

## **LICENSING COMMITTEE**

(13 Members)

### **1. PURPOSE**

To discharge the functions of the Council as a Licensing Authority (with the exception of any functions which are reserved for the Full Council) relating to Hackney Carriages, Private Hire Vehicles, public safety, animal welfare, market and street trading, sex establishments, scrap metal dealing and other miscellaneous licensing and registration functions.

There is a split in the delegation of licensing functions between the Head of Community Services and the Licensing Committee. More information on the functions delegated to the relevant Head of Service and those functions reserved for the Licensing Committee can be found in this section and the Council Officer Responsibilities and Decision Making section of this Constitution.

Functions of the Council as a Licensing Authority under the Licensing Act 2003 and the Gambling Act 2005 have been delegated to the Licensing Sub-Committee.

### **2. RESPONSIBILITIES OF THE LICENSING COMMITTEE**

To discharge those functions relating to Licensing and registration as set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and Schedule 2 Paragraph 4 and as may be amended.

To exercise the powers and functions of the Council as a Local Licensing Authority that in law must not be the responsibility of the Cabinet which relate to Hackney Carriages, Private Hire Vehicles, public safety, animal welfare, market and street trading, sex establishments, scrap metal dealing and other miscellaneous licensing and registration functions.

All issues relating to Hackney Carriages and Private Hire Vehicles (including approval of policy documents) are solely the responsibility of the Licensing Committee.

To discharge those functions relating to health and safety under any “relevant statutory provision” within the meaning of Part 1 of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged, but not in the Council’s capacity as an employer.

To discharge those functions relating to:

- Food safety under any “relevant statutory provision”.
- Environmental Protection Act 1990.
- Anti-Social Behaviour, Crime and Policing Act 2015.
- Any associated legislation.

### **3. DECISIONS WHICH WILL BE TAKEN BY THE LICENSING COMMITTEE**

All of the responsibilities of the Licensing Committee (detailed in Paragraph 2) are delegated to the Head of Community Services\* except the following which are reserved to the Committee:

- a) Review of fees and charges, including the annual review, in respect of functions of the Licensing Committee in order to recover the cost of the service as allowed by statute or where statutory provisions do not apply, by the limits set out in the Budget Strategy.
- b) Approval of fares for Hackney Carriages.
- c) Power to review and set fees for Private Hire vehicles, Private Hire Operators and Hackney Carriage vehicles where objections have been received and not withdrawn.
- d) Approval of all policy related documents regarding Hackney Carriages and Private Hire Vehicles.
- e) Approval of the Health and Safety Service Plan.
- f) Approval of the Food Service Plan.
- g) Power to issue licences authorising the use of land as a caravan site ("site licences").
- h) Power to license the use of moveable dwellings and campsites.
- i) Power to register pool promoters.
- j) Power to grant track betting licences and inter-track betting schemes.
- k) Power to grant permits in respect of premises with amusement machines.
- l) Power to register societies wishing to promote lotteries.
- m) Power to keep list of persons entitled to sell non-medicinal poisons.
- n) Power to register animal trainers and exhibitors.
- o) Power to grant permission for the provision of services, amenities, recreation and refreshment facilities on highways and related powers.
- p) Duty to publish notice in respect to propose the grant of permission under Section 115E of the Highways Act 1980.
- q) Power to set fees for scrap metal dealer sites and mobile collector licences.
- r) Power to transfer enforcement functions to another enforcement authority under the Smoke-Free (Premises and Enforcement) Regulations 2006.

\* NB:

- *The Head of Community Services may further delegate these matters as they see fit.*
- *The Head of Community Services may decline to exercise any of the above functions in a particular case and must then refer the matter promptly to the Committee for consideration.*

### **4. DOCUMENTS RELATED TO THE LICENSING COMMITTEE**

- Council Officer Responsibilities and Decision Making.