

Recommended changes to the constitution in bold and underlined

Part 3, Delegations Section 2 – Regulatory Committee Functions

2.4 Licensing Committee

2.4.1 Terms of reference

- 2.4.1.1 To undertake and perform all of the Licensing Authority's statutory functions and duties under the Licensing Act 2003 and to delegate functions in accordance with Guidance issued under Section 182 of that Act.
- 2.4.1.2 To delegate to sub-committees consisting of three members of the Licensing Committee the functions listed at 2.4.2.
- 2.4.1.3 To exercise the functions of the authority as listed in Schedule 2.4.4, where these are not delegated to officers as listed at section 2.4.3, namely:-
- (a) hackney carriage and private hire vehicle licensing
 - (b) licensing marriage and entertainment
 - (c) licensing shops and food premises
 - (d) safety issues (sports grounds, and Health and Safety at Work Act)
 - (e) licensing premises associated with live animals
 - (f) approval and enforcement duties relating to premises associated with dead animals and food production
 - (g) employment related licensing functions
 - (h) Betting, gaming, lotteries and charity collections
 - (i) Licences for alcohol and entertainment etc
 - (j) Licensing of food premises
 - (k) Issue, grant, refuse, revoke, transfer, renew, vary, add conditions and set fees in relation to the licensing of sex establishments**
- 2.4.1.4 To consider and determine all applications in relation to the functions in Schedule 2.4.4, where:
- (a) they are not delegated to Officers;
 - (b) the Officer with delegated authority refers the application to the Committee.
- 2.4.1.5 To consider whether or not to:
- (a) suspend, and/or
 - (b) revoke, and/or
 - (c) refuse to renew, and/or
 - (d) amend any conditions of any existing licence/permit/consent in any case which is referred to the Licensing Committee by the relevant Officer where the holder has been:
 - (i) convicted of an offence involving dishonesty, indecency or violence, and/or
 - (ii) convicted of an offence or has failed to comply with the statutory provisions relating to the issue of any licence/permit/consent, or
 - (iii) in breach of any conditions attached to the issue of any licence/permit/consent, and/or
 - (iv) any other reasonable cause.

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Part 3, Delegations Section 2 – Regulatory Committee Functions

- (v) to consider Applications to vary the designated premises supervisor if there is no Police objection
 - (vi) to request to be removed as Designated Premises Supervisor in all cases
 - (vii) to consider Applications for transfer of Premises Licence if there is no Police objection
 - (viii) to consider Applications for interim authorities if there is no Police objection
 - (ix) to decide on whether a complaint is irrelevant, frivolous or vexations in all cases
 - (x) to grant or refuse and attach conditions to a Public Entertainment Licence, to permit an exhibition, demonstration or performance of hypnotism on any person and to vary and/or attach conditions to an existing Licence in accordance with the Licensing Act 2003;
 - ~~(xi) to renew licences for sex shops and sex cinemas and in renewing those licences amend or attach any conditions as is necessary in accordance with the Licensing Act 2003;~~
 - (xi) to determine the suitability of films to be shown to particular age groups and licensing of premises showing films;
 - (xii) to license theatre premises in accordance with the Licensing Act 2003
 - (xiii) to issue, amend, revoke or refuse licenses under the Licensing Act 2003
 - (xiv) to take decisions in respect of applications for a minor variation to a premises/club premises certificate in all cases; and to take decisions relating to applications for the mandatory alcohol condition requiring a Designated Premises Supervisor in respect of a premises licence to be disapplied if there is no police objection
 - (xv) issue Closure Notices to premises operating in breach of their licensing conditions and apply for an Order to close the premises should the illegal behaviour not continue.
- (u) under the Gambling Act 2005
- (i) to set the fees when appropriate following consultation with the Chair of the Committee
 - (ii) to consider applications for premises licenses where no representations have been received or representations have been withdrawn;
 - (iii) to consider applications for a variation of a license where no representations have been received or representations have been withdrawn;
 - (iv) to consider applications for a transfer of a licence where no representations have been received

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Part 3, Delegations Section 2 – Regulatory Committee Functions

- (v) to consider applications for a provisional statement where no representations have been received or representations have been withdrawn
- (vi) to consider applications for a club gaming/club machine permit where no objections have been made or objections have been withdrawn;
- (vii) to consider applications for other permits under the Act;
- (viii) to cancel licensed premises gaming machine permits as appropriate;
- (vix) to consider temporary use notices as appropriate
- (x) to designate an officer of a licensing authority as an authorised person for a purpose relating to premises under Section 304 of the Gambling Act 2005
- (xi) to institute criminal proceedings for offences under section 342 of the Gambling Act 2005 – Section 346 of the Act
- (xii) to exchange information under Section 350 of the Act
- (xiii) to have a statement of principles for Unlicensed Family Entertainment Centres.
- (xiv) to have a statement of principles for Prize Gaming.

(v) To issue/renew/transfer and add conditions in relation to sex establishment licenses where no representations have been received or representations have been withdrawn.

(w) Determine variation applications in relation to sex establishments, in consultation with the Chair of the licensing committee

2.4.3.2 The Executive Director – Operations, in consultation with the Chair of the Licensing Committee, is authorised to:

Determine the fees for premises licences (The Gambling (Premises License Fees) (England and Wales) Regulations 2007 (S.I. 2007/479)).

2.4.3.3 **The Director of Children’s Services is authorised:**

- (a) to monitor and regulate the employment of young people below school leaving age, including issuing of work permits, investigation of breaches to bye-laws and meeting all LEA statutory responsibilities with regard to prosecution of employers who contravene employment legislation;
- (b) to grant or refuse licences for children to take part in public entertainment or performances and to grant or refuse chaperone licences, in accordance with bye-laws.

2.4.3.4 **The Executive Director – Strategic Resources** is authorised to determine applications for licenses to use premises for holding a marriage or civil ceremony

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Version 010

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2.4.4 Schedule of relevant functions – Licensing Committee

2.4.4.1 Hackney carriage and private hire licensing

Function	Relevant legislation
Licensing hackney carriages and private hire vehicles	HACKNEY CARRIAGES Town Police Clauses Act 1847 (10 & 11 Vict. C.89), as extended by Public Health Act 1875 (38 & 39 Vict. C.55), Section 171 and Transport Act 1985 (c.67) Section 15; and Local Government (Miscellaneous Provisions) Act 1976 (c.57) Sections 47, 57-58, 60 and 79. PRIVATE HIRE VEHICLES Local Government (Miscellaneous Provisions) Act 1976 Sections 48, 57-58, 60 and 79.
Licensing drivers of hackney carriages and private hire vehicles	Local Government (Miscellaneous Provisions) Act 1976, Sections 51, 53-54, 59, 61 and 79
Licensing operators of hackney carriages and private hire vehicles	Local Government (Miscellaneous Provisions) Act 1976, Sections 55-58, 62 and 79

2.4.4.2 Licences for Marriage and Entertainment

Approving premises for the solemnisation of marriage and civil partnerships	Marriage Act 1949 (c.76) s46A (as inserted by Marriage Act 1994 (c.34), Section 1); and The Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (SI 2005, No.: 3168)
Licensing performances of hypnotism	The Hypnotism Act 1952 (c.46), Section 1 as amended by Licensing Act 2003 (c.17) paragraph 198 and Schedule 6, paragraphs 25 – 27

Recommended changes to the constitution in bold and underlined

Part 3, Delegations Section 2 – Regulatory Committee Functions

Issuing theatre licences	Licensing Act 2003 (c.17), s.200 and Schedule 8, Part 1(e) (as to transitional provisions from old Licence granted under the Theatres Act 1968 to a Premise License under the Licensing Act 2003) Licensing Act 2003 (c.17), Part 3 (as to grant, variation, transfer and review of Premise Licenses under the Licensing Act 2003)
Issuing and Enforcing Licenses for Alcohol and Entertainment etc	Licensing Act 2003 (c.17), Part 3 (Premise Licence), Part 4 (Club Licence), Part 5 (Permitted Temporary Activities) and Part 6 (Personal Licences) N.B. Mandatory and prohibitory conditions to be applied to any Licence granted under Parts 3, 4 and 6.
<u>Issuing and Enforcing Licenses for sex shops, sex cinemas and sexual entertainment venues</u>	Local Government (Miscellaneous Provisions) Act 1982 (c.30), Section 2 and Schedule 3 (as amended by Licensing Act 2003 (c.17), Schedule 6, paragraph 85 <u>and by Section 27 of the Policing and Crime Act 2009 (c.26)</u>)

2.4.4.10 Licensing of Food Premises

Licensing night cafes and take-away food shops	Licensing Act 2003 (c.17), s.200 and Schedule 8, Part 1(e) (as to transitional provisions from old Licence granted under s.1 of the Cinema Act 1985 to a Premise License under the Licensing Act 2003) Licensing Act 2003 (c.17), Part 3 (Premise Licence) (as to the grant, variation, transfer and review of Premise Licenses under the Licensing Act 2003)
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2.4.4.11 Gambling

Issuing, registering and enforcing Premise Licenses	Gambling Act 2005 (c.19), Part 8 and Part 18, Section 346
Acknowledging or determining, registering and enforcing Temporary Use Notices	Gambling Act 2005 (c.19), Part 9 and Part 18, Section 346
Issuing and enforcing Family Entertainment Centre Gaming Machine Permits	Gambling Act 2005 (c.19), Part 10, Section 247, Part 18, Section 346 and Schedule 10
Issuing and cancelling/forfeiting Club	Gambling Act 2005 (c.19), Part 12,

Issue date December 2012
Version 010

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