



ADUR DISTRICT  
C O U N C I L

9 June 2022

<b>Adur Licensing Committee</b>	
<b>Date:</b>	<b>20 June 2022</b>
<b>Time:</b>	<b>7.00 pm</b>
<b>Venue:</b>	<b>QEII Room Shoreham Centre</b>

**Committee Membership:** Councillors Paul Mansfield (Chairman), Catherine Arnold, Vee Barton (Vice-Chairman), Mandy Buxton, Jim Funnell, Rob Wilkinson, Robina Baine, Tony Bellasis, Gabe Crisp, Dan Flower and Julia Watts

**Additional paper to the Agenda (Draft Terms of Reference)**

**Part A**

**5. Constitutional Provisions relating to the Councils' Licensing Function**  
(Pages 3 - 8)

To consider a report by the Public Health & Regulation Manager and the Head of Legal Services and Monitoring Officer, copy attached as item 5

**Recording of this meeting**

The Council will be voice recording the meeting, including public question time. The recording will be available on the Council's website as soon as practicable after the meeting. The Council will not be recording any discussions in Part B of the agenda (where the press and public have been excluded).

For Democratic Services enquiries relating to this meeting please contact:	For Legal Services enquiries relating to this meeting please contact:
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Chris Cadman-Dando Democratic Services Officer 01903 221364 chris.cadman-dando@adur-worthing.gov.uk	Shelley-Ann Flanagan Solicitor 01903 221095 shelley-ann.flanagan@adur-worthing.gov.uk
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**Duration of the Meeting:** Four hours after the commencement of the meeting the Chairperson will adjourn the meeting to consider if it wishes to continue. A vote will be taken and a simple majority in favour will be necessary for the meeting to continue.

## Licensing Committee

### General:

- (a) The Committee is a Committee of the Council appointed by the Council under Section 101(2) of the Local Government Act 1972 and under Section 6 of the Licensing Act 2003 and the Gambling Act 2005;
- (b) The Council has arranged under Section 101(1) of the Local Government Act 1972 and under Section 9 of the Licensing Act 2003 and under the Gambling Act 2005 for the discharge by the Committee of the Council's functions as are within the Committees Terms of Reference (set out below);
- (c) Certain functions are delegated by this Committee to Officers. Full details of which may be found in the Officer Scheme of Delegations which can be found in Part 4 of this Constitution;
- (d) Where a function or matter within the Committee's competence has been delegated to an Officer, the Committee may exercise that function / matter concurrently with the Officer to whom it has been delegated;
- (e) The exercise of any function or matter within the Committee's competence is always subject to any relevant requirement of the Council's Constitution;
- (f) The Committee may establish one or more Sub-Committees in accordance with the provisions of the Licensing Act 2003; any such Sub-Committees are authorised to discharge all relevant functions under the Licensing Act 2003 and to hear taxi matters.
- (g) The Committee shall consist of 11 Members;
- (h) Substitutes are permissible on the Licensing Committee, except when dealing with an application under the Licensing Act 2003 or the Gambling Act 2005;
- (i) Substitutes are not permitted on Licensing Sub-Committees, other than from the Licensing Committee;
- (j) Executive Members are permitted to sit on the Licensing Committee, subject to the requirement that Executive Members shall not form the majority of the membership of the Committee.
- (k) The quorum for Licensing Committee shall be 4 or more voting Members.
- (l) A Licensing Sub-Committee shall consist of 3 Members and the quorum for any Licensing Sub-Committee shall be 3 Members;
- (m) Procedures adopted at hearings of the Licensing Committee and its Sub-Committees should be adopted in accordance with the guidance at the Licensing Procedure Rules which can be found in Part 4 of this Constitution;
- (n) The Licensing Committee and its Sub-Committees are authorised to make exceptions to any such procedure where appropriate, subject to complying with all relevant regulations;

(o) Where an individual exercises a right of appeal against a decision of the Licensing Committee, to the Magistrates' Court, the Council will be represented in such proceedings by their Legal Officers, or their nominated representatives, and the Chairman of the Licensing Committee, or Vice Chairman in his absence, is expected to attend such hearing.

**Terms of reference:**

Except for matters of policy, to undertake all licensing and gambling functions, powers and duties conferred on the Council, under the Licensing Act 2003 and the Gambling Act 2005, save for the determination as to whether or not to issue a casino premises licence, including but not limited to the matters set out below:

1	Powers to license hackney carriages and private hire vehicles	a) as to hackney carriages: Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976 b) as to private hire vehicles: Local Government (Miscellaneous Provisions) Act 1976
2	Powers to license drivers of hackney carriages and private hire vehicles	Local Government (Miscellaneous Provisions) Act 1976
3	Power to license operators of private hire vehicles	Local Government (Miscellaneous Provisions) Act 1976
4	Power to fix fares for hackney carriages	Local Government (Miscellaneous Provisions) Act 1976
5	Power to license sex establishments	Local Government (Miscellaneous Provisions) Act 1982
6	Power to license street trading	Local Government (Miscellaneous Provisions) Act 1982
7	Power to license and control scrap metal dealers	Scrap Metal Dealers Act 2013
8	Power to license persons to collect for charitable and other causes	Police, Factories etc. Act 1916 and House to House Collections Act 1939
9	Power to make an order to designate a public place under the Criminal Justice and Police Act 2001	Criminal Justice and Police Act 2001
10	Power to license premises for acupuncture, tattooing, semipermanent skin colouring, cosmetic piercing and electrolysis	Local Government (Miscellaneous Provisions) Act 1982
11	Power to obtain particulars of persons interested in land, where relevant to the other functions of the Committee	Local Government (Miscellaneous Provisions) Act 1976
12	Power to license pleasure boats and	Public Health Act (as amended) 1907

	pleasure vessels	
13	Power to license premises for the breeding of dogs	Breeding of Dogs Act 1973
14	Power to authorise officers to inspect premises for the breeding of dogs	Breeding of Dogs Act 1973
15	Power to register and license premises for the preparation of food	Food Safety Act 1990
16	Power to license land as a caravan site and attach and alter conditions to site licences	Caravan Sites and Control of Development Act 1960
17	Power to license dangerous wild animals, power to inspect premises and power to seize and dispose of animals without compensation	Dangerous Wild Animals Act 1976
18	Power to grant consent for the operation of a loudspeaker in streets or roads	Noise Nuisance and Statutory Act 1993
19	Power to license and inspect thereafter, pet shops	Pet Animals Act 1951
20	Power to license, and inspection of, riding establishments	Riding Establishments Act 1964 and Riding Establishments Act 1970
21	Power to control use of moveable dwellings	Public Health Act 1936
22	Power to license zoos	Zoo Licensing Act 1981
23	Animal welfare powers – entry and search under warrant in connection with offence and inspection of premises and documents	Animal Welfare Act 2006 (all functions insofar as they are non-executive functions)
24	Power to determine applications for personal licences.	Part 6 of the Licensing Act 2003
25	Power to determine applications for premises licences and club premises certificates.	Part 3 and 4 of the Licensing Act 2003
26	Power to determine applications for variation of premises licences and club premises certificates.	Part 3 and 4, Licensing Act 2003
27	Power to remove designated premises supervisors.	Licensing Act 2003
28	Power to determine applications for transfer of premises licences.	Licensing Act 2003

29	Power to review premises licence and club premises certificates.	Licensing Act 2003
30	Power to determine presubjections to temporary event notices.	Licensing Act 2003
31	Where representations have been received and not withdrawn, to determine an application for a premises licence.	Gambling Act 2005
32	Where representations have been received and not withdrawn, to determine an application for a variation to a premises licence.	Part 8, Gambling Act 2005
33	Where representations have been received and not withdrawn, to determine an application for a transfer to a premises licence.	Part 8, Gambling Act 2005
34	Where representations have been received and not withdrawn, to determine an application for a provisional statement	Part 8, Gambling Act 2005
35	Where representations have been received and not withdrawn, to determine an application for a club gaming or club machine permit.	Gambling Act 2005
36	Power to cancel a club gaming or club machine permit.	Gambling Act 2005
37	Power to determine to give a counter notice to a temporary use notice.	Gambling Act 2005
38	Power to take action after a review has been heard under Section 201	Gambling Act 2005
39	Power to issue premises licences and to receive temporary use notices.	Gambling Act 2005
40	Power to dis-apply Section 279 and 282(1) of the Act.	Gambling Act 2005
41	Power to revoke premises licences for non-payment of fee or dis-apply Section 193 of the Act.	Gambling Act 2005
42	Power to determine prize gaming permits.	Gambling Act 2005
43	Power to determine licensed premises gaming machine permits.	Gambling Act 2005

## **Licensing Regulatory Sub Committee**

Membership: 3 members selected on each occasion by the Director for Communities from the 11 members of the Licensing Committee , which shall normally include the Chair or Vice-Chair of that committee.

Terms of reference: Except for matters of policy, to undertake all licensing functions, powers and duties conferred on the Council (except under the Licensing Act 2003 and the Gambling Act 2005), including but not limited to the matters set out below:

1. The Council's licensing and enforcement functions relating to individual licences, consents or permits for:
  - a) hackney carriages and private hire drivers, vehicles, and private hire operators' licences (taxi licences)
  - b) caravan sites
  - c) animal welfare
  - d) street trading
  - e) public protection
  - f) sex establishments where the Director for communities considers the matter merits the SubCommittee's attention.

2. In particular the Sub-Committees will consider and determine matters relating to licences, permits, approvals, orders, consents or similar authorisations under the above provisions where the Director for Communities considers that the matter merits the Sub-Committee's attention.

## **Licensing Sub Committee**

Membership: To consist of 3 Members and substitute(s) selected on each occasion by the Director for Communities from the 11 members of the Licensing Committee

### Terms of Reference

1. To determine the following under the Licensing Act 2003 including the imposition of appropriate conditions on Licences:
  - a) Applications for personal licences – if a Police objection
  - b) Applications for personal licences with unspent convictions – all cases
  - c) Applications for Premises Licences/Club Premises Certificates – if an adverse relevant representation subsists\*
  - d) Applications for provisional statements – if an adverse relevant representation subsists\*
  - e) Applications to vary Premises Licences/Club Premises Certificates – if an adverse relevant representation subsists\*
  - f) Applications to vary Designated Premises Supervisors – if a Police objection
  - g) Applications for transfer of Premises Licences – if a Police objection
  - h) Applications for Interim Authorities – if a Police objection
  - i) Applications to review Premises Licences/Club Premises Certificates – if an adverse relevant representation subsists\*
  - j) Decisions to object when Local Authority is a consultee and not the relevant authority considering the applications – all cases
  - k) Determinations of an objection to a Temporary Event Notice – all cases

(\*Most cases will be considered by a Sub Committee but the Director for Communities may refer the determination of a case to the Licensing Committee instead if he considers it merits their attention).

2. To determine the following under the Gambling Act 2005 including the imposition of appropriate conditions on licences:

- a) Applications for premises licences – where representations have been received and not withdrawn
- b) Application for a variation to a licence – where representations have been received and not withdrawn
- c) Applications for a transfer of a licence – where representations have been received and not withdrawn
- d) Application for a provisional Statement – where representations have been received and not withdrawn
- e) Review of a premises licence
- f) Application for club gaming/club machine permits – where objections have been made and not withdrawn
- g) Cancellation of club gaming/club machine permits
- h) Decision to give a counter notice to a temporary use notice