

SOMERSET COUNCIL

Licensing and Regulatory Committee, Regulatory Sub-Committee and Licensing Sub-Committee

Licensing and Regulatory Committee

General

A regulatory Committee of the Council established to be responsible for the discharge of the **Council's licensing, certification and registration functions** under the Licensing Act 2003 and s.101 Local Government Act 1972 and any of the "relevant statutory provisions" within the meaning of Part 1 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 and matters presently set out in paragraphs (d) to (m) of the Terms of Reference of the County Council's Regulation Committee.

Membership, Chair and Quorum

Number of Members	15
Substitute Members Permitted	Yes
Political Balance Rules apply	Yes
Appointments/Removals from Office	By resolution of Full Council
Restrictions on Membership	<p>Leader, Deputy Leader may not be a member of this Committee.</p> <p>Members of this Committee including substitutes will be required to undertake training as determined by the Monitoring Officer on licensing and regulatory functions and procedures</p>
Restrictions on Chair/Vice-Chair	Executive Leads or Deputy Executive Leads may not hold these offices.
Quorum	5
Number of ordinary meetings per Council Year	At least 4 meetings per municipal year to be diarised.
Standing Sub-Committees	Licensing Sub-Committee and Regulatory Sub-Committee

Terms of Reference

- 1.1 To exercise the Council's responsibilities and functions relating to licensing, registration and other miscellaneous functions as set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended ("2000 Regulations").
- 1.2 For the avoidance of doubt, in relation to the grant or issue by the Committee of any approval, consent, licence, permission or registration, the exercise of the responsibilities for the functions referred to above, includes responsibility for: -
 - a. The imposition or amendment, modification or variation of any term, condition, limitation, or restriction.
 - b. The decision to take enforcement or other action in respect of a breach of any term, condition, limitation, or restriction.
 - c. The decision to revoke, vary or modify any approval, consent, licence, permission, or registration.
 - d. Where permissible by law, the decision to impose a charge and the amount of any such charge.
 - e. Where permissible by law, to determine and set the fees and charges in respect of any approval, consent, licence, permissions, or registration including consideration of any representations thereon or objections thereto.
- 1.3 To exercise the Council's functions under the Gambling Act 2005 as amended but not covered by the 2000 Regulations including those functions under Part 8 of the Gambling Act 2005 **except** the adoption of the Section 349 Gambling Act 2005 - Statement of Principles (adoption by full Council) and the passing of a resolution under Section 166 of the Gambling Act 2005 - resolution not to issue a casino premises licence (resolution by full Council - S154 (2)(a) of the Gambling Act 2005) having first sought the views of the Executive.
- 1.4 To exercise the Council's licensing and registration functions under the Local Government (Miscellaneous Provisions) Act 1982, as amended.
- 1.5 To set all non-statutory/discretionary fees and standard conditions and the licensing of premises for skin piercing and associated practices including acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis.
- 1.6 To exercise the Council's licensing and registration functions under the Caravan Site Act 1968 and Mobile Homes Act 2013 and related legislation including the setting of fees.
- 1.7 To develop, review and adopt statutory and relevant discretionary Policies in relation to the functions undertaken by this Committee. and to refer agreed policies to

full Council where relevant, for noting.

- 1.8 To consider any matter referred to the Committee by the Council, another Committee, the Executive or an Executive Lead which relates to functions for which the Committee is responsible.
- 1.9 To establish a standing Sub-Committee to be known as the **Regulatory Sub-Committee** to consider and determine any applications and/or matters that by law or in accordance with the Council's adopted Policies or this Constitution require a hearing to be conducted.
- 1.10 To establish a standing Sub-Committee to be known as the **Licensing Sub-Committee** to consider and determine any applications and/or matters that by law or in accordance with the Council's adopted Licensing Policy and Gambling Statement of Principles or this Constitution require a hearing to be conducted.

Delegations

- 1.12 All functions are delegated to the Licensing and Regulatory Committee other than any matter delegated to a named Officer in the Scheme of Delegation for Officers in connection with licensing functions.

Regulatory Sub-Committee

General

A regulatory sub-committee of the Licensing and Regulatory Committee established to conduct hearings and make determinations in respect of the Council's regulatory licensing functions.

Membership, Chair and Quorum

Number of Members	3
Substitute Members Permitted	Yes - from Members of the Licensing and Regulatory Committee
Political Balance Rules apply	No
Appointments/Removals from Office	By the Democratic Services Manager subject to member's availability and when reasonably practical, on the basis of appropriate geographical representation
Restrictions on Membership	Only members of the Licensing and Regulatory Committee are eligible
Restrictions on Chair	None
Quorum	3
Number of ordinary meetings per Council year	Sub-Committee meetings to be scheduled once a month

Terms of Reference

- 1.1 To conduct hearings and make determinations under or in respect of the following legislation and functions as required by law or in circumstances where the appropriate designated officer is unable to make a decision under the Scheme of Delegation for Officers or considers it appropriate to refer the decision to the Regulatory Sub-Committee.
- a. licensing of Hackney Carriage Private Hire Drivers, Vehicles, Operators and related enforcement
 - b. classification of films
 - c. licensing of sex establishments and venues
 - d. registration/licensing of premises and individuals for skin piercing and associated practices including acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis
 - e. licensing of caravan sites and camp sites
 - f. licensing/ consent for Street Trading and
 - g. such other matters as the Sub-Committee may be required by law either by means of policy or bye law adoption or statutory guidance in connection with the discharge of any of the matters referred to in these Terms of Reference

Delegations

1.2 Decisions on all matters falling within these Terms of Reference.

Notes

- 1.3 The Democratic Services Manager is authorised to constitute the Sub-Committee from the membership of the Licensing and Regulatory Committee having regard to member availability, together with a standby in case a member of the Sub-Committee is unable to participate or continue for any reason.
- 1.4 When reasonably practical, a Sub-Committee meeting should be held at the area offices or a suitable alternative which are closest to the premises or issue that is the subject of the meeting.
- 1.5 Members are appointed for a single meeting/hearing only.
- 1.6 The licensing of scrap metal dealers under the Scrap Metal Dealers Act 2013 is not specified in the 2000 Regulations and therefore until such time as there is further guidance or a change in the legislation the duties and responsibilities under the 2013 Act are deemed to be an executive function and do not therefore fall within the remit of the main Licensing Committee or Sub-Committee.

Licensing Sub-Committee

General

A licensing sub-committee of the Licensing and Regulatory Committee established to conduct hearings and make determinations in respect of the Council's statutory licensing functions

Membership, Chair and Quorum

Number of Members	3
Substitute Members Permitted	Yes
Political Balance Rules apply	No
Appointments/Removals from Office	By the Democratic Services Manager subject to member's availability and when reasonably practical, on the basis of appropriate geographical representation
Restrictions on Membership	Only members of the Licensing and Regulatory Committee are eligible
Restrictions on Chairmanship	None
Quorum	3
Number of ordinary meetings per Council year	Sub-Committee meetings to be scheduled once a month

Terms of Reference

- 1.1 To conduct hearings and make determinations under or in respect of the following legislation and functions as required by law or in circumstances where the appropriate designated officer is unable to make a decision under the Scheme of Delegation for Officers or considers it appropriate to refer the decision to the Licensing Sub-Committee -
- a. Licensing Act 2003
 - b. Gambling Act 2005
 - c. Such other matters as the Sub-Committee may be required by law or in connection with the discharge of any of the matters referred to in these Terms of Reference.

Delegations

- 1.2 Decisions on all matters falling within these Terms of Reference.

Notes

- 1.3 The Democratic Services Manager is authorised to constitute the Licensing Sub-Committee from the membership of the Licensing and Regulatory Committee having regard to member availability, together with a standby in case a member of the Sub- Committee is unable to participate or continue for any reason.
- 1.4 When reasonably practical, a sub-committee meeting should be held at the Council offices or a suitable alternative which are closest to the premises or issue that is the subject of the meeting.
- 1.5 Members are appointed for a single meeting/hearing only.