

AGENDA ITEM

STANDARDS COMMITTEE  
12 JUNE 2007

LICENSING SUB COMMITTEES UNDER THE LICENSING ACT 2003 AND THE  
GAMBLING ACT 2005 MEMBERS' PROTOCOL

DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

PURPOSE OF THE REPORT

- 1 For Members to consider the Licensing Sub Committee Hearings Members' Protocol appended to this report.

BACKGROUND

THE LICENSING ACT 2003

2. The Licensing Act 2003, which came into force on 7 February 2005, was introduced to regulate the use of premises for licensable activities, namely, the sale and supply of alcohol, provision of regulated entertainment and the provision of late night refreshment.
3. The aim of the Licensing Act 2003 is to ensure the licensing regime promotes the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.
4. Under the Act, the Council, through its licensing committee, sub committees and officers is required to deal with licences, provisional statements and temporary events notices for premises which carry out licensable activities; and personal licences for the sale or supply of alcohol.
5. The determination premises licences, provisional statements, temporary event notices and personal licences where representations or objections have been received was delegated to licensing sub committees on the 7 February 2005.

## **THE GAMBLING ACT 2005**

6. The Gambling Act 2005 was introduced to regulate the use of premises for gambling. The aim of the Act is to ensure gambling is crime free, fair and open and to protect children and vulnerable people from harm.
7. Under the Act, the Council, through its licensing committee, sub committees and officers will be required to deal with licences for premises for casinos, bingo premises, family entertainment centres, adult gaming centres and betting shops. It will also be required to deal permits for gaming machines and prize gaming in family entertainment centres, clubs and other premises licensed under the Licensing Act 2003.
8. The determination of premises licences and permits, generally where representations or objections have been received, was delegated to licensing sub committees on the 23 April 2007

## **THE PROTOCOL**

9. In order to assist Members sitting or attending licensing sub committee hearings under the Licensing Act 2003 or the Gambling Act 2005, a protocol has been produced which explains the following:
  - sub committee functions under the Licensing Act and the Gambling Act;
  - rules of decision making, the factors the committee should take into consideration before making its decision and the options available to it;
  - rules on bias, predetermination, personal and prejudicial interests; and
  - the procedure to be followed at hearings.
10. It is anticipated Members of the licensing committee will approve the protocol on the 11 June 2007.

## **PROPOSALS**

- 11 That the standards committee considers the recommendations set out in paragraph 13.

## **FINANCIAL CONSIDERATIONS**

12. N/A.

## **RECOMMENDATIONS**

13. That the standards committee considers and approves the Licensing Sub Committee Hearings Members' Protocol appended to this report.

## **BACKGROUND PAPERS**

N/A

**AUTHOR**

Catherine Cunningham, telephone number 729753.