

Licensing Committee

2.5.1 It is advised that Members undertake relevant training within the past year in order to hold a seat on this committee.

2.5.2 Terms of reference

2.5.2.1 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.

2.5.2.2 To delegate to sub-committees consisting of three members of the Licensing Committee the functions listed at 2.5.3.

2.5.2.3 To exercise the functions of the authority as listed in Schedule 2.5.5, where these are not delegated to officers as listed at section 2.5.4, 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 in accordance with regulations under the Animal Welfare Act 2006 or other applicable legislation
- (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) issue, grant, refuse, revoke, transfer, renew, vary, add conditions and set fees in relation to the licensing of sex establishments
- (k) Licences for scrap metal dealers

2.5.2.4 To consider and determine all applications in relation to the functions in Schedule 2.5.5, where:

- (a) they are not delegated to Officers;
- (b) the Officer with delegated authority refers the application to the Committee.

2.5.2.5 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.

2.5.2.6 To approve (and periodically review) the standard conditions to be attached to any licence/permit/consent issued by the Council.

2.5.2.7 On recommendation by the Licensing Committee all statutory policies within the Licensing Committee's remit must go to Full Council for formal adoption. This includes any modifications, amendments to those policies.

2.5.2.8 On recommendation by the Licensing Committee all non-statutory policies must be submitted either to Full Council or Cabinet for formal adoption. Thereafter, any minor amendments or modifications, can be adopted by the Licensing Committee.

2.5.2.9 There is no power to suspend and call in any Licensing Committee decisions to Council for determination.

2.5.3 Delegations to Sub-Committees

2.5.3.1 To undertake and perform all of the statutory duties and functions required of local authorities under the Licensing Act 2003 as follows:

- (a) application for a Personal License if there is a Police objection
- (b) application for a Personal License with unspent convictions in all cases
- (c) application for Premises License/Club Premises Certificate if a relevant representation is made
- (d) application for a provisional statement, if a relevant representation is made
- (e) application to vary Premises Licence/Club Premises Certificate if a relevant representation is made
- (f) application to vary the Designated Premises Supervisor if there is a Police objection
- (g) application for transfer of a Premises Licence if there is a Police objection
- (h) application for interim authorities if there is a Police objection
- (i) application to review a Premises Licence/Club Premises Certificate in all cases
- (j) decision to object when the Local Authority is a consultee and not the relevant authority considering the application
- (k) determination of a Temporary Event Notice where objections have been received from relevant persons
- (l) in the event of all relevant representations concerning an application being withdrawn, the application is delegated to officers as per 2.5.4 below
- (m) decision to revoke or suspend (up to 6 months) personal licenses where a personal licence holder (licensed by this authority) has been convicted of a relevant or foreign offence or an immigration offence or penalty

2.5.3.2 To undertake and perform all of the statutory duties and functions proposed for local authorities under the Gambling Act 2005 as follows:

- (a) application for a premises license where representations have been received and not withdrawn;
- (b) application for a variation to a licence where representations have been received and not withdrawn;
- (c) application for a transfer of a licence where representations have been received from the Commission;
- (d) application for a provisional statement where representations have been received and not withdrawn;

- (e) review of a premise licence;
- (f) application for a club gaming/club machine permit where objections have been made and not withdrawn;
- (g) cancellation of a club gaming/club machine permit;
- (h) decision to give counter notice to temporary use notice.

2.5.4 Delegations to officers

2.5.4.1 The Executive Director: Place and Economy is authorised:

- (a) to set fees, issue/renew/suspend/revoke hackney carriage drivers' and vehicle licences and private hire drivers' and vehicle licences, except where the Officer is of the opinion that the application/matter should be considered by the Licensing Committee;
- (b) to approve advertising in or on purpose-built Hackney Carriage and Private Hire vehicles subject to there being no advertising of alcohol or tobacco related products and the advertisements complying with the code of acceptance except where the Officer is of the opinion that an application should be considered by Licensing Committee;
- (c) to set fees, issue/renew/suspend/revoke Private Hire Operator's licences except where the Officer is of the opinion that an application should be considered by the Licensing Committee.
- (d) to set the fees under the Gambling Act 2005 in consultation with the Chairman of the Licensing Committee
- (e) to determine Street Collection Permits; including those for special Christmas collections;
- (f) to determine house-to-house collection licences;
- (g) to determine house-to-house Christmas Carol Float permits;
- (h) to deal with the following registrations:
 - (i) Ear piercing, acupuncture, electrolysis and tattooing;
 - (ii) Food premises;
- (i) to issue/renew/amend/suspend/revoke the following licences:
 - (i) Hiring out horses;
 - (ii) Keeping of dangerous wild animals;
 - (iii) Selling animals as pets;
 - (iv) Breeding dogs;

- (v) Providing or arranging for the provision of boarding for cats or dogs;
- (vi) Zoos.
- (j) to issue, amend, revoke or refuse street trading consents boroughwide and including the use of the city centre pedestrian area, including those for:-
 - (i) annual food/commercial concessions; and
 - (ii) the Christmas street festival;
- (k) to prepare, amend, vary, attach and adopt as necessary, standard and other conditions to all licences, registrations and consents. The Corporate Director Resources will incorporate any special conditions requested or determined by Licensing Committee;
- (l) to consider and determine applications for certificates under the Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sports Act 1987.
- (m) to serve notices requiring information in relation to ownership of land and property under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976;
- (n) to take appropriate action and issue all notices (including notices of entry) under the Health and Safety at Work, etc Act 1974;
- (o) to take all necessary action under the Scrap Metal Dealers Act 2013 except where the Officer is of the opinion that the application/matter should be considered by the Licensing Committee.
- (p) to exercise all the functions conferred by the Acts, Orders and Regulations set out below or any Act, Order or Regulation which extends or amends them or any Order, Instrument, Regulation or Byelaw made under them:
 - (i) Celluloid and Cinematographic Films Act 1922 – fire safety and storage provisions relating to celluloid film kept on premises;
 - (ii) Explosives Acts 1875 and 1923 – storage conditions and licensing for explosives;
 - (iii) Nurses Agencies Act 1957 – licensing and regulation of Nurses Agencies;
 - (iv) Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 – keeping or training for exhibition;
 - (v) Poisons Act 1972 – registration of sellers of some categories of poisons;
 - (vi) Criminal Justice and Police Act 2001.
- (q) to issue game dealers' licences;
- (r) under the Licensing Act 2003:
 - (i) to consider Applications for a Personal License if no objection is made

- (ii) to consider Applications for a Premises Licence/Club Premises Certificate if no relevant representation is made
 - (iii) to consider Applications for a provisional statement if no relevant representation is made
 - (iv) to consider Applications to vary Premises Licence/Club Premises Certificate if no relevant representation is made
 - (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 vexatious in all cases
 - (x) 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, suspend 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 continue.
- (s) 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
 - (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;
 - (ix) 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.
- (t) To issue/renew/transfer and add conditions in relation to sex establishment licences where no representations have been received or representations have been withdrawn.
- (u) Determine variation applications in relation to sex establishments, in consultation with the Chairman of the Licensing Committee.
- (v) To grant or refuse and attach conditions to permit an exhibition, demonstration or performance of hypnotism on any person and to vary and/or attach conditions.

2.5.4.2 The Executive Director: Place and Economy 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)).

2.5.4.3 The Executive Director: Place and Economy 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.

2.5.4.4 The Executive Director: Place and Economy is authorised to determine applications for licenses to use premises for holding a marriage or civil ceremony

2.5.5 Schedule of relevant functions – Licensing Committee

2.5.5.1 Hackney carriage and private hire licensing

Function	Relevant legislation
Licensing hackney carriages and private hire vehicles	<p>HACKNEY CARRIAGES</p> <p>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</p> <p>Local Government (Miscellaneous Provisions) Act 1976 (c.57) Sections 47, 57-58, 60, 70 and 79.</p> <p>PRIVATE HIRE VEHICLES</p> <p>Local Government (Miscellaneous Provisions) Act 1976 Sections 48, 57-58, 60 and 79.</p>
Licensing drivers of hackney carriages and private hire vehicles	Local Government (Miscellaneous Provisions) Act 1976, Sections 51, 53-54, 59, 61, 70 and 79
Licensing operators of hackney carriages and private hire vehicles	Local Government (Miscellaneous Provisions) Act 1976, Sections 55-58, 62, 70 and 79

2.5.5.2 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
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	Partnerships (Approved Premises) Regulations 2005 (SI 2005, No.: 3168)
Licensing sex shops and sex cinemas	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.
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
Licensing pleasure boats and pleasure vessels	Public Health Acts Amendment Act 1907 (c.53), s.94 as amended by Local Government Act 1974 (c.7) Schedule 6 Para 1 and Local Government (Miscellaneous Provisions) Act 1976 (c.57), Section 18 and Local Government, Planning and Land Act 1980 (c.65), s186 as substituted by ; Deregulation (Public Health Acts Amendment Act) Order 1997 (SI 1997/1187), Section 94(8)

2.5.5.3 Licensing of shops and food premises

Licensing premises for acupuncture, tattooing, ear-piercing and electrolysis	Local Government (Miscellaneous Provisions) Act 1982, Sections 13 – 17
Licensing market and street trading	Local Government (Miscellaneous Provisions) Act 1982, Part III of, and Schedule 4
Duty to keep a list of persons entitled to sell non-medicinal poisons	Poisons Act 1972 (c.66), Sections 3(1)(b)(ii), 5, 6 and 11 as amended by Local Government, Planning and Land Act 1980, Schedule 6 Para 13(1)

Licensing dealers in game and the killing and selling of game	Game Act 1831 (c.32), Sections 5-6, 17-18, 21-23 and Game Licensing Act 1860 (c.90), Sections 2-16; and Customs and Inland Revenue Act 1883 (c.10), Section 4; Sections 12(3) and 27 Local Government Act 1874 (c.73); Section 213 Local Government Act 1972 (c.70)
Registering and licensing premises for the preparation of food	Section 19 Food Safety Act 1990 (c.16)

2.5.5.4 Safety functions (sports grounds and Health and Safety at Work)

Issuing, amending or replacing safety certificates (general or special) for sports grounds	The Safety of Sports Grounds Act 1975 (c.52), as amended by Fire Safety and Safety of Places of Sport Act 1987 (c.27), Part II and Schedule 2
Issuing, cancelling, amending or replacing safety certificates for regulated stands at sports grounds	Fire Safety and Safety of Places of Sport Act 1987 (c.27), Part III
Sanctioning use of parts of buildings for storage of celluloid	Celluloid and Cinematographic Film Act 1922 (c.1935), Section 1 – 4
Health and Safety at Work Act functions under any of the “relevant statutory provisions” within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the 1974 Act [not including the authority’s discharge of these functions in relation to its own employees, which is an executive responsibility]	Health and Safety at Work, etc Act 1974 (c.37), Part I [For “relevant statutory provisions” see the various definitions in Sections 53(1) and 15(1) of the Act, the latter section having been substituted by Employment Protection Act 1975 (c.71), Schedule 15 Para 5]

2.5.5.5 Licensing associated with live animals

Licensing premises for the breeding of dogs	Animal Welfare (Licensing of Activities) (England) 2008
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<p>Licensing pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business</p>	<p>Pet Animals Act 1951 (c.35), Section 1 as amended by Local Government Act 1974 Schedules 6 and 8</p> <p>Animal Boarding Establishments Act 1963 (c.43), Section 1 as amended by Local Government Act 1974, Schedule 6 Para 17 and Protection of Animals (Amendment) Act 1988 (c.29) Sections 3(2) and (3) and Schedule</p> <p>Riding Establishments Act 1964 (c.70) and 1970 (c.70) as amended by Local Government Act 1974, Section 35(1) and (2) and Schedule 6 Para 18 and Schedule Protection of Animals (Amendment) Act 1988, Sections 3(2) and (3)</p> <p>Breeding of Dogs Act 1973 (c.60), Section 1 as amended by Local Government Planning and Land Act 1980, Section 1(6), Schedule 6, Schedule 34 Para 15 and Protection of Animals (Amendment) Act 1988 Sections 3(2) and (3) and Schedule and Breeding and Sale of Dogs (Welfare) Act 1999, Sections 1 and 8</p> <p>Animal Welfare (Licensing of Activities) (England) 2008</p>
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<p>Registering animal training and exhibitors</p>	<p>Performing Animals (Regulation) Act 1925 (c.38), Section 1 as amended by Local Government Act 1974, Sections 35(1) and (2), Schedule 6 Para 2(1) and Schedule 8</p>
<p>Licensing zoos</p>	<p>Zoo Licensing Act 1981 (c.37), Section 1 as amended by Zoo Licensing Act 1981 (Amendment) (England and Wales) Regulations 2002 (SI 2002, No. 3080), Regulations 3 and 4 and Local Government (Wales) Act 1994, s.66(6) and (8) and Schedule 16, and Schedule 18, paragraph 62(2)</p>
<p>Licensing dangerous wild animals</p>	<p>Dangerous Wild Animals Act 1976 (c.38), Section 1</p>

Enforcing provisions for Record Keeping, Identification Marking and Movement relating to pigs	The Pigs (Records, Identification and Movement) Order 2003 (SI 2003, No. 2632), Section 27.
Enforcing provisions for Record Keeping, Identification and Movement of Cattle	The Cattle Identification Regulations 2007 (SI 2007, No.: 529) as amended by The Cattle Identification (Amendment) Regulations 2007 (SI2007, No. 1046)
Enforcing provisions for Record Keeping, Identification and Movement of Sheep and Goats	The Sheep and Goats (Records, Identification and Movement) (England) Order 2005 (SI 2005 No.: 3100) and The Sheep and Goats (Records, Identification and Movement) (England) (Amendment) Order 2006 (SI 2006, No.: 2987)

2.5.5.6 Approval and Enforcement of duties relating to premises associated with dead animals and food production

Licensing knackers' yards	Section 4 Slaughterhouses Act 1974 (and see also Animal By-Products Order 1999, SI 1999/646)
Enforcing requirements in relation to any food business premises as to e.g. hygiene, HACPP principles and registration as well as approving the food business premises.	Food Hygiene (England) Regulations 2006 (SI 2006, No 14) as amended by the Food Hygiene (England) (Amendment) Regulations 2007 (SI 2007, No. 56) both to be read in conjunction with 2004/852/EC

Enforcing requirements in relation to any relevant food business operators (dealing with e.g. meat, minced meat, eggs, dairy and fish products) as to e.g. hygiene, HACPP principles, identification marking, slaughtering and preparation, transport and storage etc as well as approving the premises.	Food Hygiene (England) Regulations 2006 (SI 2006, No.14) as amended by the Food Hygiene (England) (Amendment) Regulations 2007 (SI 2007, No. 56) both to be read in conjunctions with 2004/852/EC and 2004/853/EC
Duty to keep a register of food premises	Food Hygiene (England) Regulations 2006 (SI 2006, No. 14) and Food Hygiene (England) (Amendment) Regulations 2007 (SI 2007, No.: 56)
Registering food business premises	Food Hygiene (England) Regulations 2006 (SI 2006, No. 14) and Food Hygiene (England) (Amendment) Regulations 2007 (SI 2007, No.: 56)

2.5.5.7 Employment related licensing functions

Licensing the employment of children	Part II Children and Young Persons Act 1933 (c.33); Byelaws made under that Part; Part II Children and Young Persons Act 1963 (c.37)
Licensing agencies to supply nurses	Section 2 Nurses Agencies Act 1957 (c.16)

2.5.5.8 Licences for Alcohol and Entertainment etc

Issuing cinema and cinema club licences	Licensing Act 2003 (c.17), s.200 and Schedule 8, Part 1(h) <i>(as to transitional provisions from old Licence granted under s.1 of the Cinema Act 1985 to a Premise Licence under the Licensing Act 2003)</i> Licensing Act 2003 (c.17), Part 3 (Premise Licence) and 4 (Club License – if applicable) <i>(as to the grant, variation, transfer and review of Premise Licenses under the Licensing Act 2003)</i> N.B.: Licensing Act 2003 (c.17), Section 20 <i>(as to mandatory conditions to be attached to Premise Licence for the Exhibition of Films)</i>
Issuing theatre licences	Licensing Act 2003 (c.17), s.200 and Schedule 8, Part 1(e) <i>(as to transitional provisions from old Licence granted under the Theatres Act 1968 to a Premise Licence under the Licensing Act 2003)</i> Licensing Act 2003 (c.17), Part 3 <i>(as to grant, variation, transfer and review of Premise Licenses under the Licensing Act 2003)</i>
Issuing and Enforcing Licenses for Alcohol and Entertainment etc	Licensing Act 2003 (c.17), as amended by the Business and Planning Act 2020, 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.

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)
Issuing and Enforcing Licences for sex shops, sex cinemas and sexual entertainment venues	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 and by Section 27 of the Policing and Crime Act 2009 (c.26).

2.5.5.9 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) <i>(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)</i> Licensing Act 2003 (c.17), Part 3 (Premise Licence) <i>(as to the grant, variation, transfer and review of Premise Licences under the Licensing Act 2003)</i>
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2.5.5.10 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 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)."

2.5.5.11 Scrap Metal Dealers

Licensing of Scrap Metal Dealers	Section 2 and Section 4 and Section 9 of the Scrap Metal Dealers Act 2013 (c10)
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