

## ARTICLE 8A - LICENSING ARRANGEMENTS

### 8.1 LICENSING FUNCTIONS

The Council is the licensing authority under the Licensing Act 2003 (the 2003 Act) and the Gambling Act 2005 (the 2005 Act).

#### 8.1.1 General Duties<sup>1</sup>

Under the 2003 Act with a view to promoting the licensing objectives.<sup>2</sup>

The licensing authority must also have regard to:<sup>3</sup>

- its licensing policy, and
- guidance issued by the Secretary of State under section 182 of the 2003 Act.

Under the 2005 Act in relation to the granting of premises licences the licensing authority, should aim to permit the use of premises for gambling insofar as the Authority thinks it<sup>4</sup>:

- in accordance with the relevant Code of Practice issued under section 24
- in accordance with any relevant guidance issued by the Commission under section 25 of the 2005 Act
- reasonably consistent with the licensing objectives<sup>5</sup> (subject to the two points above) and
- in accordance with the Statement published by the authority under s349 of the 2005 Act (subject to the three points above)

### 8.2 THE LICENSING COMMITTEE

#### 8.2.1 Functions

With the exception<sup>6</sup> of

- any licensing function<sup>7</sup> reserved to full Council;<sup>8</sup> or

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<sup>1</sup> These duties also apply to any committee sub-committee or officer exercising delegated authority from the licensing authority.

<sup>2</sup> The licensing objectives are: the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm.

<sup>3</sup> Section 4 of the 2003 Act.

<sup>4</sup> Section 153 of the 2005 Act

<sup>5</sup> The licensing objectives are preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime, ensuring that gambling is conducted in a fair and open way and protecting children and other vulnerable persons from being harmed or exploited by gambling

<sup>6</sup> In accordance with Section 7(2) of the 2003 Act and Section 154 ((2) (a) and (c) the 2005 Act.

<sup>7</sup> "Licensing functions" mean functions of the licensing authority under the 2003 Act or the 2005 Act.

<sup>8</sup> Part 3, Section 2A of the Constitution sets out licensing functions reserved to full Council, as licensing

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- any licensing function where full Council has referred a matter to another committee;<sup>9</sup>

the Licensing Committee is authorised to discharge<sup>10</sup> the licensing functions<sup>11</sup> of the licensing authority under the 2003 Act or the 2005 Act.

The Licensing Committee is also authorised to discharge functions referred to it by full Council under S.7(3) or S.7(5)(b) of the 2003 Act.

The Terms of Reference of the Licensing Committee are set out in Part 3 of the Constitution.

### 8.2.2 Composition

The Licensing Committee must consist of at least ten but not more than fifteen, Members.<sup>12</sup>

8.2.2.1 Members of the Licensing Committee must complete all compulsory training and shall not sit as a member of the committee or its sub-committee's unless such training has been undertaken in accordance with the Council's prescribed training programme<sup>13</sup>.

### 8.2.3 Sub-committees

The Licensing Committee may appoint one or more sub-committees, which may discharge the same function concurrently.<sup>14</sup>

### 8.2.4 Delegation to Officers

The Licensing Committee or its sub-committees may arrange for the discharge of their functions by an officer, subject to the exceptions set out in the 2003 Act.<sup>15</sup>

### 8.2.5 Licensing Committee Procedure

The Licensing Committee may regulate its own procedure and that of its sub-committees, subject to any regulations.<sup>16</sup>

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authority under the 2003 Act.

<sup>9</sup> Under the provisions of Section 7(5)(a) of the 2003 Act.

<sup>10</sup> The Committee may arrange for any of its functions to be discharged by one or more sub-committees, or by an officer, subject to the exceptions set out in Section 10(4) of the 2003 Act.

<sup>11</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>12</sup> Section 6 of the 2003 Act.

<sup>13</sup> See Member Management Committee 12<sup>th</sup> November 2013, Minute 16.

<sup>14</sup> Section 9(1) of the 2003 Act.

<sup>15</sup> Section 10 of the 2003 Act (see also s154(4) and s232(3) of the 2005 Act). Delegations to Officers are set out in Part 3 of the Constitution.

<sup>16</sup> Section 9(3) of the 2003 Act.

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### 8.2.6 Conflicts of Interest<sup>17</sup>

Where the Licensing Committee is unable to discharge any function delegated to it, because of the number of its Members who are unable to take part in the consideration of discussion of any matter or vote on any question with respect to it, the Committee must refer the matter back to full Council as licensing authority, and full Council must discharge that function.

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<sup>17</sup> Section 7(9) of the 2003 Act.(see also s154(3) and s232(2) of the 2005 Act)