

Terms of Reference for the Gambling and Licensing Acts Committee under the Gambling Act 2005

Part I

Recommendations to Council

Functions

1. Duty to receive the outcome of consultations required to be carried out under Section 349 of the Gambling Act 2005 and to recommend to Council any revisions of the Statement of Licensing Policy published under the Gambling Act 2005 as a result of such consultation.
2. Duty to review the Statement of Licensing Policy in each of the three year periods as defined in Section 349 of the Gambling Act 2005 and to make recommendations to Council in relation to the revision of the Policy.
3. Duty to make recommendations to Council in relation to a policy not to permit casinos.
4. Duty to make recommendations to Council on the delegated powers of the Gambling Act 2005 sub-committees.

Part II

Functions to be exercised by the Committee

5. All the Council's functions as Licensing Authority under the Gambling Act 2005 whilst having regard to the Council's Statement of Licensing Policy published under Section 349 of the Gambling Act 2005.
6. Duty to agree a schedule of delegated functions to sub-committees or officers subject to the restrictions imposed under Section 154 of the Act and Regulations made there under.
7. Duty to agree the terms of reference and procedures of the Gambling Act 2005 Sub-Committees as required by the Gambling Act 2005.
8. Duty to have regard to the three licensing objectives as defined in Section 1 of the Act
 - 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 being conducted in a fair and open way

- Protecting children and other vulnerable persons from being harmed or exploited by gambling

whilst carrying out its functions and those delegated to the Gambling Act Sub-Committees.

9. Duty to receive annual reports on determinations made by the Gambling Act sub-committees and decisions made by officers.
10. Duty to set the fees in relation to premises licences from within fee bands as prescribed by the Government.

Note: if not quorate, the Committee is required, by virtue of Section 154(3)(a) of the Gambling Act 2005, to refer any of the above matters which it is unable to deal with to the full Council for determination.

Part III

Delegations to Officers

Functions

11. To determine applications under the Gambling Act 2005 as detailed in the Statement of Licensing Policy, except the functions detailed in Section 154(4), Schedule 12 paragraph 28(2), and Sections 222 and 224 of the Act.
12. To deal with any appeal arising out of the licensing process.
13. To determine if representations made from an interested party in respect to an application for a premises licence are frivolous or vexatious or in respect to an application to review a licence are frivolous, vexatious or repetitious.

Delegations to the Gambling Act 2005 Sub-Committees

Functions to be exercised by the Sub-Committees

1. To determine any application made under the Gambling Act 2005 that cannot be discharged by an officer of the licensing authority as detailed in Section 154(4), Schedule 12 paragraph 28(2), and Sections 222 and 224 of the Act.

Schedule of Delegated Functions

Matter to be Dealt With	Full Council	Full Committee	Sub-Committee	Officers
Final approval of three year licensing policy	All cases			
Policy not to permit casinos	All cases			
Fee setting for premises licences		All cases		
Application for premises licences			Where representations have been received and not withdrawn	Where no representations have been received /representations have been withdrawn
Application for a variation to a premises licence			Where representations have been received and not withdrawn	Where no representations have been received /representations have been withdrawn
Application for a transfer of a licence			Where representations have been received from the Commission	Where no representations have been received from the Commission
Application for a provisional statement			Where representations have been received and not withdrawn	Where no representations have been received /representations have been withdrawn
Review of a premises licence			All cases	
Application for club gaming/club machine permits			Where objections have been made and not withdrawn	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits			All cases	
Decision to give a counter notice to a temporary use notice			All cases	
Consideration of temporary use notice			Where objections have been made and not withdrawn	Where no objections made/objections have been withdrawn
Applications for other permits				All cases
Cancellation of licensed premises gaming machine permits				All cases
Determination whether representations to a licence application or in relation to a review are vexatious, frivolous or whether they influence the authorities determination of the application.				By Head of Licensing with relevant Assistant Director
Application to allow more than 2 gaming machines on alcohol licensed premises				By Head of Licensing with relevant Assistant Director