

PART 8 - LICENSING COMMITTEE

1. Licensing Committee

- 1.1 Composition: Thirteen Members of the District Council reflecting the political proportionality of the Council
- 1.2 Terms of Reference
- (a) Except as provided in the Licensing Act 2003 and the Gambling Act 2005, the discharge of all functions of the District Council as licensing authority prescribed by those acts;
 - (b) the issue, renewal, transfer, suspension and revocation of hackney carriage, private hire vehicle, driver and operator licenses;
 - (c) ~~the discharge of relevant functions relating to applications for~~ the licensing of sex establishments
 - (d) the discharge of relevant functions relating to the Police Reform and Social Responsibility Act 2011; and
 - (d) the discharge of all other functions relating to licensing and registration in so far as they are the responsibility of the District Council.

2. Licensing Hearing Sub-Committees

- 2.1 ~~Each municipal year~~ ~~The Licensing Committee will~~ ~~has~~ established four Licensing Hearing Sub-Committees. The Chief Executive will call a meeting of one of the sub-committees whenever there is business to be transacted.

Composition: Each Sub-Committee will contain three Members of the Licensing Committee. Any member of the Licensing Committee may act as a substitute on any of the Licensing Sub-Committees. ~~Democratic Services must be notified by the members concerned of any substitutions at least one working hour prior to a sub-committee meeting.~~

- 2.2 Terms of Reference

Licensing Act 2003:

- (a) determination of application for the grant/ renewal of a personal licence where an objection notice has been given by the Police;
- (b) consideration of Police objection notice following conviction of personal licence holder;

machine permit where relevant representations have been received;
and

- (f) cancellation of club gaming permit, club machine permit, licensed premises gaming machine permit where relevant representations have been received.

Local Government (Miscellaneous Provisions) Act 1982 (as amended by Section 27, Policing and Crime Act 2009

- (a) determination of application for the grant/- renewal/ transfer/variation or revocation of a sex shop, sex cinema or sexual entertainment venue licence

Town Police Clauses Act 1847, Public Health Act 1875 and Local Government (Miscellaneous Provisions) Act 1976

- (a) to exercise the Council's powers and duties in relation to the licensing of hackney carriages and private hire vehicles, including the licensing of vehicles, drivers and operators, the control of numbers of hackney carriages, the licensing of private hire operators and the granting of permits for small buses where the matter has been referred by the delegated officer.

3. Procedures at Sub-Committees of the Licensing Committee ~~(established in accordance with Section 9 of the Licensing Act 2003)~~

~~3.1 In accordance with Section 9 (1) of the Licensing Act 2003, the Licensing Committee has resolved to establish four Sub-Committees, each consisting of three members of the Committee.~~

~~3.2 The Sub-Committees have delegated authority to determine those functions that are reserved for decision by the Sub-Committees in accordance with Appendix B of the Council's Statement of Licensing Policy dated 7th January 2011.~~

3. Licensing Act 2003

~~3.13~~ Hearings shall be conducted in accordance with this Procedure Note and The Licensing Act 2003 (Hearings) Regulations 2005 subject to the right of the Sub-Committee to vary that procedure at their absolute discretion if considered in the public interest.

~~3.42~~ The quorum for a Sub-Committee shall be two members.

~~(k)~~(n) Sub-Committee may grant a short adjournment. The parties may not speak to members regarding the application during adjournments.

~~(l)~~(o) The Sub-Committee considers the application and motions put to accept or reject the application in the terms requested or to grant the application subject to specified conditions. Reasons are to be given for motions.

~~(m)~~(p) The parties will be informed of the decision at the hearing or thereafter in accordance with Regulation 26 of the 2005 Regulation.

Local Government (Miscellaneous Provisions) Act 1982)

4.1 Hearings shall be conducted in accordance with this Procedure Note and the Local Government (Miscellaneous Provisions) Act 1982 (as amended by Section 27, Policing and Crime Act 2009) subject to the right of the Sub-Committee to vary that procedure at their absolute discretion if considered in the public interest.

4.2 Objectors' names or addresses will not be revealed to an Applicant without consent. However attendance at a hearing by any Objector implies consent (Local Government (Miscellaneous Provisions) Act 1982 Schedule 3, para10 (17))

4.3 The quorum for a Sub-Committee shall be two members.

4.4 At the commencement of each hearing the Sub-Committee shall elect one of its members as Chairman.

4.5 The order of business at hearings shall be:

(a) Election of Chairman.

(b) Declarations of interests.

(c) Chairman explains the procedure to be followed at the hearing, including the setting of equal time limits for all parties and the granting of adjournments.

(d) Chairman ascertains who is present, including all parties, representatives and witnesses assisting or representing the parties.