

2.2 HEAD OF LEGAL & DEMOCRATIC SERVICES

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Hypnotism Act 1952

2.2.1 To grant, but not refuse, consent for performances of hypnotism.

Public Health Acts Amendment Act 1907

2.2.2 To grant, renew and suspend, but not to refuse or revoke, pleasure boat and boatman's licences.

Licensing Act 2003

2.2.3 To approve local certification of films that are capable of classification without difficulty and which are not likely to cause public concern, following consultation with the Chair of the Licensing Committee.

2.2.4 Subject to any requirement to place any matter before a duly convened Licensing Committee, to undertake the following functions under the Licensing Act 2003:

- a. where no objection or adverse representation is made to an application, to determine the following applications:
 - i. for a personal licence;
 - ii. for a premises licence or a club premises **certificate**;
 - iii. for a provisional statement;
 - iv. to vary a premises certificate or club premises certificate;
 - v. to vary a designated premises supervisor;
 - vi. to transfer a premises licence;
 - vii. for an interim authority;
 - viii. to serve counter notices in respect of temporary event notice applications;
 - ix. for removal of the mandatory designated supervisor condition for community premises.
- b. in all cases, to determine the following matters:
 - i. a request to be removed as a designated premises supervisor;
 - ii. to decide **whether a representation** is irrelevant, frivolous, vexatious, etc.;
 - iii. to keep a register under Section 8 of the Act;
 - iv. to enter premises as an authorised officer of the Council pursuant to Sections 96, 108 and 179 of the Act;
 - v. to agree to dispense with a hearing pursuant to Regulation 9 Licensing Act 2003 (Hearings) Regulations 2005;
 - vi. **consultation of other responsible authorities on minor**

variation applications;

vii. applications for minor variations of premises licences and club premises certifications;

viii. To suspend premises licences or club premises certificates where the annual fee or late night levy has not been paid;

ix. To withdraw club premises certificates where a club does not satisfy the conditions for being a qualifying club in relation to a qualifying club activity.

2.2.5 To enter premises for the purposes of consulting and advising on the licensing objectives and compliance with the Licensing Act 2003.

Criminal Justice and Police Act 2001

2.2.6 To serve a closure notice under section 19 of the Criminal Justice and Police Act 2001 where premises are being, or within the last 24 hours have been, used for the unauthorised sale of alcohol for consumption on, or in the vicinity of, the premises.

Anti-Social Behaviour, Crime and Policing Act 2014

2.2.7 To issue a closure notice under sections 76 to 91 (Chapter 3) of the Anti-Social Behaviour, Crime and Policing Act 2014, if satisfied that there are reasonable grounds:

(a) that the use of particular premises has resulted, or (if the notice is not issued) is likely soon to result, in nuisance to members of the public, or.

(b) that there has been, or (if the notice is not issued) is likely soon to be, disorder near those premises associated with the use of those premises, and that the notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring

2.2.8 To ensure that any appropriate body or individual has been consulted before issuing a notice;

2.2.9 To vary and cancel a closure notice;

2.2.10 To serve a closure notice, an extension notice, a cancellation notice and variation notice, and to enter any premises for the purposes of complying with section 79(2)(a);

2.2.11 Where appropriate, to apply to the Magistrates' Court for a closure order;

2.2.12 To carry out appropriate consultation and to recommend to Council on the making, extension, variation and discharge of Public Spaces Protection Orders under

sections 59 to 75 (Chapter 2) of the Anti-Social Behaviour, Crime and Policing Act 2014.

Local Government (Miscellaneous Provisions) Act 1982

2.2.13 To inspect licensed sex establishments.

2.2.14 To renew sex establishment licences where no objection is made.

2.2.15 To grant by way of renewal, but not refuse, street trading consents for Above Bar Pedestrian Precinct.

2.2.16 Following consultation with the appropriate Head of Development, Economy & Housing Renewal to grant, but not refuse, street trading consents in respect of Guildhall Square, except for the sale of fruit and vegetables, subject to the terms and conditions of the licence and other legal criteria as appropriate including but not limited to those indicated in Appendix 4 of the City Services Committee on 21st December 1992, to restrict the hours of occupation and operation to between 8:00 am and 9:00 pm on any day, not excluding Sunday, save as restricted by law, for up to a maximum of 30 traders at any one time and subject to any supervision of any provision that may then be in force

Police, Factories, etc., (Miscellaneous Provisions) Act 1916 and the House to House Collections Act 1939

2.2.17 To grant, but not refuse, applications for street collection permits and house-to-house collection licences.

Scrap Metal Dealers Act 2013

2.2.18 To administer and enforce the function.

2.2.19 To determine applications (including refusal), revoke licences or to impose conditions under section 3(8)

2.2.20 To request further information of applicants (para 4, schedule 1)

2.2.21 To issue or cancel a closure notice for unlicensed sites and where appropriate to apply for closure orders (schedule 2) and take such other action in this respect as may be required.

Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976

2.2.22 To determine applications for hackney carriage licences, in accordance with Council policy and to suspend and revoke such licences.

2.2.23 To determine applications for private hire vehicle licences, in accordance with Council policy and to suspend and revoke such licences.

2.2.24 To determine applications for hackney carriage drivers' licences, in accordance with

Council policy and to suspend and revoke such licences.

2.2.25 To determine applications for private hire drivers' licences, in accordance with Council policy and to suspend and revoke such licences.

2.2.26 To determine applications for private hire operators' licences, in accordance with Council policy and to suspend and revoke such licences.

2.2.27 To make or vary a hackney carriage table of fares and to determine objections to any proposal to make or vary a table of fares.

Gambling Act 2005

2.2.28 Subject to any requirement to place any matter before a duly convened Licensing Committee to undertake the following functions under the Gambling Act 2005:

- i. to determine applications for premises licences where no relevant representations are received.
- ii. to determine applications to vary premises licences in respect of which no representations have been received.
- iii. to determine whether a representation is vexatious, frivolous or would not influence the authority's determination of the application.
- iv. to **determine** applications for transfer of premises licences where no representations are received.
- v. to revoke premises licences for failure to pay the annual fee.
- vi. to determine that a premises licence has lapsed.
- vii. to reinstate a lapsed premises licence where no representations are received.
- viii. to reject an application for review of a premises licence on various grounds.
- ix. to initiate a review of a premises licence.
- x. to determine that representations about a review of a premises licence is frivolous, vexatious or will certainly not influence a review of a premises licence.
- xi. to determine action following a review of a premises licence where no hearing is held and all parties agree in advance to the relevant action.
- xii. to determine applications for a provisional statement in respect of which no representations are received.
- xiii. to disregard representations made in respect of applications for premises licences after issue of a provisional statement.
- xiv. to issue a counter notice to a temporary use notice where the number of permitted days are exceeded.
- xv. to object to a temporary use notice.
- xvi. to institute criminal proceedings in respect of an offence under the provisions

of the Act.

- xvii. to determine applications for family entertainment centres.
- xviii. to notify the lapse of family entertainment centre gaming permit.
- xix. to register **non-commercial societies for small lotteries.**
- xx. to **refuse** applications for registration for small society lotteries.
- xxi. to revoke registrations of societies for small society lotteries.
- xxii. to cancel registrations of societies for small society lotteries in the event of non-payment of the annual fee.
- xxiii. to determine applications for variation of club gaming permits and club registration permits and cancellation of permits where no representations are received.
- xxiv. to cancel club gaming permits and club registration permits for failure to pay the annual fee.
- xxv. to determination applications for grant, variation or transfer of licensed premises gaming machine permits.
- xxvi. to cancel licensed premises gaming machine permits and vary the number or category of machines where no representations are received.
- xxvii. to cancel licensed premises gaming machine permits for failure to pay the annual fee.
- xxviii. **determine** applications for prize gaming permits and applications for renewal of prize gaming permits.
- xxix. to determine that a prize gaming permit has lapsed.

Police and Social Responsibility Act 2011

Late Night Levy

- 2.2.29 To determine whether the holders of any relevant late night authorisations fall within any permitted exemption or reduction categories and in particular whether the holders of any relevant late night authorisations who are members of any approved business-led best practice scheme fall within the permitted reduction category;
- 2.2.30 To determine the aggregate amount of expenses of the Council that are permitted deductions under section 130(1)(b) of the 2011 Act;
- 2.2.31 To publish annual notices under section 130(5) of the 2011 Act relating to anticipated expenses and the net amount of the levy payments;
- 2.2.32 To make adjustments to payments in accordance with paragraph 7 of the Late Night Levy (Application and Administration) Regulations 2012;
- 2.2.33 To determine from time to time when and for what purposes the Council will apply the non-specified proportion of the net amount of the levy payments.