

LICENSING AND REGULATORY COMMITTEE – DRAFT TERMS OF REFERENCE

1. Purpose of the Committee

- 1.1 To exercise the Council's responsibilities and functions relating to licensing, registration and other miscellaneous functions as set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended ("2000 Regulations") together with other functions as are allocated to this Committee by legislation or the Constitution.

2. Functions & Responsibilities

- 2.1 The Committee shall discharge the functions of the licensing authority under the Licensing Act 2003 and the Gambling Act 2005 except for those functions which are reserved by legislation to the Council or otherwise required to be discharged by another decision maker.
- 2.2 The Committee's responsibilities shall include, where permitted by law:-
 - (a) The grant renewal refusal variation suspension and revocation of licenses, permits consents registrations and other authorisations.
 - (b) The imposition or amendment, modification or variation of any term, condition, limitation, or restriction.
 - (c) The determination of licensing and regulatory enforcement matters within its remit
 - (d) The decision to revoke, vary or modify any approval, consent, licence, permission, or registration.
 - (e) The consideration of objections, representations, reviews and appeals where the Council is the determining authority
 - (f) To determine and set the fees and charges in respect of any approval, consent, licence, permissions, or registration including consideration of any representations thereon or objections where this is not reserved to another decision maker.
- 1.2 To exercise the Council's functions under the Gambling Act 2005 as amended but not covered by the 2000 Regulations including those functions under Part 8 of the Gambling Act 2005 except the adoption of the Section 349 Gambling Act 2005 - Statement of Principles (adoption by full Council) and the passing of a resolution under Section 166 of the Gambling Act 2005 - resolution not to issue a casino premises licence (resolution by full Council - S154 (2)(a) of the Gambling Act 2005) having first sought the views of the Executive.
- 1.3 To exercise the Council's licensing and registration functions under the Local Government (Miscellaneous Provisions) Act 1982, as amended.

Appendix 1: Draft Terms of Reference

- 1.4 To set all non-statutory/discretionary fees and standard conditions and the licensing of premises for skin piercing and associated practices including acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis.
- 1.5 To exercise the Council's licensing and registration functions under the Caravan Site Act 1968 and Mobile Homes Act 2013 and related legislation including the setting of fees.
- 1.6 To develop, review and adopt statutory and relevant discretionary Policies in relation to the functions undertaken by this Committee. With the exception of the Licensing and Gambling Policies which require Full Council approval.
- 1.7 To consider any matter referred to the Committee by the Council, another Committee, or the Executive which relates to functions for which the Committee is responsible.
- 1.8 To establish a standing Sub-Committee to be known as the Regulatory Sub-Committee to consider and determine any applications and/or matters that by law or in accordance with the Council's adopted Policies or this Constitution require a hearing to be conducted.
- 1.9 To establish a standing Sub-Committee to be known as the Licensing Sub-Committee to consider and determine any applications and/or matters that by law or in accordance with the Council's adopted Licensing Policy and Gambling Statement of Principles or this Constitution require a hearing to be conducted.
- 1.10 All functions are delegated to the Licensing and Regulatory Committee other than any matter delegated to a named Officer in the Scheme of Delegation for Officers in connection with licensing functions.

2. Committee and Structure

- 2.1 The Licensing and Regulatory Committee will comprise 15 members and 10 reserve members in political balance.
- 2.2 Reserve members attending committee as a substitute must be from the same political group as the member giving the apology. If no substitute is available, no substitution will be made for that member.
- 2.3 The Chair and Vice-Chair of the Licensing and Regulatory Committee will be appointed by Full Council at the Annual Council each year.
- 2.4 In the event of a vacancy in the position of Chair or Vice-Chair occurring during the year, the Committee may elect a replacement from nominations put forward by the Group Leaders.
- 2.5 The Licensing and Regulatory Committee will normally meet four times a year.
- 2.6 The quorum of the Licensing and Regulatory Committee will be 5 members.

Appendix 1: Draft Terms of Reference

- 2.7 Before any councillor who is a member of the Licensing and Regulatory Committee can attend a meeting and participate in the determination of an application or appeal by any individual or body, that councillor must have attended a suitable training course.
- 2.8 All members and substitute members of the Licensing and Regulatory Committee must:
- (a) have undertaken mandatory training in the relevant law and procedures which relate to the Committee's work; and
 - (b) undertake further mandatory training when there are changes to procedure or relevant legislation, or as otherwise directed by the Monitoring Officer.
- 2.9 Meetings of the Licensing & Regulatory Committee will proceed in accordance with the Council and Committee Procedure Rules.

Licensing Sub-Committee

Draft Terms of Reference

Purpose

1. The Licensing Committee shall establish Licensing Sub-Committees as required for the purpose of determining individual licensing matters.
2. A Licensing Sub-Committee may conduct hearings and determine applications, variations, reviews and other matters under the Licensing Act 2003 and Gambling Act 2005 which require Member determination or in circumstances where the appropriate officer is unable to make a decision under the Officer Scheme of Delegation or considers it appropriate to refer the decision to the Licensing Committee.
3. A Licensing Sub-Committee may exercise any other licensing function delegated to it by the Licensing Committee where permitted by law.

Membership

4. A Licensing Sub-Committee consists of three councillors drawn from the membership of the Licensing Committee.
5. The Members appointed to a Licensing Sub-Committee shall appoint the Chair of the Sub-Committee from among their membership.
6. The quorum for a Licensing Sub-Committee is three councillors.
7. All three Members appointed to a Licensing Sub-Committee must be present throughout the hearing and determination of the matter.
8. No Member may sit on a Licensing Sub-Committee unless they have undertaken the relevant mandatory licensing training.

Regulatory Sub-Committee

Purpose

1. The Licensing Committee shall establish Regulatory Sub-Committees as required for the purpose of determining individual licensing matters.
2. A Regulatory Sub-Committee may conduct hearings and make determinations under or in respect of the following legislation and functions as required by law or in circumstances where the appropriate designated officer is unable to make a decision under the Scheme of Delegation for Officers or considers it appropriate to refer the decision to the Regulatory Sub-Committee, including:
 - a. licensing of Hackney Carriage Private Hire Drivers, Vehicles, Operators and related enforcement
 - b. classification of films
 - c. licensing of sex establishments and venues
 - d. registration/licensing of premises and individuals for skin piercing and associated practices including acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis
 - e. licensing of caravan sites and camp sites
 - f. licensing/ consent for Street Trading and
such other matters as the Sub-Committee may be required by law either by means of policy or by law adoption or statutory guidance in connection with the discharge of any of the matters referred to in these Terms of Reference
3. A Regulatory Sub-Committee may exercise any other Regulatory function delegated to it by the Licensing Committee where permitted by law.

Membership

4. A Regulatory Sub-Committee consists of three councillors drawn from the membership of the Licensing Committee.
5. The Members appointed to a Regulatory Sub-Committee shall appoint the Chair of the Sub-Committee from among their membership.
6. The quorum for a Regulatory Sub-Committee is three councillors.
7. All three Members appointed to a Regulatory Sub-Committee must be present throughout the hearing and determination of the matter.
8. No Member may sit on a Regulatory Sub-Committee unless they have undertaken the relevant mandatory licensing training.