

SECTION 2B - Council (Non-Executive) Functions - Committees Terms of Reference

Licensing Committees

Matters relating to the administration of licences which are determinable by the Council as set out within the attached Schedule, including the delegation of functional responsibility to individual officers for determination of any application for Consents, Licences, Certificates, Permits, Registrations or the like.

To hear and determine appeals against any decisions of Officers in relation to the grant, renewal, transfer, variation, refusal, revocation, suspension or imposition of condition in accordance with the Council's licensing procedure.

The discharge of the Council's functions under section 13(2) the Criminal Justice and Police Act 2001

The discharge of the Council's functions under section 16 the Violent Crime Reduction Act 2006.

Provided that before any Councillor who is a member of the Licensing Committee can attend a meeting and participate in the determination of an application or appeal by any individual or body, that Councillor must have attended a suitable training course dealing with the quasi-judicial nature of the role of the Committee.

Responsibilities of Full Committee and Sub-Committees

The functions of the Licensing Committee (subject to the delegations to officers contained within Section 2C) shall be determined by the Full Committee or Sub-Committees based on the delegations set out below.

These delegations to Sub-Committees shall be subject to the proviso that the Chairman or Vice Chairman of the full Committee may refer a matter up from a Sub-Committee to the full Committee where that matter is significant or controversial in nature

Licensing Act 2003/Gambling Act 2005 Sub-Committee

Function	Full Committee	Sub-Committee
Determination of application for Premises Licence (section 18(3) 2003 Act)		To determine applications where representations have been made and not withdrawn
Determination of application for Provisional Statements (section 31(3) 2003 Act)		To determine applications where representations have been made and not withdrawn
Determination of application for variation of Premises Licence (section 35(3) 2003 Act)		To determine applications where representations have been made and not withdrawn
Determination of application for variation of designated premises supervisor (section 39(3) 2003 Act)		To determine applications where police objection has been made
Determination of application for transfer of Premises Licence (section 44(5) 2003 Act)		To determine applications where police objection has been made

Act)		
Determination of application relating to an interim authority notice (section 48(3) 2003 Act)		Consideration of police objection to an interim authority notice
Determination of application for a review of a Premises Licence (section 52(2) 2003 Act)		To determine applications for review
Determination of an application for a Club Premises Certificate (section 72(3) 2003 Act)		To determine applications where representations have been made and not withdrawn
Determination of an application to vary a Club Premises Certificate (section 85(3) 2003 Act)		To determine applications where representations have been made and not withdrawn
Determination of an application for the review of a Club Premises Certificate (section 88 2003 Act)		To determine review applications
Decision to give a counter notice to a Temporary Event Notice (section 105(2) 2003 Act)		To give a counter notice following a police objection to a temporary event notice
Determination of application for the grant of a Personal Licence (section 120(7) 2003 Act)		To determine applications where police objection has been made
Determination of application for the renewal of Personal Licence (section 121(6) 2003 Act)		To determine applications where police objection has been made
Revocation of Personal Licence (section 124(4) 2003 Act)		To revoke Personal Licence where convictions come to light after the grant/renewal of the Licence
Determination of review following closure order (section 167(5) 2003 Act)		To determine review applications following a closure order where representations are made
Decision to object when the local authority is the consultee not the relevant authority considering an application (2003 Act)		To determine whether to make an objection
Determination of application for Premises Licence (section 163 2005 Act)		To determine applications where representations have been made and not withdrawn
Determination of application for variation of Premises Licence (section 187 2005 Act)		To determine applications where representations have been made and not withdrawn
Determination of application for transfer of Premises Licence (section 188 2005 Act)		To determine applications where objection has been made
Consideration of objection made to application for reinstatement (section 195 2005 Act)		To consider the objection
Determination of an application for the review of a Premises Licence (section 201 2005 Act)		To determine review application
Determination of application for Provisional Statement (section 204 2005		To determine applications where representations have been made

Act)		and not withdrawn
Decision to give a counter notice to a Temporary Use Notice (section 224 2005 Act)		To give a counter notice following an objection to a temporary use notice
Consideration of representations in relation to proposed rejection of a club gaming permit or club machine permit (schedule 12 2005 Act)		To consider representations and determine whether permit to be rejected
Cancellation of club gaming permit or club machine permit (schedule 12 2005 Act)		To determine whether to cancel permit
Decision to make an order disapplying section 279 or 282(1) of the 2005 Act in relation to specified premises (section 284 2005 Act)		To determine whether an order to be made where representations made by licensee and not withdrawn.
Power to set fees for Premises Licence (section 212 2005 Act)	To set fees	

General' Licensing Sub-Committee

Subject to the matters reserved to the full Committee below, the 'general' Licensing Sub-Committee shall deal with the licensing functions set out below together with any other function within Schedule 1 referred to it by officers (with the exception of matters under the Licensing Act 2003/Gambling Act 2005).

Function	Full Committee	Sub-Committee
Power to licence (first grant, renewal and transfer) hackney carriages and private hire vehicles		To determine applications where the vehicle does not meet the Council's vehicle conditions or the vehicle does not pass the inspection.
Power to suspend or revoke hackney carriage and private hire vehicle licences		To note reports relating to officer decisions to suspend vehicle licences. The power to revoke vehicle licences.
Power to licence (first grant or renewal) operators licences		To determine applications where the Council's requirements are not met.
Power to suspend or revoke operators licences		To note reports relating to officer decisions to suspend operators licences. Power to revoke operators licences.
Power to licence (first grant or renewal) hackney carriage and private hire drivers		To determine applications where the driver does not meet the Council's requirements.
Power to suspend or revoke hackney carriage and private		To note reports relating to officer decisions to suspend drivers

hire drivers licences		licences. Power to revoke drivers licences.
Power to set fees in relation to hackney carriage and private hire drivers, vehicles and operators	Power to set fees.	
Power to licence sex shops and sex cinemas (including first grant, renewal, transfer and variation of standard conditions)	<p>First grant: all cases before the Licensing Committee.</p> <p>Renewal: if there are objections which are not withdrawn and which cannot be dealt with under the authority delegated to officers.</p> <p>Transfer: if there are objections which are not withdrawn and which cannot be dealt with under the authority delegated to officers.</p> <p>Variation of standard</p>	
Power to set fees for sex establishments	Power to set fees	
Power to licence street collection		<p>To determine requests for waiver of the Council's street collection regulations.</p> <p>Determines appeals against officer refusal.</p>
Power to licence House to House collection		Determines appeals against officer refusal.
Power to issue street trading licences or consents		<p>To determine applications for street trading consents where representations have been received (and not withdrawn).</p> <p>To determine applications for street trading licences.</p>
Power to designate streets as consent streets, licence streets or prohibited streets.	Power to designate streets	
Power to set fees in relation to street trading	Power to set fees.	
Power to make a Designated Public Places Order	Power to make order	
Power to designate area as an Alcohol Disorder Zone	Power to make designation	

SCHEDULE

Schedule of functions

All Council (non-executive) functions relating to:

(a) licensing and registration functions in respect of:

- (i) Caravan sites and moveable dwellings/camping sites¹
- (ii) Hackney carriages and private hire vehicles, drivers and operators²
- (iii) Sex shops and sex cinemas³
- (iv) Performances of hypnotism⁴
- (v) Acupuncture, tattooing, ear-piercing and electrolysis⁵
- (vi) Pleasure boats and vessels⁶
- (vii) Market and street trading⁷
- (viii) Premises for the preparation of food⁸
- (ix) Scrap yards and motor salvage operators⁹
- (x) Dog breeding, pet shops, animal breeding, animal trainers and exhibitors, zoos and wild animals¹⁰
- (xi) Employment of children¹¹
- (xii) Charitable collections¹²
- (xiii) Operation of loudspeakers¹³
- (xiv) Storage of celluloid¹⁴
- (xv) Meat product premises and dairy establishments¹⁵
- (xvi) Egg products, butchers and fish products¹⁶
- (xvii) Auction and wholesale markets¹⁷
- (xviii) Food business premises¹⁸

(b) Health and safety at work¹⁹ to the extent that those functions are discharged otherwise than in the authority's capacity as an employer;

(c) smoke-free premises under the Health Act 2006 and regulations;²⁰

¹ Items 2 & 3 of para B of Schedule 1 Local Authorities (Functions and Responsibilities)(England) Regulations 2000

² Items 3 – 5 of para B of Schedule 1 to the 2000 Regulations

³ Item 15 of para B of Schedule 1 to the 2000 Regulations

⁴ Item 16 of para B of Schedule 1 to the 2000 Regulations

⁵ Item 17 of para B of Schedule 1 to the 2000 Regulations

⁶ Item 18 of para B of Schedule 1 to the 2000 Regulations

⁷ Item 20 of para B of Schedule 1 to the 2000 Regulations

⁸ Item 24 of para B of Schedule 1 to the 2000 Regulations

⁹ Item 25 and 71 of para B of Schedule 1 to the 2000 Regulations

¹⁰ Items 29 – 33 of para B of Schedule 1 to the 2000 Regulations

¹¹ Item 35 of para B of Schedule 1 to the 2000 Regulations

¹² Item 39 of para B of Schedule 1 to the 2000 Regulations

¹³ Item 40 of para B of Schedule 1 to the 2000 Regulations

¹⁴ Item 56 of para B of Schedule 1 to the 2000 Regulations

¹⁵ Items 57-59 of para B of Schedule 1 to the 2000 Regulations

¹⁶ Items 60-65 of para B of Schedule 1 to the 2000 Regulations

¹⁷ Item 66 of para B of Schedule 1 to the 2000 Regulations

¹⁸ Item 67 of para B of Schedule 1 to the 2000 Regulations

¹⁹ Para C of Schedule 1 to the 2000 Regulations

²⁰ Para FA of Schedule 1 to the 2000 Regulations

(d) Designated Public Place Orders under the Criminal Justice and Police Act 2001 and regulations¹

(e) Alcohol Disorder Zones under the Violent Crime Reduction Act 2006²

(f) the following functions under the Licensing Act 2003³ and the Gambling Act 2005⁴:

- (i) section 18(3) of the 2003 Act (determination of application for a premises licence where representations have been made);
- (ii) section 31(3) of the 2003 Act (determination of application for provisional statements where representations have been made);
- (iii) section 35(3) of the 2003 Act (determination of application for variation of premises licence where representations have been made);
- (iv) section 39(3) of the 2003 Act (determination of application to vary designated premises supervisor following police objection);
- (v) section 44(5) of the 2003 Act (determination of application for transfer of premises licence following police objection);
- (vi) section 48(3) of the 2003 Act (consideration of police objection made to an interim authority notice);
- (vii) section 52(2) or (3) of the 2003 Act (determination of an application for review of a premises licence);
- (viii) section 72(3) of the 2003 Act (determination of an application for a club premises certificate where relevant representations have been made);
- (ix) section 85(3) of the 2003 Act (determination of application to vary club premises certificates where representations have been made);
- (x) section 88(2) or (3) of the 2003 Act (determination of application for a review of club premises certificate);
- (xi) section 105(2) (decision to give counter notice following police objection to a temporary event notice);
- (xii) section 120(7) of the 2003 Act (determination of application for grant of personal licence following police objection);
- (xiii) section 121(6) of the 2003 Act (determination of application for renewal of personal licences following police objection);
- (xiv) section 124(4) of the 2003 Act (revocation of licence where convictions come to light after grant or renewal of personal licences);
- (xv) section 167(5) (review following closure order where relevant representations have been made);
- (xvi) section 163 of the 2005 Act (determination of an application for premises licences where representations have been made);
- (xvii) section 187 of the 2005 Act (determination of an application for variation of premises licence where representations have been made);
- (xviii) section 188 of the 2005 Act (determination of application for transfer of premises licence following objection);
- (xix) section 195 of the 2005 Act (consideration of objection made to an application for reinstatement);
- (xx) section 201 of the 2005 Act (determination of review of a premises licence);

¹ Item 49 of para I of Schedule 1 to the 2000 Regulations

² Item 50 of para I of Schedule 1 to the 2000 Regulations

³ Item 14A of para B of Schedule 1 to the 2000 Regulations

⁴ section 154 and 232, Schedule 10 paragraph 6, Schedule 12 paragraph 28, Schedule 13 paragraph 3 and Schedule 14 paragraph 7 of the Gambling Act 2005

- (xxi) section 204 of the 2005 Act (determination of application for a provisional statement where representations have been made);
- (xxii) section 224 of the 2005 Act (decision to give counter notice following an objection to a temporary use notice)
- (xxiii) schedule 12 of the 2005 Act (determination as to cancellation of a club gaming permit or club machine permit)
- (xxiv) schedule 12 of the 2005 Act (consideration of representations in relation to the proposed rejection of a club gaming permit or club machine permit).
- (xxv) section 284 of the 2005 Act (determination of whether an order disapplying section 279 or 282(1) of the 2005 Act in relation to specified premises to be made)
- (xxvi) section 212 of the 2005 Act (power to set fees)