

Amendments to the constitution – part 2b paragraphs 6 & 7

Part 2 - Responsibility for functions

b. council bodies

CONTENTS

Paragraph

- 1 Council
- 2 Appeals Panel
- 3 Audit Committee
- 4 Ethical Governance & Personnel Committee
- 5 Hinckley Area Committee
- 6 Licensing Committee
- 7 Planning Committee

6. Licensing Committee

6.1 Membership and procedure of the Licensing Committee

The Licensing Committee will consist of eleven members. Meetings will be conducted in accordance with the procedure rules contained within this constitution, where applicable. The Licensing Committee is also authorised to create sub committees to carry out its functions.

Members of the Licensing Committee and their substitutes must undertake training relating to the functions of the committee within three months of being appointed (unless they have already undertaken training offered) and must also undertake refresher training when provided.

6.2 The functions and responsibilities of the Licensing Committee include, but are not limited to:

- Undertaking duties of Council as Licensing Authority for duties under the Licensing Act 2003, including the following which will be exercised by a sub-committee of the Licensing Committee:

- Granting of provision statement (S29) where relevant representation received
- Determining applications to vary premises licences (S34) / club premises certificate (S37) where relevant representation received
- Determining variations of designated premises supervisor (S37) where police objection received
- Determining applications to transfer premises licences where police objection received
- Determining applications to review premises licences (S51) / club premises certificate (S87)
- Determining applications for temporary events notices (S105) where police objection received
- Deciding whether to object when local authority is a consultee (and not the relevant authority determining the application)
- Determining applications for a personal licence (S117) where police objection received
- Determining applications for a personal licence with unspent convictions (S118)
- Determining applications for a premises licence (S17)/club premises certificate (S71) where relevant representation received
- Determining applications to vary a premises licence at community premises to include alternative licence condition where police objection received
- Undertaking duties of Council as Licensing Authority for duties under the Gambling Act 2005 including
 - Fee setting
 - Refusal or cancellation of club gaming / club machine permit
 - Temporary use notice counter-notice (S224)
- Determining applications for private hire and hackney carriage drivers licences where applicant has previous convictions, cautions or medical issues or where soft information is received (delegated to a sub-committee of three members of the Licensing Committee)
- Determining applications for the granting, renewal, variation or transfer of sexual entertainment venue licences irrespective of whether objections have been received
- Granting or varying sex shop or sex cinema licences irrespective of whether objections have been received
- Renewal or transfer of sex shop or sex cinema licences where objections have been received.
- Undertaking duties of Council as the regulatory authority for environmental health, waste collection and finance authority
- Licensing and registration functions including (but not limited to) taxi and private hire vehicles, small lotteries and amusements, street collections, gaming, gaming machines and street trading consents in accordance with legislation where not otherwise delegated to an officer
- Authorising registration of special sites under section 78(c) and remediation of contaminated sites under section 78(e) of part IIA of the Environmental Protection Act 1990 and subordinate legislation

- Refusing permits under the Pollution, Prevention and Control Act 1999, Part 4 of the Environment Act 1995, Part 1 of the Environmental Protection Act 1990, the Clean Air Act 1993 and regulations made thereunder
- Approving designated air quality management areas under section 83 of the Environment Act 1995
- Passing a resolution that section 2 of the Noise and Statutory Nuisance Act 1993 (section 8) should apply to the authority's area.