

LICENSING COMMITTEE

Status of the Committee

The Licensing Committee is a statutory committee of the Council appointed to perform the discharge of the local authority's licensing functions, except the approval of licensing policies, the setting up of a Committee and the resolution not to issue casino licences.

Licensing policies shall be the responsibility of the Cabinet Member with responsibility for Community Services except where there is a statutory requirement for Full Council to determine policies.

The setting up of a Licensing Committee shall be the responsibility of Full Council.

Membership of the Committee

The Committee shall comprise 11 elected members of the authority in the political group proportion (6 Lib Dem: 3 Con: 1 Ind: 1 Lab), or such other proportion agreed by the Council from time to time.

The Committee shall be chaired by a nominee of the Liberal Democrat Group.

The Head of Legal and Democratic Services and Monitoring Officer shall be authorised, by the Council, to fill vacancies on this Committee in accordance with the nominations of the relevant political group which holds the nomination rights to the vacancy.

The Council's objectives on Licensing

In exercising its functions the Committee must have regard to the statutory licensing objectives under the Licensing Act 2003, i.e.

- the prevention of crime and disorder ;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

In addition the Committee will have regard to the statutory licensing objectives under the Gambling Act 2005, i.e.

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- ensuring that gambling is conducted in a fair and open way, and

- protecting children and other vulnerable persons from being harmed or exploited by gambling.

In addition the Committee will, where applicable, have regard to –

- (a) the Council's Statement of Licensing Policy, published under section 5 of the Licensing Act 2003;
- (b) the Council's Statement of Principles published under section 349 of the Gambling Act 2005;
- (c) any other policy determined by Council or Cabinet;
- (d) any Codes of Practice and Guidance issued from time to time by the Secretary of State;
- (e) the Council's Corporate Plan and improvement priorities insofar as these do not conflict with statutory requirements which take precedence.

The Committee will also have regard to the Council's Corporate Priorities:-

- A strong economy and growth
- A focus on prevention
- A new relationship with customers and communities
- An efficient business

Powers and Duties of the Committee

1. At the request of the Council, to review the Council's licensing policies at any time within the statutory period under the Licensing Act 2003 and Gambling Act 2005 and to make recommendations to the Council for change, after the prescribed consultation has been completed.
2. To carry out all of the Council's licensing functions as covered in the Licensing Act 2003 and the Gambling Act 2005, excluding the making of licensing policies, the setting up of a Licensing Committee and the resolution not to issue casino licences (these being functions of the Council).

3. To determine individual licence applications which fall outside Officer delegations, or which are referred by Officers for Member attention, in relation to the issue and renewal of all registrations, licences, permits, consents etc. in relation to the enactments listed below and all such other enactments as may fall within the remit of the Committee:

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| <i>Animal Boarding Establishments Act</i> 1963 | <i>Petroleum (Regulation) Acts</i> 1928 & 1936 |
| <i>Animal Welfare Act</i> 2006 | <i>Poisons Act</i> 1972 |
| <i>Breeding of Dogs Act</i> 1973 | <i>Police Factories, etc.</i> (Miscellaneous Provisions) |
| <i>Breeding of Dogs Act</i> 1991 | <i>Act</i> 1916 |
| <i>Caravan Sites and Control of</i> <i>Development Act</i> 1960 | <i>Public Health (Control of</i> <i>Disease) Act</i> 1984 |
| <i>Charities Act</i> 2006 | <i>Public Health Acts</i> <i>Amendment Act</i> 1907 |
| <i>Dangerous Wild Animals Act</i> 1976 | <i>Riding Establishments Act</i> 1964 |
| <i>Environmental Protection Act</i> 1990 | <i>Riding Establishments Act</i> 1970 |
| <i>Fireworks Act</i> 2003 | <i>Scrap Metal Dealers Act</i> 2013 |
| <i>Food Act</i> 1984 | <i>Theatres Act</i> 1968 |
| <i>Food Safety Act</i> 1990 | <i>Town Police Clauses Act</i> 1847 |
| <i>Gambling Act</i> 2005 | <i>Town Police Clauses Act</i> 1889 |
| <i>Game Act</i> 1831 | <i>Transport Act</i> 1981 |
| <i>Guard Dogs Act</i> 1975 | <i>Vehicles (Crime) Act</i> 2001 |
| <i>Highways Act</i> 1980 Part VIIA | <i>Violent Crime Reduction Act</i> 2006 |
| <i>House to House Collections Act</i> 1939 | <i>Zoo Licensing Act</i> 1981 |
| <i>Hypnotism Act</i> 1952 | |
| <i>Licensing Act</i> 2003 | |
| <i>Local Government (Miscellaneous</i> <i>Provisions) Act</i> 1976 | |
| <i>Mobile Homes Act</i> 2013 | |
| <i>Local Government (Miscellaneous</i> <i>Provisions) Act</i> 1982 | |
| <i>Performing Animals (Regulation) Act</i> 1925 | |
| <i>Pet Animals Act</i> 1951 | |
| <i>Pet Animals</i> 1951 (Amendment) Act 1983 | |

4. To determine appeals against decisions made by the Proper Officer under the Marriages and Civil Partnerships (Approved Premises) Regulations 2005.
5. To establish one or more Sub-Committees and, subject to statutorily prescribed exceptions, to delegate any of its functions to such Sub Committee(s).
6. Subject to statutorily prescribed exceptions, to delegate any of its functions to an Officer of the authority

How the Committee will operate, including Substitution and Delegated Powers

The Committee will meet in full to consider any matters on which it is asked or required to submit a recommendation to the Council.

Substitutions will be permitted at meetings of the Licensing Committee from among other members of the Council, in accordance with non-Executive Committee Procedure Rule 11, as set out in the Constitution.

The Committee has delegated to the Sub-Committee and Officers the power to determine applications in the circumstances set out in the tables below.

The Committee has appointed a Sub-Committee to act as a hearing Panel as follows:

- Licensing (Regulatory) Sub-Committee [3 Members – 2 Lib Dem, 1 Conservative] – this Sub-Committee hears and determines all licence applications, not delegated to officers, listed in the Powers and Duties of the Committee section above.

(Chairing nomination rights for the Sub-Committee are allocated to the Liberal Democrat Group).

Substitutes for the Sub Committee will be drawn from the membership of the Licensing Committee. Any member of the Licensing Committee substituting at Sub-Committee meetings will do so in accordance with the wishes of the political group arranging the substitution.