Act 2005, the Licensing Committee shall:

3.4.1. Establish the Licensing Sub-Committee

The Committee shall establish the Licensing Sub-Committee, and determine the procedures for handling applications, notices and representations, including the fees payable for applications under the Gambling Act 2005. The Committee shall retain overall responsibility for the hearings carried out by the Sub-Committee. The Committee shall be able to call for a report on any individual case from the Licensing Sub-Committee.

3.5 As the **non-statutory body** the Licensing Committee's functions are to:

3.6 Determine policy issues relating to non-executive licensing functions.

The Committee may determine policy for licensing functions that are not required to be made by Cabinet. Examples include policy to regulate street trading, sex establishments, special treatment premises and dog-breeding establishments.

3.7 Formulate, review and approve the Statement of Licensing Policy.

The Committee shall formulate, review and approve for consultation the Statement of Licensing Policy, and any revisions to it, to full Council for adoption.

3.8 Be consulted on the Statement of Gambling Policy.

The Committee can be consulted and provide recommendations on the Statement of Gambling Policy, for a decision by the Cabinet.

3.9 Be consulted on Council plans and services relating to regulatory issues.

The Committee may make informal recommendations to the Cabinet and other bodies on Council plans, service delivery, grant aid, commissioning and procurement matters when these involve or relate to regulatory issues.

Licensing Sub-Committee

3.10 The Licensing Sub-Committees shall act as:

- (a) **statutory licensing bodies;**
- (b) **non-statutory licensing bodies.**

3.11 At the appropriate stage during the meeting, the Chair of the Licensing Sub-Committee shall announce whether the Sub-Committee is acting in its statutory or non-statutory role.

3.12 As **statutory bodies** under the Licensing Act 2003 and the Gambling Act 2005, the Licensing Sub-Committee shall undertake hearings on individual licensing applications (as detailed in Part 3 Section C of the Council's Constitution), and has the power to make final decisions on those matters. The authority to agree minor variations to premises licenses under the Licensing Act 2003 is delegated to officers. All licence reviews will be undertaken by the Licensing Sub-Committee.

3.13 As **non-statutory bodies**, the Licensing Sub-Committee shall undertake hearings on individual licensing applications that fall outside the Licensing Act 2003 and Gambling Act 2005, where they have been objected to and require a Member level hearing. Examples include the licensing of street trading, special treatment premises, sex establishments, pet shops and dog breeding establishments. All licence reviews will be undertaken by the Licensing Sub-Committee.

4 MEETING FREQUENCY AND FORMAT

Main Licensing Committee Meetings

4.1 The Licensing Committee will have 2 scheduled meetings, however the Chair of the Licensing Committee may call a special meeting in accordance with the process in the Council's Constitution (Part 4 Section B).

The work programme for the Licensing Committee shall be agreed between the Chair of the Committee and senior officers, at the beginning of the civic year.

Sub-Committee Meetings

4.2 Licensing Sub-Committee meetings shall be scheduled on a twice monthly basis. It is necessary to schedule on this frequency given the need to convene such meetings at a relatively short notice due to statutory deadlines for licensing applications. In practice it is envisaged that a number of the Licensing Sub-Committee meetings will be cancelled if the volume and timing of applications do not require them.