

(i) LICENSING COMMITTEE

APPENDIX 2

1. CONSTITUTION

- 1.1 The Committee comprises 11 Members of the Council, who shall be appointed annually. Its quorum is 5.

2. OBJECTIVES

- 2.1 To deal efficiently and fairly with matters referred to it, as openly as possible.
2.2 Through licensing policies to protect and promote good practice.
2.3 To balance the interests of applicants with the interests of residents and other interested parties.

3. TERMS OF REFERENCE

The Committee's terms of reference shall be:

- 3.1 To set policies and determine applications in relation to the functions of the Council with respect to:
- (a) Licences for licensable activities under the Licensing Act 2003.
 - (b) Powers and duties under the Gambling Act 2005 not reserved by law to full Council, and in particular:
 - (i) To make recommendations on the Statement of Principles to full Council;
 - (ii) To adopt a Sub-Committee Hearing procedure.
 - (c) The registration of persons and premises in relation to tattooing, cosmetic piercing, semi-permanent skin colouring, acupuncture, electrolysis, temporary markets, and sex establishments.
 - (d) The licensing of caravan sites and other moveable dwellings, and the provision and management of local authority caravan sites.
 - (e) Hackney Carriage and their drivers, private hire vehicles, their drivers and operators.
 - (f) Charity Street and House to House collections and Street Trading Consents
 - (g) Animal Welfare licences.
 - (h) Scrap Metal dealer licences
 - (i) Any other statutory licensing scheme, the administration of which is the responsibility of the Council.

4. DELEGATION TO THE COMMITTEE

- 4.1 The Committee has delegated authority to act on behalf of the Council in respect of all the functions specified in Part 3 above.
Note – Responsibility for the conducting of Hearings in relation to applications under 3.1 (a), (b), (e), (f), (g) and (h) above has been delegated to the Licensing Sub-Committee.

5. DELEGATION TO OFFICERS

- 5.1 The Environmental Services Manager or Director Operations or Legal Services Manager are authorised to act on behalf of the Committee in relation to any matter within their respective remits of immediate urgency which must be dealt with before the next meeting of the Committee, provided:
- (a) the Chairman or Vice-Chairman of the Committee is consulted prior to delegated decisions being made;
 - (b) the Service Delivery Champion is consulted prior to any action taken under this delegated power;

- (c) spokespersons of minority groups are notified immediately of any action taken under this delegated power;
- (d) action taken shall be as soon as practicable reported to the next Committee ; and
- (e) it excludes any decision which is by law expressly vested in the Council.

5.2 There shall be delegated to Environmental Services Manager or Director Operations or Legal Services Manager the exercise of any power or function of the Council in routine matters falling within their remit related to the implementation of agreed strategies and programmes and established policies and procedures and within existing budgets after appropriate consultation with the Chair of the relevant Committee.

5.3 For the avoidance of doubt this delegation shall include the powers of entry and inspection of premises, seizure of goods, etc, service of notices, carrying out of works, commencement of enforcement and legal proceedings and the power to authorise others to exercise such powers.

This delegation shall not be taken to include any matter reserved by law to the Full Council.

5.4 There are further delegated to the officers indicated below the exercise of any power or function of the Council relating to the matters etc out below under the Listed Acts or any amendment, modification, or re-enactment of those Acts, or Regulations/Orders made under those Acts.

Legislation	Delegated Officer
Animal Health Act 1981	Environmental Services Manager or Director (Operations) or Legal Services Manager
Animal Welfare 2006	
Anti-Social Behaviour Act 2003	
Anti-Social Behaviour, Crime and Policing Act 2014	
Caravan Sites Act 1968 Parts I & II	
Caravan Sites and Control of Development Act 1960	
Criminal Justice and Police Act 2001 Section 19	
Dangerous Dogs Act 1991	
Dangerous Wild Animals Act 1976	
Gambling Act 2005	
Game Act 1831	
Guard Dogs Act 1975	
Housing Act 2004	
Hypnotism Act 1952	
Licensing Act 2003	
Local Government (Miscellaneous Provisions) Act 1982 – Parts II, III, and VIII, section 29, Schedule 3, and Schedule 4.	
Local Government (Miscellaneous Provisions) Act 1976 Part II	
Mobile Homes Act 2013	
Scrap Metal Dealers Act 2013	
Slaughterhouses Act 1974	
Sunbeds (Regulation) Act 2010	

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018	Environmental Services Manager or Director (Operations) or Legal Services Manager
Town Police Clauses Act 1847	
Transport Act 1980 and 1985	
Zoo Licensing Act 1981	

2. SPECIFIC OFFICER DELEGATIONS

The power to set fees and charges, and take enforcement action	Environmental Services Manager or Legal Services Manager
The power to immediately suspend or revoke a Hackney Carriage/Private Hire Drivers Licence (having consulted Chairman or Vice-Chairman of Licensing Committee).	Environmental Services Manager or Director (Operations) or Legal Services Manager
The power to grant, refuse, vary, transfer, suspend, revoke and withdraw licences permits, registrations and consents.	Environmental Services Manager or Director (Operations) or Legal Services Manager
The power to act in an emergency to obtain injunctions in any cases.	Legal Services Manager or Chief Executive
The power to commence legal proceedings in respect of the Council's functions as set out in statute (subject to being satisfied as to evidence).	Legal Services Manager or Chief Executive
The power to act for the Council in proceedings brought in the Magistrates' Court in respect of appeals against licensing decisions.	Legal Services Manager or Chief Executive
Power to act for the Council in respect of challenges to policies set out in the District Council Statement of Licensing Policy brought either under the Human Rights Act 1998 or judicial review.	Legal Services Manager or Chief Executive