

## **RESPONSIBILITY FOR COUNCIL FUNCTIONS LICENSING**

**The powers and duties of the Council relating to the functions set out below are delegated to the Licensing Committee**

**Membership:** 15 Members

### **Functions of the Licensing Committee**

Taxi, gaming, entertainment, food and miscellaneous licensing functions relating to licensing and registration as set out in Schedule 1 to the Functions Regulations and as set out below:

- (1) Power to issue licences authorising the use of land as a caravan site (“site licences”)
- (2) Power to license the use of moveable dwellings and campsites
- (3) Power to license hackney carriages and private hire vehicles

### **Delegation of Functions (concurrently with the Licensing Committee)**

The following functions are delegated to the Head of Community Services

- (a) Determination of all applications for private hire vehicle and hackney carriage vehicle licences and to exercise the Council’s powers in relation to such licences, including suspension and revocation
- (b) The nomination of further garages (as the need arises) from those applicants who respond to the appropriate advertisement to undertake, on the Council’s behalf, under section 47 of the Road Traffic Act, 1988, hackney carriage and private hire vehicle tests.
- (c) Simple cautioning as an alternative to prosecution in respect of offences arising under the Taxi and Private Hire provisions of the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act, 1847

## Functions of the Licensing Committee

- (4) Power to license drivers of hackney carriages and private hire vehicles (including the power to issue permits for the operation of mini buses)

### Delegation of Functions (concurrently with the Licensing Committee)

The following function is delegated to the Head of Community Services in consultation with the Chair of the Licensing Committee

- (d) Determination as to whether a simple caution is the appropriate course of action in respect of offences under the Taxi and Private Hire provisions of the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act, 1847

The following function is delegated to the Head of Community Services

- (e) To display the amended standard condition relating to the roof signs for hackney carriage vehicles if the Licensing Officer who inspects a vehicle when it is presented for its pre-licence inspection is satisfied that any in-built roof sign already on the vehicle is an acceptable alternative to the standard roof sign

The following functions are delegated to the Head of Community Services

- (a) Determination of all applications for private hire drivers' licences and hackney carriage drivers' licences and to exercise the Council's powers in relation to such licences, including suspension and revocation.
- (b) Simple cautioning as an alternative to prosecution in respect of offences arising under the Taxi and Private Hire provisions of the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act, 1847.
- (c) Appointment of authorised officers to act under the Disability Discrimination Act 1995 (as amended) and the Equality Act 2010

## Functions of the Licensing Committee

- (5) Power to license operators of hackney carriages and private hire vehicles

- (6) Power to register pool promoters

### Delegation of Functions (concurrently with the Licensing Committee)

The following function is delegated to the Head of Legal, Democracy and HR in consultation with the Head of Community Services and the Chair of the Licensing Committee

- (d) Determination as to whether a simple caution is the appropriate course of action in respect of offences under the Taxi and Private Hire provisions of the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act, 1847

The following functions are delegated to the Head of Community Services

- (a) Determination of all applications for private hire operator licences, including the suspension and revocation of such licences.
- (b) Simple cautioning as an alternative to prosecution in respect of offences arising under the Taxi and Private Hire provisions of the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act, 1847.

The following function is delegated to the Head of Legal, Democracy and HR in consultation with the Head of Community Services and the Chair of the Licensing Committee

- (c) Determination as to whether a simple caution is the appropriate course of action in respect of offences under the Taxi and Private Hire provisions of the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act, 1847

The following function is delegated to the Head of Community Services

- (d) In connection with paragraphs 3, 4 and 5 above, appointment of “authorised officers” for the purposes of Section 80 of the Local Government (Miscellaneous Provisions) Act, 1976

## Functions of the Licensing Committee

- (7) Power to grant track betting licences
- (8) Power to license inter-track betting schemes
- (9) Power to grant permits in respect of premises with amusement machines
- (10) Power to register societies wishing to promote lotteries.
- (11) Power to grant permits in respect of premises where amusements with prizes are provided
- (12) Power to license sex establishments
- (13) Power to license performances of hypnotism
- (14) Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis
- (15) Power to license pleasure boats and pleasure vessels

## Delegation of Functions (concurrently with the Licensing Committee)

The following function is delegated to the Head of Community Services

The determination of applications for licences for amusement with prizes

The following function is delegated to the Head of Community Services

Power to license sex establishments in accordance with the Council's policy where no objection has been lodged

The following function is delegated to the Head of Community Services

Power to license performances of hypnotism

The following function is delegated to the Head of Community Services

Power to license premises for acupuncture, tattooing, earpiercing and electrolysis.

The following function is delegated to the Head of Community Services

Power to license pleasure boats and pleasure vessels

## Functions of the Licensing Committee

(16) Power to control and license market and street trading

## Delegation of Functions (concurrently with the Licensing Committee)

The following functions are delegated to the Head of Community Services

- (a) Determination of street trading consents under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982
- (b) Simple cautioning as an alternative to prosecution in respect of offences arising under Section 3 and schedule 4 to the Local Government (Miscellaneous Provisions) Act, 1982 - Street Trading
- (c) Waiver of street trading consent charge where the organisation has charitable status, otherwise in cases of doubt in consultation with the Chair

The following function is delegated to the Head of Legal, Democracy and HR in consultation with the Head of Community Services and the Chair of the Licensing Committee

- (d) Determination as to whether a simple caution is the appropriate course of action in respect of offences under Section 3 and schedule 4 to the Local Government (Miscellaneous Provisions) Act, 1982 - Street Trading

(17) Power to keep list of persons entitled to sell non-medicinal poisons

(18) Power to register premises for the preparation of food

The following function is delegated to the Head of Community Services

Registration of premises under the Food Safety Act, 1990

(19) Power to issue or renew scrap metal licenses under the Scrap Dealers Metal Act 2013 including the imposing of conditions under Section 3(8)

The following functions are delegated to the Head of Community Services

- (a) The power to consult with any persons regarding the suitability of an applicant for a licence under the Scrap Metal Dealers Act 2013.

## Functions of the Licensing Committee

(20) Power to revoke, vary or impose conditions upon scrap metal licences under the Scrap Metal Dealers Act 2013.

(21) Power to authorise persons to take enforcement action under the Scrap Metal Dealers Act 2013

(22) Power to issue closure notices and cancellation notices under Schedule 2 of the Scrap Metal Dealers Act 2013

(23) Power to enter and inspect sites licensed under the Scrap Metal Dealers Act 2013

(24) Power to issue, amend or replace safety certificates (whether general or special) for sports grounds

## Delegation of Functions (concurrently with the Licensing Committee)

(b) Determination of applications for the issue and renewal of scrap metal licenses under the Scrap Metal Dealers Act 2013, including the imposing of conditions under Section 3(8), where the Applicant has not requested a hearing.

The following function is delegated to the Head of Community Services

(a) Power to vary or impose conditions on a scrap metal licence under Section 4, where the licensee has not requested a hearing.

(b) Power to revoke a scrap metal licence, where the licensee has not requested a hearing

The following function is delegated to the Head of Community Services

Power to authorise persons to take enforcement action under the Scrap Metal Dealers Act 2013.

The following function is delegated to the Head of Community Services

Power to issue closure notices and cancellation notices under Schedule 2 of the Scrap Metal Dealers Act 2013

The following function is delegated to the Head of Community Services

Power to enter and inspect sites licensed under the Scrap Metal Dealers Act 2013

The following function is delegated to the Head of Community Services

The determination of applications for Sports Grounds and Centres (except where a valid objection has been made and not withdrawn)

## Functions of the Licensing Committee

(25) Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds

(26) Power to license premises for the breeding of dogs

(27) Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business (including the power to license guard dogs)

(28) Power to appoint authorised officers to act under the Animal Welfare Act 2006

## Delegation of Functions (concurrently with the Licensing Committee)

The following function is delegated to the Head of Community Services

The determination of applications for Sports Grounds and Centres (except where a valid objection has been made and not withdrawn)

The following function is delegated to the Head of Community Services

(a) Determination of licences under the Breeding of Dogs Act, 1973 as amended and repealed by the Breeding and Sale of Dogs (Welfare) Act, 1999.

The following function is delegated to the Head of Community Services jointly with the Head of Legal, Democracy and HR

(b) Appointment of authorised officers to enter breeding establishments for inspection purposes under the Breeding of Dogs Act 1991 as amended and repealed by the Breeding and Sale of Dogs (Welfare) Act, 1999

The following functions are delegated to the Head of Community Services

(a) Determination of applications for licences under the Animal Boarding Establishments Act, 1963

(b) Determination of applications for licences under the Riding Establishments Act, 1964 (as amended)

(c) Determination of applications for licences under the Pet Animals Act 1951

(d) Appointment of authorised officer to act under the Guard Dogs Act 1975

The following function is delegated to the Head of Community Services

Appointment of authorised officers to act under the Animal Welfare Act 2006

## Functions of the Licensing Committee

- (29) Power to register animal trainers and exhibitors
- (30) Power to license zoos
- (31) Power to license dangerous wild animals
- (32) Power to license persons to collect for charitable and other causes
- (33) Power to grant consent for the operation of a loudspeaker
- (34) Power to institute legal proceedings relating to the operation of a loudspeaker in the street
- (35) Power to approve meat product premises

## Delegation of Functions (concurrently with the Licensing Committee)

The following function is delegated to the Head of Community Services

Determination of licences under the Zoo Licensing Act, 1981

The following function is delegated to the Head of Community Services

Determination of applications for licences under the Dangerous Wild Animals Act 1976

The following functions are delegated to the Head of Community Services

- (a) Determination of applications for Street Collection Permits
- (b) Determination of applications for House to House Collection Permits
- (c) Appointment of authorised officers to act under the House to House Collections Act 1939.

The following function is delegated to the Head of Community Services

Power to grant consent for the operation of a loudspeaker

The following function is delegated to the Head of Legal, Democracy and HR in consultation with the Head of Community Services

Power to institute legal proceedings relating to the operation of a loudspeaker in the street

The following function is delegated to the Head of Community Services

Power to approve meat product premises



## Functions of the Licensing Committee

- (36) Power to approve premises for the production of minced meat or meat preparations
- (37) Power to approve dairy establishments
- (38) Power to approve egg product establishments
- (39) Power to approve fish product premises
- (40) Power to approve fishery product establishments
- (41) Power to register auction and wholesale markets
- (42) Duty to keep register of local food business premises
- (43) Power to register food business premises

## Delegation of Functions (concurrently with the Licensing Committee)

- The following function is delegated to the Head of Community Services  
Power to approve premises for the production of minced meat or meat preparations
- The following function is delegated to the Head of Community Services  
Determination of applications for the purposes of milk registration and milk dealers
- The following function is delegated to the Head of Community Services  
Power to approve egg product establishments
- The following function is delegated to the Head of Community Services  
Power to approve fish product premises
- The following function is delegated to the Head of Community Services  
Power to approve fishery product establishments
- The following function is delegated to the Head of Community Services  
Power to register auction and wholesale markets
- The following function is delegated to the Head of Community Services  
Duty to keep register of local food business premises
- The following function is delegated to the Head of Community Services  
Power to register food business premises

## Functions of the Licensing Committee

- (44) Functions relating to the
- (i) Food Safety Act, 1990 (as amended) and any Orders or Regulations made thereunder or relating to the foregoing or having effect by virtue of the European Communities Act 1972, and any modification or re-enactment to the foregoing
  - (ii) Food Safety and Hygiene (England) Regulations 2013
  - (iii) Food Information Regulations 2014

- (45) Appointment of authorised officers

## Delegation of Functions (concurrently with the Licensing Committee)

The following functions are delegated to the Head of Community Services

- (a) Registration of premises under the Food Safety Act, 1990
- (b) Simple cautioning, as an alternative to prosecution, in respect of offences arising under the
  - (i) Food Safety Act, 1990
  - (ii) Food Safety and Hygiene (England) Regulations 2013
  - (iii) Food Information Regulations 2014
- (c) the service of all statutory notices and exercise of the Council's regulatory functions under the Food Safety Act, 1990

The following function is delegated to the Head of Legal, Democracy and HR in consultation with the Chair and Head of Community Services

- (d) Determination as to whether a simple caution is the appropriate course of action in respect of offences under the legislation referred to in paragraph (b) above.

The following function is delegated to the Head of Community Services

Appointment of authorised officers under the Food Safety Act, 1990; European Communities Act 1972; Health Protection (Local Authority Powers) Regulations 2010; Health Protection (Notification) Regulations 2010; Health Protection (Part 2A Orders) Regulations 2010; Regulation (EC) no. 178/2002; Regulation (EC) no. 852/2004; Regulation (EC) no. 853/2004 and Regulation (EC) no. 854/2004 the General Food Regulations 2004 (as amended); the Official Feed and Food Controls (England) Regulations 2009; the Trade in Animals and Related Products Regulations 2011; the Food Safety and Hygiene (England) Regulations 2013, the Animal By-Products (Enforcement) (England) Regulations 2011, the Organic Products Regulations 2009 and Food Information Regulations 2014.

## Functions of the Licensing Committee

- (46) Authorisation of entry
- (47) The power to make a closing order with respect to take-away food shops
- (48) Power to grant permission for the provision, etc. of services, amenities, recreation and refreshment facilities on highways, and related powers under Sections 115E, F and K of the Highways Act 1980
- (49) Duty to publish notice in respect to proposal to grant permission under Section 115E of the Highways Act 1980
- (50) Power to appoint authorised officers to act under the Transport Act 1980 and Transport Act 1985
- (51) Power to review and set fees for hackney carriage and private hire driver, vehicle and operator licences

## Delegation of Functions (concurrently with the Licensing Committee)

The following function is delegated to the Head of Community Services

Authorisation of any person to enter and inspect premises and take samples as appropriate in accompaniment with duly authorised Planning and Environmental Services Staff to enable the effective enforcement of environmental legislation delegated to the Licensing Committee

The following function is delegated to the Head of Community Services

The power to make a closing order with respect to take-away food shops

The following function is delegated to the Head of Community Services

Appointment of authorised officers to act under the Transport Act 1980 and Transport Act 1985.

The following function is delegated to the Head of Community Services in consultation with the Chair of the Licensing Committee

The power to review and set fees for hackney carriage and private hire driver, vehicle and operator licences, unless an objection is received concerning the advertised fees and charges

## Functions of the Licensing Committee

- (52) Power to set fees for scrap metal dealer sites and mobile collector licences

## Health and Safety

- (53) Functions relating to Health and Safety under any "relevant statutory provision" within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that these functions are discharged otherwise than in the Council's capacity as an employer

## Delegation of Functions (concurrently with the Licensing Committee)

### The following function is delegated to the Head of Community Services

- (a) Simple cautioning, as an alternative to prosecution, in respect of offences arising under the Health and Safety at Work Act, 1974
- (b) Service of all statutory notices and exercise of the Council's regulatory functions under the Young Persons (Employment) Act 1938.

### The following function is delegated to the Head of Legal, Democracy and HR in consultation with the Chair and Head of Community Services

- (c) Determination as to whether a simple caution is the appropriate course of action in respect of offences under the legislation referred to in paragraph (a) above

### The following function is delegated to the Head of Community Services jointly with the Head of Legal, Democracy and HR

- (d) Appointment of inspectors (including employees of the Health and Safety Executive) under Section 19 for the purposes of Section 20 (Powers of Inspectors), Section 21 (Improvement Notices), Section 22 (Prohibition Notices) and Section 25 (Power to deal with imminent danger) of the Health and Safety at Work, etc. Act, 1974.

### The following function is delegated to the Head of Community Services after consultation with the Head of Legal, Democracy and HR

- (e) That such appointment under Section 19 of the Health and Safety at Work etc. Act 1974 may include specific power to

## Functions of the Licensing Committee

- (54) Review of fees and charges, including the annual review, in respect of the 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
- (55) Authorisation to apply to a Court for, and to execute, warrants to enter property in connection with the performance of duties and functions under environmental legislation, the Public Health Acts or the National Assistance Act
- (56) Authorisation to carry out works required by a Notice served by the Council under environmental legislation in the event of default by the recipient of the Notice, and authorisation to charge for the carrying out of such works
- (57) Power to enforce offences relating to the display of non-smoking signs
- (58) Power to enforce offences relating to smoking in smoke-free places

## Delegation of Functions (concurrently with the Licensing Committee)

institute proceedings under Section 33 of the Act for offences under the Act and regulations made, or having effect, thereunder.

### The following function is delegated to the Head of Community Services

Authorisation to apply to a Court for, and to execute, warrants to enter property in connection with the performance of duties and functions under environmental legislation, the Public Health Acts or the National Assistance Act

### The following function is delegated to the Head of Community Services

Authorisation to carry out works required by a Notice served by the Council under environmental legislation in the event of default by the recipient of the Notice, and authorisation to charge for the carrying out of such works.

### The following function is delegated to the Head of Community Services

Power to enforce offences relating to the display of non-smoking signs under Section 6(5) of the Health Act 2006.

### The following function is delegated to the Head of Community Services

Power to enforce offences relating to smoking in smoke-free places under Section 7(4) of the Health Act 2006.

## Functions of the Licensing Committee

- (59) Power to transfer enforcement functions to another enforcement authority under the Smoke-free (Premises and Enforcement) Regulations 2006.
- (60) To appoint authorised officers
- (61) Approval of the Health and Safety Service Plan
- (62) Approval of the Food Service
- (63) Power to issue and cancel closure notices under Section 19 of the Criminal Justice and Police Act 2001.
- (64) Power to make a complaint for a closure order under Section 20 of the Criminal Justice and Police Act 2001.
- (65) Power to certify that the need for a closure order has ceased under Section 22 of the Criminal Justice and Police Act 2001

## Delegation of Functions (concurrently with the Licensing Committee)

### The following function is delegated to the Head of Community Services

To appoint authorised officers for the purposes of the Smoke-free General Provisions Regulations 2007; Smoke-free (Exemptions and Vehicles) Regulations 2007; Smoke-free (Penalties and Discounted Amounts) Regulations 2007 and Sunbeds (Regulation) Act 2010.

### The following function is delegated to the Head of Community Services and the Head of Legal, Democracy and HR

Power to issue and cancel closure notices under Section 19 of the Criminal Justice and Police Act 2001.

### The following function is delegated to the Head of Community Services and the Head of Legal, Democracy and HR

Power to make a complaint for a closure order under Section 20 of the Criminal Justice and Police Act 2001.

### The following function is delegated to the Head of Community Services and the Head of Legal, Democracy and HR

Power to certify that the need for a closure order has ceased under Section 22 of the Criminal Justice and Police Act 2001

## Functions of the Licensing Committee

- (66) Power to nominate authorised persons to enforce a closure order under Section 25 of the Criminal Justice and Police Act 2001.
- (67) Power to bring a prosecution for obstructing an authorised person in the course of enforcing a closure notice under 98 25 of the Criminal Justice and Police Act 2001.
- (68) Power to bring a prosecution for contravening a closure notice under Section 25 of the Criminal Justice and Police Act 2001.

## Delegation of Functions (concurrently with the Licensing Committee)

The following function is delegated to the Head of Community Services and the Head of Legal, Democracy and HR

Power to nominate authorised persons to enforce a closure order under Section 25 of the Criminal Justice and Police Act 2001.

The following function is delegated to the Head of Community Services and the Head of Legal, Democracy and HR

Power to bring a prosecution for obstructing an authorised person in the course of enforcing a closure notice under Section 25 of the Criminal Justice and Police Act 2001.

The following function is delegated to the Head of Community Services and the Head of Legal, Democracy and HR:

Power to bring a prosecution for contravening a closure notice under Section 25 of the Criminal Justice and Police Act 2001.