

## **Licensing Sub-Committees**

The Licensing Sub-Committees are authorised to discharge<sup>1</sup> the following functions<sup>2</sup> concurrently<sup>3</sup>:

1. functions<sup>4</sup> under:

- (a) section 18(3) of the 2003 Act (determination of application for premises licences where relevant representations have been made);
- (b) section 31(3) of the 2003 Act (determination of application for provisional statements where relevant representations have been made);
- (c) section 35(3) of the 2003 Act (determination of application for variation of premises licence where relevant representations have been made);
- (d) section 39(3) of the 2003 Act (determination of application to vary designated premises supervisors following the giving of a notice by the police pursuant to section 37(5) of the 2003 Act (police objection));
- (e) section 44(5) of the 2003 Act (determination of application for transfer of premises licences following the giving of a notice by the Police pursuant to section 42(6) and/or the giving of a notice by the Secretary of State pursuant to section 42(8) of 2003 Act (police and/or Secretary of State objection));
- (f) section 48(3) of the 2003 Act (consideration of police notice and/or notice given by the Secretary of State regarding (objection made to) an interim authority notice);
- (g) section 52(2) or (3) of the 2003 Act (determination of an application for review of a premises licence);
- (h) section 53A-D of the 2003 Act (summary (expedited) review hearings);
- (i) section 72(3) of the 2003 Act (determination of application for club premises certificates where relevant representations have been made);
- (j) section 85(3) of the 2003 Act (determination of application to vary club premises certificates where relevant representations have been made);
- (k) section 88(2) or (3) of the 2003 Act (determination of application for review of a club premises certificate);
- (l) section 105(2) (consideration of objection notice given by a relevant person relating to a standard temporary event notice);
- (m) section 120(7) of the 2003 Act (determination of application for the grant of a personal licence where an objection notice is given by the Police and/or an immigration objection notice is given by the Secretary of State (following police objection));

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<sup>1</sup> With the exception of those functions set out in paragraphs 1 and 2 of these Terms of Reference, and subject to any direction given by the Licensing Committee, the Licensing Sub-Committees may arrange for any of these functions to be discharged by an officer (Section 10(2) and (5) of the Licensing Act 2003 (the 2003 Act) and s154 of the Gambling Act 2005 (the 2005 Act)).

<sup>2</sup> "Functions" for these purposes shall be construed in a broad and inclusive fashion and shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions.

<sup>3</sup> Section 10(3) of the 2003 Act.

<sup>4</sup> Including agreeing whether a hearing is necessary.

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- (n) section 121(6) of the 2003 Act (determination of application for renewal of personal licences following police objection)
  - (o) section 124(4) of the 2003 Act (consideration of an objection notice given by the Police and/or an immigration objection notice given by the Secretary of State where convictions come to light after grant or renewal of personal licences);
  - (p) section 167(5) of the 2003 Act (review following closure order)
  - (q) section 20(3) of the 2003 Act (making recommendations for restricting the admission of children to the exhibition of any film)
  - (r) section 132A of the 2003 Act (consideration whether to suspend or revoke a personal licence where the licence holder has been (a) convicted of any relevant offence or foreign offence, or (b) required to pay an immigration penalty)
  - (s) section 162 and 163 (159) of the 2005 Act (determination of application for premises licences (where representations have been made)<sup>5</sup>)
  - (t) section 187 of the 2005 Act (determination of application for variation of premises licence (where representations have been made);<sup>5</sup>)
  - (u) section 188 of the 2005 Act (determination of application for transfer of premises licences following receipt of representations (objection));<sup>6</sup>
  - (v) section 195 of the 2005 Act (consideration of representations regarding (objection made to) an application for reinstatement); <sup>6</sup>
  - (w) section 201 of the 2005 Act (determination of review of a premises licence);
  - (x) section 204 of the 2005 Act (determination of application for provisional statements (where representations have been made);<sup>6</sup>);
  - (y) section 222 of the 2005 Act (determination of temporary use notice following receipt of a notice of objection);
  - (z) section 224 of the 2005 Act (decision to give counter notice following an objection to a temporary use notice);
  - (aa) schedule 10 of the 2005 Act (consideration of an application for a family entertainment centre permit);
  - (bb) schedule 14 of the 2005 Act (consideration of an application for a prize gaming permit);
  - (cc) schedule 13 of the 2005 Act (consideration of an application for an alcohol licensed premises gaming machine permit);
  - (dd) schedule 12 of the 2005 Act (consideration of an application for a club gaming permit or club machine permit);
2. Functions relating to any other hearings required under the 2003 Act or the 2005 Act that have not been reserved to the Licensing Committee.

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<sup>5</sup> Including deciding whether representations are vexatious, frivolous, or will certainly not influence the authority's determination of the application

<sup>6</sup> Including deciding whether representations are vexatious, frivolous, or will certainly not influence the authority's determination of the application

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3. The function of hearing appeals against the refusal to grant a contract driver permit.
4. The function of licensing performances of hypnotism<sup>7</sup> where an officer has considered they should not exercise their delegated authority and has referred the matter to the sub-committee for determination.
5. The function of licensing sex establishments<sup>8</sup> (sex shops, sex cinemas or sexual entertainment venues) where either the application is for the grant, renewal or transfer of a licence irrespective of whether objections have been received, or in any other case where an officer has decided not to exercise their delegated authority and has referred the matter to the sub-committee for determination.
6. The function of licensing persons to collect for charitable and other causes<sup>9</sup> where either objections have been received, or an officer has decided not to exercise their delegated authority and has referred the matter to the sub-committee for determination.
7. Hearing any appeal against an officer decision to refuse to recognise an applicant for the purposes of the constitution for the Hackney Carriage Trade Forum or the removal of recognition under the terms of that document.
8. To discharge any other function referred by the Licensing Committee, including making representations to the Licensing Committee in connection with the discharge of its functions.

### Exceptions

A Sub Committee is not authorised to discharge functions under paragraph 1 (a) to (e) above where the application relates to an event in the open air, in a temporary structure and where the proposed capacity of the event exceeds 30,000 people.

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<sup>7</sup> The Hypnotism Act 1952

<sup>8</sup> s2 and sch 3 of the Local Government (Miscellaneous Provisions) Act 1982

<sup>9</sup> Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939