

**(i) LICENSING COMMITTEE**

**1. CONSTITUTION**

1.1 The Committee comprises 10 Members of the Council, who shall be appointed annually. Its quorum is 5.

**2.0 OBJECTIVES**

2.1 To deal efficiently and fairly with matters referred to it, as openly as possible.

2.2 Through licensing policies to protect and promote good practice.

2.3 To balance the interests of applicants with the interests of residents and other interested parties.

**3.0 TERMS OF REFERENCE**

The Committee's terms of reference shall be:

3.1 To set policies and determine applications in relation to the functions of the Council with respect to:

(a) Powers and duties under the Licensing Act 2003 not reserved by law to full Council.

(b) Powers and duties under the Gambling Act 2005 not reserved by law to full Council.

(c) The registration of persons and premises in relation to tattooing, cosmetic piercing, semi-permanent skin colouring, acupuncture, electrolysis, temporary markets and sex establishments.

(d) The licensing of caravan sites and other moveable dwellings and the provision and management of local authority caravan sites.

(e) Hackney Carriage and their drivers, and private hire vehicles, their drivers and operators.

(f) Charity Street and House to House collections and Street Trading Consents

(g) Animal welfare licences.

(h) Scrap metal dealers licenses

(i) Any other statutory or adopted licensing scheme the administration of which is the responsibility of the Council.

**4.0 Delegation to the Committee**

4.1 The Committee has delegated authority to act on behalf of the Council in respect of all the functions specified in Part 3 above.

**Note** – Responsibility for the conducting of Hearings in relation to applications and enforcement under Part 3 has been delegated as follows:

Paragraphs (a) and (b) to the Licensing (Statutory) Sub-Committee;

Paragraphs (e) and (f) to the Licensing (Non-Statutory) Sub-Committee;

Paragraphs (g) and (h) to officers.

## 5.0 Delegation to Officers

5.1 The Environmental Services Manager or Director Operations or Legal Services Manager are authorised to act on behalf of the Committee in relation to any matter within their respective remits of immediate urgency which must be dealt with before the next meeting of the Committee, provided:

- (a) the Chairman or Vice-Chairman of the Committee is consulted prior to delegated decisions being made;'
- (b) the Service Delivery Champion is consulted prior any action taken under this delegated power
- (c) spokespersons of minority groups are notified immediately of any action taken under this delegated power;
- (d) action taken shall be as soon as practicable reported to the next Committee ; and
- (e) it excludes any decision which is by law expressly vested in the Council.

5.2 There shall be delegated to Environmental Services Manager or Director Operations or Legal Services Manager the exercise of any power or function of the Council in routine matters falling within their remit related to the implementation of agreed strategies and programmes and established policies and procedures and within existing budgets after appropriate consultation with the Chair of the relevant Committee.

5.3 For the avoidance of doubt this delegation shall include the powers of entry and inspection of premises, seizure of goods, etc, service of notices, carrying out of works, commencement of enforcement and legal proceedings and the power to authorise others to exercise such powers.

This delegation shall not be taken to include any matter reserved by law to the Full Council.

5.4 There are further delegated to the officers indicated below the exercise of any power or function of the Council relating to the matters etc out below under the Listed Acts or any amendment, modification, or re-enactment of those Acts, or Regulations/Orders made under those Acts.

### 1. GENERAL LICENSING DELEGATIONS

Legislation		Delegated Officer
Animal Health Act 1981		Environmental Services Manager or Director (Operations) or Legal Services Manager
Animal Welfare 2006		
Anti-Social Behaviour Act 2003		
Anti-Social Behaviour, Crime and Policing Act 2014		
Caravan Sites Act 1968 Parts I & II		
Caravan Sites and Control of Development Act 1960		
Criminal Justice and Police Act 2001 Section 19		
Dangerous Dogs Act 1991		
Dangerous Wild Animals Act 1976		

Gambling Act 2005		
Game Act 1831		
Guard Dogs Act 1975		
Housing Act 2004		
House to House Collections Act 1939 & House to House Collections Regulations 1947		
Hypnotism Act 1952		
Licensing Act 2003		
Local Government (Miscellaneous Provisions) Act 1982 – Parts II, III, and VIII, section 29, Schedule 3, and Schedule 4.		
Local Government (Miscellaneous Provisions) Act 1976 Part II		
Mobile Homes Act 2013		
Police, Factories, etc, (Miscellaneous Provisions) Act 1916		
Scrap Metal Dealers Act 2013		
Slaughterhouses Act 1974		
Sunbeds (Regulation) Act 2010		
The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018	Environmental Services Manager or Director (Operations) or Legal Services Manager	
Town Police Clauses Act 1847		
Transport Act 1980 and 1985		
Zoo Licensing Act 1981		

## 2. SPECIFIC OFFICER DELEGATIONS

The power to set fees and charges, and take enforcement action	Environmental Services Manager or Legal Services Manager
The power to immediately suspend or revoke a Hackney Carriage/Private Hire Drivers Licence (having consulted Chairman or Vice-Chairman of Licensing Committee).	Environmental Services Manager or Director (Operations) or Legal Services Manager
The power to grant, refuse, vary, transfer, suspend, revoke and withdraw licences permits, registrations and consents.	Environmental Services Manager or Director (Operations) or Legal Services Manager
The power to act in an emergency to obtain injunctions in any cases.	Legal Services Manager or Chief Executive
The power to commence legal proceedings in respect of the Council's functions as set out in statute (subject to being satisfied as to evidence).	Legal Services Manager or Chief Executive
The power to act for the Council in proceedings brought in the Magistrates'	Legal Services Manager or Chief Executive

Court in respect of appeals against licensing decisions.	
Power to act for the Council in respect of challenges to policies set out in the District Council Statement of Licensing Policy brought either under the Human Rights Act 1998 or judicial review.	Legal Services Manager or Chief Executive

## **LICENSING (STATUTORY) SUB-COMMITTEE**

### **1.0 Constitution**

- 1.1 The Sub-Committee comprises of three Members (and up to two named substitute Members for each Political Group) appointed from the Licensing Committee (who have received appropriate training). Its quorum is three.
- 1.2 The Sub-Committee conducts hearings which follow the rules of natural justice.

### **2.0 Objectives**

- 2.1 To deal efficiently and fairly with matters referred to it, as openly as possible.
- 2.2 To consider the legislation, any relevant licensing policy or government guidance and to act in accordance with these for the protection of the public.

### **3.0 Terms of Reference**

To consider applications and notifications made in accordance with the Licensing Act 2003 and the Gambling Act 2005 (the "Acts"), and decide, where relevant, to grant/refuse/renew/suspend/revoke permissions sought under the Acts or held under the Acts.

## **LICENSING (NON-STATUTORY) SUB-COMMITTEE**

### **1.0 Constitution**

- 1.1 The Sub-Committee comprises of five Members appointed from the Licensing Committee (who have received appropriate training). Its quorum is three.
- 1.2 The Sub-Committee conducts hearings which are not governed by statutory rules but nevertheless follow the rules of natural justice.

### **2.0 Objectives**

- 2.1 To deal efficiently and fairly with matters referred to it, as openly as possible.
- 2.2 To consider the legislation, any relevant licensing policy or government guidance and to act in accordance with these for the protection of the public.

### **3.0 Terms of Reference**

To consider applications made in accordance with the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Act 1847, and any other legislation which provides the right of a Hearing other than the Licensing Act 2003 and the Gambling Act 2005, and decide, where relevant, to grant/ refuse/renew/suspend/revoke permissions sought under the Acts or held under the Acts.