

7.4 LICENSING COMMITTEE

Rules

- The Committee Procedure Rules and the Access to Information Procedure Rules shall apply to the Licensing Committee and as applicable to its Sub-Committees.

Membership, Chair and Quorum

Number of Members	15
Substitute Members Permitted	No
Political Proportionality Rules Apply	Yes
Appointments/Removals	Resolution of full Council
Restrictions on Chair/Vice-Chair	None
Quorum	One quarter (1/4) of the committee members rounded up
Number of Ordinary meetings per Council Year	At least 4 per year (1 per quarter)
Standing Sub-Committee	Licensing Act and Hackney Carriage and Private Hire Hearing Panels five members (with a quorum of three) to be drawn from the membership of the Licensing Committee. The Sub-Committee shall have full delegated authority to carry out the same functions and have the same powers as the full committee in respect of those matters

Remit and Terms of Reference

1. To discharge those functions set out in the Licensing Act 2003.
2. To discharge those functions set out in the Gambling Act 2005.
3. To discharge functions under the Local Government (Miscellaneous Provisions) Act 1976. .
4. To fix fees and charges.
5. All non-executive functions of the Council with regard to:
 - a) Environmental Health
 - b) Health and Safety at work (other than the exercise of the functions of the Council in the capacity of employer)
 - c) Food hygiene and safety
 - d) Animal health and hygiene
6. The determination of applications for licences, approvals, consents, permission or registration of the direct regulation of any person or the enforcement of the same in relation to contaminated land, control of pollution, air quality and noise and statutory nuisance listed in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (“the Regulations”).

7. All non executive functions of the Council with regards to the licensing and registration of :
 - a) caravan sites,
 - b) hackney carriage and private hire vehicle licences, drivers and operators,
 - c) betting, gaming and lotteries,
 - d) theatres and cinemas
 - e) Sexual Entertainment Venues
 - f) Street trading and markets
 - g) House to house collections
8. All other licensing functions listed in Part B of Schedule 1 to the Regulations other than those relating to streets and highways.
9. Passing of a resolution that schedule 2 to The Noise and Statutory Nuisance Act 1993 (use of a loud speaker) should apply in the authority's area
10. Make recommendations to the Council on the adoption of bylaws within the remit of Licensing
11. Make recommendations to the Cabinet and to Council on the budget insofar as it impacts on the role and remit of the Committee.
12. Make recommendations to the Cabinet and Council insofar as it impacts on the role and remit of the Council.

NOTE:

There is no statutory requirement for the Licensing Committee to be politically balanced but the Council has resolved to apply political balance roles of the membership of the Committee where possible.

The Licensing Committee has approved a scheme of delegation in respect of Licensing Act matters as follows:

Matter to be Dealt with	<u>Full Committee</u>	<u>Sub Committee</u>	<u>Officers</u>
Application for Personal licence		If a police objection	If no objection is made
Application for personal licence with unspent convictions			
Application for premises licence/club premises certificate	If a relevant representation is made that means the creation of a new Saturation Zone	If a relevant representation is made	If no relevant representation is made
Application for provisional statement	If a relevant representation is made that means the creation of a new Saturation Zone	If a relevant representation is made	If no relevant representation is made

Application to vary premises licence/club premises certificate	If a relevant representation is made that means the creation of a new Saturation Zone	If a relevant representation is made	If no relevant representation is made
Application to vary designated personal licence holder		If a police objection	All other cases
Request to be removed as designated personal licence holder			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for interim authority		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint or objection is irrelevant, frivolous, vexatious etc.			All cases
Decision to object when Local Authority is a consultee and not the lead authority		All cases	
Determination of a police representation to a temporary event notice		All cases	

The scheme of delegation will normally be adhered to but may be varied in exceptional circumstances and having regard to any relevant statutory requirements.

Hearing Panel Composition

- a) A Hearing Panel will be drawn from the membership of the Licensing Committee on an ad hoc basis.
- b) Members of the Hearing Panel will be selected based on availability respecting political balance where possible.

- c) Members representing a Ward in which the application premises are situated will not be selected.
- d) Each selected Member shall be asked to confirm their attendance. If confirmation cannot be given then the next Member alphabetically will be selected.

The procedure for the Sub-Committee will be set by officers and in accordance with relevant Statute and Regulations.

Member Training

All members and substitute members of the Licensing Act Committee will receive training with regard to licensing policy. Only Councillors who are willing to attend within a reasonable time such training will be permitted to serve on the Committee

NOTE:

Where an Officer has delegated authority to deal with any matter falling within the remit of this Committee, the matter will normally be dealt with by that Officer, exercising delegated powers, unless, in the opinion of that Officer, the matter is likely to give rise to significant controversy or the nature of the decision is such that, in his or her opinion, it should be referred to Committee for determination.