

## Council Committees' Terms of Reference

**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 in respect of:
      - 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 hackney carriages and private hire vehicles<sup>9</sup>
      - 2.2.3 sexual entertainment venues, sex shops and sex cinemas<sup>10</sup>
      - 2.2.4 performances of hypnotism<sup>11</sup>
      - 2.2.5 charitable collections<sup>12</sup>
      - 2.2.6 alcohol disorder zones<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 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 3 – 5 of Para. B of Schedule 1 to the 2000 Regulations

<sup>10</sup> Item 15 of Para. B of Schedule 1 to the 2000 Regulations \*\*\*[(check reference when sex ent. Venues is in regs as well] and Section 27 Policing and Crime Act 2009 and Schedule 3 Local Government (Miscellaneous Provisions) Act 1982

<sup>11</sup> Item 16 of Para. B of Schedule 1 to the 2000 Regulations

<sup>12</sup> Item 39 of Para. B of Schedule 1 to the 2000 Regulations

<sup>13</sup> Item 50 Para I of Schedule 1 to the 2000 Regulations

**Deleted:** Pursuant to this provision on 11 January 2006 Council delegated to the Licensing Committee the power to make a designated public places order in respect of alcohol consumption under the Criminal Justice and Police Act 2001

2.3 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.

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3. to make recommendations to full Council in connection with the discharge of its functions as licensing authority;<sup>14</sup> and

4. 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>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)).