

# Licensing Committee

## Appendix 2

### 1. Licensing Committee

Appointed by Council at the first business meeting of the municipal year.

The Licensing Committee will sit as a full committee and is responsible for dealing with the Council's Licensing functions, including Taxi Licensing, Liquor Licensing, and Gambling Act applications.

This is a Committee of the Council appointed by the Council under Section 6 of the Licensing Act 2003.

The Council has arranged under Section 7 of the 2003 Act and S101 of the Local Government Act 1972 for the discharge by the Committee of such of the Council's functions, as specified in the Local Authorities (Functions and Responsibilities) Regulations 2000-Schedule 1B as amended, and to undertake all licensing functions, powers and duties conferred by the Licensing Act 2003.

### 2. Membership

#### a) Political Balance

The committee is required to have proportional political balance in accordance with the requirements of the Local Government & Housing Act 1989

#### b) Membership

11 members

#### c) Chairing the Committee

Chairman to be appointed by the Council at the first business meeting of the new municipal year.

Members of the General Licensing Committee will sit as a statutory Licensing Committee, as defined by the Licensing Act 2003 and the Gambling Act 2005, when carrying out functions of and ancillary to those Acts. Members of the Licensing Committee will sit as a General Licensing Committee when dealing with any other licensing functions of the council.

### 3. Terms of Reference

Sitting as the General Licensing Committee, to oversee, develop and approve licensing policy (with the exception of matters reserved by statute to Council or the Cabinet).

This includes:

- a) overseeing the processes to determine the application of the statutory "fit and proper" test and vehicle age policy to ensure public safety within the Borough;

- b) all functions of the Council relating to applications for private hire, hackney carriage and miscellaneous licences;
- c) setting fees and charges as required and (subject to Regulations) to determine the fees payable for applications for premises licences and related matters under the Gambling Act 2005;
- d) responsibility for monitoring the operation of licensable activities under the Licensing Act 2003 and the Gambling Act 2005 within the Borough;
- e) receiving reports on these matters and on the functions delegated to the Licensing Act 2003 and the Taxi and Miscellaneous Panels and to officers. To call for a report on any individual case;
- f) being consulted on the review and determination of the Licensing Policy Statement and the Statement of Gambling Policy including procedures for Council consultation with external stakeholders;
- g) determining the procedures to be followed in handling applications, notices, representations and all hearings, subject to the relevant Regulations;
- h) exercising the functions of the Licensing Sub-Committee Panels in any case referred to the Committee by its Chair, or by the Chair of a Licensing Sub-Committee Panel on the grounds of its special significance or difficulty; and
- i) in a Council Election Year when there is a need to hold a hearing in the period between Election day and the Annual Meeting of the Council, those Members of the Licensing Committee who are re-elected as Councillors shall meet as the Licensing Committee to exercise any of the functions of the Licensing Panels, or under (h) above, and shall elect a Chair for the meeting.

Excluded from the Licensing Committee's terms of reference are:

- (a) The functions statutorily referred to the Cabinet and the full Council including the formal review and determination of the Licensing Policy Statement and the Statement of Gambling Policy; and
- (b) The functions delegated to the Licensing Panels as set out below, except where referred back to the Committee under sub-paragraph 3(a)(h) above.

#### **4. Delegation to Sub-Committee – Licensing Act 2003 Sub-Committee**

- a) This is a sub-committee of the Licensing Committee, appointed by the Committee under the Licensing Act 2003.
- b) The committee has arranged under Section 9 of that Act to delegate its day to day decision making on such matters to the Sub-Committee of such of the Council's functions as set out in the terms of reference below.
- c) Certain functions are delegated by the Sub-Committee to Officers. Please refer to the Scheme of Delegation which can found in the Constitution.

- d) The Sub-Committee shall consist of 3 members and will be drawn from the full Licensing Committee on an ad-hoc basis. The Chair of the Sub-Committee will either be the Chair or Vice Chair (depending on availability) of the Licensing Committee.

### **5. Licensing Act Sub-Committee Panel – Terms of Reference**

Sitting as a Panel comprising of 3 members, the Sub-Committee Panel will carry out the following functions:-

#### **Licensing Act 2003**

Except for matters of Policy to undertake all functions, powers and duties conferred by the Licensing Act 2003 including but not limited to the matters set out below:

- a) Power to determine applications for personal licences
- b) Power to determine applications for premises licences and club premises certificate
- c) Power to determine applications for variation of premises licence and club premises certificates
- d) Power to determine applications for transfer of premises licences
- e) Power to review premises licence and club premises certificates
- f) Power to determine police or environmental health objections to temporary event notices

#### **Gambling Act 2005**

Where representations on the following applications have been received and not withdrawn to determine applications:

- a) for premises licences
- b) for variation of premises licences
- c) for transfer of premises licences
- d) for a provisional statement
- e) for club gaming or club machine permits
- f) the cancellation of club gaming or club machine permits

In addition, the Sub-Committee Panel will:

- g) decide whether to give a counter notice to a temporary use notice
- h) take "action" under Section 202 where the review is heard by the committee
- i) exercise its power to register pool betting operating licence
- j) exercise its power to grant track betting licences
- k) exercise its power to licence inter-track betting schemes
- l) exercise its power to grant gaming and betting machine licences
- m) exercise its power to register societies wishing to promote lotteries
- n) exercise its power to issue premises licences and to receive temporary use notices

In these matters, the decision of a Sub-Committee Panel will represent that of the full Committee.

## **6. Delegation to Sub-Committee - Taxi Licensing and Miscellaneous Sub-Committee**

This Sub-Committee is a Sub-Committee of the Licensing Committee, appointed by the Committee under the Local Government Act 1972.

The Committee has arranged under S101(1) of the Act for the discharge of such of the Council's functions as are within the Sub-committee's term of reference below.

Certain functions are delegated by the Panel to Officers. Please refer to the Scheme of Delegation which can found in the Constitution.

## **7. Taxi Licensing and Miscellaneous Sub-Committee - Terms of Reference**

Sitting as a Sub Committee Panel comprising of 3 Members (drawn from the full Committee on a politically proportionate basis):-

The Chair of the Sub-Committee will be the Chair or Vice Chair (depending on availability) of the Licensing Committee.

The Sub-Committee Panel will carry out the following functions:-

Except for matters of Policy to undertake all licensing functions, powers , duties conferred by the Local Government Act 1972 including but not limited to the matters set out immediately below and also subsequently in Paragraph 5:

- a) to determine all matters relating to the grant, renewal or review of taxi licences (which, for the avoidance of doubt, in these Terms of Reference shall include hackney carriage and private hire vehicle driver and operator licences) where evidence exists as to whether the applicant is a fit and proper person and to suspend or revoke taxi licences in accordance with legislation
- b) In cases where the Director has on public safety grounds revoked with immediate effect a taxi licence, to determine an application for the grant of a new licence submitted by the driver/operator whose earlier licence was revoked
- c) Except for matters of Policy to undertake all licensing functions, powers and duties conferred by the Local Government Act 1972 including but not limited to the matters set out below:
  - i) power to license hackney carriages and private hire vehicles
  - ii) power to license drivers of hackney carriages and private hire vehicles
  - iii) power to license operators of hackney carriages and private hire vehicles
  - iv) power to license sex shops and sex cinema and sex entertainment venues
  - v) power to grant medical exempt from obligation to provide support to wheelchair users and carry assistance dogs

### **Paragraph 5**

#### **Schedule 1B – Local Authorities (Functions and Responsibilities) (England) Regulations 2000**

**(Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule))**

1. Power to license hackney carriages and private hire vehicles. (a)as to hackney carriages, the [Town Police Clauses Act 1847 \(10 & 11 Vict. c. 89\)](#), as extended by section 171 of the [Public Health Act 1875 \(38 & 39 Vict. c. 55\)](#), and section 15 of the [Transport Act 1985 \(c. 67\)](#); and sections 47, 57, 58, 60 and 79 of the [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\)](#);  
  
(b)as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#).
2. Power to license drivers of hackney carriages and private hire vehicles. Sections 51, 53, 54, 59, 61 and 79 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#).
3. Power to license operators of hackney carriages and private hire vehicles. Sections 55 to 58, 62 and 79 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#).
4. Power to grant medical exemption from obligation to transport assistance dogs sections 168-173 of the [Equalities Act 2010](#)
5. Power to grant medical exemption from requirement to provide support for wheelchair users Section 165 and 167 of the [Equalities Act 2010](#)
6. Power to register pool promoters. Schedule 2 to the [Betting, Gaming and Lotteries Act 1963 \(c. 2\)\(12\)](#).
7. Power to grant track betting licences. Schedule 3 to the [Betting, Gaming and Lotteries Act 1963\(13\)](#).
8. Power to license inter-track betting schemes. Schedules 5ZA to the [Betting, Gaming and Lotteries Act 1963\(14\)](#).
9. Power to grant permits in respect of premises with amusement machines. Schedule 9 to the [Gaming Act 1968 \(c. 65\)\(15\)](#).

10. Power to register societies wishing to promote lotteries. Schedule 1 to the Lotteries and Amusements Act 1976 (c. 32)(16).
11. Power to grant permits in respect of premises where amusements with prizes are provided. Schedule 3 to the Lotteries and Amusements Act 1976(17).
12. Power to issue cinema and cinema club licences. Section 1 of the Cinema Act 1985 (c. 13).
13. Power to issue theatre licences. Sections 12 to 14 of the Theatres Act 1968 (c. 54)(18).
14. Power to issue entertainments licences. Section 12 of the Children and Young Persons Act 1933 (c. 12), section 52 of, and Schedule 12 to, the London Government Act 1963 (c. 33), section 79 of the Licensing Act 1964 (c. 26), sections 1 to 5 and 7 of, and Parts I and II of the Schedule to, the Private Places of Entertainment (Licensing) Act 1967 (c. 19) and Part I of, and Schedules 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982 (c. 30).
15. Power to license sex shops and sex cinemas. The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.
16. Power to license night cafes and take-away food shops. Section 2 of the Late Night Refreshment Houses Act 1969 (c. 53)(20), Part II of the London Local Authorities Act 1990 and section 5 of the London Local Authorities Act 1994.
17. Power to license persons to collect for charitable and other causes. Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 (c. 31) and section 2 of the House to House Collections Act 1939 (c. 44)(31).