

Section 18

Licensing and Public Protection Committee

18.1 Status

The Licensing and Public Protection Committee is a Committee of the Council to make decisions required by statute to be made by Council and/or Committee which cannot be delegated to Cabinet and not otherwise delegated to Officers.

18.2 Membership and Method of Appointment

The Committee will comprise of between 10 to 15 Members as appointed by the Council in compliance with Section 15 and Schedule 1 of the Local Government and Housing Act 1989 concerning Political Balance.

The Council's Substitution Scheme for Committees (Part 3, Section 25 of this Constitution) shall apply, with each political group entitled to nominate one named substitute.

18.3 Chair and Vice-Chair

The Chair and Vice-Chair of the Committee will be appointed by Council in accordance with Council Procedure Rule 17.

18.4 Attendance by Councillors Who Are Not Members of the Committee

Council Procedure Rule 6(6) will apply.

18.5 Frequency of Meetings

Meetings of the Committee will be convened as required to effectively discharge the Committee's functions.

18.6 Agenda

Prior to the meeting of the Committee the Managing Director will circulate to Members of the Committee (and where necessary, Applicants, Licensees, and appropriate interested parties) the Agenda and Reports to be considered and the procedure for dealing with applications.

18.7 Proceedings

The Managing Director (or nominee) shall be the Clerk to the Licensing and Public Protection Committee.

The provisions of Schedule 12 of the Local Government Act 1972, as amended, will apply where appropriate.

18.8 Functions

To carry out the following functions in accordance with the Codes of Conduct:

- (a) Determine applications for the grant or renewal of licences, other than those submitted under the Licensing Act 2003 and the Gambling Act 2005 where:
 - (i) adverse comments have been received in the processing of the application, and
 - (ii) Officers with delegated authority have indicated that there are circumstances which may warrant a refusal of the application.
- (b) Determine any issues relating to revocation, suspension, or variation of licences, other than those submitted under the Licensing Act 2003 and the Gambling Act 2005.
- (c) Consider all issues relating to Public Protection encompassing all Environmental Health matters (other than matters relating to the Licensing Act 2003 and the Gambling Act 2005) not delegated to Officers and required to be made by the Council.
- (d) Those functions required to be carried out by a licensing committee pursuant to Section 7* of the Licensing Act 2003 and Section 154(1)** of the Gambling Act 2005 and for those functions the Committee shall be the Council's Licensing Committee.

*(Section 7 of the Licensing Act 2003 states that – “All matters relating to the discharge by a licensing authority of its licensing functions are, by virtue of the subsections of the Act, referred to its licensing committee and, accordingly, that committee must discharge those functions on behalf of the authority.”)

**Section 154(1) of the Gambling Act 2005 states that - “The functions under this Part of a licensing authority in England and Wales are by virtue of this subsection delegated to the licensing committee of the authority established under section 6 of the Licensing Act 2003.”)

(Note: The Committee may arrange for the determination of applications for the grant or renewal of licenses submitted under the Licensing Act 2003 to be determined by either licensing committee/or sub-committees/ or an Officer of the Council.)

18.9 Procedure for Dealing with Applications and Other Matters

The Licensing and Public Protection Committee shall determine the procedure to be followed on the hearing of matters before it as required by legislation.

18.10 Delegated Powers

The Committee is empowered to deal with any functions detailed above, other than those delegated to Officers under the Scheme of Delegation to Officers.

18.11 Other Matters

Where not already provided for above, the Council Procedure Rules for the regulation of proceedings and business will apply.

It is compulsory for Members of the Committee to attend relevant training events in respect of the functions of the Committee.