

## **APPENDIX 1 –**

**This Appendix sets out to explain**

**1.The Role and Powers of the Licensing Committee and Sub Committees.**

**2.The Role of The Officers under the Councils scheme of Delegation.**

### **1.Article 8 of The Councils Constitution states.**

#### **8.15 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). In such cases, the Licensing Committee may arrange for the discharge of any of those functions as it sees fit provided it is in accordance with the law. Where the Licensing Committee makes arrangements for the discharge of its functions it shall without delay seek to notify the Head of Paid Service. The Constitution sets out the current position with regard to such matters.
- (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.

#### **8.16 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.

## 8.17 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.

## 8.18 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.

### **Further Clarity is provided as follows.**

The Licensing Committee shall have the following delegated Powers.

a.to determine any application or other matter pursuant to the Licensing Act 2003 or Gambling Act 2005.

That the Licensing Committee has the power to determine including without prejudice to the generality of the following

(i)the holding and determination of any hearing as a consequence of any application or any other matter under the two Statutes

(ii)the determination as to whether a hearing needs to be held.

(iii)the determination as to whether a representation is a relevant representation and

(iv)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.

b.to determine any application or other matter arising in relation to private hire and hackney carriage functions of the Council that the Licensing Committee has power to determine including without prejudice to the generality of the following

(i)any driver vehicle operator or proprietor licence

(ii)power to determine any action in relation to any actual or alleged breach of any legislation 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

(iii)any application for a private hire plate exemption.

## **2.Delegated powers and powers to recommend from 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) To delegate the following provisions under the two Statutes to The Chief Executive who will if required delegate to the Director of Place or the Head of Licensing.

(c) Licensing Act 2003

(i) Approval of all applications except where valid representations are received.

(ii) To determine thereafter if representations or requests for reviews or any other relevant matter are frivolous or vexatious or not in accordance with the required processes and policies.

(iii) To consider and submit if relevant applications for reviews where the Council is a responsible authority.

(iv) To oversee apply and implement all licensing functions and compliance with both The Licensing Act 2003 and any subsequent amendments or Regulations.

(d) The Gambling Act 2005.

(i) the approval of all applications under The Gambling Act 2005 except where there may be objections or cancellations/revocations of a licence (whereupon the matter is referred to a Sub Committee)

(II) to set fee levels for applications under The Gambling Act 2005.

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