

**DARTFORD BOROUGH COUNCIL
ANNUAL MEETING
8 May 2013**

**STANDING COMMITTEES, BOARDS AND PANELS
OF THE COUNCIL**

**LICENSING COMMITTEE
[REPORTING TO COUNCIL]**

Chairman: Councillor I D Armitt
Vice-Chairman: Councillor J Burrell
Membership: Councillors A Bardoe, R Bryant (Shadow Chairman), P Cutler, D A Hammock, D E Hunnisett, P Kelly (Shadow Vice-Chairman), E J Lampkin, Mrs A Muckle, B E Read, C J Shippam, D Swinerd, R J Wells and Mrs N C Wightman.

TERMS OF REFERENCE:

A. DELEGATED FUNCTIONS

1. In accordance with the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 - Schedule 1 (as amended)) to exercise the Council's licensing and registration functions as follows:

	Functions relating to licensing, permits and registration	Provision of Act or Statutory Instrument
1.	Power to issue licences authorising the use of land as a caravan site ('site licences')	Section 3(3) of the Caravan Sites and Control of Development Act 1960
2.	Power to license the use of moveable dwellings and camping sites	Section 269(1) of the Public Health Act 1936
3.	Power 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 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

4.	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
5.	Power 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
6.	Power to license scrap yards	Section 1 of the Scrap Metal Dealers Act 1964
7.	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
8.	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 Dogs Act 1973, and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999
9.	Power to register animal trainers and exhibitors	Section 1 of the Performing Animals (Regulation) Act 1925
10.	Power to license zoos	Section 1 of the Zoo Licensing Act 1981
11.	Power to license dangerous wild animals	Section 1 of the Dangerous Wild Animals Act 1976
12.	Power to license guard dogs	Section 1 of the Guard Dogs Act 1975
13.	Power 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
14.	Power to license performances of hypnotism	The Hypnotism Act 1952
15.	Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982
16.	Power to license market and street trading	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982
17.	Power of register and license premises for the preparation of food	Section 19 of the Food Safety Act 1990

18.	Power to issue, amend or replace safety certificates (whether general or special) for sports grounds	The Safety of Sports Grounds Act 1975
19.	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
20.	Power to grant consent for the operation of a loudspeaker	Schedule 2 to the Noise and Statutory Nuisance Act 1993
21.	Obtaining particulars of persons interested in land	Section 16 Local Government (Miscellaneous Provisions) Act 1976
22.	Power to transfer enforcement functions to another enforcement authority	Smoke-free (Premises and Enforcement) Regulations 2006
23.	Determining whether a charge should be made for any approval, consent, licence, permit or registration, including the function of determining the amount unless the function is a Cabinet function	

2. In accordance with the Licensing Act 2003 and the Gambling Act 2005 to exercise the Council's licensing and registration functions as follows:

1.	To discharge the Council's functions as a licensing authority with the exception of any function conferred on the Council under Section 5 of the 2003 Act (statement of licensing policy)	Licensing Act 2003 and the Licensing Act 2003 (Premises licences and club premises certificates) (Amendment) Regulations 2012
2.	To discharge the Council's functions as a licensing authority with the exception of any function conferred on the Council under Section 349 of the 2005 Act (statement of licensing policy)	Gambling Act 2005
3.	Duty to comply with requirement to provide information to Gambling Commission	Section 29 of the Gambling Act 2005
4.	Functions relating to exchange of information	Section 30 of the Gambling Act 2005
5.	Functions relating to occasional use notices	Section 39 of the Gambling Act 2005
6.	Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises	Section 304 of the Gambling Act 2005

3. To receive reports on the needs of the tourist economy and the cultural strategy for the Borough and to ensure that these are reflected in Committee decision-making considerations.
4. To be kept abreast of the employment situation in the Borough and the need for new investment and employment where appropriate.

B. REFERRED FUNCTION

Where a matter concerns other functions in addition to licensing functions, to refer the matter to the relevant Committee, Board or Panel for consideration and for a report back to the Licensing Committee.

**LICENSING ACT 2003
DISCHARGE OF FUNCTIONS
TABLE 1**

MATTER TO BE DEALT WITH	FULL COMMITTEE (10 to 15 Members*)	SUB-COMMITTEE (3 Members)(drawn from pool of 15 Members*)	OFFICERS UNDER DELEGATED AUTHORITY
Personal Licence			
Application for Personal Licence		If a representation made	If no representation made
Application for Personal Licence with unspent convictions		All cases	
Designated Premises Supervisor Licence			
Application to vary Designated Premises Supervisor Licence holder		If police representation	All other cases
Request to be removed as Designated Premises Supervisor Licence holder			All cases
Premises Licence			
Application for Premises Licence		If a representation made	If no representation made
Application for Provisional Statement		If a representation made	If no representation made
Application to vary Premises Licence		If a representation made	If no representation made
Application for transfer of Premises Licence		If police/Gambling Commission representation	All other cases
Application to review Premises Licence		All cases	
Club Premises Certificate			
Application for Club Premises Certificate		If a representation made	If no representation made
Application to vary Club Premises Certificate		If a representation made	If no representation made
Application to review Club Premises Certificate		All cases	
Temporary Event Notice (TEN)			
Determination of a police and/or Environmental Health Officer's representation to a Temporary Event Notice		All cases	
Applications for Interim Authorities			
Giving immediate effect to an application		If police representation	All other cases
Complaint Irrelevant, Frivolous, Vexatious etc			
Decision on whether a complaint is irrelevant, frivolous, vexatious etc			All cases
As Responsible Authority			
To make representations other than as licensing authority			All cases

**GAMBLING ACT 2005
DISCHARGE OF FUNCTIONS
TABLE 2**

MATTER TO BE DEALT WITH	GENERAL ASSEMBLY OF THE COUNCIL	SUB-COMMITTEE (3 Members)(drawn from pool of 15 Members*)	OFFICERS UNDER DELEGATED AUTHORITY
Final approval of three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (where appropriate)			X
Application for Premises Licences		Where representations have been received and not withdrawn	Where representations received / representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where representations received / representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations have been received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where representations received / representations have been withdrawn
Review of a premises licence		X	
Application for a club gaming / club machine permits		Where objections have been made (and not withdrawn)	Where no objections made / objections withdrawn
Cancellation of a club gaming / club machine permits		X	
Applications for other permits			X
Cancellation of a licensed premises gaming machines permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	