

Part 4.7

Licensing and Appeals Committee

Licensing and Appeals Committee

The Council has established a Licensing and Appeals Committee. The Licensing Act 2003 requires the Council to establish a Licensing Committee.

These Rules detail what powers the Licensing and Appeals Committee has and how meetings are conducted. In general, the Licensing and Appeals Committee deals with functions relating to licensing registration, enforcement and duties and powers contained within relevant legislation shown below.

The Council has also delegated certain functions to Officers and these can be found in the Officer Delegation Scheme.

1. Membership

1.1. The Committee shall comprise 13 Councillors. Relevant training shall be undertaken by members.

2. Substitutions

2.1. Named substitutes. Substitutes must have completed relevant training.

2.2. Political groups may nominate their own members to the pool in accordance with the proportionalities in force at the time and may vary their nominees as and when required subject to the training requirements referred to.

3. Chairmanship

3.1. Term of office will be one year.

3.2. The Chair and Vice Chair shall be appointed by Council.

4. Quorum

4.1. The quorum shall be a quarter of voting members.

5. Terms of Reference

5.1. To undertake the following licensing functions:

5.1.1. To exercise all powers of the Council not expressly reserved to Council relating to the exercise of those functions set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 to include all Council's responsibilities under the Licensing Act 2003, the Gambling Act 2005, Local Government (Miscellaneous Provisions) Act 1982 and any secondary legislation and the Council's responsibilities in respect of licensing under the Criminal Justice and

Police Act and the Violent Crime Reduction Act 2006 and any other associated matters and any other similar licensing and registration functions. However, this does not include the exercise of any powers for the purpose of:

- a) any matter relating to the registration of common land including the variation of rights of common;
- b) any matter relating to the registration of any town or village green;
- c) any matter relating to the registration of an asset of community value; and/or
- d) a determination as to whether or not to adopt a policy forming part of the Policy Framework.

5.1.2. To approve licensing policy (except for matters specifically reserved by statute to Council or Executive)

5.1.3. Determine any matter relating to the functions of private hire and hackney carriage licensing functions under the Town and Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 and any secondary or subsequent legislation.

5.2. To undertake the following Appeals functions;

5.2.1. To determine any appeal and/or review against a decision made by or on behalf of the Council or for which the Council is required by law to provide arrangements for an appeal/review body that includes Members.

6. Sub Committees

6.1. The Licensing Committee has the power to appoint such sub-committees as may from time to time be necessary to discharge its duties including but not limited to those under the Licensing Act 2003 and the Gambling Act 2005.

6.2. Sub-committees will have full delegated powers to determine contested applications and adjudicate over the review of licences.

6.3. Each sub-committee will comprise three Members drawn from the Licensing Committee on an ad-hoc basis:

6.3.1. to hold hearings to determine licensing matters where such hearings are required by the Licensing Act 2003 (“the 2003 Act”) and associated regulations;

6.3.2. to determine applications for a provisional statement or the grant, variation, or transfer of a premises licence under the Gambling Act 2005 (“the 2005 Act”) where a representation has been received or where the Head of Service proposes that the power under Section 169(1)(b) be exercised to exclude certain licence conditions;

- 6.3.3. to determine all matters in relation to the review of a premise licence under the 2005 Act;
- 6.3.4. to determine applications for club gaming and club machine permits under the 2005 Act where objections have been received and matters relating to the cancellation of club gaming and club machine permits or licensed premises gaming machine permits
- 6.3.5. to determine all matters relating to temporary or occasional use notices under the 2005 Act where objections have been received.
- 6.3.6. To determine such all other licences including but not limited to animal welfare, sex establishments and scrap metal
- 6.4. Sitting as a Panel comprising 3 Members (drawn from the full Committee on a politically proportionate basis):
 - 6.4.1. to determine all matters relating to the grant, renewal or review of taxi licences (which, for the avoidance of doubt, in these Terms of Reference shall include hackney carriage and private hire vehicle driver, vehicle and operator licences) where evidence exists as to whether the applicant is a fit and proper person and to suspend or revoke taxi licences in accordance with legislation;
 - 6.4.2. in cases where the Director for Place and Economy has on public safety grounds revoked with immediate effect a taxi licence, to determine an application for the grant of a new licence submitted by the driver/operator whose earlier licence was revoked;
 - 6.4.3. to determine all matters relating to street trading consents where representation or objections have been received;

End of Licensing and Appeals Committee

January 2022