

**REGULATORY PANELS****Licensing and Regulatory Panel**

The Licensing and Regulatory Panel is authorised to discharge<sup>1</sup> the following functions:<sup>2</sup>

1. To discharge all Council (non-executive)<sup>3</sup> functions relating to:

(a) licensing and registration functions<sup>4</sup> in respect of:

- (i) caravan sites<sup>5</sup>
- (ii) hackney carriages and private hire vehicles<sup>6</sup>
- (iii) pool promoters<sup>7</sup>
- (iv) track betting licences<sup>8</sup>
- (v) amusement machines<sup>9</sup>
- (vi) lotteries<sup>10</sup>
- (vii) amusements with prizes<sup>11</sup>
- (viii) sex shops and sex cinemas<sup>12</sup>
- (ix) performances of hypnotism<sup>13</sup>
- (x) acupuncture, ear-piercing and electrolysis<sup>14</sup>
- (xi) pleasure boats and vessels<sup>15</sup>
- (xii) market and street trading<sup>16</sup>
- (xiii) game<sup>17</sup>
- (xiv) premises for the preparation of food<sup>18</sup>
- (xv) scrap yards<sup>19</sup>
- (xvi) dog breeding, pet shops, animal breeding, animal trainers and exhibitors, zoos, wild animals<sup>20</sup>

<sup>1</sup> With the exception of any licensing function under the Licensing Act 2003, the Panel and the Council may arrange for any of these functions to be discharged by an officer – the functions for the time being so delegated are detailed in Section 2 of Part 3 of this Constitution

<sup>2</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>3</sup> Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended (the 2000 Regulations).

<sup>4</sup> Para. B of Schedule 1 to the 2000 Regulations

<sup>5</sup> Items 1 and 2 of Para. B of Schedule 1 to the 2000 Regulations

<sup>6</sup> Item 3 – 5 of Para. B of Schedule 1 to the 2000 Regulations

<sup>7</sup> Item 6 of Para. B of Schedule 1 to the 2000 Regulations

<sup>8</sup> Items 7 and 8 of Para. B of Schedule 1 to the 2000 Regulations

<sup>9</sup> Item 9 of Para. B of Schedule 1 to the 2000 Regulations

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

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

<sup>12</sup> Item 15 of Para. B of Schedule 1 to the 2000 Regulations

<sup>13</sup> Item 16 of Para. B of Schedule 1 to the 2000 Regulations

<sup>14</sup> Item 17 of Para. B of Schedule 1 to the 2000 Regulations

<sup>15</sup> Item 18 of Para. B of Schedule 1 to the 2000 Regulations

<sup>16</sup> Item 20 of Para. B of Schedule 1 to the 2000 Regulations

<sup>17</sup> Item 23 of Para. B of Schedule 1 to the 2000 Regulations

<sup>18</sup> Item 24 of Para. B of Schedule 1 to the 2000 Regulations

<sup>19</sup> Item 25 of Para. B of Schedule 1 to the 2000 Regulations

<sup>20</sup> Items 29 - 33 of Para. B of Schedule 1 to the 2000 Regulations

## APPENDIX A

### *Council Committees' Terms of Reference*

- (xvii) knackers' yards<sup>21</sup>
- (xviii) the employment of children<sup>22</sup>
- (xix) premises for the solemnisation of marriage<sup>23</sup>
- (xx) charitable collections<sup>24</sup>
- (xxi) operation of loudspeakers<sup>25</sup>
- (xxii) movement and sale of pigs and cattle<sup>26</sup>
- (xxiii) storage of celluloid<sup>27</sup>
- (xxiv) meat product premises and dairy establishments<sup>28</sup>
- (xxv) egg products, butchers and fish products<sup>29</sup>
- (xxvi) auction and wholesale markets<sup>30</sup>
- (xxvii) food business premises<sup>31</sup>
- (xxviii) motor salvage operators<sup>32</sup>

(b) health and safety at work<sup>33</sup> to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.

2. 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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<sup>21</sup> Item 34 of Para. B of Schedule 1 to the 2000 Regulations

<sup>22</sup> Item 35 of Para. B of Schedule 1 to the 2000 Regulations

<sup>23</sup> Item 36 of Para. B of Schedule 1 to the 2000 Regulations

<sup>24</sup> Item 39 of Para. B of Schedule 1 to the 2000 Regulations

<sup>25</sup> Item 40 of Para. B of Schedule 1 to the 2000 Regulations

<sup>26</sup> Items 43 – 46 of Para. B of Schedule 1 to the 2000 Regulations

<sup>27</sup> Item 56 of Para. B of Schedule 1 to the 2000 Regulations

<sup>28</sup> Items 57 – 59 of Para. B of Schedule 1 to the 2000 Regulations

<sup>29</sup> Items 60 - 63 of Para. B of Schedule 1 to the 2000 Regulations

<sup>30</sup> Item 66 of Para. B of Schedule 1 to the 2000 Regulations

<sup>31</sup> Items 67-68 of Para. B of Schedule 1 to the 2000 Regulations

<sup>32</sup> Item 71 of Para. B of Schedule 1 to the 2000 Regulations

<sup>33</sup> Para. C of Schedule 1 to the 2000 Regulations

3. To discharge any licensing function<sup>34</sup>, where full Council has referred a matter to the Panel.<sup>35</sup>

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<sup>34</sup> Under the Licensing Act 2003

<sup>35</sup> (Section 7(5)(a) of the Licensing Act 2003). The matter must relate to

- a licensing function of the licensing authority and
- a function which is not a licensing function.

Unless the matter is urgent, the Panel must consider a report of the Licensing Committee in respect of the matter before discharging the function concerned (Section 7(6)).

## APPENDIX A

### *Officer Delegation Scheme (Council (non-executive) functions)*

#### **Director of Legal and Democratic Services**

1. The Director of Legal and Democratic Services is the Monitoring Officer for the Council.
2. Subject to the exceptions listed below, the Director of Legal and Democratic Services is authorised to discharge the following Council (non-executive) functions:

#### **Licensing and Regulations:**

(a)	To license hackney carriages and private hire vehicles	(a) As to hackney carriages, the Town Police Clauses Act 1847 as extended by section 171 of the Public Health Act 1875 and section 15 of the Transport Act 1985 and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (b) As to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
(b)	To license drivers of hackney carriages and private hire vehicles	Section 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
(c)	To license operators of hackney carriages and private hire vehicles	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
(d)	*To register pool promoters	Schedule 2 to the Betting, Gaming and Lotteries Act 1963
(e)	*To grant track betting licences	Schedule 3 to the Betting, Gaming and Lotteries Act 1963
(f)	*To licence inter-track betting schemes	Schedule 5ZA to the Betting, Gaming and Lotteries Act 1963
(g)	*To grant permits in respect of premises with amusement machines	Schedule 9 to the Gaming Act 1968
(h)	*To register societies wishing to promote lotteries	Schedule 1 to the Lotteries Amusements Act 1976
(i)	*To grant permits in respect of premises where amusements with prizes are provided	Schedule 3 to the Lotteries and Amusements Act 1976
(j)	*To licence sex shops and sex cinemas	The Local Government (Miscellaneous Provisions) Act 1982, Section 2, Schedule 3
(k)	*To licence performance of hypnotism	The Hypnotism Act 1952
(l)	*To issue cinema and cinema club licences <sup>7</sup>	Section 1 of the Cinema act 1985

<sup>7</sup> Under the Licensing Act 2003 this will be a licensable activity and the function of granting or varying a licence to authorise this activity will be discharged by the Licensing Committee. Between 7 February 2005 and a date to be appointed by the Secretary of State, the Licensing and Regulatory Panel will deal with new applications or requests for immediate variations for these types of licence, and the Director of Legal and Democratic Services may do so under this delegated authority. The Licensing Committee will deal with conversions to and variations of licences under the Licensing Act 2003. Licences granted by the Licensing Part 3 section 2C

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### *Officer Delegation Scheme (Council (non-executive) functions)*

(m)	*To issue theatre licences'	Sections 12 to 14 of Theatres Act 1968
(n)	*To issue entertainment licences'	Section 79 of the Licensing Act 1964, sections 1 to 5 and 7 and Part I of and Schedules 1 and 2 to the Local Government (Miscellaneous Provisions) Act 1982
(o)	*To license night cafes'	Section 2 of the Late Night Refreshment Houses Act 1969
(p)	*To license dealers in game and the killing and selling of game	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831; sections 2 to 16 of the Game Licensing Act 1860 section 4 of the customs and Inland Revenue Act 1883, sections 12(3) and 27 of the Local Government Act 1874 and section 213 of the Local Government Act 1972
(q)	*To license scrap yards	Section 1 of the Scrap Metal Dealers Act 1964
(r)	*To approve premises for the solemnisation of marriages	Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995(SI 1995/510)
(s)	*To license persons to collect for charitable and other causes	Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939
(t)	To register motor salvage operators	Part I of the Vehicles (Crime) Act 2001

#### **Functions relating to elections:**

(a)	Functions in relation to parishes and parish councils	Part II of the Local Government and Rating Act 1997 and subordinate legislation under that Part
(b)	To dissolve small parish councils	Section 10 of the Local Government Act 1972
(c)	To make orders for grouping parishes, dissolving groups and separating parishes from groups	Section 11 of the Local Government Act 1972
(d)	To make temporary appointments to parish councils	Section 91 of the Local Government Act 1972

#### **Functions relating to standing orders:**

(a)	To make standing orders	Section 106 of, and paragraph 42 of Schedule 12 to the Local Government Act 1972
(b)	To make standing orders as to contracts	Section 135 of the Local Government Act 1972

Committee will come into force from the appointed date and licences granted by the Licensing and Regulatory Panel or the Director of Legal and Democratic Services under delegated authority will then lapse.

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#### **Exceptions:**

The Director of Legal and Democratic Services is not authorised to discharge those functions marked \*above where objections have been received.

#### **Licensing Functions delegated by Licensing Committee:**

<p>Subject to the exceptions listed below, the Director of Legal and Democratic Services is authorised to discharge the licensing functions<sup>8</sup> of the licensing authority.</p> <p><b><u>Exceptions:</u></b></p> <ul style="list-style-type: none"><li>• any licensing function<sup>1</sup> reserved to full Council;<sup>9</sup> and</li><li>• any licensing function where full Council has referred a matter to a committee other than the Licensing Committee;<sup>10</sup> and</li><li>• any licensing function within the terms of reference of the Licensing Sub-committees<sup>11</sup>; and</li><li>• any function under Section 52(2) or (3) of the Act; and</li><li>• any function under Section 88(2) or (3) of the Act; and</li><li>• any function under Section 167(5) of the Act: and</li><li>• to determine whether Section 20(3) or 74(3) applies to a film and make recommendations about the admission of children to that film; and</li><li>• to object when the Authority is consultee and not the relevant authority considering an application.</li></ul>	Licensing Act 2003
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<sup>8</sup> "Licensing functions" means functions under the 2003 Act

<sup>9</sup> Part 3, Section 2A of the Constitution sets out licensing functions reserved to full Council, as licensing authority under the 2003 Act.

<sup>10</sup> Under the provisions of Section 7(5)(a) of the 2003 Act.

<sup>11</sup> Except where a Licensing sub-committee has arranged for the discharge of any of their functions to an Officer.