

LICENSING COMMITTEE – GAMBLING ACT 2005

PART 3G: MATTERS RESERVED TO THE LICENSING COMMITTEE AND SUB-COMMITTEES, THE HEAD OF SERVICE AND OFFICER PANEL EXERCISING LICENSING FUNCTIONS

Licensing committee to:

1. Approve the council's policies in respect of all licensing and registration matters, except the statement of licensing policy and the statement of gambling policy¹.
2. To establish policies and procedures for considering and determining additional licensing functions conferred on the authority by statute.

Licensing committee and its sub-committees to exercise licensing functions to consider:

Licensing Act 2003

4. Any application for a personal licence which is the subject of a police objection.
5. Any application for a personal licence by a person with unspent criminal convictions.
6. Any application for a premises licence or a club premises certificate which is the subject of a relevant representation.
7. Any application for a provisional statement which is the subject of a relevant representation.
8. Any application to vary a premises licence or club premises certificate which is the subject of a relevant representation.
9. Any application to vary a designated premises supervisor which is the subject of a police objection.
10. Any application for a transfer of a premises licence which is the subject of a police objection.
11. Any applications for interim authorities which are the subject of a police objection.
12. Any application to review a premises licence or club premises certificate.
13. Any decision to object when the local authority is a consultee and not the relevant authority considering the application.
14. Any determination of a police objection to a temporary event notice.

¹ The approval of the licensing and gambling statements **of policy** are matters reserved to council assembly.

Gambling Act 2005

15. Any application for a premises licence where representations have been received and not withdrawn.
16. Any application for a variation to a licence where representations have been received and not withdrawn.
17. Any application for a transfer of a licence where representations have been received from the Gambling Commission.
18. Any application for a provisional statement where representations have been received and not withdrawn.
19. Any application to review a premises licence.
20. Any application for a club gaming / club machine permits where representations have been received and not withdrawn.
21. Cancellations of club gaming /club machine permits.
22. Decision to give a counter notice to a temporary use notice.

Others

23. Any application for the grant, renewal, variation or transfer of any sex establishment licence.
24. New designations for sites for street trading.
25. Revocation of street trading licences.
26. To determine the revocation of any licence following successful prosecution of the holder for breach of licence terms, conditions and restriction.
27. Any application for consent to provide hypnotism or like entertainment.
28. Any application for the grant, renewal, variation or transfer of any general safety certificate in respect of a sports stadium or regulated stands.

~~Matters delegated to the head of service:~~

~~Licensing Act 2003~~

- ~~1. Any application for a personal licence which is without police objection.~~
- ~~2. Any application for a premises licence or a club premises certificate if no relevant representation has been made.~~
- ~~3. Any application for a provisional statement if no relevant representation has been made.~~
- ~~4. Any application to vary a premises licence or club premises certificate if no relevant representation has been made.~~

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- ~~5. Any application for a transfer of a premises licence which is without police objection.~~
- ~~6. Any applications for interim authorities which are without police objection.~~
- ~~7. Any decision on whether a complaint is irrelevant, frivolous or vexatious.~~

Gambling Act 2005

- ~~8. Any application for a premises licence where representations have been withdrawn or not received.~~
- ~~9. Any application for a variation to a licence where representations have been withdrawn or not received.~~
- ~~10. Any application for a transfer of a licence where no representations have been received from the Gambling Commission.~~
- ~~11. Any application for a provisional statement where no objections have been made or objections have been withdrawn.~~
- ~~12. Any application for a club gaming / club machine permits where no objections have been made or objections have been withdrawn.~~
- ~~13. Applications for other permits arising from the Gambling Act 2005.~~
- ~~14. Cancellation of licenced premises gaming machine permits.~~
- ~~15. Consideration of temporary use notice.~~

Matters delegated to the head of service and considered by the licensing officer panel:

The panel to make recommendations to the head of service on the following matters:

1. All films submitted for local classification under the Cinemas Act 1985.
2. Any opposed application for the grant, renewal or transfer of a special treatments licence.

NOTES

- (a)** All matters not reserved as above are delegated to the appropriate chief officer, head of service or business unit manager. **All matters reserved to to the licensing officer panel can always be decided by the licensing committee or its sub-committees.**
- (b)** Each chief officer and/or head of service in making decisions under the above scheme is required to do so within the internal scheme of management for their own department. This will include appropriate monitoring arrangements, and dissemination of information both internally and externally to the council.

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Notes on changes:

- a) The amendments to this section were made to reflect the amendments to Southwark's Statement of Licensing Policy in January 2007 and the implementation of the Gambling Act 2005, which takes effect from April 7 2007.
- b) References to night cafes and stripteases have been removed as they are now covered by legislation under the Licensing Act 2003.
- c) References to amusement arcades and bingos have been removed as they are now covered by legislation under Gambling Act 2005.
- d) Matters reserved to the head of service have been deleted as these are set out in the departmental scheme of management. The allocation of responsibilities between the sub-committees of the licensing committee and the head of service is based on DCMS guidance to licensing authorities on the Gambling Act 2005.
- e) The list of those officers authorised to undertake prosecutions currently listed in note (a) has been recommended for deletion. This is because these delegations are set out in the departmental scheme of management. The officer titles and reporting lines do vary over time and this change is to alleviate the need for future updating.