

A meeting of the **LICENSING COMMITTEE** will be held in **CIVIC SUITE (LANCASTER/STIRLING ROOMS), PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON, PE29 3TN** on **THURSDAY, 25 JANUARY 2024** at **2:30 PM (OR ON THE RISING OF THE LICENSING AND PROTECTION COMMITTEE WHICHEVER IS THE LATER)** and you are requested to attend for the transaction of the following business:-

## **AGENDA**

### **APOLOGIES**

**1. MINUTES (Pages 3 - 4)**

To approve as a correct record the Minutes of the meeting held on 28th June 2023.

**Contact Officer: Democratic Services - (01480) 388169**

**2. MEMBERS INTERESTS**

To receive from Members declarations as to disclosable pecuniary, other registerable and non-registerable interests in relation to any Agenda Item. See Notes below.

**Contact Officer: Democratic Services - (01480) 388169**

**3. LICENSING COMMITTEE - SCHEME OF DELEGATION TO OFFICERS (Pages 5 - 18)**

To consider a report by the Interim Licensing Manager seeking approval of an updated Scheme of Delegation due to changes in the management of the service.

**Contact Officer: M Bishop - (01480) 387075**

**4. LICENSING SUB COMMITTEES (Pages 19 - 22)**

To consider a report by the Elections and Democratic Services Manager detailing meetings of the Licensing Sub-Committee which have taken place since the last meeting of the Committee.

**Contact Officer: Democratic Services - (01480) 388169**

16th day of January 2024

**Michelle Sacks**

Chief Executive and Head of Paid Service

**Disclosable Pecuniary Interests and other Registerable and Non-Registerable Interests.**

Further information on [Disclosable Pecuniary Interests and other Registerable and Non-Registerable Interests is available in the Council's Constitution](#)

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**Please contact Democratic Services, Tel: 01480 388169 / email: [Democratic.Services@huntingdonshire.gov.uk](mailto:Democratic.Services@huntingdonshire.gov.uk) if you have a general query on any Agenda Item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Committee/Panel.**

Specific enquiries with regard to items on the Agenda should be directed towards the Contact Officer.

Members of the public are welcome to attend this meeting as observers except during consideration of confidential or exempt items of business.

Agenda and enclosures can be viewed on the [District Council's website](#).

**Emergency Procedure**

In the event of the fire alarm being sounded and on the instruction of the Meeting Administrator, all attendees are requested to vacate the building via the closest emergency exit.

## HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING COMMITTEE held in the CIVIC SUITE (LANCASTER / STIRLING ROOMS), PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN on Wednesday, 28 June 2023

PRESENT: Councillor B S Banks – Chair.

Councillors M L Beuttell, S Bywater, A E Costello,  
S W Ferguson, S A Howell, P A Jordan, P Kadewere,  
D Terry and C H Tevlin.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors J Clarke and S J Criswell.

### **4 MINUTES**

The Minutes of the meetings held on 10th November 2021, 18th May 2022 and 17th May 2023 were approved as correct records and signed by the Chair.

### **5 MEMBERS INTERESTS**

No declarations were received.

### **6 LICENSING SUB COMMITTEES**

With the aid of a report by the Elections and Democratic Services Manager (a copy of which is appended in the Minute Book) the Committee noted the details of three meetings of the Licensing Sub-Committee which had taken place since the last meeting of the Committee.

Chair

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**Public**  
**Key Decision - No**

## HUNTINGDONSHIRE DISTRICT COUNCIL

**Title/Subject Matter:** Licensing Committee – Scheme of Delegation to Officers

**Meeting/Date:** Licensing Committee – 25 January 2024.

**Executive Portfolio:** Executive Councillor for Customer Services – Councillor Stephen Ferguson

**Report by:** Interim Licensing Manager – Michelle Bishop

**Ward(s) affected:** All.

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### **Executive Summary:**

In 2023, Council approved an updated Constitution. Contained therein is the Responsibility for Functions (Part 3), and specifically those functions of the Licensing Committee, and the Licensing Sub- Committee (Table 2, Part 3).

Legal advice recommended that the Licensing Committee formally resolve the scheme of delegation between the Licensing Committee and the Council's Officers.

These updates are required due to a change in management.

### **Recommendation(s):**

**The Licensing Committee are**

### **RECOMMENDED to**

- i) approve the scheme of delegation from Licensing Committee to Officers**
- ii) that the Community Services Manager be authorised to make minor editorial changes which by definition make no change to the powers of delegations,**
- iii) that the Community Services Manager, in consultation with the Chair and Vice Chair of the Licensing Committee, be authorised**

**to make changes as a result of revocations, amendments, or enactment of relevant statutory provisions**

**iv) that the Community Services Manager, with regards to Licensing Act 2003, Section 13(4)(d)), be authorised to appoint such suitably qualified officers as deemed appropriate to exercise those duties delegated to them**

## **1. PURPOSE OF THE REPORT**

- 1.1 The Council Constitution 2023 details the Responsibility for Functions, and specifically the responsibilities of the Licensing Committee (the Committee). Legal advice has recommended that the Committee formally resolve a scheme of delegation for Officers with regards to the Licensing Act 2003 and Gambling Act 2005.

## **2. WHY IS THIS REPORT NECESSARY/BACKGROUND**

- 2.1 The Council's Constitution includes the responsibility for functions under the Licensing Act 2003 and Gambling Act 2005.
- 2.2 The scheme being recommended for approval, detailed below, allows for the efficient and effective execution of the Council's functions under the Licensing Act 2003 and Gambling Act 2005, such that decisions, in defined instances can be made by Officers of the Council, rather than having to be determined by Licensing Committee, or Licensing Sub Committee.
- 2.3 The recommended scheme of delegation to the Officers, allows the Committee to effectively reverse the delegation and determine a matter under the Licensing Act 2003 and Gambling Act 2005 if the Committee considers it necessary.
- 2.4 The scheme of delegation does not affect the requirement on Council to approve the Licensing Act 2003 Statement of Licensing Policy, and Gambling Act 2005 Statement of Principles.

## **3. LINK TO THE CORPORATE PLAN, STRATEGIC PRIORITIES AND/OR CORPORATE OBJECTIVES**

- 3.1 The Councils Corporate Plan provides a priority of 'becoming a more efficient and effective Council'. This scheme of delegation between the full and the Sub Committee supports this priority, and its action of 'improve processes to reduce the time taken from receipt to decision of licensing matters'.

## **4. LEGAL IMPLICATIONS**

- 4.1 Without a formalised scheme of delegation for Licensing Act 2003 and Gambling Act 2005 functions, the Council may be exposed to legal challenge in the decisions that it makes regarding these functions. This report reduces the risk of being challenged by way of 'demonstration of an approved scheme of delegation'.

## **5. RESOURCE IMPLICATIONS**

- 5.1 There are no resource implications to this report. The report formalises a scheme of delegation between the Committee and Officers. It could be considered that this actually reduces the cost of the Licensing Service as

decisions can be made by Officers rather than having to be determined by the full Committee.

## **6. REASONS FOR THE RECOMMENDED DECISIONS**

- 6.1 The recommendation implements the legal advice that has previously been obtained as part of the Council's Constitution review

### **CONTACT OFFICER**

Name/Job Title: Michelle Bishop, Interim Licensing Manager  
Tel No: (01480) 387075  
Email: [Michelle.Bishop@Huntingdonshire.gov.uk](mailto:Michelle.Bishop@Huntingdonshire.gov.uk)

**POWERS DELEGATED BY OR ON THE RECOMMENDATION OF THE LICENSING COMMITTEE**

(Reviewed 25 January 2024)

Source	The Power Delegated	Delegated to	Date of Original Delegation	Remarks
Licensing Act 2003 - <a href="https://legislation.gov.uk/ukpga/2003/30">Licensing Act 2003 (legislation.gov.uk)</a>	To make changes to the proceedings adopted for hearings of the Licensing Sub Committees	Community Services Manager	19.01.05	After consultation with the Chair and Vice-Chair of the Licensing Committee
Licensing Act 2003, Section 120	To determine applications for personal licences where there is no objection from the Police	Community Services Manager	19.01.05	
Licensing Act 2003, Section 18	To determine an application for a premises licence where no relevant representations are received	Community Services Manager	19.01.05	
Licensing Act 2003, Section 31	To determine an application for a provisional statement where no relevant representations are received	Community Services Manager	19.01.05	
Licensing Act 2003, Section 35	To determine an application to vary a premises licence where no relevant representations are received	Community Services Manager	19.01.05	
Licensing Act 2003, Section 39	To determine an application to vary a premises licence in relation to a premises supervisor where no relevant representations are received	Community Services Manager	19.01.05	
Licensing Act 2003, Section 41	To determine a request to be removed as a designated premises supervisor	Community Services Manager	23.10.12	

Licensing Act 2003, Section 41A	To determine an application for a minor variation of a premises licence	Community Services Manager	23.10.12
Licensing Act 2003, Section 41B	To decide whether to consult other responsible authorities on minor variation applications	Community Services Manager	23.10.12
Licensing Act 2003, Section 41D	To determine an application to vary a premises licence at community premises to include alternative licence condition where there is no objection from the Police	Community Services Manager	23.10.12
Licensing Act 2003, Section 41D	To determine an application to vary a premises licence at community premises to include alternative licence condition where there is no objection from the Police	Community Services Manager	23.10.12
Licensing Act 2003, Section 44	To determine an application to transfer a premises licence where no relevant representations are received	Community Services Manager	19.01.05
Licensing Act 2003, Section 47	To cancel an interim authority notice where no objections have been submitted	Community Services Manager	23.10.12
Licensing Act 2003, Section 55A	To suspend a premises licence for non-payment of annual fee	Community Services Manager	23.10.12
Licensing Act 2003, Section 72	To determine an application for a club premises certificate where no relevant representations are received	Community Services Manager	19.01.05

Licensing Act 2003, Section 85	To determine an application to vary a club premises certificate where no relevant representations are received	Community Services Manager	19.01.05	
Licensing Act 2003, Section 86A	To determine an application for a minor variation of a club premises certificate	Community Services Manager	23.10.12	
Licensing Act 2003, Section 90	To withdraw a club premises certificate where a club ceases to be a qualifying club	Community Services Manager	23.10.12	After consultation with the Chair or Vice-Chair of the Committee
Licensing Act 2003, Section 92A	To suspend a club premises certificate for non-payment of annual fee	Community Services Manager	23.10.12	
Licensing Act 2003 Various	To determine that a hearing is unnecessary where representations are received	Community Services Manager	19.01.05	
Licensing Act 2003 Various	To determine whether a representation is frivolous, vexatious etc.	Community Services Manager	19.01.05	After consultation with the Chair or Vice-Chair of the Committee
Licensing Act 2003 Various	To instigate proceedings for the contravention of the provisions of the Act	Community Services Manager	19.01.05	After consultation with the Chair or Vice-Chair of the Committee
Licensing Act 2003, Section 13(4)(Za)	To act on behalf of the Licensing Authority as a Responsible Authority and to decide whether to make representations when the Licensing Authority is the relevant Licensing Authority	Community Services Manager	23.10.12	
Licensing Act 2003	To make representations under S13(4)(d) of the Act (on behalf of local planning authority)	Community Services Manager	18.06.08	

Licensing Act 2003	To act on behalf of the environmental health authority under S13(4(e) of the Act	Community Services Manager	18.06.08	
Licensing Act 2003	To determine a minor variation application to vary a club premises certificate (S86)	Community Services Manager	16.09.09	
Licensing Act 2003	To determine a minor variation application to vary a premises licence (S41)	Community Services Manager	16.09.09	
Licensing Act 2003	To determine an application for the mandatory alcohol condition requiring a designated premises supervisor in respect of a premises licence to be disapplied (S19)	Community Services Manager	16.09.09	
Licensing Act 2003	To determine requests to amend the classifications of films by the BBFC and to classify films that have not been classified which are intended for public exhibition in the District.	Community Services Manager	20.10.15	After Consultation with the Chair and Vice-Chair of the Licensing Committee) or nominated representatives.

[Gambling Act 2005  
\(legislation.gov.uk\)](http://legislation.gov.uk)

Gambling Act 2005, Section 157(a)	To act on behalf of the licensing authority	Community Services Manager	18.06.08	
Gambling Act 2005, Section 157(g)	To act on behalf of the environmental health authority	Community Services Manager	18.06.08	
Gambling Act 2005, Section 163	To determine applications for Premises Licence where no relevant representations received	Community Services Manager	13.06.07	
Gambling Act 2005, Section 162	To decide whether a representation is vexatious, frivolous, or would certainly not influence the authority's determination of an application	Community Services Manager	13.06.07	After consultation with Chair or Vice-Chair of the Licensing Committee
Gambling Act 2005, Section 187	To determine an application to vary a Premises Licence in respect of which no representations have been received.	Community Services Manager	13.06.07	
Gambling Act 2005, Section 188	To determine an application for transfer of a Premises Licence where no representations received	Community Services Manager	13.06.07	
Gambling Act 2005, Section 193	To revoke a Premises Licence for failure to pay an annual fee	Community Services Manager	13.06.07	
Gambling Act 2005, Section 194	To determine that a Premises Licence has lapsed	Community Services Manager	13.06.07	
Gambling Act 2005, Section 195	To reinstate a lapsed Premises Licence where no representation has been received	Community Services Manager	13.06.07	
Gambling Act 2005, Section 198	To reject an application for a review of a Premises Licence on various grounds	Community Services Manager	13.06.07	After consultation with the Chair or Vice-Chair of the Licensing Committee

Gambling Act 2005, Section 200	To initiate review of Premises Licence	Community Services Manager	13.06.07	
Gambling Act 2005, Section 201	To determine that representation about a review of a Premises Licence is frivolous, vexatious or will certainly not influence a review of a Premises Licence	Community Services Manager	13.06.07	After consultation with the Chair or Vice-Chair of the Licensing Committee
Gambling Act 2005, Section 204	To determine application for provisional statement in respect of which no representations have been received	Community Services Manager	13.06.07	
Gambling Act 2005, Section 205	To decide whether to disregard representations made in respect of an application for a Premises Licence after issue of a provisional statement	Community Services Manager	13.06.07	After consultation with the Chair or Vice-Chair of the Licensing Committee
Gambling Act 2005, Section 218	To issue counter notice to Temporary Use Notice where the number of permitted days are exceeded	Community Services Manager	13.06.07	
Gambling Act 2005, Section 221	To object to a Temporary Use Notice	Community Services Manager	13.06.07	
Gambling Act 2005, Section 284	To make an Order to remove exemptions from specified premises where no representations have been received	Community Services Manager	13.06.07	
Gambling Act 2005, Section 346	To institute criminal proceedings in respect of an offence under the provisions of the Act	Community Services Manager	13.06.07	After consultation with the Chair or Vice-Chair of the Licensing Committee
Gambling Act 2005, Schedule 10, Paragraph 8	To determine an application for a Family Entertainment Centre Gaming Machine Permit	Community Services Manager	13.06.07	Refusal to be exercised only after consultation with Chair or Vice-Chair

					of the Licensing Committee
Gambling Act 2005, Schedule 10, Paragraphs 14 and 15	To notify a lapse of a Family Entertainment Centre Gaming Permit	Community Services Manager	13.06.07		After consultation with the Chair or Vice-Chair of the Licensing Committee
Gambling Act 2005, Schedule 11, Paragraph 44	To register a society for the small society lottery	Community Services Manager	13.06.07		
Gambling Act 2005, Schedule 11, Paragraphs 47 and 48	To refuse an application for the registration of a society for the small society lottery	Community Services Manager	13.06.07		
Gambling Act 2005, Schedule 11, Paragraph 50	To revoke the registration of a society for the small society lottery	Community Services Manager	13.06.07		After consultation with the Chair or Vice-Chair of the Licensing Committee
Gambling Act 2005, Schedule 11, Paragraph 54	To cancel the registration of a society for a small society lottery for non-payment of annual fee	Community Services Manager	13.06.07		
Gambling Act 2005, Schedule 12, Paragraphs 5, 10 and 24	To determine an application for a Club Gaming Permit and Club Machine Permit and for renewal of a permit where no representations have been received	Community Services Manager	13.06.07		
Gambling Act 2005, Schedule 12, Paragraph 15	To determine an application for the variation of a Club Gaming Permit and Club Machine Permit where no representations received	Community Services Manager	13.06.07		
Gambling Act 2005, Schedule 12, Paragraph 21	To cancel a Club Gaming Permit and Club Machine Permit where no representations have been received	Community Services Manager	13.06.07		

Gambling Act 2005, Schedule 12, Paragraph 22	To cancel a Club Gaming Permit and Club Machine Permit for failure to pay an annual fee	Community Services Manager	13.06.07	
Gambling Act 2005, Schedule 13, Paragraphs 4, 15 and 19	To determine an application for grant, variation or transfer of a Licensed Premises Gaming Machine Permit	Community Services Manager	13.06.07	Refusal and limitation on number of machines only after consultation with Chair or Vice-Chair of the Licensing Committee
Gambling Act 2005, Schedule 13, Paragraph 17	To cancel Licensing Premises Gaming Machine Permit and variation of number or category of machine where no representations have been received	Community Services Manager	13.06.07	
Gambling Act 2005, Schedule 13, Paragraph 17	To cancel Licensed Premises Gaming Machine Permit for failure to pay annual fee	Community Services Manager	13.06.07	
Gambling Act 2005, Schedule 14, Paragraphs 9 and 18	To determine applications for a Prize Gaming Permit and applications for the renewal of Permits	Community Services Manager	13.06.07	Refusal only after consultation with Chair or Vice-Chair of Licensing Committee
Gambling Act 2005, Schedule 14, Paragraph 15	To determine that Prize Gaming Permit has lapsed	Community Services Manager	13.06.07	

Scrap Metal Dealers Act 2013 <a href="http://legislation.gov.uk">Scrap Metal Dealers Act 2013 (legislation.gov.uk)</a>	To appoint suitably qualified and competent persons to act as 'authorised persons' to determine and issue licences and enforce the provisions of the Act	Community Services Manager	13.11.13	
	To determine the licensing fees and to review them annually and as appropriate	Community Services Manager	13.11.13	
	To initiate prosecutions under the Act	Community Services Manager	13.11.13	After consultation with the Chair and Vice-Chair of the Committee

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**Public**  
**Key Decision - No**

## HUNTINGDONSHIRE DISTRICT COUNCIL

**Title/Subject Matter:**     **Licensing Sub Committees**

**Meeting/Date:**             Licensing Committee – 25 January 2024

**Executive Portfolio:**     Councillor Stephen Ferguson, Executive Councillor for Customer Service.

**Report by:**                 Elections and Democratic Services Manager

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### 1.        **INTRODUCTION**

1.1     The Licensing Sub Committee comprising three Members of the Licensing and Committee is convened when necessary to determine such matters which have been delegated to it in accordance with the Licensing Act 2003. Below is a summary of the meetings that have taken place since the last meeting of the Committee. Full copies of the Hearing Records are available on request.

<b>Meeting Date:</b>	<b>Chairman</b>	<b>Application</b>	<b>Determination</b>
29 June 2023	B S Banks	Application for a new Premises Licence – Houghton Mill & Waterclose Meadows	Application granted as per the Applicant's amended application subject to the conditions contained within the Applicant's original application with the exception of condition 6.
17 July 2023	M Beuttell	Application for a review of a Premises Licence – Indiaana Restaurant, 61 High Street, Ramsey PE26 1AB	Licence was revoked immediately.
17 August 2023	B S Banks	Application for a new Premises Licence – Grafham Water, Buckden Road, Grafham PE28 0BH	Licence granted as per the application.

18 September 2023	B S Banks	Application for a new Premises Licence – The Snug, 3 The Mill, Free Church Passage, St Ives PE27 5AY	To grant the licence in the terms applied for.
6 October 2023	C H Tevlin	Application to vary a premises licence – No 6 The Bistro & Cocktail Bar, 6 New Street, St Neots PE19 1AE	To grant the licence with revised timings as agreed between the applicant and the Constabulary and a number of additional conditions.
21 December 2023	S Ferguson	Application for a new premises licence - Ramsey Pavilion Hub	To grant a new licence on the basis that the additional conditional conditions imposed by the Responsible Authorities be complied with.

## 2. RECOMMENDATION

- 2.1 The Committee are invited to note the above information.

### BACKGROUND PAPERS

Agenda, Reports and Records of Licensing Sub Committee meetings held in the Corporate Office.

**Contact Office:** Mrs C Bulman, Democratic Services - ☎ 01480 388234



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