

Part 2 - The Articles

Chapter 10 - Licensing and Regulatory Committee

1. Status and Membership

- 1.1 The Licensing and Regulatory Committee is a committee established under Section 102 of the Local Government Act 1972 and Section 6 of the Licensing Act 2003.
- 1.2 The membership of the Committee shall be 10 Councillors and the quorum shall be three.
- 1.3 The Assembly shall appoint the membership, including the Chair and Deputy Chair, at its Annual Meeting. Political balance requirements of Section 15 of the Local Government and Housing Act 1989 shall apply when determining membership.
- 1.4 The Committee shall meet on a quarterly basis.

2. Responsibility for Functions

- 2.1 The Licensing and Regulatory Committee is responsible for:
 - (a) exercising all of the Council's licensing and regulatory duties, functions and powers permitted under the Licensing Act 2003 and the Gambling Act 2005, except those which are the responsibility of the Assembly, the Cabinet or other committee or those delegated to officers;
 - (b) appointing a Licensing Sub-Committee to deal with the functions which are the responsibility of the Committee as referred to in (a) above;
 - (c) monitoring and reviewing the discharge of the Council's functions as a Licensing Authority.
- 2.2 The Licensing and Regulatory Committee may consider any matter which has been delegated to the Licensing Sub-Committee or to officers.

3. Licensing Sub-Committee

- 3.1 In line with amended guidance issued under Section 182 of the Licensing Act 2003, the Licensing and Regulatory Committee shall appoint a Licensing Sub-Committee to undertake its functions, including its determinations, except where the function has been delegated to an officer or where the matter has been referred to the Committee for a decision.
- 3.2 The Licensing Sub-Committee shall consist of three Members of the Committee, one of whom shall, in most cases, be the Chair or Deputy Chair (or both) of the Committee. The Chair or Deputy Chair of the Committee shall be the Chair of the sub-committee. In the absence of both, a chair shall be appointed at the beginning of the meeting.
- 3.3 Subject to paragraph 3.4 below, the remaining membership of the Licensing Sub-Committee shall be drawn from the Members of the Licensing and Regulatory Committee on a rota basis. Whilst the political balance

requirements of Section 15 of the Local Government and Housing Act 1989 shall not apply to the Sub-Committee, due regard shall be given to the political balance principles when drawing the membership from the Members of the Committee.

- 3.4 A Member who is also a Ward Councillor for an application shall not be appointed to serve on that Sub-Committee.
- 3.5 The quorum shall be three Members.
- 3.6 The Licensing Sub-Committee shall meet as and when required.
- 3.7 In respect of Summary (Expedited) Review applications made by the Police which have to be heard by a Licensing Sub-Committee within 48 hours (excluding non-working days) it shall, in exceptional circumstances agreed by the Chief Executive, be permissible for the Sub-Committee to consider the matter and reach a decision outside of a formal meeting setting. In such circumstances, a formal record of the matters discussed and decisions made shall be kept in line with the arrangements made for minutes of meetings, as described in Part 2, Chapter 3, paragraph 8.2 of the Constitution.
- 4. Speaking by the Applicant, Responsible Authorities and Other Persons (or their representatives) at Meetings**
 - 4.1 Applicants, Responsible Authorities (e.g. the Police, Fire Brigade, relevant Council services etc.) and any other interested parties (for example: elected representatives acting on behalf of their constituents; local residents; interested organisations etc) who have made relevant representations during the consultation period for an application will be entitled to present their case to the Licensing Sub-Committee in line with the procedures for the hearing.
 - 4.2 Any party wishing to address the Sub-Committee should give notice to the Council's Licensing Officer in advance of the hearing. In cases where an individual, including a councillor, has been asked to address the Sub-Committee on behalf of a person / organisation that has made a relevant representation, confirmation of the authority to speak on that person / organisation's behalf should be submitted to the Licensing Officer in advance of the hearing.
 - 4.3 In normal circumstances, there will be no restriction on the number of speakers per application or time limit set for presentation of cases. However, the Chair may, at his/her discretion, restrict the number of speakers or impose a time limit on speakers to avoid repetition and to ensure the efficient running of the hearing.
 - 4.4 Copies of the relevant procedures are available on the Council's website or by contacting Governance Services.
- 5. Councillors' Code of Conduct for Licensing Matters**
 - 5.1 The Councillors' Code of Conduct for Licensing Matters is set out in Part 5, Chapter 3 of this Constitution.