

## CHAPTER 2 – 8 - LICENSING COMMITTEE

### Functions and Procedure Rules

The Licensing Act 2003 requires the Council to establish a Licensing Committee. Licensing is not a Cabinet function and cannot be discharged by the Cabinet.

These Rules detail what powers the Licensing Committee has and how Licensing Committee meetings and Sub Committees are conducted. In general, Licensing Committee deals with functions relating to licensing registration, enforcement and duties and powers contained within relevant legislation shown below.

The Council has delegated certain functions to the Committee and to certain Officers. The Licensing Committee, Sub Committee and relevant Officers have the powers shown below in Functions of the Licensing Committee

#### 1.0 Functions of the Licensing Committee

	<b>Function</b>	<b>Delegation (who function can be carried out by instead of Licensing and Regulatory Committee)</b>	<b>Exceptions to Delegation (must be carried out by Licensing Committee)</b>
1.1	Determine any matter relating to street trading licences and markets.	Director for Growth and Regeneration	None
1.2	Determine the licensing of all animal establishments and all animal welfare issues under the relevant legislation and their enforcement.	Director for Growth and Regeneration	None
1.3	Determine any matter relating to the licensing of sex establishments pursuant to the passing of a resolution under section 2 of the Local Government (Miscellaneous Provisions) Act 1982.	Director for Growth and Regeneration	Where relevant representations/objections have been received
1.4	Determine matters relating to motor salvage operators' licences.	Director for Growth and Regeneration	None

1.5	Determine licences of houses in multiple occupation and their enforcement.	Director for Growth and Regeneration	None
1.6	Determine any matter relating to the functions of the Council required by the Licensing Act 2003 or consequent secondary legislation.  Except;  Approve the Statement of Licensing Policy which must be referred to Council by way of a recommendation by the Licensing Committee	Licensing Sub Committee; and  Determining reviews of premises licences or club premises certificate must be referred to Licensing Sub Committee  Determining applications for the grant, renewal or transfer of licences, designations or certificates where objections have been received and not withdrawn must be referred to Licensing Sub Committee.  Director for Growth and Regeneration	None
1.7	Determine any matter relating to the functions of the Council required by the Gambling Act 2005  Except;  Approval of Statement Of Principles which must be referred to Council for approval by way of a recommendation from Licensing Sub Committee	Licensing Sub Committee  Director for Growth and Regeneration	Determining applications for a club gaming/club machine permits where relevant objections from consultees have been received and have not been withdrawn  Determining applications for a transfer of a licence where relevant representations have been received and not withdrawn from the Gambling Commission
1.8	Determine any matter relating to the functions of private hire and hackney carriage	Licensing Sub-Committee	None

	<p>licensing functions under the Town and Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 and any secondary or subsequent legislation</p> <p>Except</p> <p>Determining the provision, siting, designation and establishment of Hackney Carriage Stands which must be recommended to Council for approval</p> <p>Determining Hackney Carriage bylaws which must be referred to Council for approval on recommendation of the Licensing Committee</p>	Director for Growth and Regeneration	Revoking licences (unless in the interests of urgent public safety) for Hackney Carriages and private hire vehicle drivers and operators which must be referred to the Licensing Sub Committee
1.9	Determining Council Policies for the licensing of private hire and Hackney Carriage vehicles and drivers and private hire operators including standard conditions and the fixing of hackney carriage vehicle fare scales	Director for Growth and Regeneration	None
1.10	All licensing functions other than those specifically addressed above	Director for Growth and Regeneration	Where relevant representations/objections have been received

## 2.0 Licensing Committee Procedure Rules

### 2.1 Application of the Meetings Procedure Rules

These Rules should be read in conjunction with The Meetings General Procedure Rules which detail the rules of debate and apply to all meetings of Council except as varied below.

## 2.2 Composition of the Committee

The Committee shall comprise ten Councillors all of whom shall have undertaken mandatory training contained within the Members' Development Programme. Attendance must be for the duration of each training session, at least every other year as well as any ad hoc training considered mandatory by the relevant Chief Officer due to legislative changes throughout the year. The Committee is not politically balanced.

2.3 A record of attendance at training sessions will be maintained by Democratic Services.

2.4 Substitution shall apply in accordance with the Substitution Procedure.

## 2.5 Quorum

The quorum for the Committee shall be five members which must be maintained for the duration of the meeting.

## 2.6 Who shall Chair the Meeting

The Chair of Licensing as determined by Council at the Annual Council Meeting shall preside and in their absence the Vice Chair of Licensing shall preside. If neither are in attendance, the Chair shall be elected by attending Members by a majority of votes.

## 3.0 **Licensing Sub Committee Procedure Rules**

### 3.1 Application of the Meetings Procedure Rules

These Rules should be read in conjunction with The Meetings' General Procedure Rules which detail the rules of debate and apply to all meetings of Council except as varied below.

### 3.2 Composition of the Sub Committee

Sub Committees shall comprise of three Members of whom are members of the Licensing Committee

The Licensing Sub Committee shall not be politically balanced.

### 3.3 Quorum

The quorum for the Sub Committee shall be three Members which must be maintained for the duration of the meeting.

### 3.4 Who shall Chair the Meeting

Members shall decide by consensus who shall chair the meeting.

### 3.5 Order of proceedings for Sub-Committee hearings

In the case of a new licence the Applicant is the person applying for the licence; in the case of a review the Applicant is the Responsible Authority applying for the review. Enforcement proceedings shall be against the licence holder in question.

The parties to the hearing shall provide any written representations to the Council in writing to the Council offices or by emailing [democracy@melton.gov.uk](mailto:democracy@melton.gov.uk), 7 (seven) clear days before the date of the hearing. Written representations shall be provided to the other parties in the interests of Natural Justice. No written material shall be considered at the hearing unless it has been submitted in accordance with this rule.

The hearings will be held in accordance with the Access to Information Procedure Rules.

The Chair of the Sub-Committee will welcome and introduce the parties present.

3.6 The Sub-Committee will decide whether part or all of the hearing should be held in private because the public interest in doing so outweighs the public interest in holding the meeting or that part of the meeting in public in accordance with the Access to Information Procedure Rules.

3.7 The Chair will confirm that the Licensee has received the paperwork and outline the procedure to be followed.

3.8 The Sub-Committee will consider requests from any of the parties for permission for another person to appear at the hearing as a witness.

3.9 The Sub-committee will decide what action to take if a party does not attend the hearing.

3.10 The Licensing Officer/Responsible Authority will make an opening address and present the report and outline relevant information such as representations, information that has been requested from the parties, legislation, the Council's Licensing Policy and any relevant Government guidance.

3.11 The parties participating in the hearing and members of the Sub-committee may ask questions of the Licensing Officer in the following order:

- Applicant/Licensee/Interested Party/Other;
- Sub-Committee Members;
- Legal Adviser

3.12 Where applicable, the Applicant/Licensee/Interested Party/Other shall be given the opportunity to present their case.

The parties participating in the hearing and members of the Sub-Committee may ask questions of the applicant in the following order:

- Licensing Officer/Responsible Authority;
- Sub-Committee Members;
- Legal Adviser

3.13 If a party is not present any information that has been provided as part of the report will be considered by the Sub-Committee. All other information will only be considered at the discretion of the Chair in accordance with the rules of Natural Justice and the Human Rights Act 1998.

The Licensing Officer / Responsible Authority will be given the opportunity to make a closing statement.

3.14 The Applicant/Licensee/Interested Party/Other will be given the opportunity to make a closing statement.

3.15 The Sub-Committee shall retire with their legal advisor to consider the contents of the report, any representations, legislation and guidance before making a decision.

3.16 A summary of the decision will be communicated at the hearing along with notification that any appeal must be submitted within 21 days at the local Magistrates Court.

3.17 The Chair will advise that detailed decision notice will be issued within 5 working days or as soon as possible thereafter.

3.18 The Chair will thank everyone for attending and close the meeting.

3.19 The minutes of the meeting will be published and (except where the hearing has been held in private) the notice of the Sub-Committee's decision shall be published along with the minutes for the meeting.