

APPENDIX 5

[the words proposed for addition or insertion are shown in italics and underlined and the words proposed for deletion are shown struck through]

[the words in **bold text** which refer to the dates when specific functions come into effect, or are repealed under the Gambling Act 2005, are intended for explanation and direction and not as a part of the permanent text of the Constitution]

PART E.7 of the Council's Constitution

SECTION 3 – SUB-COMMITTEES AND PANELS

[this extract starts at page 14 of Part E.7 in the version of the Constitution last updated in May 2006]

3. Under Licensing Committee

3.01. Licensing Sub-Committee

General Provisions

- (a) To exercise all the functions listed in ~~sub-paragraphs (c) to (e) below~~ these terms of reference in relation to any premises, site or event where less than 500 persons are to be present;
- (b) The Chair of a Licensing Sub-Committee may, before hearing it, refer any case falling within ~~(a) above~~ these terms of reference to the Licensing Committee on the grounds of its special significance or difficulty. This power may also be exercised by the Chair of the Licensing Committee;
- (c) Licensing Sub-Committees have the power to make final decisions on behalf of the Council on matters within their terms of reference and there is no right of appeal to the Licensing Committee.

Functions under both the Licensing Act 2003 and the Gambling Act 2005

- (d) To determine applications for premises licences where relevant representations have been made;
- (e) To determine applications for provisional statements where relevant representations have been made;
- (f) To determine applications for variations of premises licences where relevant representations have been made;
- (g) To determine valid applications for review of premises licences;
- (h) To decide on any other matter ~~within the licensing functions under the Licensing Act 2003~~ where it is necessary or desirable for Members to make that decision;

Functions under the Licensing Act 2003 alone

- (i) To determine applications to vary designated premises supervisors following police objections;
- (j) To determine applications for transfer of premises licences following police objections;
- (k) To consider police objections made to interim authority notices;
- (l) To determine applications for club premises certificates where relevant representations have been made;
- (m) To determine applications to vary club premises certificates where relevant representations have been made;
- (n) To determine valid applications for review of club premises certificates;
- (o) To decide whether to give counter notices following police objections to temporary event notices;
- (p) To determine applications for grants of personal licences following police objections;

- (q) To determine applications for renewals of personal licences following police objections;
- (r) To decide on revocation of personal licences where convictions come to light after grant;

Functions under the Gambling Act 2005 alone

- (s) To determine applications for transfer of premises licences following representations by the Gambling Commission or others;
- (t) To determine applications for the reinstatement of premises licences where relevant representations have been made;
- (u) To decide whether to give counter notices following objections to temporary use notices;
- (v) To determine applications for the grant of club gaming permits and club machine permits where objections have been received;
- (w) To determine proposals to cancel club gaming permits and club machine permits where the holder requests a hearing;
- (x) When the licence holder requests a hearing, to determine officer proposals: (i) to make an order removing the entitlement of an on-premises alcohol licence holder to have one or two gaming machines, or (ii) to cancel or vary a licensed premises gaming machine permit;
- (y) To determine licensed premises gaming machine permit applications for 5 or more machines and all applications for any number of machines where there is cause for concern about the proper management of the premises;
- (z) ~~To determine applications for permits for amusements with prizes gaming machines in accordance with the policy resolution of the Licensing Committee on 6 December 2005; [this sub-paragraph to be deleted on repeal with effect from 1st June 2007]~~
- (aa) ~~To determine applications for permits for games or lotteries under section 16 of the Lotteries and Amusements Act~~

~~1976;~~ **[this sub-paragraph to be deleted on repeal with effect from 1st September 2007]**

- (bb) ~~To determine applications for orders permitting games under section 6 of the Gaming Act 1968;~~ **[this sub-paragraph to be deleted on repeal with effect from 1st September 2007]**