

Appendix 2

The Licensing Committee and Sub-Committee role/terms of reference

6.	Licensing Committee	1.	<p>To exercise all powers of the Council not expressly reserved to Full Council directly or indirectly relating to the exercise of those functions set out in Part B of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) including (for the avoidance of doubt) the determination of any application, suspension or revocation. However, this does not include the exercise of any powers for the purpose of:</p> <ul style="list-style-type: none"> (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; and/or (c) a determination as to whether or not to adopt a policy forming part of the Policy Framework as identified in Article 4 – Full Council – Part 1 of the Constitution. 	A.	<p>To make recommendations on any policy matter relating to any function delegated to the Licensing Committee but for which the Licensing Committee does not have a power of determination.</p>
		2.	<p>To exercise all powers of the Council that are non-executive arising pursuant to the Licensing Act 2003. However, this does not include a determination as to whether or not to adopt a policy forming part of the Policy Framework as identified in Article 4 – Full Council – Part 1 of the Constitution.</p>		
		3.	<p>To exercise all powers of the Council that are non-executive arising pursuant to the Gambling Act 2005. However, this does not include a determination as to whether or not to adopt a policy forming part of the Policy</p>		

			Framework as identified in Article 4 – Full Council – Part 1 of the Constitution.		
		4.	To determine any matter relating to any function of the Council referred to the Licensing Committee for determination but which is not itself a licensing function (as defined by the Licensing Act 2003).		
		5.	To exercise all non-executive functions of the Council arising in relation to the licensing (including for the avoidance of doubt the determination of any application) and enforcement of the manufacture and/or storage of explosives.		
	Licensing Sub-Committee	6.	<p>With the exceptions of determining proposed policy and determining any fee payable, power to determine any application or any other matter arising pursuant to:</p> <ul style="list-style-type: none"> (i) the Licensing Act 2003; and /or (ii) the Gambling Act 2005, <p>that the Licensing Committee has power to determine and which can be lawfully delegated to a Sub-Committee, including:</p> <ul style="list-style-type: none"> (a) the holding and determination of any hearing arising as a consequence of any application or other matter pursuant to the Licensing Act 2003 or the Gambling Act 2005; (b) the determination as to whether a hearing needs to be held; (c) the determination as to whether a representation is a relevant representation; (d) power to determine any action in relation to any actual or alleged breach of any legislative provision relating to such functions; and (e) the determination of the appropriate procedure to follow in relation to the determination of any matter, provided 		

			that regard is had to any procedure that may have been adopted by the Licensing Committee.		
		7.	<p>With the exceptions of determining proposed policy and determining any fees payable, power to determine any application or other matter arising in relation to the private hire and hackney carriage and functions of the Council that the Licensing Committee has power to determine and which can be lawfully delegated to a Sub-Committee, including:</p> <ul style="list-style-type: none"> (a) any driver, vehicle, operator or proprietor licence; (b) power to determine any action in relation to any actual or alleged breach of any legislative provision relating to such functions including in particular whether to suspend or revoke any licence and any issue relating to any such suspension or revocation; and (c) any application for a private hire plate exemption. 		

Part 3 – The Scheme of Delegations – Functions of the Council

LICENSING COMMITTEE

8.1 Role/Terms of Reference and Membership

- (a) The Licensing Committee shall have primary responsibility for:
 - (i) the discharge of the Council's licensing, certification and registration functions; and
 - (ii) the determination of any application relating to the manufacture and/or storage of explosives; that is not dealt with through the use of any other mechanism.
- (b) The Licensing Committee shall be the licensing committee of the Council for the purposes of exercising any functions expressly referred to a licensing committee by any legislation (e.g. the Licensing Act 2003 and the Gambling Act 2005).
- (c) The Licensing Committee may also deal with certain other matters which are referred to it having regard to provisions in the Licensing Act 2003 by a person or body possessing the power to make that determination.
- (d) The Licensing Committee will consist of 15 Members appointed by Full Council.
- (e) The quorum of the Licensing Committee shall be 3.

8.2 Appointment of Chairman and Vice-Chairman

The Chairman and Vice-Chairman of the Licensing Committee shall be appointed by Full Council unless Full Council otherwise determines.

8.3 Meetings

- (a) The number of ordinary meetings of the Licensing Committee each year will normally be determined by Full Council.
- (b) The Chairman of Licensing Committee shall have the power to call one or more special meeting(s) of the Licensing Committee.

- (c) The Chairman of Licensing Committee may determine that a meeting should be cancelled for insufficient business.
- (d) No Member shall sit as a member of the Licensing Committee unless s/he has received licensing training provided to that Member for this purpose.
- (e) There shall be no power to appoint substitutes to the Licensing Committee.

8.4 Licensing Sub-Committees

- (a) At its first meeting after each Annual Council the Licensing Committee shall review and appoint such Sub-Committees as it considers appropriate for the effective operation of the Council's licensing duties.
- (b) Where more than one Licensing Sub-Committee has been appointed they shall sit in rotation. Each Licensing Sub-Committee shall consist of only 3 members and the quorum of each Sub-Committee shall be 3.
- (c) Substitutes may only be appointed to a Licensing Sub-Committee from the membership of the Licensing Committee.
- (d) For the avoidance of doubt, all Licensing Sub-Committees may exercise any powers given to them concurrently and independently of each other.

8.5 Delegated powers and powers to recommend of the Licensing Committee

- (a) The Licensing Committee shall have the powers as set out in Functions of the Council - Part 3(1) of the Constitution.
- (b) For the avoidance of doubt the Licensing Committee and any of its Sub-Committees can delegate any of its powers to any Officer (subject in particular in the case of the Licensing Act 2003 and the Gambling Act 2005 to any limitations prescribed in that legislation).

Delegated to Licensing Sub-Committees by Licensing Committee - 24 May 2023

- (1) To delegate to the Licensing Sub-Committee the power to determine applications for sexual entertainment licences that attract objections.

Part 3 – Scheme of Delegations – Officer Scheme of Delegations

160	To undertake all action in connection with any application (including any application to grant, review, transfer, vary remove, cancel or renew), notice and any other matter (including any actual or potential enforcement issue) arising in respect of the Licensing Act 2003 including power to determine whether a representation is a “relevant representation” for the purposes of the Act, but excluding any matter whether by virtue of section 10 Licensing Act 2003 or otherwise cannot be discharged by an Officer.*
161	To undertake all action in connection with the submission of any scheme, details and/or other matter pursuant to any licence, notice, permission, consent, approval or other determination issued by or on behalf of the Council pursuant to the Licensing Act 2003 or the Gambling Act 2005.*
162	To prepare and issue reports on behalf on the Licensing Committee where a matter relates to a licensing function under the Licensing Act 2003 or the Gambling Act 2005 and is necessary to facilitate the exercise of another function of the Council.*
163	To undertake all action in connection with any application (including any application to grant, review, transfer, vary remove, cancel or renew), notice and any other matter (including any actual or potential enforcement issue) arising in respect of the Gambling Act 2005 including power to determine whether a representation is a “relevant representation” for the purposes of the Act, but excluding any matter whether by virtue of section 154 Gambling Act 2005, section 10 Licensing Act 2003 (as it applies to the Gambling Act) or otherwise cannot be discharged by an Officer.*
	<p>* Delegations to Officers in relation to the Licensing Act 2003 and the Gambling Act 2005 rest with the Licensing Committee. For the avoidance of doubt:</p> <ul style="list-style-type: none"> (a) references to the Licensing Act 2003 and the Gambling Act 2005 include any regulations, directions and/or other orders made pursuant to either of them; and (b) all interpretation and other provisions set out in the Introduction and General provisions sections at the start of the Officer Scheme of Delegations shall apply equally to these delegations including powers relating to nomination. (c) To determine suspension or revocation of a Hackney Carriage or Private Hire vehicle driver’s licence, with immediate effect subject to prior consultation with the Chair or Vice Chair of the Licensing Committee

Delegated to officer by Licensing Committee- 24 May 2023

- (2) To delegate to the Executive Director of Place the power to issue a Notice (Statement of Conditions) in circumstances where the Police or the Council's Environmental Protection Team have submitted an objection to a Temporary Event Notice (TEN) requesting that conditions from the Premises Licence for the venue be added to the TEN and the applicant for the TEN agrees to those conditions being added to the TEN.
- (3) To delegate to the Executive Director of Place in consultation with the Chair and Vice Chair of the Licensing Committee, the power to determine applications for plate exemptions to private hire proprietors.