

Licensing and Control Committee 'A'

Constitution: 15 Members of Council - the same membership as the Licensing and Control Committee 'B' (jointly known as Licensing and Control Committee A&B)

Terms of Reference

General

- a) The Committee is a committee of the Council appointed under section 101(2) of the Local Government Act 1972;
- b) The Council has arranged under section 101(1) of that Act for the discharge by the Committee of the Council's functions as are within the 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 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 or 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 subject to any relevant requirement of the Constitution;
- f) The Committee shall consist of 15 Members;
- g) The Committee shall be quorate with 4 or more Members.
- h) The Committee has a sub-committee named the Licensing and Control A Sub Committee.
- i) Substitutes are permitted on Licensing and Control Committee A, provided they have received appropriate training.

Except for matters of policy and for those matters reserved to Full Council, 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:

No	Delegation	Legislation
1	Powers to license hackney carriages and private hire vehicles	a) as to hackney carriages: Town Police Clauses Act 1847, as extended by section 171 of the Public Health Act 1875, and section 15 of the Transport Act 1985; and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 b) as to private hire vehicles: sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
2	Powers 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 private hire vehicles	Sections 55 to 58, 62 and 79 of the 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	Section 2 and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982

6	Power to license market and street trading	Part III of, and Schedule 4 to, the 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, semi-permanent skin colouring, cosmetic piercing and electrolysis	Sections 13 to 17 of the 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 pleasure vessels	Section 94 of the Public Health Act (as amended) 1907
13	Power to license premises for the breeding of dogs	Animal Welfare Act 2006
14	Power to authorise officers to inspect premises for the breeding of dogs	Animal Welfare Act 2006
15	Power to register and license premises for the preparation of food	Section 19 of the Food Safety Act 1990
16	Power to license land as a caravan site and attach and alter conditions to site licences	Section 3(3) of the 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	Section 1 of the Dangerous Wild Animals Act 1976
18	Power to grant consent for the operation of a loudspeaker in streets or roads	Schedule 2 to the Noise Nuisance and Statutory Act 1993
19	Power to license and inspect thereafter, pet shops	Animal Welfare Act 2006
20	Power to license, and inspection of, riding establishments	Animal Welfare Act 2006
21	Power to control use of moveable dwellings	Section 269(1) of the Public Health Act 1936
22	Power to license zoos	Section 1 of the 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 issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933, section 52 of, and Schedule 12 to, the London Government Act 1963, section 79 of the Licensing Act 1964, sections 1 to 5 and 7 of, and Parts I and II of the Schedule to, the Private Places of Entertainment (Licensing) Act 1967 and Part I of, and Schedules 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982
25	For the avoidance of doubt Licensing and Control Committee 'A' shall not determine any matters arising from the Licensing Act 2003. All such matters shall be determined by Licensing and Control Committee 'B'.	

Licensing and Control 'A' Sub Committee

Membership: 3 members selected on each occasion by the Director for Communities from the 15 members of the Licensing and Control Committee A, 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 of 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 of Communities considers that the matter merits the Sub-Committee's attention.

Licensing and Control Committee 'B'

General:

- a) This is a Committee of the Council appointed under section 6 of the Licensing Act 2003;
- b) The Council has arranged under section 9 of that Act for the discharge by the Committee of such of the Council's functions as are within the terms of reference set out below;
- c) 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 the Gambling Act 2005. A sub-committee shall consist of 3 Members of the Licensing Committee;
- d) Certain functions are delegated by this Committee to Officers. Full details may be found in the Officer Scheme of Delegations;
- e) Where a function or matter within the Committee's competence has been delegated to an Officer, the Committee may exercise that function or matter concurrently with the Officer to whom it has been delegated;
- f) The exercise of any function or matter within the Committee's competence is subject to any relevant requirement of the Constitution;
- g) The Committee shall consist of 15 Members.
- h) Substitutes are not permitted on Licensing and Control Committee 'B' and substitutes on any sub-committee are only permissible from Licensing and Control Committee 'B';
- i) The quorum for Licensing and Control Committee 'B' shall be 4 or more Members.
- j) The quorum for any sub-committee shall be 3.
- k) Procedures adopted at hearings of Licensing and Control Committee 'B' and its sub-committees may be determined by that Committee subject to complying with all relevant regulations.
- l) Licensing and Control Committee 'B' and any of its sub-committees are authorised to make exceptions to any such procedure where appropriate, subject to complying with all relevant regulations.

Terms of Reference

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:

No	Delegation	Legislation
1.	Power to determine applications for personal licences.	Part 6 of the Licensing Act 2003.
2.	Power to determine applications for premises licences and club premises certificates.	Part 3 and 4 of the Licensing Act 2003
3.	Power to determine applications for variation of premises licences and club premises certificates.	
4.	Power to remove designated premises supervisors.	Licensing Act 2003
5.	Power to determine applications for transfer of premises licences.	
6.	Power to review premises licence and club premises certificates.	
7.	Power to determine pre-subjections to temporary event notices.	

Gambling Act 2005

Except for matters of policy, to undertake all functions, save for the determination as to whether or not to issue a casino premises licence, powers and duties conferred by the Gambling Act 2005, including but not limited to the matters set out below.

No	Power/Function	Legislation
1.	Duty to comply with requirement to provide information to Gambling Commission	Section 29 of the Gambling Act 2005
2.	Functions relating to exchange of information	Section 30 of the Gambling Act 2005
3.	Functions relating to occasional use notices	Section 39 of the Gambling Act 2005
4.	Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises	Section 304 of the Gambling Act 2005
5.	Power to make order disapplying section 279 or 282(1) of the 2005 Act in relation to specified premises	Section 284 of the Gambling Act 2005
6.	Power to institute criminal proceedings	Section 346 of the Gambling Act 2005
7.	Power to exchange information	Section 350 of the Gambling Act 2005
8.	Where representations have been received and not withdrawn, to determine an application for a premises licence.	Gambling Act 2005
9.	Where representations have been received and not withdrawn, to determine an application for a variation to a premises licence.	Part 8, Gambling Act 2005
10.	Functions relating to the determination of fees for premises licences	Gambling (Premises Licence Fees) (England and Wales) Regulations 2007

11.	Where representations have been received and not withdrawn, to determine an application for a transfer to a premises licence.	Part 8, Gambling Act 2005
12.	Where representations have been received and not withdrawn, to determine an application for a provisional statement.	Gambling Act 2005
13.	Where representations have been received and not withdrawn, to determine an application for a club gaming or club machine permit.	
14.	Power to cancel a club gaming or club machine permit.	
15.	Power to determine to give a counter notice to a temporary use notice.	
16.	Power to take action after a review has been heard under Section 201	
17.	Power to issue premises licences and to receive temporary use notices.	
18.	Power to dis-apply Section 279 and 282(1) of the Act.	
19.	Power to revoke premises licences for non-payment of fee or dis-apply Section 193 of the Act.	
20.	Power to determine prize gaming permits.	
21.	Power to determine licensed premises gaming machine permits.	
22.	Functions relating to the registration and regulation of small society lotteries	Part 5 of Schedule 11 to the Gambling Act 2005

Licensing and Control 'B' Sub-Committee

Membership: To consist of 3 Members and substitute(s) selected on each occasion by the Director of Communities from the 15 members of the Licensing and Control Committee B

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 of Communities may refer the determination of a case to the Licensing and Control Committee A 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