

## Sub-Section 4

**Licensing Committee**  
**(A Quasi-Judicial Body)****General**

- A decision making body with full delegated powers.
- The Committee has the power to appoint Sub-Committees (Licensing Act Panels) for the purpose of exercising the function of hearing applications, licence reviews and other such matters that may be so delegated under the Licensing Act 2003 and the Gambling Act 2005.
- To undertake and exercise the functions of the licensing authority as allocated to the Committee under the Licensing Act 2003 and the Gambling Act 2005, together with any associated functions of the Council.

**Membership, Chairmanship and Quorum**

- Number of Members: **13 (10-15 required by law)**
- Substitute Members permitted: **NO**
- Whether Proportionality applies: **NO**
- Appointments/Removal from Office: **By the Council**
- Eligibility/Non-Eligibility for Membership:
  - Members - Members of the Cabinet Executive are not eligible.
  - Substitute Members - Members of the Cabinet Executive are not eligible.
- Eligibility/Non-Eligibility for Chairmanship/Vice-Chairmanship:
  - Members of the Cabinet Executive are not eligible.
  - All Members of the Committee are eligible to hold these positions of office.
- Quorum: **3**

## **Procedures**

### **Compilation of Agenda**

The Democratic Services Manager is responsible for the compilation of the Agenda.

### **Functions**

1. All matters relating to the discharge by a licensing authority of its licensing functions under the Licensing Act 2003 and the Gambling Act 2005.
2. Power to delegate the discharge of its functions of any matter:
  - (a) relates to a matter referred to that Committee by virtue of Paragraph 1, but
  - (b) is not a licensing function.

### **Officer Delegation Scheme**

The delegated powers specified in the Cabinet Executive Officer Delegation Scheme shall, so far as they fall within the functions, powers and duties of this body, constitute the delegated powers of this body. Where those delegated powers are specified in the case of the Cabinet Executive as being exercised in consultation with a Portfolio Holder, such delegated powers shall be exercised within this body's functions, powers and duties.

Sub-Section 4

**Licensing Sub-Committees (Panels)**

**(A Quasi-Judicial Body)**

**General**

- A decision making body with full delegated powers.
- To exercise the function of hearing and determining applications, licence reviews and other such matters.
- A Sub-Committee of the Licensing Committee.

**Membership, Chairmanship and Quorum**

- Number of Members: 3
- Substitute Members permitted: NO (There will be a reserve list)
- Whether Proportionality applies: NO
- Quorum: 3
- Members of the Panels will be called off the list of Members of the Licensing Committee by the Legal Services Manager and/or Democratic Services Manager.

**Procedures**

**Compilation of Agenda**

The Democratic Services Manager is responsible for the compilation of the Agenda.

A practice be established that papers for a Panel meeting be also sent to a further Member of the Licensing Committee and preparation for attendance be requested of that Member, such that a Panel may be re-constituted for that hearing to include that Member should a Panel Member as originally constituted not be available.

## **Functions**

To hear and determine applications, variations, licence reviews and other such matters delegated to it under the Licensing Act 2003 and the Gambling Act 2005 by the Licensing Committee.

## **Officer Delegation Scheme**

The delegated powers specified in the Cabinet Executive Officer Delegation Scheme shall, so far as they fall within the functions, powers and duties of this body, constitute the delegated powers of this body. Where those delegated powers are specified in the case of the Cabinet Executive as being exercised in consultation with a Portfolio Holder, such delegated powers shall be exercised within this body's functions, powers and duties.

## **Full Delegated Powers as detailed hereunder**

K 1	<u>Legal and other associated proceedings and matters.</u>  To institute, conduct and settle legal proceedings both civil and criminal, including the taking of urgent action, and to defend legal proceedings, both civil and criminal.	LSM
2	To issue and serve notices and requisitions in connection with statutory powers and duties and/or legal proceedings and deal with responses to such notices and requisitions.	LSM and/or HLGM in consultation with the appropriate Director
3	To take enforcement action and proceedings.	LSM and/or HLGM
4	To apply for injunctions, where appropriate, in the interest of the Council and/or the inhabitants of the area.	LSM
5	To instruct Counsel and external Solicitors as appropriate.	LSM
6	Not used	
7	Determine a personal licence application with no objections.	Licensing Team Leader
8A	Determine a personal licence application with relevant offences with objections.	Licensing Sub-Committee
8B	Determine a personal licence application with relevant offences with no objections.	Licensing Team Leader
9	Determine an application for premises licence/club premises certificate where representations have been received and not withdrawn.	Licensing Sub-Committee

10	Determine an application for premises licence/club premises certificate where no representations have been received or representations have been withdrawn.	Licensing Team Leader
11	Determine an application for provisional statement where representations have been received and not withdrawn.	Licensing Sub-Committee
12	Determine an application for provisional statement where no representations have been received or representations have been withdrawn.	Licensing Team Leader
13	Determine an application to vary premises licence/club premises certificate where representations have been received and not withdrawn.	Licensing Sub-Committee
14	Determine an application to vary premises licence/club premises certificate where no representations have been received or representations have been withdrawn.	Licensing Team Leader
15	Determine an application to vary designated premises supervisor with Police objection	Licensing Sub-Committee
16	Determine an application to vary designated premises supervisor with no Police objection.	Licensing Team Leader
17	Process a request to be removed as designated premises supervisor.	Licensing Team Leader
18	Determine an application for transfer of premises licence where representations have been received from the Police or Gambling Commission.	Licensing Sub-Committee
19	Determine an application for transfer of premises licence where no representations have been received from the Police or Gambling Commission.	Licensing Team Leader
20	Determine an application to review premises licence/club premises certificate.	Licensing Sub-Committee
21	Decision on whether a complaint is frivolous vexations etc.	HLGM/Licensing Team Leader in consultation with Chairman or Vice-Chairman of Licensing Committee
22	Not used.	
22A	Acknowledgement of a Temporary Event Notice or Temporary Use Notice.	Licensing Team Leader
22B	Determination of an objection(s) to a Temporary Use Notice.	Licensing Sub-Committee
23	Determination of a police objection to a temporary event notice.	Licensing Sub-Committee

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24	Members of the Sub-Committee to be called off the list of Members of the Licensing Committee.	DSM
25	Determine an application for interim authorities with objections.	Licensing Sub-Committee
26	Determine an application for interim authorities with no objections.	Licensing Team Leader
27	Cancellation/Refusal of club gaming/club machine permits.	Licensing Sub-Committee
28	Determine applications for other permits under Gambling Act 2005.	Licensing Team Leader
29	Cancellation of licensed premises gaming machine permits.	Licensing Sub-Committee/Licensing Team Leader

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Sub-Section 5

**Regulatory Committee**

**(A Quasi-Judicial Body)**

**General**

- A decision making body with full delegated powers.
- The Committee has the power to appoint Sub-Committees (Regulatory Panels) for the purpose of exercising the function of licensing applications, licence reviews and other such matters.
- To undertake the licensing, registration and regulatory functions of the Council, delegated under Section 101 of the Local Government Act 1972 as set out in the functions detailed below.

**Membership, Chairmanship and Quorum**

- Number of Members: 13
- Substitute Members permitted: YES
- Whether Proportionality applies: YES
- Appointments/Removal from Office: As expressed through the wishes of the Political Groups and given effect to by the Council by way of resolution.
- Eligibility/Non-Eligibility for Membership:
  - Members - Members of the Cabinet Executive are not eligible.
  - Substitute Members - Members of the Cabinet Executive are not eligible.
- Eligibility/Non-Eligibility for Chairmanship/Vice-Chairmanship:
  - Members of the Cabinet Executive are not eligible.
  - All Members of the Committee are eligible to hold these positions of office.
- Quorum: 3

## **Procedures**

### **Compilation of Agenda**

The Democratic Services Manager is responsible for the compilation of the Agenda.

### **Functions**

1. Full delegated powers to consider, to hold a hearing and determine any licensing applications, renewals, suspensions or revocations referred to the Committee by the Head of Administration and Legal Services and/or Democratic Services Manager under the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act, 1976 and any other miscellaneous licensing applications and all other Acts referred to in the delegated powers detailed below as delegated to Officers.
2. Full delegated powers in relation to health and safety detailed below as delegated to Officers.

### **Officer Delegation Scheme**

The delegated powers specified in the Cabinet Executive Officer Delegation Scheme shall, so far as they fall within the functions, powers and duties of this body, constitute the delegated powers of this body. Where those delegated powers are specified in the case of the Cabinet Executive as being exercised in consultation with a Portfolio Holder, such delegated powers shall be exercised within this body's functions, powers and duties.

**Full Delegated Powers as detailed hereunder**

K 1	<p><b><u>Legal and other associated proceedings and matters</u></b></p> <p>To institute, conduct and settle legal proceedings both civil and criminal, including the taking of urgent action, and to defend legal proceedings, both civil and criminal.</p>	LSM
2	To issue and serve notices and requisitions in connection with statutory powers and duties and/or legal proceedings and deal with responses to such notices and requisitions.	LSM and/or HLGM in consultation with the appropriate Director
3	To take enforcement action and proceedings.	LSM and/or HLGM
4	To apply for injunctions, where appropriate, in the interest of the Council and/or the inhabitants of the area.	LSM
5	To instruct Counsel and external Solicitors as appropriate.	LSM
6	<p>Issue, renewal and transfer of annual licences, registrations including action on omissions in respect of:-</p> <p>The sale of pet animals Animal boarding establishments Dangerous wild animals Riding establishments Acupuncture, tattooing, ear-piercing or electrolysis Hairdressers Caravan Sites Animal breeding establishments</p>	HLGM/EPGM
7	<p>Authority to issue, renew and transfer licences/permits and registrations in respect of:- House to House Collections Act, 1939, and House to House Collections Regulations 1947 (as amended). Police, Factories etc. (Miscellaneous Provisions) Act, 1916 (as amended) - Street Collections. Gambling Act 2005 - Small Society Lotteries. Vehicles (Crime) Act 2001 and Motor Salvage Operators Regulations 2002.</p>	HLGM/Licensing Team Leader

8	<p>Local Government (Miscellaneous Provisions) Act, 1982 Scrap Metal Dealers Act, 1964. Town Police Clauses Act, 1847 (as amended) - Hackney Carriages and Drivers. Local Government (Miscellaneous Provisions) Act, 1976 (as amended) - Private Hire Operators, Vehicles and Drivers. Authority to issue, suspend and to take any other appropriate action (in accordance with legislation) including varying standard conditions.</p>	HLGM/Licensing Team Leader
9	<p>Functions under any of the 'relevant statutory provisions' within the meaning of Part 1 (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.</p>	HLGM
10	<p>To enforce offences relating to the display of no smoking signs under the provision of the Health Act 2006.</p>	HLGM
11	<p>To enforce offences relating to smoking in smoke free places under the provisions of the Health Act 2006.</p>	HLGM
12	<p>To enforce offences of failing to prevent smoking in smoke free places under the provisions of the Health Act 2006.</p>	HLGM
13	<p>Power to transfer enforcement functions to another enforcement authority under the smoke-free (Premises and Enforcement) Regulations 2006 (S.I. 2006/3368).</p>	HLGM
14	<p>Members of Sub-Committee to be called off the list of Members of the Regulatory Committee.</p>	DSM

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Sub-Section 5

**Private Hire/Hackney Carriage Regulatory Sub-Committee**

**(A Quasi-Judicial Body)**

**General**

- A decision making body with full delegated powers.
- A Sub-Committee of the Regulatory Committee.

**Membership, Chairmanship and Quorum**

- Number of Members: 3
- Substitute Members permitted: YES
- Whether Proportionality applies: NO
- Appointments/Removal from Office: As expressed through the wishes of the Political Groups and given effect to by the Council by way of resolution.
- Eligibility/Non-Eligibility for Membership:
  - Members - Members of the Regulatory Committee are eligible.
  - Substitute Members - Members of the Regulatory Committee are eligible.
- Eligibility/Non-Eligibility for Chairmanship/Vice-Chairmanship:
  - All Members (and substitute Members) of the Committee are eligible to hold these positions of office.
- Quorum: 3
- Members and Substitute Members will be called off the list of Members of the Regulatory Committee by the Democratic Services Manager.

## **Procedures**

### **Compilation of Agenda**

The Democratic Services Manager is responsible for the compilation of the Agenda.

### **Functions**

Delegated powers to hold a hearing and determine any licensing applications, renewals, suspensions or revocations pursuant to the legislation set out below which are referred to the Committee by the Democratic Services Manager:

- The Town Police Clauses Act 1847, (as amended) - Hackney Carriages and Drivers.
- The Local Government (Miscellaneous Provisions) Act, 1976 (as amended) - Private Hire Operators, Vehicles and Drivers.

### **Officer Delegation Scheme**

The delegated powers specified in the Cabinet Executive Officer Delegation Scheme shall, so far as they fall within the functions, powers and duties of this body, constitute the delegated powers of this body. Where those delegated powers are specified in the case of the Cabinet Executive as being exercised in consultation with a Portfolio Holder, such delegated powers shall be exercised within this body's functions, powers and duties.