

Licensing & Safety Committee Terms of Reference

The committee comprises 11 councillors

The frequency of meetings is around every five weeks.

The committee fulfils the council's licensing duties not undertaken by an officer as set out in the functions scheme at part 3 section 6 of the Council's Constitution.

The committee may establish one or more sub-committees consisting of three members of the licensing and safety committee to fulfil functions delegated to the licensing hearings panel.

The committee functions are:

All other licensing and related functions not within the remit of the committee are delegated to the Chief Executive, who will maintain the Officer Scheme of Delegation detailing all relevant delegations to officers.

Private / Public Hire Vehicles, Gaming, Alcohol, Entertainment, Food, Gambling and miscellaneous Licensing

Functions relating to licensing and registration as set out in Schedule 1 to the Functions Regulations and licences included in the Licensing Act 2003.

Health and Safety:

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 those functions are discharged otherwise than in the Council's capacity as employer.

Other functions of the Licensing and Safety Committee

To determine all new applications and all renewals for hackney carriage proprietor (vehicle), hackney carriage driver, private hire vehicle, private hire driver and private hire operator licences where the applicants do not comply with the relevant policy, guidelines, criteria or where there are grounds for refusal of the applications under the relevant legislation.

To determine the design of the plates and badges to be displayed in connection with hackney carriage and drivers' licences and private hire vehicles and drivers' licences.

To determine all applications for sex establishment licences under the Local Government (Miscellaneous Provisions) Act 1982, Section 2 and Schedule 3. d) To deal with the approval of premises for the solemnisation of marriages in accordance with Regulation 46A of the Marriage Act 1994 (c.76) and the Marriages (Approved Premises) Regulations 1995 and to set the appropriate fees where the appropriate officer does not wish to exercise his/her delegated powers.

To deal with matters relating to the functions of the Council relating to the Safety of Sports Grounds Act 1975 and the Sporting Events (Control of Alcohol Etc.) Act 1985 and Part III of the Fire Safety and Safety of Places of Sport Act 1987 where the appropriate officer does not wish to exercise his/her delegated powers.

To determine the pre-requisites, minimum standards, terms, conditions and restrictions associated with and/or to be attached to any licence which falls within the purview of the Licensing and Safety Committee.

To authorise the revocation or suspension of any Licence which falls within the purview of the Licensing and Safety Committee except in circumstances involving risk to the public safety in which case authority be delegated to the Head of Service (Public Protection) and/ or the Unit Manager (Licensing) after consultation with the Chair of the Committee to revoke or suspend a Licence with immediate effect subject to a report to the next Committee meeting.

To determine any applications for licences where the appropriate officer does not wish to exercise his/her delegated powers.

To deal with any licensing and registration functions referred to in the Local Authorities (Function and Responsibilities) Regulations 2000, as amended, where the appropriate officer does not wish to exercise his/her delegated powers.

To deal with any health and safety matters under Part 1 of the Health and Safety Act 1974 where the appropriate officer does not wish to exercise his/her delegated powers.

To make recommendations to Council in respect of licensing functions covered by the Licensing Act 2003, and to deal with all policy and monitoring matters relating to licensing functions covered by the Act.

To determine refusals to grant revocations and variations of licences for Housing in Multiple Occupation under the provisions of the Housing Act 2004.

To act as the single review body in respect of drivers working on Council school and college contracts.

Licensing Hearings Panel

The panel is a subcommittee of the Licensing and Safety committee and comprises 3 councillors from the Licensing and Safety Committee

The Licensing Hearings Panel fulfils the council's licensing duties not undertaken by an officer as set out in the functions scheme at part 3 section 6 of the Council's Constitution

Licensing Hearings Sub-Committee functions

The Licensing Hearings Sub-committee determines all applications that fall within the Licensing Act 2003 which have attracted representations against them including:

Applications for personal licences (if police objection)

Applications for personal licences with unspent convictions;

Applications for premises licences/club premises certificates (if relevant representation are made as specified in the Licensing Act 2003)

Applications for provisional statements (if relevant representation are made as specified in the Licensing Act 2003)

Applications to vary premises licences/club premises certificates (if relevant representation are made as specified in the Licensing Act 2003)

Applications to vary designated premises supervisor (if police objection)

Requests to be removed as a designated premises supervisor

Applications for transfer of premises licence (if police objection)

Applications for interim authorities (if police objection)

Applications to review premises licences/club premises certificate;

Deciding whether to object when the authority is a consultee and not the relevant authority considering an application

Determination of objections to temporary event notices

Determination of application to vary premises licence at community premises to include alternative licence condition (if police objection)

Revocations of licences where convictions come to light.

The Licensing Hearings Sub-committee determines all applications that fall within the Gambling Act 2005 which have attracted representations against them including:

a) Application for Premises Licence b) Application for a variation to a licence c) Application for a transfer of a licence d) Application for a provisional statement e) Review of a premises licence f) Application of club gaming / club machine permits g) Cancellation of club gaming / club machine permits h) Decision to give a counter notice to a temporary use notice