

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
- (l) Scrap Metal Dealers registrations and orders of exemption**
- 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.

- (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applications for a provisional statement where no representations have been received or representations have been withdrawn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consider applications for a club gaming/club machine permit where no objections have been made or objections have been withdrawn;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
 - (x) To issue/renew registrations of scrap metal dealers and orders of exemption except where an application for an order of exemption has been refused and the applicant wants to appeal that decision.**
- 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

Part 3, Delegations Section 2 – Regulatory Committee Functions

Issuing and cancelling/forfeiting Club Machine Permits and Club Gaming Permits	Gambling Act 2005 (c.19), Part 12, Sections 271 – 274 and Schedule 12
Issuing and cancelling/forfeiting Licensed Premises Gaming Machine Permits	Gambling Act 2005 (c.19), Part 18, Section 346 and Schedule 13
Issuing, enforcing and registering Prize Gaming Permits	Gambling Act 2005 (c.19), Part 13, Part 18, Section 346 and Schedule 14
Registration revocation and enforcement of Small Society Lotteries	Gambling Act 2005 (c.19), Part 11, Part 18, Section 346 and Schedule 11, Part 5
Assessment of Compliance through inspection and enforcement of breaches	Gambling Act 2005 (c.19), Part 15 and Part 18, Section 346
Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises	Section 304 of the Gambling Act 2005
Power to institute criminal proceedings for offences under section 342 of the Gambling Act 2005	Section 346 of the Gambling Act 2005
Power to exchange information	Section 350 of the Gambling Act 2005
Functions relating to the determination of fees for premises licences.	The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (S.I. 2007/479)."

2.4.4.12 Scrap Metal Dealers

Registration of scrap metal dealers and applications for orders of exemption for itinerant collectors	Section 1 and Section 3 of the Scrap Metal Dealers Act 1964 (c.69)
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- 2.5.2.4 **The Executive Director – Operations is authorised** to determine:
- (a) applications under Prior Approval of Telecommunications Procedures; and
 - (b) those under delegation 2.6.2.3 (b) and 2.6.2.3 (f);
- in consultation with the Chairman or, if not available or inappropriate, the Vice Chairman of the Committee, where a Member or a Parish Council has exercised their power to refer an application to the Committee but there is no scheduled meeting of the Committee within the time period for response.
- 2.5.2.5 **Authorised Signatories**
- (a) Planning Decision or Building Control Notices determined by Committee - the Executive Director - Operations
 - (b) Notices and directions following determination by Committee, under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking or re-enacting that Order with or without modification - the Executive Director - Operations.
- 2.5.2.6 **The Executive Director - Operations is authorised:**
- (a) to issue licences for hoardings and scaffolding within the highway;
 - (b) to issue licences for the placing of skips within the highway;
 - (c) to exercise the non-executive powers and duties of the Council, acting on its behalf as the local highway authority, traffic authority, transport authority, parking authority and technical approval authority, including the serving of Notices as contained in the Highways Act 1980
 - (d) to create, extinguish and divert footpaths under the Highways Act 1980;
 - (e) to enter land under the legislation governing the functions for which s/he is responsible;
 - (f) to modify rights of way, in line with para 2.6.2.6 (d) above.
- 2.5.2.7 **The Executive Director - Operations is authorised:**
- ~~(a) To deal with registration of scrap metal dealers;~~
 - (b) To undertake non-executive actions under the Environmental Protection Act 1990 in relation to pollution and statutory nuisance (these are set out in Schedule 2.6.3;
 - (c) To take appropriate action and issue all notices (including notices of entry) under the following legislation:
Control of Pollution Act 1974;
Noise and Statutory Nuisance Act 1993.
- 2.5.2.8 The Executive Director - Operations is authorised to serve notices requiring information in relation to ownership of land and property under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
- 2.5.2.9 The Executive Director – Operations is authorised to issue licences and ensure compliance with statutes relating to residential caravan sites, touring caravans and campsites, as listed in Schedule 2.6.3 (Section 3 Caravan

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Issuing 'site licences' authorising the use of land as a caravan site	Section 3(3) Caravan Sites Control and Development Act 1960 (c.62)
Issuing licences for use of moveable dwellings as camping sites	Section 269(1) Public Health Act 1936 (c.49)
Licensing scrap yards	Section 1 Scrap Metal Dealers Act 1964 (c.69)
Making closing orders with respect to take-away food shops	Section 4 Local Government (Miscellaneous Provisions) Act 1982 (c.30)
Any function regarding complaints of noise at night	Noise Act 1996

2.5.3.6 Health

Power to enforce offences relating to the display of no-smoking signs	Section 6(5) of the Health Act 2006
Power to enforce offences relating to smoking in smoke-free places	Section 7(4) of the Health Act 2006
Power to enforce offence of failing to prevent smoking in smoke-free places	Section 8(4) of the Health Act 2006
Power to transfer enforcement functions to another enforcement authority	Smoke-free (Premises and Enforcement) Regulations 2006

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