

## **Delegations to the Statutory Licensing Committee**

### 1. Delegations to **the Statutory** Licensing Committee

(Established under the Licensing Act 2003)

#### 1.1 To exercise the Council's functions relating to the processing, determination and management of licensing matters including but not limited to:

- Licensing functions set out in the Gambling Act 2005
- Licensing functions set out in the Licensing Act 2003, as amended by the Police Reform and Social Responsibility Act 2011
- ~~Animal Welfare Act 2006~~
- ~~Health Act 2005~~
- ~~Gambling Act 2005~~
- ~~Controlling the distribution of free printed material~~
- ~~Hackney carriages and Private Hire Vehicles, drivers and operators~~
- ~~Operation of minibuses; pleasure boats and pleasure vessels~~
- ~~Cinema, (where provisions of the Licensing Act 2003 do not apply) theatre and sex establishment licences; hypnotism~~
- ~~Street collection and house to house collections; societies lotteries~~
- ~~Acupuncture, tattooing, ear piercing and electrolysis~~
- ~~Caravan sites, moveable dwellings and camping sites~~
- ~~Markets and street trading~~
- ~~Provision of take away food shops; food preparation premises and food business premises~~
- ~~Sale of non-medicinal poisons~~
- ~~Tables and chairs and A boards~~
- ~~Storage of filling materials~~
- ~~Scrap yards and motor salvage operators~~ (**scrap yards now fall to the executive**)
- ~~Safety certificates for sports grounds and regulated stands; fire certificates~~
- ~~Dog breeding, animal boarding, pet shops, animal trainers and exhibitors, zoos, dangerous wild animals, guard dogs, knackers yards~~

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- Employment of children
  - Operation of loudspeakers
  - Anti-social behaviour — high hedges
  - Sale and movement of pigs and cattle
  - Meat, dairy, egg product and fish product establishments
- 1.2 ~~To exercise the Council's functions relating to Health, safety and welfare in connection with work and control of dangerous substances.~~
- 1.3 ~~To exercise the Council's functions relating to the Registration of Births, Deaths and Marriages and the approval of premises for the solemnisation of marriages.~~
- 1.4 To receive and approve annual reports on the administration and management of licensing matters.
- 1.5 Statutory Powers and Duties

The functions listed above are detailed in the Schedule to which may be added such other specific powers or duties which may be permitted or required to be delegated from time to time by Regulations made under the Local Government Act 2000.

### 1.6 Schedule

<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>
<b>Licensing and registration functions</b>	
1. Licensing functions set out in the Licensing Act 2003.	Sections 5 to 8 53A-C and 41A-D of the Licensing Act 2003, as amended by Sections 103-140 of the Police Reform and Social Responsibility Act 2011.
2. <del>Power to issue licences authorising the use of land as a caravan site ("site licences").</del>	<del>Section 3(3) of the Caravan Sites and Control of Development Act 1960.</del>
3. <del>Power to license the use of moveable dwellings and camping sites.</del>	<del>Section 269(1) of the Public Health Act 1936.</del>
4. <del>Power to license hackney carriages and private hire vehicles.</del>	<del>(a) as to hackney carriages, the Town Police Clauses Act 1847, as extended by section 171 of the Public Health Act</del>

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<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>
	<p><del>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.</del></p>
	<p><del>(b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.</del></p>
<p><del>5. Power to license drivers of Hackney Carriage and private hire vehicles.</del></p>	<p><del>Sections 51, 53, 54, 57, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.</del></p>
<p><del>6. Power to license operators of private hire vehicles.</del></p>	<p><del>Sections 55, 56, 57, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.</del></p>
<p>7. Power to register pool promoters.</p>	<p>Gambling Act 2005.</p>
<p>8. Power to grant track betting licences.</p>	<p><del>Schedule 3 to the Betting, Gaming and Lotteries Act 1963.</del> <b>Gambling Act 2005</b></p>
<p>9. Power to license inter-track betting schemes.</p>	<p><del>Schedule 5ZA to the Betting, Gaming and Lotteries Act 1963.</del> <b>Gambling Act 2005</b></p>
<p>10. Power to grant permits in respect of premises with amusement machines.</p>	<p>Gambling Act 2005.</p>
<p>11. Power to register societies wishing to promote lotteries.</p>	<p>Gambling Act 2005.</p>
<p>12. Power to grant permits in respect of premises where amusements with prizes are provided.</p>	<p><del>Schedule 3 to the Lotteries and Amusements Act 1976.</del> <b>Gambling Act 2005</b></p>
<p><del>13. Power to license sex shops, sex cinemas and sexual entertainment venues.</del></p>	<p><del>The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3, as amended by Section 27 of the Policing and Crime Act 2009.</del></p>
<p><del>14. Power to license performances of hypnotism.</del></p>	<p><del>The Hypnotism Act 1952.</del></p>
<p><del>15. Power to license for acupuncture, tattooing, ear piercing, electrolysis</del></p>	<p><del>Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982 as</del></p>

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<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>
and semi-permanent skin colouring.	amended by the Local Government Act 2003.
16. Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907.
17. Power to grant permission for provision of, etc of services, amenities, recreation and refreshment facilities on highway and related powers e.g. tables and chairs and A boards.	Sections 115E, 115F, and 115K of the Highways Act 1980.
18. Power to license market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982.
19. Power to license night cafes and take-away food shops.	Licensing Act 2003.
20. Powers relating to the removal of things so deposited on highways as to be a nuisance.	Section 149 of the Highways Act 1980.
21. Authorise prosecution for wilful obstruction of the highway	Section 137 of the Highways Act 1980
22. Duty to publish notice in respect of proposal to grant permission under Section 115E of the Highways Act 1980.	Section 115G of the Highways Act 1980.
23. Enforcement of smoke free provisions including Sections 6(5), 7(4) and 8(4). Authorisation of employees	Health Act 2006 and Orders and Regulations thereunder
24. Power to permit deposit of builder's skip on highway.	Section 139 of the Highways Act 1980.
25. Duty to keep list of persons entitled to sell non-medicinal poisons.	Sections 3 (1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972.
26. Power to register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990.

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<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>
27. Power to register scrap metal dealers and licence motor salvage operators.	Section 1 of the Scrap Metal Dealers Act 1964 and Part I of the Motor Vehicles (Crime) Act 2001.
28. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975.
29. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III of the Fire Safety and Safety Places of Sport Act 1987.
30. Power to issue fire certificates.	Regulatory Reform Fire Safety Order 2005.
31. Power to license premises for the breeding of dogs.	Section 1 of the Breeding of Dogs Act 1973 and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999.
32. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951; section 1 of the Animal Boarding Establishments Act 1963; the Riding Establishments Acts 1964 and 1970; section 1 of the Breeding of Dogs Act 1973 and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.
33. Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925.
34. Power to license zoos.	Section 1 of the Zoo Licensing Act 1981.
35. Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976.
36. Power to license knackers' yards.	Section 4 of the Slaughterhouses Act 1974. See also the Animal By-Products Order 1999.
37. Power to license the employment of children.	Part II of the Children and Young Persons Act 1933, byelaws made under the Part, and Part II of the Children and Young Persons Act 1963.
38. Power to license persons to collect for charitable and other causes.	Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916 and

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<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>
39. Power to grant consent for the operation of a loudspeaker.	section 2 of the House to House Collections Act 1939. Schedule 2 to the Noise and Statutory Nuisance Act 1993.
40. Power to issue licences for the movement of pigs.	Article 12 of the Pigs (Records, Identification and Movement) Order 1995.
41. Power to license the sale of pigs.	Article 13 of the Pigs (Records, Identification and Movement) Order 1995.
42. Power to license collecting centres for the movement of pigs.	Article 14 of the Pigs (Records, Identification and Movement) Order 1995.
43. Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations 1998.
44. Power to approve meat product premises.	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994.
45. Power to approve premises for the production of minced meat or meat preparations.	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995.
46. Power to approve dairy establishments.	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995.
47. Power to approve egg product establishments.	Regulation 5 of the Egg Products Regulations 1993.
48. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready to eat foods.	Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995.
49. Power to approve fish products premises.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
50. Power to approve dispatch or purification centres.	Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.

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<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>
51. Power to register fishing vessels on board which shrimps or molluscs are cooked.	Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
52. Power to approve factory vessels and fishery product establishments.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
53. Power to register auction and wholesale markets.	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
54. Duty to keep register of food business premises.	Regulation 5 of the Food Premises (Registration) Regulations 1991.
55. Power to register food business premises.	Regulation 9 of the Food Premises (Registration) Regulations 1991.
56. Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematograph Film Act 1922.
57. Power to approve premises for the solemnisation of marriages.	Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995. Civil Partnership Act 2004, The Marriages and Civil Partnerships (Approved Premises) Regulations 2005 and The Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2011.
58. Powers relating to complaints about high hedges.	Part 8 of the Anti-Social Behaviour Act 2003.
59. Licensing functions set out in the Gambling Act 2005 and order and regulations thereunder.	Gambling Act 2005.
60. Power to act when there is a threat of environmental damage and the carrying out of works in default	Environmental Damage (Prevention and Remedial) Regulations 2009
<b>Functions relating to the enforcement of byelaws</b>	Any provision of any enactment (including a local Act) whenever passed, and section 14 of the Interpretation Act 1978.
<b>Functions relating to health and safety at work</b>	

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<p><del>Functions under any of the “relevant statutory provisions” within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc Act 1974, to the extent that those functions are discharged otherwise than in the authority’s capacity as an employer.</del></p>	<p><del>Part I of the Health and Safety at Work etc. Act 1974.</del></p>
<p>1.7 Terms of Reference of the Licensing Sub-Committee</p>	
<p>1.8 The Sub-Committee will comprise three elected Councillors appointed on a rota basis from the Licensing Committee who will:-</p> <p>A. consider and determine contentious applications in respect of licensed premises and <del>Hackney Carriage and Private Hire Drivers/operators,</del></p> <p>B. authorise the institution of legal proceedings in respect of various licensing and environmental matters.</p>	