

Licensing Committee

Agenda



Date: Thursday, 1 June 2023

Time: 10.00 am

Venue: A Committee Room - City Hall, College Green,
Bristol, BS1 5TR

Distribution:

Councillors: Amal Ali, Marley Bennett, Andrew Brown, Chris Davies, Richard Eddy, Emma Edwards, Katy Grant, Fi Hance, Jonathan Hucker, Philippa Hulme, Brenda Massey, Steve Pearce, Guy Poultney, Christine Townsend and Chris Windows

Copies to:

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Date: Tuesday, 23 May 2023



Agenda

1. Welcome, Introductions and Safety Information

(Pages 4 - 5)

2. Apologies for Absence.

3. Declarations of Interest

To note any declarations of interest from the Councillors. They are asked to indicate the relevant agenda item, the nature of the interest and in particular whether it is a **disclosable pecuniary interest**.

Please note that the Register of Interests is available at [Councillors' interests, gifts and hospitality - bristol.gov.uk](https://www.bristol.gov.uk/councillors-interests-gifts-and-hospitality)

Any declarations of interest made at the meeting which is not on the register of interests should be notified to the Monitoring Officer for inclusion.

4. Minutes of Previous Meeting

To agree the minutes of the meeting held on 10 November 2022

(Pages 6 - 9)

5. Public Forum

Any member of the public or Councillor may participate in Public Forum. The detailed arrangements for so doing are set out in the Public Information Sheet at the back of this agenda. Public Forum items should be emailed to democratic.services@bristol.gov.uk and please note that the following deadlines will apply in relation to this meeting:-

Questions - Written questions must be received 3 clear working days prior to the meeting. For this meeting, this means that your question(s) must be received in this office at the latest by 5 pm on Thursday 25 May 2023.

Petitions and Statements - Petitions and statements must be received on the working day prior to the meeting. For this meeting this means that your submission must be received in this office at the latest by 12.00 noon on **Wednesday 31 May 2023**.



6. Annual Business Report.

Report of Interim Service Director – Legal and Democratic Services.

(Pages 10 - 21)

- a) **Membership of Committee**
- b) **Election of Chair - Municipal Year**
- c) **Election of Vice Chair - Municipal Year**
- d) **Dates and Times of Meetings.**
- e) **Establishment of Special Purposes Sub-Committee**
- f) **Delegations to Sub-Committees and Officers**

7. Announcements from the Chair

8. Licensing Policy Statement

Oral Report of Manager, Regulatory Services.



Licensing Public Information Sheet

Inspection of Papers - Local Government (Access to Information) Act 1985

You can find papers for all our meetings on our website at www.bristol.gov.uk.

Other formats and languages and assistance for those with hearing impairment

You can get committee papers in other formats (e.g. large print, audio tape, braille etc) or in community languages by contacting the Democratic Services Officer. Please give as much notice as possible. We cannot guarantee re-formatting or translation of papers before the date of a particular meeting.

Committee rooms are fitted with induction loops to assist people with hearing impairment. If you require any assistance with this please speak to the Democratic Services Officer.

Public Forum

Residents who are affected by the business of the Committee, may present a petition or submit a statement at ordinary meetings of the Licensing Committee and at Licensing Sub-Committee meetings. Petitions, questions and statements presented to the Licensing Sub-Committee can be received only in respect of hearings already decided and licence applications not subject to a hearing.

The petition or statement must relate to the terms of reference and role and responsibilities of the Committee or Sub-Committee concerned.

Further information on representations is available from the Licensing Office (tel: 0117 9142500) or from Democratic Services.

Your submission will be sent to the Committee and statements, questions and answers will be available in the meeting room one hour before the meeting. Please submit it to democratic.services@bristol.gov.uk or Democratic Services, City Hall, College Green, BS1 5TR. The following requirements apply:

- The statement is received no later than **12.00 noon on the working day before the meeting** and is about a matter which is the responsibility of the committee concerned.
- The question is received no later than **three clear working days before the meeting**.

Any statement submitted should be no longer than one side of A4 paper. If the statement is longer than this, then for reasons of cost, only the first sheet will be copied and made available at the meeting. For copyright reasons, we are unable to reproduce or publish newspaper or magazine articles that may be attached to statements.

By participating in public forum business, we will assume that you have consented to your name and the details of your submission being recorded and circulated to the Committee and published within the minutes. Your statement or question will also be made available to the public at the meeting to



which it relates and may be provided upon request in response to Freedom of Information Act requests in the future.

We will try to remove personal and identifiable information. However, because of time constraints we cannot guarantee this, and you may therefore wish to consider if your statement contains information that you would prefer not to be in the public domain. Public Forum statements will not be posted on the council's website. Other committee papers may be placed on the council's website and information within them may be searchable on the internet.

Please note that the information contained within public forum submissions are the views of those individuals and do not reflect the views of Bristol City Council

During the meeting:

- Public Forum is normally one of the first items on the agenda, although statements and petitions that relate to specific items on the agenda may be taken just before the item concerned.
- There will be no debate on statements or petitions.
- The Chair will call each submission in turn. When you are invited to speak, please make sure that your presentation focuses on the key issues that you would like Members to consider. This will have the greatest impact.
- Your time allocation may have to be strictly limited if there are a lot of submissions.
- If there are a large number of submissions on one matter a representative may be requested to speak on the groups behalf.
- If you do not attend or speak at the meeting at which your public forum submission is being taken your statement will be noted by Members.
- As part of the drive to reduce single-use plastics in council-owned buildings, please bring your own water bottle in order to fill up from the water dispenser.
- Under our security arrangements, please note that members of the public (and bags) may be searched. This may apply in the interests of helping to ensure a safe meeting environment for all attending.

Webcasting/ Recording of meetings

Members of the public attending meetings or taking part in Public forum are advised that all Full Council and Cabinet meetings and some other committee meetings are now filmed for live or subsequent broadcast via the council's [webcasting pages](#). The whole of the meeting is filmed (except where there are confidential or exempt items) and the footage will be available for two years. If you ask a question or make a representation, then you are likely to be filmed and will be deemed to have given your consent to this. If you do not wish to be filmed you need to make yourself known to the webcasting staff. However, the Openness of Local Government Bodies Regulations 2014 now means that persons attending meetings may take photographs, film and audio record the proceedings and report on the meeting (Oral commentary is not permitted during the meeting as it would be disruptive). Members of the public should therefore be aware that they may be filmed by others attending and that is not within the council's control.

The privacy notice for Democratic Services can be viewed at www.bristol.gov.uk/about-our-website/privacy-and-processing-notice-for-resource-services



Bristol City Council Minutes of the Licensing Committee

10 November 2022 at 10.00 am



Members Present:-

Councillors: Marley Bennett, Sarah Classick, Chris Davies, Richard Eddy, Emma Edwards, Jonathan Hucker, Philippa Hulme, Brenda Massey, Steve Pearce, Guy Poultney, Christine Townsend and Chris Windows

Officers in Attendance:-

Jonathan Martin (Licensing Manger), Abigail Holman (Licensing Team Leader), Lynne Harvey (Legal), Nick Pates (Highways), Oliver Harrison (Democratic Services)

1. Welcome, Introductions and Safety Information

The Chair welcomed everyone to the meeting and issued the safety information.

2. Apologies for Absence.

Apologies were received from Councillors Goggin and Grant.

3. Declarations of Interest

None received.

4. Minutes of Previous Meeting

The minutes of the previous meeting on 28 July 2022 were extensive and some members requested amendments to their respective sections. Members were asked to send these amendments to the clerk.

RESOLVED the minutes of the previous meeting on 28 July 2022 are approved as a correct record, subject to amendments submitted to the clerk.

5. Public Forum



None received.

6. Pavement Licensing Policy

Licensing Officers introduced the Pavement Licensing Policy and highlighted the following points:

- In 2020, Central Government streamlined processes to make it easier for hospitality businesses to work outside. The Government now intends to make this permanent.
- Government guidance has been published recently and BCC must consider it in applications. The draft policy presented today will formalise guidance to help BCC make decisions on permitting furniture on the highway. This does not apply to permanent furniture or structures. Officers gave visual examples of different structures on the highway.
- There needs to be a Traffic Regulation Order (TRO) on the highway to allow pedestrianisation before furniture can be permitted. For example, a TRO is in effect on Cotham Hill allowing furniture on street. Temporary Traffic Regulation Orders (TTRO) allowing furniture on non-pedestrianised streets has expired.
- Outside structures on the highway can have complicated regulations, including outside beverage license, planning, electrics, building regulations, etc. BCC's various regulatory departments are responsible for this. Structures must be safe as they very close to traffic. Temporary structures are no longer permitted.
- The draft policy "tables and chairs" is just to cover removable furniture and pavement licensing is a matter for the Licensing Committee. Most outside trading will fall under this policy.
- Officers recommend no consultation as this draft policy replicates national policy and guidance. This is a temporary policy; a newer version will be developed later and will include consultation.
- An Equalities Impact Assessment was circulated to the committee before the meeting. This assumes the same demographics using highways as per residents in the city.
- Disabled people and young children can be affected by on-street furniture for accessibility reasons. It is a universal condition that there be no obstructions on the pavement.
- Having a formal policy is useful for transparency as it clearly shows how BCC is making decisions.
- Officers are working closely with businesses and wants to help them succeed. BCC is also developing a guidance document that will cover all regulations and procedures needed for applicants to deliver outside hospitality.

The following points arose from questions and debate:

- Members asked whether there was a way to mark outside structures with a permissions notice, so that members of the public can be confident it has passed regulation. This would be a decision for the planning and highways departments who control those regulations, but licensing officers are happy to pass on the suggestion. ACTION
- A structure license cannot be issued until the structure has planning permission. The planning process has an inherent public engagement stage.
- On sections of the street where there are structures, but cars are present, the Temporary Traffic Regulation Order (TTRO) will have expired. Officers have worked with Business Improvement



Districts to enable certain areas for outside hospitality. Officers are meeting with members about enforcement on unregulated areas.

- Officers are being as practical as possible and are working with the hospitality industry. There is a better understanding on what is required from all sides. It has been beneficial to change usage rules for certain streets and that needs to be maintained by making some adjustments on TROs.
- Laypersons are unlikely to know the difference between highway, carriageway, etc. Officers agreed to add a glossary to the policy. ACTION
- Under the table and chairs licence, businesses must maintain access for emergency vehicles. Furniture on street can compromise access, which is something officers are investigating. The emergency services are part of the consultation process.
- It is not possible to use a TTRO for hospitality reasons. Traffic Regulation Orders are permanent but are expensive and take a long time to process.
- TTROs expired in April 2021. Some were extended for 18 months to help the hospitality industry.
- For this policy, there is no legal requirement to consult and there is no precedent to do so. This policy makes the current process formalised. For more contentious policies such as changes to taxi vehicle regulation, consultation is necessary.
- Officers gave members a brief run through of what the application process would look like for a trader. This includes the statutory requirement to consult on individual applications.
- p.8 of the Equality Impact Assessment has the 'no' box ticked on pregnancy / maternity, but this should be yes. Tables and chairs on street frequently cause access problems for pushchairs and wheelchairs. Members recommended specific provision for maternity in version 2 of this policy.
- Members wanted to discourage businesses from using outside heaters due to their energy and environmental cost. This can be discussed in the working group for version 2.
- There is no appeal process for the policy, although applicants can request a review of their application, which will be conducted by a senior officer / manager. As with all Local Authority decisions, applicants can appeal via Judicial Review but would need to prove the decision was legally unreasonable. Having a robust policy makes reviews and appeals less likely.

Following discussion, Councillor Eddy moved that the draft Pavement Licensing Policy be approved, which was seconded by Councillor Hucker. Upon being put to the vote (9 for, 3 against, 0 abstaining), it was:

RESOLVED: that the draft Pavement Licensing Policy be APPROVED.

Meeting ended at 11.30

CHAIR _____





**Annual Licensing Committee
Thursday 1st June 2023
10.00 am**



Report of: Service Director – Legal & Democratic Services.

Title: Annual Business Report 2023/43

Ward: N/A

Officer Presenting Report: Claudette Campbell, Democratic Services

Recommendation

See Recommendations as set out in each paragraph.

Summary

To agree the Annual Business for Municipal Year 2023/24.



A. Membership of Committee.

To note the following members were appointed at Annual Full Council AGM at its meeting on Tuesday 9th May 2023 to serve on the Licensing Committee for 2023/23Municipal Year with the Chair and Vice-Chair elected at Full Council AGM as indicated:

1. Cllr Marley Bennett (elected as Chair)
2. Cllr Christine Townsend (elected as Vice-Chair)
3. Cllr Amal Ali
4. Cllr Andrew Brown
5. Cllr Chris Davies
6. Cllr Richard Eddy
7. Cllr Emma Edwards
8. Cllr Katy Grant
9. Cllr Fi Hance
10. Cllr Jonathan Hucker
11. Cllr Philippa Hulme
12. Cllr Brenda Massey
13. Cllr Steve Pearce
14. Cllr Guy Poultney
15. Cllr Chris Windows

B. Confirmation of Chair – Municipal Year 2023/24

- **To note the appointment of Councillor Marley Bennett as chair of for 2023/24 Municipal Year.**

C. Confirmation of Vice - Chair – Municipal Year 2023/24

- **To note the appointment of Councillor Christine Townsend as Vice - Chair of the Committee for the 2023/24 Municipal Year.**

D. Terms of Reference.

- **As set out in Appendices A & B.**

E. Dates and Times of Meetings.

- **To note that meetings of the Licensing Committee and its Sub Committees will be held weekly or biweekly depending on demand throughout the forthcoming municipal year, all scheduled for a 10am start.**

F. Establishment of Special Purposes-Sub Committee.

- **In accordance with Licensing committee Procedure Rule (LCR) 1(iii) the annual meeting needs to establish a special purposes sub-committee comprising the Chair of the Licensing**

committee, its Vice chair and one other committee member. Its terms of reference must enable it to deal with any matters of business which would ordinarily be referred to the next ordinary meeting of the committee but which are, in the opinion of the Licensing Manager (in consultation with the Chair) of such urgency that they cannot await the date of the next ordinary meeting.

Recommended.

- **That the Licensing Committee establish a Licensing (Special Purposes) Sub-Committee with the terms of reference set out in Appendix B;**
- **that the membership of the special purposes sub-committee comprise the Chair, the Vice Chair and one other member;**
- **that the committee appoint from amongst its number, one other member to serve on the sub-Committee.**

G. Establishment of other Sub-Committees.

LCR1(iv) requires that the annual meeting establish any other sub committees considered necessary and in respect of each of them

- (a) agree the membership;
- (b) agree the terms of reference.

In accordance with the Licensing Act 2003 sub committees may be established but they must comprise no more and no less than three members each.

At its meeting on 9 February 2005 the Licensing Committee established Licensing (Hearings) sub committees comprising any three members of the Licensing committee. That meeting appointed each member of the Licensing Committee to serve on any such sub-committee (of three) which is convened so as to include him/her in its membership.

It is recommended that this year the Licensing committee continue with this approach.

The recommended terms of reference are set out in Appendix B.

Recommended

- (a) **that the Licensing committee establish Licensing (Hearings) sub committees comprising any three members of the Licensing committee and that each member of the licensing committee be appointed to serve on any such sub-committee which is convened so as to include him or her in its membership; and**
- (b) **that each of the sub committees so established shall have the terms of reference as set out in Appendix A**

H. Delegations to Sub-Committees and Officers.

Section 10 of the Licensing Act 2003 allows the Licensing committee to arrange for the discharge of any functions exercised by it –

- a) by a sub-committee established by it, or
- b) subject to certain statutory limitations, by an officer of the licensing authority

Section 10 of the Licensing Act 2003 also applies to certain Gambling Act 2005 functions that fall within this Committee's terms of reference, that is, those gambling functions that are referred to in paragraph 3 of the Committee's terms of reference.

In previous years the Committee conferred delegated power on each of the sub committees it established to discharge all functions falling within their terms of reference (which for the avoidance of doubt includes all matters ancillary thereto). It is recommend the annual meeting do the same in respect of any sub committees it decides to establish having considered this report.

The functions referred to in paragraphs 2 and 4 of the committee's terms of reference are governed by different law as far as the ability to delegate the decision making process is concerned. Those matters are delegated to the Committee by the full council in exercise of its powers of delegation under section 101 of the Local Government Act 1972. Under that section the Committee itself enjoys the power to delegate those matters to one or more of its sub committees and/or to an officer of the council.

It is anticipated that some applications made under the paragraph 2 and 4 functions may prompt the right to be heard. Therefore, whilst it is anticipated that most decisions connected with the discharge of these functions will fall to be made by a delegated officer, provision has been made in the recommended Terms of Reference of the hearings sub committees for applications to be referred to such a sub-committee by a delegated officer. This particular provision also enables applications under the Licensing or Gambling Act to be decided by a sub-committee notwithstanding the law does not absolutely require this (e.g. because there are no representations). Whilst it is not expected this will often be utilised it does enable matters to be given a public airing where that is judged to be reasonable and appropriate.

Officer delegations.

In accordance with LCR1 the annual meeting should review the delegations to officers. The Committee's responsibilities have greatly expanded since its first annual meeting and this report recommends comprehensive delegations to sub committees and officers covering the vast majority of the Committee's responsibilities whilst continuing to ensure that:

- i. Officers are not authorised to make any decision which by law may only be made by Members meeting as a Committee or duly authorized sub-committee; and
- ii. The delegations reflect the policy of Bristol City Council with regard to the decision whether certain representations are to be disregarded by virtue of being judged to be frivolous or vexatious.

Licensing Act 2003 and Gambling Act 2005

In the discharge of its licensing functions the committee must have regard to the guidance issued by the Secretary of State or the Gambling Commission (as appropriate) and to the Council's own adopted statements of policy. The recommendations in such national guidance reflect the fact that there are many decisions which the law simply does not allow an officer to take. For example an officer cannot determine an application for a premises licence under either Act where relevant representations have been made.

The Council's published statements of licensing policy recommend that the Licensing Committee follow the delegations recommended in national guidance but that, for the reasons set out in the Council's policy statements, the committee should depart from that guidance in respect of decisions about whether or not representations are frivolous or vexatious.

In previous years the committee has effected its delegations in accordance with the Council's adopted statement of licensing policy and it is recommended that this practice should continue for Gambling Act functions as well as for the Licensing Act functions. This is covered in recommendation 1 below.

In respect of the functions referred to in paragraphs 2 and 4 of the Committee's Terms of Reference the Committee will know that the full council has itself effected delegations to the relevant Director in Part 3 of its constitution. The Committee is informed that the relevant Directors have, in line with what is recommended in that constitution, made arrangements under which appropriate subordinate officers assist them in the discharge of these tasks on behalf of the Council as a whole. It is recommended that the Committee note and approve these arrangements.

It is therefore recommended that:

In respect of the functions referred to in paragraphs 1 and 3 of its Terms of Reference the Committee makes the following arrangements: subject to the limitations set out in (a) and (b) below officers occupying the following posts:-

**Licensing & Trading Standards Manager
Licensing Team Leader
Senior Licensing Officer
Licensing Officer
Trading Standards Team Leader
Senior Trading Standards
Officer
Trading Standards Officer
Trading Standards Investigator**

Senior Environmental Health Officer (Public Health Services)
Environmental Health Officer (Public Health Services)
Principal/Team Leader/Lead Environmental Health Officer (Public Health Services) to include Lead Officers in each of the following specialisms:
 Food Safety
 Pollution Control and Pest Control
 Port Health
 Health and Safety
 Food Safety and Infectious Disease control
Assistant Environmental Health Officer (Public Health Services)
Senior Pollution Control Officer
Pollution Control Officer
Public Health Services Manager
Neighbourhood Enforcement and Street Scene Manager
Team Leader Neighbourhood Enforcement
Senior Neighbourhood Enforcement Officer
Neighbourhood Enforcement Officer

are authorised to discharge any function which in law may be discharged by an officer of the licensing authority.

Limitations

(a) The power to decide whether representations are frivolous or vexatious may only be made in respect of applications that officers would be empowered to proceed to determine themselves should it be decided that the representation under consideration is either frivolous or vexatious.

(b) An Officer may not decide whether to grant or refuse an application under the Licensing Act 2003 for a personal license in any case where there are unspent convictions.

- In respect of the functions referred to in paragraphs 2 (a) and (b), 4(a) – (f) and 4(g) to (i) inclusive of the Committee’s Terms of Reference the committee notes the arrangements made by the full council and the delegated Director under which his subordinate officers assist him in discharging functions on behalf of the Council. The Committee approves the continuation of such arrangements as if they had been made directly and particularly by this committee
- For the avoidance of doubt the Service Director - Legal Services and officers within his team who assist him in this task shall continue to be authorised to institute and defend legal proceedings of any kind falling within this Committee’s terms of reference.
- The possession of delegated powers shall not prevent a delegated officer bringing a matter before an appropriate body of Members but this should only be done following consultation with the Chair of the Licensing committee.

Authorisations in respect of Major Events taking place at Ashton Court 2023

A number of major events take place at Ashton Court each year. These include the Balloon Fiesta and major festivals. This is in the jurisdictional district of North Somerset. One of the key entry points is via Kennel Lodge Road. This road and the surrounding network are in the jurisdictional area of Bristol City Council.

Historically, each year there are a number of relatively minor enforcement problems associated with the event within the Bristol City boundary such as illegal street trading and on one occasion the illegal sale of alcohol from a van.

Whilst Bristol City Council do have an enforcement presence throughout the event, to increase regulatory capacity and deployment, over recent years officers from North Somerset have been authorised by Bristol City Council to act on its behalf for the duration of the event.

At this point in time it is not known which officers will be deployed by North Somerset Council for these events. Therefore for the purpose of the authorisation, these will be determined in accordance with the provisions of S.113 of the Local Government Act 1972 enabling staff from one authority to be placed at the disposal of another is in place for this purpose.

Authorisations in respect of other Licensing functions such as Street Trading fall outside the scope of the Licensing Committee but will be secured if and when necessary. Officers request that this authorisation is in place for the next year.

RECOMMENDED:

- 1. That all sub committees established by the Licensing Committee shall have delegated authority to discharge all functions falling within their terms of reference;**
- 2. That the Committee approves delegations to officers as recommended in paragraph H of this report (including North Somerset Officers); and**
- 3. That for the avoidance of doubt any authority conferred upon a sub committee or an officer in connection with the discharge of any function includes the power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of the function concerned.**

Public Sector Equality Duties

Before making a decision, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following “protected characteristics”: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:

- i) Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.

- ii) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to --
 - remove or minimise disadvantage suffered by persons who share a relevant protected characteristic;
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);
 - encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- iii) Foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to –
 - tackle prejudice; and
 - promote understanding.

Legal and Resource Implications

Legal

Not applicable

Financial

(a) Revenue

Not applicable

(b) Capital

Not applicable

Land

Not applicable

Personnel

Not applicable

Appendices:

Appendix A – Terms of Reference - Licensing Committee.

Appendix B – Terms of Reference – Licensing Sub-Committees.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers: None

Terms of Reference – Licensing Committee.**Appendix A****Overview**

Functions relating to licensing and gambling as set out below.

Licensing Act 2003 (“the 2003 Act”)

1. All those matters relating to the discharge of licensing functions that are referred to the committee by virtue of section 7(1) of the 2003 Act;
2. Other functions which full Council has arranged for the Licensing Committee to discharge, namely:
 - a) Power to grant permission for provision etc of services, amenities, recreation and refreshment facilities on the highway and related powers (sections 115E, 115F & 115K of the Highways Act 1980);
 - b) Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption (section 13(2) of the Criminal Justice and Police Act 2001 (c.16));
 - c) Power to make or revoke an order designating a locality as an alcohol disorder zone (Section 16 Violent Crime Reduction Act 2006);
 - d) The Council’s functions under the third schedule to the Local Government (Miscellaneous Provisions) Act 1982 (as amended); and
 - e) Powers to make and cancel closure notices; make applications for closure orders; issue certificates of termination of closure orders; defend applications for the discharge of closure orders; appeal against the refusal to make closure orders; enforce closure orders; and prosecute for obstruction of authorised officers or for offences in connection with closure orders (sections 19 to 28) of the Criminal Justice and Police Act 2001);

Gambling Act 2005 (“the 2005 Act”)

3. All of those functions under Part 8 of the 2005 Act that are delegated to the Committee by virtue of section 154 of the 2005 Act;
4. Other gambling functions which the full Council has arranged for the Licensing Committee to discharge, namely:
 - a) Duty to comply with requirements to provide information to the Gambling Commission (s.29 of the 2005 Act);
 - b) Functions relating to exchange of information (s.30 of the 2005 Act);
 - c) Functions relating to occasional use notices (s.39 of the 2005 Act);
 - d) Power to designate officer of a licensing authority as an Authorised Person for a purpose relating to premises (section 304 of the 2005 Act);
 - e) Power to make order disapplying section 279 or 282(1) of the Act in relation to specified

premises (s. 284 of the 2005 Act);

- f) Power to exchange information (section 350 of the 2005 Act);
- g) Power to institute criminal proceedings (section 346 of the 2005 Act);
- h) Functions relating to the determination of fees for premises licences (the Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (S.I. 2007/479));
- i) Functions relating to the registration and regulation of small society lotteries (Part 5 of Sch 11 to the 2005 Act);

Appendix B

TERMS OF REFERENCE - Licensing (Hearings) Sub-Committees

Any three members of the Licensing committee may constitute a Licensing (Hearings) Sub-Committee having the following terms of reference:

To discharge the following functions:-
Under the Licensing Act 2003:

1. Determination of application for premises licence where representations have been made;
2. Determination of application for provisional statement where presentations have been made;
3. Determination of application for variation of premises licence where representations have been made;
4. Determination of application to vary designated premises supervisor following police objections;
5. Determination of application for transfer of premises licence following police objections;
6. Consideration of police objection made to interim authority notice;
7. Determination of application for club premises certificate where representations have been made;
8. Determination of application to vary club premises certificate where representations have been made;
9. Decision to give counter-notice following police objection to temporary event notice;
10. Determination of application for grant of personal licence following police objections;
11. Determination of application for renewal of personal licence following police objections;

12. Revocation of personal licence where convictions come to light after grant etc;
13. Determination of application for review of premises licence in a case where relevant representations (within the meaning of Section 52 (7) of the Act) have been made;
14. Determination of application for review of club premises certificate in a case where relevant representations (within the meaning of Section 88 (7)) have been made;