

LICENSING SUB-COMMITTEE

1.0 Constitution

- 1.1 The Sub-Committee comprises of five Members appointed from the Licensing Committee (who have had appropriate training). Its quorum is three.
- 1.2 The Sub-Committee conducts hearings which are not governed by statutory rules but nevertheless follow the rules of natural justice

2.0 Objectives

- 2.1 To deal efficiently and fairly with matters referred to it, as openly as possible.
- 2.2 To consider the legislation, any relevant licensing policy or government guidance and to act in accordance with these for the protection of the public.

3.0 Terms of Reference

The Taxi Licensing Sub-Committee Terms of Reference: to consider Private Hire and Hackney Carriage licensing applications / matters and decide, where relevant, to grant / refuse to renew / suspend / revoke licences in circumstances where:

- The applicant taxi driver has previous convictions / cautions (whether “spent” or not under the Rehabilitation of Offenders Act 1974) or where there has been “soft” information received from the Police, Disclosure and Barring Service (DBS) or other relevant overseas agency.
- There is an allegation against a licensed taxi driver (whether or not this matter is for alleged breach of condition / *relevant* civil action or *relevant* criminal offence). This will not include pending prosecutions by the Council, but may include those being considered by the Police / CPS or other enforcement agency.
- A licensed taxi driver has been convicted of a relevant criminal offence.
- In the opinion of the Principal Solicitor / Environmental Services Manager there is a potential conflict of interest in the application with officers in the Licensing Section and / or Environmental Services.

The Licensing (Licensing Act 2003 and Gambling Act 2005) Sub-Committee Terms of Reference: to consider premises licence, club premises certificate, personal licence and temporary event notice applications / notifications / matters and decide, where relevant, to grant / refuse / renew or revoke under the Licensing Act 2003 and the Gambling Act 2005 in circumstances where:

Licensing Act 2003

- representations made by the police for a personal licence
- representations made for a premises licence/club premises certificate
- representations made for a provisional statement
- representations made relating to the variation of a premises licence/club premises certificate
- representations made by the police for the transfer of a premises licence
- representations made by the police for an interim authority
- review of a premises licence/club premises certificate
- representations made by the police and / or Environmental Services to a standard temporary event notice

Gambling Act 2005

- representations received and not withdrawn for a premises licence
- representations received and not withdrawn for variation to a licence
- representation received from the Gambling Commission for a transfer of a licence
- representations received and not withdrawn for a provisional statement
- review of a premises licence
- objections made and not withdrawn for club gaming / club machine permits
- cancellation of club gaming / club machines permits
- decision to give a counter notice to a temporary use notice

The Scrap Metal Dealers Licensing Sub-Committee Terms of Reference: to consider scrap metal dealers license application matters and decide where relevant, to grant, refuse, revoke or vary a license, in circumstances where:

- the applicant or any site manager has been convicted of any relevant offence;
- the applicant or any site manager has been the subject of any relevant enforcement action;
- any previous refusal of an application for the issue or renewal of a scrap metal licence (and the reasons for refusal);
- any previous refusal of an application for a relevant environmental permit or registration (and the reasons for the refusal);
- any previous revocation of a scrap metal licence (and the reasons for the revocation);
- the applicant has demonstrated that there will be in place adequate procedures to ensure that the provisions of this Act are complied with.