

**NEWARK & SHERWOOD DISTRICT COUNCIL**

**CONSTITUTION  
JULY 2023**

**Part C – Responsibility for Functions  
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**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)<br><u>comments on number of meetings?</u>   |
| Standing Sub-Committee                       | <u>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 eCommittee.</u><br><u>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</u> |

**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 ancillary matters 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”).

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7. All non executive functions of the Council with regards to the licensing and registration of :

- a) caravan sites,
- ~~hackney carriage and private hire vehicle licences, drivers and operators,~~
- ~~entertainm ents~~
- b) ents,
- c) hackney carriage and private hire vehicle licences, drivers and operators,
- d) betting, gaming and lotteries,
- e) theatres and cinemas
- f) Sexual Entertainment Venues
- g) Street trading and markets
- h) House to house collections

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8. All other licensing functions listed in Part B of Schedule 1 to the Regulations other than those relating to streets and highways.

4.9. The passing of a resolution that schedule 2 to The Noise and Statutory Nuisance Act 1993 should apply in the authority's area

~~2.~~

4.10. To make recommendations to the Cabinet and Council insofar as it impacts on the role and remit of the Council.

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**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:

| <u>Matter to be Dealt with</u>                             | <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                                       | If a relevant representation is made | If no relevant representation is made |

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|   |   |                                      |                                       |
|---|---|--------------------------------------|---------------------------------------|
|   | the creation of a new Saturation Zone   |                                      |                                       |
| 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.

[Licensing 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.

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

**7.5 — Licensing and Environment GENERAL PURPOSES COMMITTEE**

**Rules**

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

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**Membership, Chair and Quorum**

|   |   |
|---|---|
| <del>Number of Members</del>                            | 15  |
| <del>Substitute Members Permitted</del>                 | No  |
| <del>Political Proportionality Rules Apply</del>        | Yes   |
| <del>Appointments / Removals</del>                      | Resolution of full Council  |
| <del>Restrictions on Chair/Vice Chair</del>             | None  |
| <del>Quorum</del>                                       | One quarter (1/4) of the committee members rounded up   |
| <del>Number of Ordinary Meetings per Council Year</del> | At least 4 per year (1 per quarter) <u>with sub committees being arranged as and when required by law.</u>  |
| <del>Standing Sub-Committee</del>                       | <u>Hackney Carriage/Private Hire Vehicle Sub-Committee</u><br><br>Five members (with a quorum of three) to be drawn from the membership of the General Purposes <u>Licensing and Environment Committee.</u> |

**Remit and Terms of Reference**

- ~~— To make recommendations to the Cabinet and Council insofar as it impacts on the role and remit of the Council.~~
- ~~— To fix fees and charges~~
- ~~— All non-executive functions of the Council with regard to:  
Environmental Health  
Health and Safety at work (other than the exercise of the functions of the Council in the capacity of employer)  
Food hygiene and safety  
Animal health and hygiene~~
- ~~— local authority licensing functions and ancillary matters other than those falling within the remit of the Licensing Committee including~~
- ~~— 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”);~~
- ~~— All non-executive functions of the Council with regards to the licensing and registration of :  
— caravan sites,  
— hackney carriage and private hire vehicle licences, drivers and operators, entertainm  
— ents,  
— betting, gaming and lotteries,  
— theatres and cinemas  
— Sexual Entertainment Venues  
— Street trading and markets  
— House to house collections~~
- 1. ~~All other licensing functions listed in Part B of Schedule 1 to the Regulations other than those relating to streets and highways.~~
- 2. Commons regulation and town and village greens
- 3. Health and safety regulations (otherwise than as employer)
- 4. Contaminated land and statutory nuisances (excluding policy issues)
- 5. The power to apply for an enforcement order against unlawful works on registered common land under Section 41 of the Commons Act 2006.
- 6. The power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference under Section 45(2)(a) of the 2006 Act (Section 45 re-enacted, with amendments, the more familiar Section 9 of the Commons Registration Act 1965 with effect from 1<sup>st</sup> October 2006).

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- ~~7. The power to institute proceedings for offences in respect of unclaimed land under Section 45(2)(b) of the 2006 Act.~~
- ~~8. All matters relating to the consideration and granting of Sexual Entertainment Venues licences. [Check why deleted](#)~~
- ~~9.1. The power to make a closing order on a takeaway food shop (this function is delegated to Officers). [Check if in scheme of delegation](#)~~
- ~~10.2. Making recommendations to the Council on the adoption of bylaws [within the remit of Licensing](#)~~
- ~~11. Functions relating to parishes, elections and electoral registration~~
- ~~12. Functions relating to Polling Station reviews~~
- ~~13. Functions relating to Community Governance Reviews~~
- ~~14. Making recommendations to Council relating to the name and status of areas and individuals~~
- ~~15. Making recommendations to Council on the promotion or approval of local bill.~~
- ~~16. Making recommendations to the Council as to recommendations to the Secretary of State on district boundaries, ward boundaries, electoral divisions, wards or polling districts~~
- ~~17.3. To make recommendations to the Cabinet and to Council on the budget insofar as it impacts on the role and remit of 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.

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**~~7.5.1 – Hackney Carriage/Private Hire Vehicle Sub-Committee~~**

**~~Remit and Terms of Reference~~**

~~To deal with all matters relating to Hackney Carriage/Private Hire Vehicle Licence applications and~~