

## The Licensing Committee

With the exception<sup>1</sup> of

- any licensing function under the Licensing Act 2003 (the 2003 Act) or the Gambling Act 2005 (the 2005 Act) reserved to full Council;<sup>2</sup> or
- any licensing function where full Council has referred a matter to another committee,<sup>3</sup>

the Licensing Committee is authorised to discharge<sup>4</sup> the following functions<sup>5</sup>:

1. to discharge the licensing functions of the licensing authority;<sup>6</sup>
- 2.1 to discharge any other function of the authority referred to it by full Council;<sup>7</sup>
- 2.2 pursuant to the provision in section 2.1 above full Council has delegated to the Licensing Committee the following functions:
  - 2.2.1 the power to make a designated public places order in respect of alcohol consumption under the Criminal Justice and Police Act 2001<sup>8</sup>
  - 2.2.2 the power to designate an area as an Alcohol Disorder Zone<sup>9</sup>
  - 2.2.3 hackney carriages and private hire vehicles<sup>10</sup>
  - 2.2.4 sexual entertainment venues, sex shops and sex cinemas<sup>11</sup>
  - 2.2.5 performances of hypnotism<sup>12</sup>
  - 2.2.6 charitable collections<sup>13</sup>

<sup>1</sup> In accordance with Section 7(2) of the 2003 Act or s154 (2) (a) and (c) of the 2005 Act.

<sup>2</sup> Part 3, Section 2A of the Constitution sets out licensing functions reserved to full Council, as licensing authority under the 2003 Act and under the 2005 Act.

<sup>3</sup> Under the provisions of Section 7(5)(a) of the 2003 Act.

<sup>4</sup> The Committee may arrange for any of its functions to be discharged by one or more sub-committees, or by an officer, subject to the exceptions set out in Section 10(4) of the 2003 Act see also Section 154 of the 2005 Act.

<sup>5</sup> 'Functions' for these purposes shall be construed in a broad and inclusive fashion and shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions.

<sup>6</sup> This includes the power to set fees under Section 212 of the 2005 Act

<sup>7</sup> Full Council may arrange for the Licensing Committee to discharge any function of the authority which relates to a matter referred to the Committee but is not a licensing function (Section 7(3)). It may also refer a matter to the Committee where a matter relates to both a licensing function and to a function of the authority which is not a licensing function, and arrange for the Committee to discharge the other function (Section 7(5)(b) of the 2003 Act). Before exercising this power, the Council must consult with the Committee.

<sup>8</sup> Item 49 of Para I of Schedule 1 to the 2000 Regulations

<sup>9</sup> Item 50 Para I of Schedule 1 to the 2000 Regulations

<sup>10</sup> Item 3 – 5 of Para. B of Schedule 1 to the 2000 Regulations

<sup>11</sup> Item 15 of Para. B of Schedule 1 to the 2000 Regulations and Section 27 Policing and Crime Act 2009 and Schedule 3 Local Government (Miscellaneous Provisions) Act 1982

<sup>12</sup> Item 16 of Para. B of Schedule 1 to the 2000 Regulations

## *Council Committees' Terms of Reference*

- 3 in respect of any approval, consent, licence, permission, or registration which they may grant,
  - (a) To impose conditions limitations or restrictions;
  - (b) To determine any terms;
  - (c) To determine whether and how to enforce any failure to comply;
  - (d) To amend, modify, vary or revoke;
  - (e) To determine whether a charge should be made or the amount of such a charge.
4. to make recommendations to full Council in connection with the discharge of its functions as licensing authority;<sup>14</sup> and
5. to receive reports from, and to make recommendations and representations to other committees or bodies as appropriate.<sup>15</sup>

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<sup>13</sup> Item 39 of Para. B of Schedule 1 to the 2000 Regulations

<sup>14</sup> Including recommendations arising from the monitoring of the operation and impact of the licensing or Gambling policy by the Licensing Committee.

<sup>15</sup> Where the licensing authority exercises its power under Section 7(5)(a) of the 2003 Act the other Committee must consider a report of the Licensing Committee. Where the Council does not make arrangements under Section 7(3), it must (unless the matter is urgent) consider a report of the Licensing Committee with respect to the matter before discharging the function (Section 7(4)).