

TERMS OF REFERENCE FOR LICENSING COMMITTEE

GENERAL

- a. This is a committee of the Council appointed by the Council under Section 6 of the Licensing Act 2003.
- b. The Council has arranged under Section 7 of the 2003 Act and Section 101(1) of the 1972 Act for the discharge by the Committee of such of the Council's functions as are within the Committee's terms of reference (set out below).
- c. Certain functions are delegated by this Committee to Officers. Full details may be found in the Officers' Scheme of Delegation which may be obtained from the Democratic Services Manager.
- d. Where a function or matter within the Panel's competence has been delegated to an officer, the Committee may exercise that function/matter concurrently with the officer to whom it has been delegated.
- e. The exercise of any function or matter within the Committee's competence is always subject to any relevant requirement of the Council's Constitution including any Special Procedure and Protocol drawn up and approved by the Head of Legal & Democratic Services in pursuance of Council Procedure Rule 26.2 or which may be prescribed by law.

TERMS OF REFERENCE

1. To undertake all licensing functions, powers and duties conferred by the Licensing Act 2003 and as set out in schedule 1B of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (SI 2853 of 2000) as amended and the Local Government Act, 1972 including but not limited to the matters set out below.
2. Approve a framework for the effective discharge by the Council of the statutory licensing function by itself and its sub-committees.
3. Keep under review and publish a Statement of Licensing Policy. .
4. Appoint sub-committee(s) to discharge the Council's licensing functions under the Licensing Act 2003.
5. Appoint sub-committee(s) to discharge the Council's licensing functions as set out in schedule 1B of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (SI 2853 of 2000) as amended and the Local Government Act 1972.
6. To set licence fees as appropriate under the Gambling Act 2005.

TERMS OF REFERENCE FOR LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE

GENERAL

- a. This is a sub-committee of the Licensing Committee appointed by that Committee under the Licensing Act 2003.
- b. The Committee has arranged under Section 9 of that Act for the discharge by the Sub-Committee of such of the Council's functions as are within the Sub-Committee's terms of reference (set out below).
- c. Certain functions are delegated by this Sub-Committee to Officers. Full details may be found in the Officers' Scheme of Delegation which may be obtained from the Democratic Services Manager.
- d. Where a function or matter within the Panel's competence has been delegated to an officer, the Sub-Committee may exercise that function/matter concurrently with the officer to whom it has been delegated.
- e. The exercise of any function or matter within the Sub-Committee's competence is always subject to any relevant requirement of the Council's Constitution including any Special Procedure and Protocol drawn up and approved by the Head of Legal & Democratic Services in pursuance of Council Procedure Rule 26.2 or which may be prescribed by law.

TERMS OF REFERENCE

Licensing Act 2003

Except for matters of Policy to undertake all functions, powers and duties conferred by the Licensing Act 2003 including but not limited to the matters set out below:

1. Power to determine applications for personal licences.
2. Power to determine applications for premises licences and club premises certificate.
3. Power to determine applications for variation of premises licence and club premises certificates.
4. ~~Power to register and deregister designated premises supervisors.~~
5. Power to determine applications for transfer of premises licences.
6. Power to review premises licence and club premises certificates.
7. Power to determine police **or environmental health** objections to temporary event notices.

Commented [BJ1]: Removed and replaced by the Private Security Industry Act 2001

Gambling Act 2005

8. a. Where representations on the following applications **where representations have been received and not withdrawn** to determine applications:
 - i. **for premises licences**
 - ii. **for variation of premises licences**
 - iii. **for transfer of premises licences**

iv. for a provisional statement

v. for club gaming or club machine permits

b. The cancellation of club gaming or club machine permits

c. Decision to give a counter notice to a temporary use notice

d. Take "action" under Section 202 where the review is heard by the sub committee

~~9. Power to register pool betting operating licence.~~

~~10. Power to grant track betting licences.~~

~~11. Power to licence inter track betting schemes.~~

~~12. Power to grant gaming and betting machine licences.~~

13. Power to register societies wishing to promote lotteries.

14. Power to issue premises licences and to receive temporary use notices.

Commented [BJ2]: These appear to relate to repealed Gaming Act 1968 powers

Commented [BJ3]: Both delegated to HoL&DS in their entirety (subject to 8(a) above)

TERMS OF REFERENCE FOR LICENSING (GENERAL) SUB-COMMITTEE

GENERAL

- a. This Sub-Committee is a Sub-Committee of the Licensing Committee appointed by the Committee under the Local Government Act 1972.
- b. The Committee has arranged under Section 101(1) of that Act for the discharge by the Sub-Committee of such of the Council's functions as are within the Sub-Committee's terms of reference (set out below).
- c. Certain functions are delegated by this Panel to Officers. Full details may be found in the Officers' Scheme of Delegation which may be obtained from the Democratic Services Manager.
- d. Where a function or matter within the Sub-Committee's competence has been delegated to an officer, the Sub-Committees may exercise that function/matter concurrently with the officer to whom it has been delegated.
- e. The exercise of any function or matter within the Sub-Committee's competence is always subject to any relevant requirement of the Council's Constitution including any Special Procedure and Protocol drawn up and approved by the Head of Legal and Democratic Services in pursuance of Council Procedure Rule 26.2.

TERMS OF REFERENCE

Except for matters of Policy to undertake all licensing functions, powers and duties conferred by the Local Government Act 1972 including but not limited to the matters set out below:

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| 1. Power to license hackney carriages and private hire vehicles | (a) as to the hackney carriages, the Town Police Clauses Act, 1847 (10 & 11 Vict.c.89), as extended by section 171 of the Public Health Act 1875 (38 & 39 Vict.c.55), and section 15 of the Transport Act 1985 (c.67); and sections 47, 57,58,60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976(c.57);

(b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976. |
| 2. Power to license drivers of hackney carriages and private hire vehicles | Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976. |
| 3. Power to license operators of hackney carriages and private hire vehicles | Sections 51, 53, 54, 59, 61 and 69 of the Local Government (Miscellaneous Provisions) Act 1976 |
| 4. Power to license sex shops and sex cinema and sex entertainment venues | Section 2 and Schedule 3 Local Government (Miscellaneous Provisions) Act 1982 |
| 5. Power to license performances of hypnotism | The Hypnotism Act 1952 |

Commented [BJ4]: Sex Establishment provisions adopted in 2012/13

6. Power to license market and street trading

Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982; ~~Part III of the London Local Authorities Act 1990 (c.vii) and section 6 of the London Local Authorities Act 1994~~

Commented [BJ5]: Not in London!

~~7. Power to make closing orders with respect to take-away food shops~~

~~Section 4 of the Local Government (Miscellaneous Provisions) Act, 1982~~

Commented [BJ6]: Repealed by schedule 7 Licensing Act 2003

~~8. Power 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 (c.32); sections 2 to 16 of the Game Licensing Act 1860 (c.90), section 4 of the Customs and Inland Revenue Act 1883 (c.10), sections 12(3) and 27 of the Local Government Act 1874 (c.73), and section 213 of the Local Government Act 1972 (c.70)~~

Commented [BJ7]: Repealed by the Regulatory Reform (Game) Order 2007

~~9. Power to license scrap yards~~

~~Section 1 of the Scrap Metal Dealers Act 1964 (c.69)~~

Commented [BJ8]: Repealed by the Scrap Metal Dealers Act 2013 (now exec)

10. Power to license persons to collect for charitable and other causes

Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 (c.31) and section 2 of the House to House Collections Act 1939 (c44)

11. Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption

Section 13(2) of the Criminal Justice and Police Act 2001

Commented [BJ9]: Replaced by Chapter 2 of the Anti-Social Behaviour, Crime and Policing Act 2014.

12. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis

Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982

13. Power to license pleasure boats and pleasure vessels

Section 94 of the Public Health Acts Amendment Act 1907 (c.53)

14. 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 (c.66)

15. Power to register and license premises for the preparation of food

Section 19 of the Food Safety Act 1990 (c.16)

16. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds

The Safety of Sports Grounds Act 1975 (c.52)

17. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds

Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c.27)

Note: The above function is exercised by the Fire Officer.

18. Power to issue fire certificates

Section 5 of the Fire Precautions Act 1971 (c.40)

19. Power to license premises for the breeding of dogs

Section 1 of the Breeding of Dogs Act 1973 (c.60) and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999 (c.11)

20. 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 (c.35); section 1 of the Animal Boarding Establishments Act 1963 (c.43); the Riding Establishments Acts 1964 and 1970 (1964c.70 and 1970c.70); section 1 of the Breeding of Dogs Act 1973 (c.60), and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999
21. Power to register animal trainers and exhibitors	Section 1 of the Performing Animals (Regulations) Act 1925 (c.38)
22. Power to license zoos	Section 1 of the Zoo Licensing Act 1981 (c.37)
23. Power to license dangerous wild animals	Section 1 of the Dangerous Wild Animals Act 1976 (c.38)
24. Power to license knackers' yards	Section 4 of the Slaughterhouses Act 1974. <i>See also</i> the Animal By-Products Order 1999 (S.I. 1999/646)
25. Animal Welfare powers	Animal Welfare Act 2006 (all functions insofar as they are non-Executive functions)
26. Power to license the employment of children	Part II of the Children and Young Persons Act 1933 (c33), byelaws made under that part, and part II of the Children and Young Persons Act 1963 (c37)
27. Power to approve premises for the solemnisation of marriages	Section 46A of the Marriage Act 1949 (c.76) and the Marriages (Approved Premises) Regulations 1995 (S.I. 1995/510)
28. Power to grant consent for the operation of a loudspeaker	Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c.40)
29. Power to license agencies for the supply of nurses	Section 2 of the Nurses Agencies Act 1957 (c.16)
30. Power to issue licences for the movement of pigs	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (S.I. 1995/11)
31. Power to license the sale of pigs	Article 13 of the Pigs (Records, Identification and Movement) Order 1995
32. Power to license collecting centres for the movement of pigs	Article 14 of the Pigs (Records, Identification and Movement) Order 1995
33. Power to issue a license to move cattle from a market	Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998/871)
34. Power to sanction use of parts of buildings for storage of celluloid	Section 1 of the Celluloid and Cinematograph Film Act 1922 (c.35)
35. Power to approve meat product premises	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (S.I. 1994/3082)
36. Power to approve premises for production of minced meat or meat preparations	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (S.I. 1995/3205)
37. Power to approve dairy establishments	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (S.I. 1995/1086)

38. Power to approve egg product establishments	Regulation 5 of the Egg Products Regulations 1993 (S.I. 1993/1520)
39. 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 (S.I. 1995/1763)
40. Power to approve fish products premises	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (S.I. 1998/994)
41. Power to approve dispatch or purification centres	Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998
42. 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
43. Power to approve factory vessels and fishery product establishments	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998
44. Power to register auction and wholesale markets	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998
45. Duty to keep register of food business premises	Regulation 5 of the Food Premises (Registration) Regulations 1991 (S.I. 1991/2828)
46. Power to register food business premises	Regulation 9 of the Food Premises (Registration) Regulations 1991
47. Functions under any of the "relevant statutory provisions" within the meaning of Part 1 (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	Part 1 of the Health and Safety at Work etc. Act 1974 (c.37)
48. Functions relating to sea fisheries	Sections 1, 2, 10 and 19 of the Sea Fisheries Regulation Act 1966 (c.38)
49. Registration of hairdressers and barbers	Section 4 Hampshire Act 1983
50. Touting, hawking, photography etc	Section 7 Hampshire Act 1983
51. Control of stray dogs	Section 8 Hampshire Act 1983
52. Seizure of horses	Section 9 Hampshire Act 1983
53. Any function relating to contaminated land. (Except to the extent that the function involves the formulation of a strategic policy, in which case it is an executive function on which the panel should be consulted.)	Part IIA of the Environmental Protection Act 1990 (c43) and subordinate legislation under that part

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| <p>54. The discharge of any function relating to the control of pollution or the management of air quality.
(Except to the extent that the function involves the formulation of a strategic policy, in which case it is an executive function on which the panel should be consulted.)</p> | <p>Pollution Prevention and Control Act 1999 (c 24);
Pt IV of the Environment Act 1995 (c 25);
Part 1 of the Environmental Protection Act, 1990 (c 43) and the Clean Air Act, 1993 (c 11)</p> |
| <p>55. The service of an abatement notice in respect of a statutory nuisance.</p> | <p>Section 80(1) of the Environment Protection Act, 1990</p> |
| <p>56. The inspection of the Authority's area to detect any statutory nuisance.
(Except to the extent that the function involves the formulation of a strategic policy, in which case it is an executive function on which the panel should be consulted.)</p> | <p>Section 79 of the Environmental Protection Act, 1990.</p> |
| <p>57. The investigation of any complaint as to the existence of a statutory nuisance.</p> | <p>Section 79 of the Environmental Protection Act, 1990.</p> |
| <p>58. The obtaining of particulars of persons interested in land.
(Except to the extent that it is necessary to exercise these powers in respect of actions which are preliminary to the exercise of powers to make compulsory purchase orders)</p> | <p>Section 16 of the Local Government (Miscellaneous Provisions) Act, 1976.</p> |
| <p>59. The power to register motor salvage operators.</p> | <p>Part I of the Vehicles (Crime) Act 2001 (c.3)</p> |

Commented [BJ10]: Repealed by the Scrap Metal Dealers Act 2013 (now exec)