

RESPONSIBILITY FOR NON-EXECUTIVE FUNCTIONS

LICENSING AND APPEALS COMMITTEE

Function	Provision of Act or Statutory Instrument	Delegation to Officers	
I. Licensing and Registration Functions			
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 (c.62).	Head of Street Management and Enforcement
2	Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936 (c.49).	Head of Street Management and Enforcement
3	Power to licence hackney carriages and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act 1847 (10 & 11 Vict. c. 89), as extended by section 171 of the Public Health Act 1875 (38 & 39 Vict. c. 55), and section 15 of the Transport Act 1985 (c.67); and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (c.57); (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	Head of Street Management and Enforcement
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.	Head of Street Management and Enforcement
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.	Head of Street Management and Enforcement
6	Power to register pool promoters.	Schedule 2 to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by article 3(3)(d) and (4) of the Gambling Act 2005 (Commencement No 6 and Transitional Provisions) Order 2006 (S.I. 2006/3272) ("the Gambling Act Order").	Head of Street Management and Enforcement
7	Power to grant track betting licences.	Schedule 3 to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by article 3(3)(d) and (4) of the Gambling Act Order.	Head of Street Management and Enforcement
8	Power to license inter-track betting schemes.	Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by article 3(3)(e) and (4) of the Gambling Act Order.	Head of Street Management and Enforcement
9	Power to grant permits in respect of premises with amusement machines.	Schedule 9 to the Gaming Act 1968 as saved for certain purposes by article (4)(2) (l) and (m) of the Gambling Act Order.	Head of Street Management and Enforcement
10	Power to register societies wishing to promote lotteries.	Schedule 1 to the Lotteries and Amusements Act 1976 as saved for certain purposes by article (5)(2) (a) and (3) of the Gambling Act Order.	Head of Street Management and Enforcement
11	Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the Lotteries and Amusements Act 1976 as saved for certain purposes by article (5)(2)(d) and (5) of the Gambling Act Order.	Head of Street Management and Enforcement
12	Power to license sex shops and sex cinemas.	S2 & Sch 3 of the Local Government (Miscellaneous Provisions) Act 1982.	Head of Street Management and Enforcement

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13	Power to license performances of hypnotism.	The Hypnotism Act 1952 (c.46).	Head of Street Management and Enforcement
14	Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.	Head of Street Management and Enforcement
15	Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907 (c.53).	Head of Street Management and Enforcement
16	Power to license market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982.	Head of Street Management and Enforcement
17	Duty to keep list of persons entitled to sell non-medicinal poisons.	Section 3(1)(b)(ii), 5,6 and 11 of the Poisons Act 1972 (c.66).	Head of Street Management and Enforcement
18	Power to license dealers in game and the killing and selling of game.	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831 (c.32); sections 2 to 16 of the Game Licensing Act 1860 (c.90), section 4 of the Customs and Inland Revenue Act 1883 (c.10), sections 12(3) and 27 of the Local Government Act 1874 (c.73), and section 213 of the Local Government Act 1972(c.70).	Head of Street Management and Enforcement
19	Power to register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990 (c.16).	Head of Street Management and Enforcement
20	Power to license scrap yards.	Section 1 of the Scrap Metal Dealers Act 1964 (c.69).	Head of Street Management and Enforcement
21	Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975 (c.52).	Head of Planning
22	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 (c.27).	Head of Planning
23	Power to license premises for the breeding of dogs.	Section 1 of the Breeding of Dogs Act 1973 (c.60) and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999.	Head of Street Management and Enforcement
24	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 (c.35); section 1 of the Animal Boarding Establishments Act 1963 (c.43); the Riding Establishments Acts 1964 and 1970 (1964 c.70 and 1970 c.70); section 1 of the Breeding of Dogs Act 1973 (c.60), and sections 1 and 8 of the Breeding of Dogs (Welfare) Act 1999.	Head of Street Management and Enforcement
25	Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925 (c.38).	Head of Street Management and Enforcement
26	Power to license zoos.	Section 1 of the Zoo Licensing Act 1981 (c.37).	Head of Street Management and Enforcement
27	Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976 (c.38).	Head of Street Management and Enforcement
28	Power to license knackers' yards.	Section 4 of the Slaughterhouses Act 1974. See also the Animal By-Products Order 1999 (S.I.1999/646).	Head of Street Management and Enforcement
29	Power to license the employment of children.	Part II of the Children and Young Persons Act 1933 (c.33), byelaws made under that Part, and Part II of the Children and Young Persons Act 1963 (c.37).	Director of Children's Services

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30	Power to approve premises for the solemnisation of marriages.	Section 46A of the Marriage Act 1949 (c.76) and the Marriages (Approved Premises) Regulations 1995 (S.I.1995/510).	City Solicitor
31	Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to - (a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 or (b) an order under section 147 of the inclosure Act 1845.	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (S.I.1969/1843).	Chief Executive
32	Power to register variation of rights of common.	Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I.1966/1471).	Chief Executive
33	Power to license persons to collect for charitable and other causes.	Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 (c.31) and section 2 of the House to House Collections Act 1939.	Head of Street Management and Enforcement
34	Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c.40).	Head of Street Management and Enforcement
35	Power to license agencies for the supply of nurses.	Section of the Nurses Agencies Act 1957 (c.16).	Head of Street Management and Enforcement
36	Power to issue licences for the movement of pigs.	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (S.I. 1995/11).	Head of Street Management and Enforcement
37	Power to license the sale of pigs.	Article 13 of the Pigs (Records, Identification and Movement) Order 1995.	Head of Street Management and Enforcement
38	Power to license collecting centres for the movement of pigs.	Article 14 of the Pigs (Records, Identification and Movement) Order 1995.	Head of Street Management and Enforcement
39	Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations 1998 (S.I.1998/871).	Head of Street Management and Enforcement
40	Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematograph Film Act 1922 (c.35).	Head of Street Management and Enforcement
41	Power to approve meat product premises.	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994.	Head of Street Management and Enforcement
42	Power to approve premises for the production of minced meat or meat preparations.	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (S.I.1995/3205).	Head of Street Management and Enforcement
43	Power to approve dairy establishments.	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995.	Head of Street Management and Enforcement
44	Power to approve egg product establishments.	Regulation 5 of the Egg Products Regulations 1993 (S.I.1993/1520).	Head of Street Management and Enforcement
45	Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.	Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (S.I.1995/1763).	Head of Street Management and Enforcement

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46	Power to approve fish products premises.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (S.I.1998/994).	Head of Street Management and Enforcement
47	Power to approve dispatch or purification centres.	Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.	Head of Street Management and Enforcement
48	Power to register fishing vessels on board which shrimps or molluscs are cooked.	Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.	Head of Street Management and Enforcement
49	Power to approve factory vessels and fishery product establishments.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.	Head of Street Management and Enforcement
50	Power to register auction and wholesale markets.	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) Hygiene) Regulations 1998.	Head of Street Management and Enforcement
51	Duty to keep register of food business premises.	Regulation 5 of the Food Premises (Registration) Regulations 1991.	Head of Street Management and Enforcement
52	Power to register food business premises.	Regulation 9 of the Food Premises (Registration) Regulations 1991.	Head of Street Management and Enforcement
53	Power to make order identifying place as a designated public place for purposes of police powers in relation to alcohol consumption.	Section 13 (2) of Criminal Justice and Police Act 2001.	Head of Street Management and Enforcement
54	Power to register motor salvage operators.	Part I of the Vehicle (Crime) Act 2001.	Head of Street Management and Enforcement

II	Functions relating to health and safety at work		
	Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health & Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.	Part I of the Health & Safety at Work etc. Act 1974.	Head of Street Management and Enforcement

III	Local Choice Functions		
1	Hairdressers and Barbers.	Section 30	Head of Street Management and Enforcement
2	Acupuncturists, Tatoists, Ear Piercers, Electrolysis etc.	Section 32	Head of Street Management and Enforcement
3	Dust etc. from Building Operations.	Section 34	Head of Street Management and Enforcement
4	Power to Order Alteration of Chimneys.	Section 36	Head of Street Management and Enforcement
5	Repair of Walls etc. of Yards.	Section 43	
6	Artificial Lighting Inhabitable Rooms etc.	Section 48	
7	Trees impeding Natural Light to Houses, Shops and Offices.	Section 49	
8	Weatherproofing of Property.	Section 50	
9	Prohibition of Interference with Bird Traps.	Section 53	Head of Street Management and Enforcement
10	Dealings in Second Hand Goods.	Section 54	Head of Street Management and Enforcement
11	Safety of Ceilings in Bingo Halls.	Section 55	
12	Safety of Stands.	Section 58	Head of Planning
13	Touting, Hawking, Photographing etc.	Section 60	Head of Regulatory and Enforcement Services

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14	Fire Precautions.	Sections 61, 63-66	Head of Planning
15	Storage of Flammable Material.	Sections 67-73	Head of Planning
16	Entertainment Clubs.	Sections 74-81	Head of Street Management and Enforcement
17	Aviation.	Section 98-106	
18	Power to Compound to Payment of Tolls.	Section 117	Director of Commercial Services
19	Power to District Council to require information.	Section 118	
20	As in Public Meetings etc.	Section 119	Director of Commercial Services
21	Night Cafes in Manchester.	Section 136-144	Head of Street Management and Enforcement
22	Signs on Vehicles.	Section 167	Head of Street Management and Enforcement

IV	Appeals	
1	To determine appeals where payments of the National Non-Domestic Rate would cause hardship, appeals in function to Discretionary Rate Relief, and appeals to reduce amount of council tax payable.	Not Delegated
2	To determine appeals against the decisions of Chief Officers to remove companies from approved lists of contractors in relation to the execution of works and the supply of goods and services.	City Treasurer
3	To determine appeals by market traders where the trader's licence has been revoked.	Director of Commercial Services
4	To determine any other appeals referred to the Committee against any decision made by or on behalf of the authority.	All Chief Officers

V	Conditions etc. and Enforcement	
1	The functions of imposing condition, limitation or other restriction on any approval, consent, licence, permission or registration granted in the exercise of any of the above functions and determining any other terms to which any such approval, consent, licence, permission or registration is subject.	Officer relevant to the function.
2	The function of determining whether, and in what manner, to enforce - (a) any contravention or failure to comply with an approval, consent, licence, permission or registration granted as mentioned above; or (b) any failure to comply with a condition, limitation or term to which any such approval, consent, licence, permission or registration is subject.	Officer relevant to the function.
3	The function of - (a) amending, modifying or varying any such approval, consent, licence, permission or registration as is mentioned above, or any condition, limitation or term to which it is subject, or (b) revoking any such approval, consent, licence, permission or registration.	Officer relevant to the function.
4	The function of determining - (a) Whether a charge should be made for any approval, consent, licence, permit or registration as is mentioned above; and (b) Where a charge is made for any such approval, consent, licence, permit or registration, the amount of the charge.	Officer relevant to the function in consultation with the Chair.

DELEGATION

In exercising the above powers and responsibilities, the Committee and, unless the Committee directs otherwise, the relevant Officer shall have delegated powers to make decisions and act on behalf of the Council, except that in the following matters, neither the Committee nor the relevant Officer shall exercise their delegated powers, but shall submit recommendations to the Council:

- (1) decisions on the control of hackney carriage numbers.
- (2) the fixing of hackney carriage fares

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- (3) any item which the Council calls in for determination

[Note: the Committee may refer any items to the Council for determination].

RESPONSIBILITY FOR NON-EXECUTIVE FUNCTIONS**LICENSING COMMITTEE**

1. To discharge the functions of the Council as licensing authority under the Licensing Act 2003, with the exception of any function conferred on the Council under Section 5 of the Act (statement licensing policy).
2. Without prejudice to the generality of the above the Committee may arrange for the sub-delegation of the functions to sub committee(s) established by it or (subject to the exceptions in Section 10 (4) of the Act) to an officer of the licensing authority.

	Matter to be dealt with	Subcommittee (Licensing Panel)	Head of Regulatory and Enforcement Services
1	Application for personal licence.	In cases of police objection	If no objection made
2	Application for personal licence with unspent convictions.	In cases of police objection	If no objection made
3	Application for premises licence/club premises certificate.	If relevant representation made and not withdrawn	If no relevant representation made
4	Application for provisional statement.	If relevant representation made and not withdrawn	If no relevant representation made
5	Application to vary premises licence/club premises certificate.	If relevant representation made and not withdrawn	If no relevant representation made
6	Application to vary designated premises supervisor.	In cases of police objection	All other cases
7	Application for transfer of premises licence.	In cases of police objection	All other cases
8	Applications for interim authority.	In cases of police objection	All other cases
9	Application to review premises licence/club premises certificate.	All cases	
10	Decision to object when local authority is a consultee and not the relevant authority considering the application.	All cases	
11	Decision about police objection to temporary event notice.	All cases	

Note: Where no representations are received in respect of an application, the licensing officer will deal with the application under delegated authority without the need for a hearing.

3. To discharge the functions of the Council as licensing authority under the Gambling Act 2005 and Regulations made thereunder with the exception of any function conferred on the Council under sections 166, and 349 of the Act.
4. Without prejudice to the generality of the above the Committee may arrange for the sub-delegation of the functions to sub-committee(s) established by it or (subject to the exceptions in Section 154(4) of the Gambling Act 2005) to an officer of the licensing authority.

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Matter to be dealt with		Full Council	Sub-committee of licensing committee	Head of Regulatory and Enforcement Services
1	Three year licensing policy.	✓		
2	Policy not to permit casinos.	✓		
3	Fee setting (when appropriate).			✓
4	Application for premises licences.		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
5	Application for a variation to a licence.		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
6	Application for a transfer of a licence.		Where representations have been received from the Commission	Where no representations received from the Commission
7	Application for a provisional statement.		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
8	Review of a premises licence.		✓	
9	Application for club gaming/club machine permits.		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
10	Cancellation of club gaming/club machine permits.		✓	
11	Applications for other permits.			✓
12	Cancellation of licensed premises gaming machine permits.			✓
13	Consideration of Temporary Use Notice.			✓
14	Decision to give a counter notice to a Temporary Use Notice.		✓	

5. To establish one or more sub committees consisting of three members of the Committee.

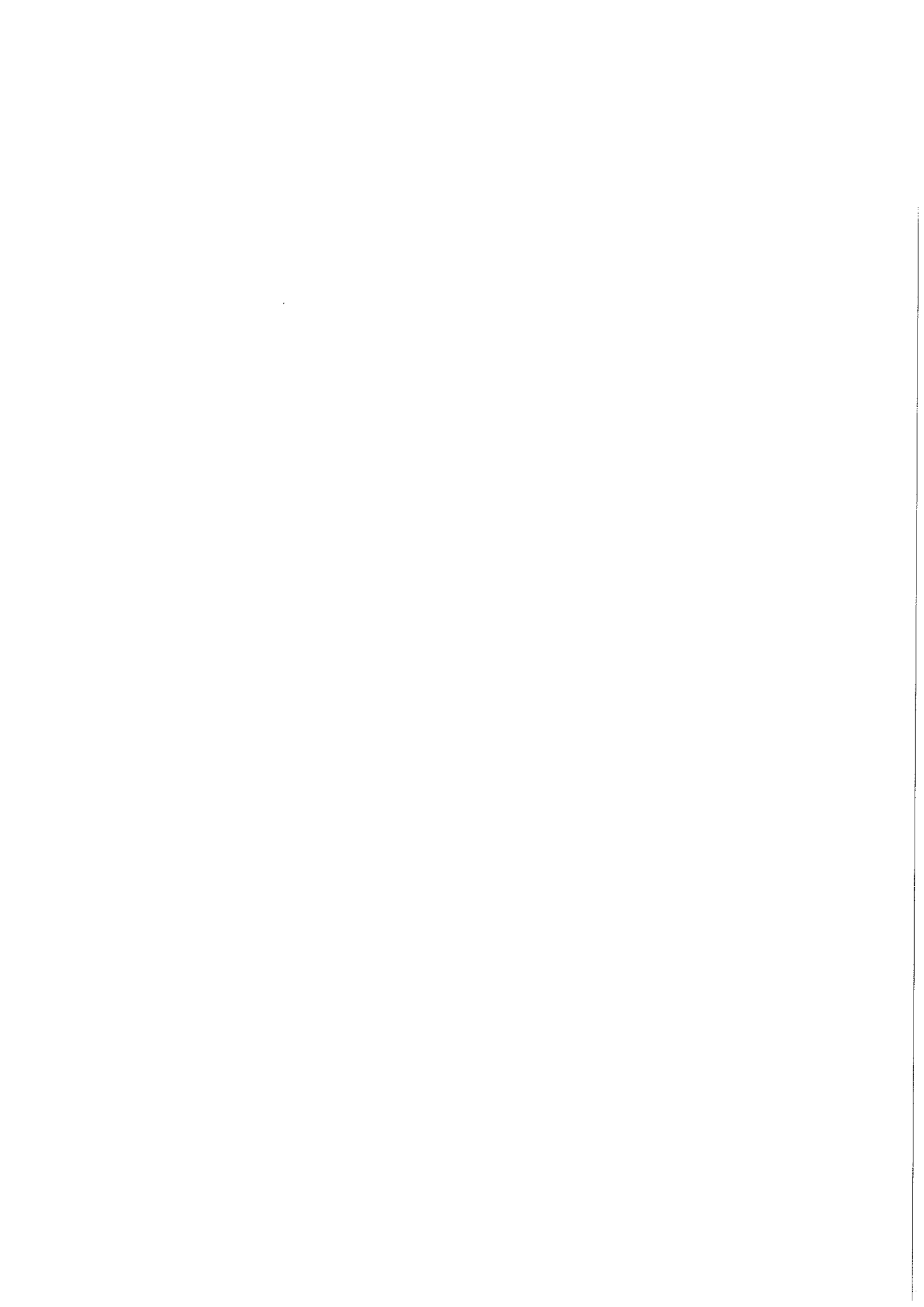
NOTE

Where the committee is unable to discharge any function delegated to it because of the number of members who are unable to take part in the consideration or discussion of any matter or vote on any question, the committee must refer the matter back to the licensing authority and the authority must discharge the function.

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LICENSING POLICY COMMITTEE

1. To monitor and keep under review the Council's policy with respect to its licensing functions during the three year period of the policy.
2. To make arrangements for consulting the statutory consultees and other appropriate persons or bodies in relation to the Council's policy.
3. To make recommendations to the Council as licensing authority as to any proposed revisions to its licensing policy during the period of that policy and in relation to any new policy for a subsequent three year period.



2	PUBLIC PROTECTION COMMITTEE	
Appointed by: The Council under 101 Local Government Act 1972	No. of Members: Seven	
Chairman and Vice-Chairman appointed by: The Council	Political proportionality: The elected Members shall be appointed according to Political Proportionality.	
Quorum: Three	Co-opted members: None	
Codes:	<ol style="list-style-type: none"> 1. The Procedure for licensing hearings contained in Appendix 2 to this part of this Constitution (following the Licensing Committee). 2. Code of Practice for Members and Officers set out in Part 4 of this Constitution. 	
Terms of reference:	<ol style="list-style-type: none"> 1. To undertake all matters in relation to the Council's licensing, permit and registration function, including Part VI of the Essex Act 1987, other than: <ol style="list-style-type: none"> a) Functions under the Licensing Act 2003 and the Gambling Act 2005; b) functions specifically delegated to the Cabinet or another Committee; and c) the approval of byelaws; and d) the approval of policy guidelines for any other matter where the Committee considers they should be approved by the Council; 2. The grant, approval, review, refusal, revocation, renewal, transfer or variation of any licence registration, certificate, consent, permit, approval or permission, except where such function falls within the terms of reference of the Licensing Committee or any other Committee or Sub-Committee or where the function has been delegated to an Officer unless the Officer refers the matter to the Committee for a decision. 3. To exercise the Council's functions under 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 Council's capacity as an employer; 4. To enforce byelaws; 	

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5. To advise the Council on its byelaws in relation to hackney carriage and private hire vehicles, operators and drivers;
6. To advise the Council on its powers to make an order identifying designated places for the purposes of police powers in relation to alcohol under S13 Criminal Justice and Police Act 2000.
7. To keep under review and make minor alterations to the Committee's procedures.

Without prejudice to the generality of the foregoing, this delegation includes the licensing and registration functions set out in the Local Authorities (Functions and Responsibilities) (England) Regulations 2001, Schedule 1 (other than those delegated to the Licensing Committee) and the licensing, registration and other functions under the following legislation and any amendments or replacements thereof, and any orders, regulations, directions or bylaws made under it:

Acts of Parliament

Animal Boarding Establishments Act 1963, S 1
Anti-Social Behaviour Act 2003, Part 8
Betting Gaming and Lotteries Act 1963, Schedules 2,3 and 5ZA
Breeding of Dogs Act 1973, S 1
Breeding and Sale of Dogs (Welfare) Act 1999, Ss 1 and 8
Caravan Sites and Controls of Development Act 1960, S3(3)
Celluloid and Cinematograph Film Act 1922, S1
Children and Young Persons Act 1933, S12, Part II, S 52 and
Schedule 12
Children and Young Persons Act 1963, Part II
Cinema Act 1985, S 1
Customs and Inland Revenue Act 1883, S 4
Dangerous Wild Animals Act 1976, S 1
Fire Precautions Act 1971, S 5
Fire Safety and Safety of Places of Sport Act 1987, Part III
Food Safety Act 1990, S 19
Game Act 1831, Ss 5,6,17,18 and 21 to 23
Game Licensing Act 1860, Ss 2 to 16
Gaming Act 1968, Schedule 9
House to House Collections Act, 1939, S 2
Late Night Refreshment Houses Act 1969, S 2
Licensing Act 1964, S 79
Local Government Act 1874, S 27,
Local Government Act 1972, S 213
Local Government (Miscellaneous Provisions) Act 1976, Ss 48,51, 53 to 62 and 79
Local Government (Miscellaneous Provisions) Act 1982, Part I, Ss 2, 4,13 to 17, Part
III and Schedules 1, 2, 3 and 4
Lotteries and Amusements Act 1976, Schedules 1 and 3
Marriage Act 1949, S46A
Noise and Statutory Nuisance Act 1993, Schedule 2

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Nurses Agencies Act 1957
 Performing Animals (Regulation) Act 1925, S 1
 Pet Animals Act 1951, S 1
 Poisons Act 1972, Secretary of State 3(1)(b)(ii), 5, 6, and 11
 Police, Factories etc. (Miscellaneous Provisions) Act 1916, S5
 Private Places of Entertainment (Licensing) Act 1967, Ss 1 to 5,7 and Parts I and II of the Schedule
 Public Health Act 1936, S 269(1)
 Public Health Acts Amendment Act 1907, S 94
 Riding Establishments Acts 1964 and 1970
 Scrap Metal Dealers Act 196, S 1
 Sea Fisheries Regulation Act 1966, Secretary of State 1, 2, 10 and 19
 Slaughterhouses Act 1074, S 4
 Theatres Act 1968, Ss 12 to 14
 The Hypnotism Act 1952
 The Safety of Sports Grounds Act 1975
 Town Police Clauses Act 1847, as extended by S 171 Public Health Act 1875, S 15
 Transport Act 1985 and Ss 47,57,58,60 and 79, Local Government (Miscellaneous Provisions) Act 1976
 Vehicles (Crime) Act 2001
 Zoo Licensing Act 1981, S 1

Secondary Legislation

The Animal By-Products Order 1999
 Cattle Identification Regulations 1998
 *Dairy Products (Hygiene) Regulations 1995, Regs. 6 and 7
 *Eggs Products Regulations 1993, Reg. 5
 *Food Premises (Registration) Regulations 1991, Regs. 5 and 9
 *Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998, Regs. 11, 21, 24 and 26
 *Food Safety (General Food Hygiene) Regulations 1995, Schedule 1A
 Marriages (Approved Premises) Regulations 1995
 *Meat Products (Hygiene) Regulations 1994, Regs. 4 and 5
 *Minced Meat and Meat Preparations (Hygiene) Regulations 1995, Reg. 4
 Pigs (Records, Identification and Movement) Order 1995, Articles 12 to 14

- Note: 1. see also the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended.)
2. *Regulations set out under the secondary legislation as been revoked by the Food Hygiene (England) Regulations 2005 (now 2006). Amendments to the Functions and Responsibilities Regulations are expected.
3. As the Gambling Act 2005 comes into effect, a number of functions dealing with betting, gaming and lotteries will be revoked and replaced by functions under the Gambling Act that will be the responsibility of the Licensing Committee.

2A	PUBLIC PROTECTION SUB-COMMITTEE	
Appointed by: The Council under Section 101 Local Government Act 1972	No. of Members: Up to five, including at least one Member of the public Protection Committee if one is available.	
Chairman: Appointed by the Sub-committee at each Meeting	Political proportionality: The Members shall be appointed where practicable according to Political Proportionality.	
Quorum: Three	Co-opted members: None	
<p>Terms of Reference:</p> <p>To hear appeals on matters delegated to the Public Protection Committee and to grant, approve, review, refuse, revoke, renew, suspend, transfer or vary any registration, certificate, consent, permit, approval or permission that the Public Protection Committee may determine, except where the function has been delegated to an Officer unless the Officer refers the matter to the Committee for a decision.</p>		

3	LICENSING COMMITTEE	
Appointed by: The Council under Section 6 Licensing Act 2003	No. of Members: Eleven	
Chairman appointed by: The Council	Political proportionality: The elected Members shall be appointed according to Political Proportionality.	
Quorum: Three	Co-opted members: None	
Code: 1. The Procedure for licensing hearings contained in Appendix 2 to this part of this Constitution. 2. Code of Practice for Members and Officers set out in Part 4 of this Constitution.		
Terms of reference:		
<p>1.1 To undertake all the functions of a licensing authority under the Licensing Act 2003 except:</p> <ul style="list-style-type: none"> (a) approving the Authority's Licensing Statement under Section 5 of the Act; (b) referring licensing matters to another Committee under Section 7(5) of the Act; (c) under Section 7(9) of the Act, where the Licensing Committee is unable to discharge its functions because of the number of its members who are unable to take part in the consideration of any matter or vote, in which case the Committee must refer the matter to the Council; and <p>1.2 To undertake all the functions of a licensing authority under Part 8 of the Gambling Act 2005, when it comes into force, except:</p> <ul style="list-style-type: none"> (a) approving the Authority's licensing policy under Section 349 of the Act; (b) deciding not to issue casino licences under Section 166 of the Act; (c) under Section 7(9) of the 2003 Act as applied by the Gambling Act 2005, where the Licensing Committee is unable to discharge its functions because of the number of its members who are unable to take part in the consideration of any matter or vote, in which case the Committee must refer the matter to the Council; and <p>1.3 Under the provisions of section 154 of the Gambling Act 2005, the functions of determining relevant fees under the Gambling Act 2005 be delegated to the Licensing Act 2003 Committee (to be re-named 'The Licensing Committee' at Annual Council</p> <p>1.4 The Licensing Act 2003 Committee may delegate any of its functions under the Licensing Act 2003 and the Gambling Act 2005 to a Sub-Committee and may within the limits of Section 10 Licensing Act 2003 delegate certain of its functions to an Officer.</p> <p>1.5 In exercising its functions under the Licensing Act 2003 and the Gambling Act 2005, the Committee may regulate its own proceedings and those of its Sub-Committees, subject to any Regulations made under the Acts.</p>		

3A LICENSING SUB-COMMITTEE	
Appointed by: The Licensing Committee under Section 9 Licensing Act 2003	No. of Members: Three Members of the Licensing Committee called as far as practicable on rota.
Chairman appointed by: The Sub-Committee at each Meeting	Political proportionality: Not required, but where practicable the Members should be drawn from more than one political group
Quorum: Three	Co-opted members: None
Code: The Procedure for licensing hearings contained in Appendix 2 to this part of this Constitution.	
Terms of Reference: Subject to any directions of the Licensing Committee, to exercise the functions of that Committee.	

3.5 - APPENDIX 2

Procedure for Licensing Hearings

LICENSING AND PUBLIC PROTECTION SUB-COMMITTEES

1. Members of the Sub-Committee will be asked to appoint a Chairman from within their number.
2. At the beginning of the hearing, the Chairman will introduce all Members of the Sub-Committee and those Officers present. Members must be present throughout the hearing and must not communicate with any Officer, the applicant or other third party except in accordance with these procedure rules.
3. Following the introduction of the Sub-Committee, the Chairman shall also introduce any objectors, the presenting Officer for the licensing authority and any other interested parties.
4. The applicant or their representative will be invited to introduce themselves to the Sub-Committee.
5. The Sub-Committee will consider any requests from the parties for permission for another person to appear at the hearing.
6. The Chairman will confirm that there is no reason why any of the three Members of the Sub-Committee should not participate in the matter to be considered.
7. If a party has informed the authority that he/she does not intend to attend or be represented at a hearing, the hearing may proceed in their absence.
8. If a party who has not so indicated fails to attend or be represented at a hearing the authority may:-
 - (a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or
 - (b) hold the hearing in the party's absence.
9. Where the authority holds the hearing in the absence of a party, the authority shall consider at the hearing the application, representations or notice made by that party.
10. Where the authority adjourns the hearing to a specified date it must notify the parties of the date, time and place to which the hearing has been adjourned.

11. At the beginning of the hearing, the Chairman shall explain to all parties present the procedure to be followed. The Chairman will confirm that this is a discussion to be led by the authority, that any questions should generally be put through the Chairman, and that cross-examination shall only be permitted if the Sub-Committee considers that it is necessary.
12. The Chairman will ask all parties present if they have any requests to cross-examine. Any such requests shall be considered by the Sub-Committee. If agreed, the procedure set out below will be followed.
13. If there are no requests for cross examination, or if such a request is not permitted, the hearing shall be conducted as follows:-
 - The Officer from the Licensing Section will present his/her factual report on the application.
 - Each party making representations will address the Sub-Committee in turn and will call other persons where permission has been given.
 - The applicant/licence holder will present their case and will call other persons where permission has been given.
 - Members may ask questions of all parties and persons.
 - Questions from the parties must be directed through the Chairman unless cross-examination has been permitted.
 - All parties will have the opportunity to make a closing statement, with the applicant/licence holder having the final word.
14. The Sub-Committee will retire in private to consider the application and will be accompanied by its Legal Advisor and Democratic Services Officer.
15. Once a decision has been reached, the Sub-Committee will invite all parties back to hear the decision. The Chairman of the Sub-Committee should call upon the Legal Advisor to inform all parties of any legal advice that was received during the private session. The Chairman of the Sub-Committee or Legal Advisor should read out the decision in full, outlining any additional conditions, for the benefit of all in attendance.
16. The Sub-Committee may adjourn the hearing to the next reasonably practical working day to continue the hearing or give its decision.
17. The Chairman should advise the Applicant, relevant authorities and interested parties that they will be notified of the decision and reasons for the decision in writing within 5 working days of the hearing.
18. Such notification shall advise the applicant/licensee of his rights of appeal to the Magistrates' Court or other appropriate body.

CROSS-EXAMINATION PROCEDURE FOR LICENSING HEARINGS

Should cross-examination be permitted:

- (a) Case on behalf of any Responsible Authorities,**
 - (i) the case on behalf of any responsible authorities.
 - (ii) questioning of any responsible authorities by the applicant or licensee.
 - (iii) questioning of any responsible authorities by any interested parties.
 - (iv) questioning of any responsible authorities by Members.

- (b) Case on behalf of Interested Parties**
 - (i) the case on behalf of any interested parties.
 - (ii) questioning of any interested parties by the applicant or licensee.
 - (iii) questioning of any interested parties by any responsible authorities.
 - (iv) questioning of any interested parties by Members.

- (c) Case on behalf of the applicant**
 - (i) the case on behalf of the applicant or licensee including the calling of witnesses.
 - (ii) questioning of the applicant or licensee and any witnesses by interested parties.
 - (iii) questioning of the applicant or licensee and any witnesses by any responsible authorities.
 - (iv) questioning of the applicant or licensee and any witnesses by Members.

- (d) Summing up (in the following order):-**
 - (i) Responsible authorities.
 - (ii) Interested parties.
 - (iii) The applicant/licensee.

4	APPEALS COMMITTEE	
Appointed by: The Corporate Director, Corporate Development under 101 Local Government Act 1972	No. of Members: Ten	
Chairman and Vice-Chairman appointed by: The Committee from amongst its members	Political proportionality: The elected Members shall be appointed by the Proper Officer according to Political Proportionality.	
Quorum: Three	Co-opted members: None	
<p>To hear, consider and determine any appeal that it falls to Members to deal with (except where the determination of the appeal is a matter for the Cabinet or has been delegated to the Public Protection Sub-Committee, the Licensing Sub-Committee or to another Committee) including appeals in relation to the following:</p> <ul style="list-style-type: none"> a) Employment matters; b) Housing matters; c) Education awards, transport and other education matters. 		

5	GENERAL SERVICES COMMITTEE	
Appointed by: The Council under section 101 Local Government Act 1972	No. of Members: Seven	
Chairman appointed by: The Council	Political proportionality: The elected Members shall be appointed according to Political Proportionality.	
Quorum: Two	Co-opted members: None	
Terms of reference: <ol style="list-style-type: none"> 1. To advise the Council on the appointment of, or the arrangements for the appointment of, the Head of Paid Service; 2. To appoint or make arrangements (including the powers of the Council under Section 101 Local Government Act 1972 to appoint a Committee for that purpose) for the appointment of the Corporate Directors (other than the Head of Paid Service), the Section 151 Officer and the Monitoring Officer; 3. To delegate Council functions to an Officer; 4. To deal with any of the functions of the Council (but not the Cabinet) in relation to the employment of staff that are not dealt with by Officers under delegated powers or which may be referred to them by an Officer waiving his/her power to make a decision, including: <ol style="list-style-type: none"> i. to designate Officers (other than the Head of Paid Service) for specific statutory purposes; ii. to exercise the Council's power of suspension of a Statutory Officer, after taking appropriate legal advice; iii. to appoint any Sub-Committee or panel or other body to exercise the Council's powers in relation to staff grading, disciplinary, grievance or any other staffing matters as may be required by statute or under the Authority's staffing rules or practices or under any contract of employment; iv. to determine any other staffing matter that it is within the remit of the Council to decide; v. superannuation; 		

5. To settle cases of maladministration etc;
6. To advise the Council on major changes to the Constitution;
7. Insofar as is within the remit of the Council, to make casual or urgent appointments to outside bodies;
8. To agree any arrangements for the appointment of a joint Overview and Scrutiny Committee under Section 8 Health and Social Care Act 2001;
9. To exercise the residual functions of the Council in relation to elections, parishes, vacancies and local bills;
10. Subject to, and without prejudice to, the generality of the foregoing, to exercise the powers and functions of the Council in relation to the following functions set out in the Local Authorities (Functions and Responsibilities Regulations) (England) Regulations 2000 and 2001 (as may from time to time be amended) including the following legislation and any amendment and replacement thereof and any regulations made thereunder:

Acts of Parliament

European Parliamentary Elections Act 1978, Schedule 1, paras. 4(3) and (4)
Health and Social Care Act 2001, S8
Local Government Act 1972, Ss 10,11, 75, 86, 87, 91, 101, 112, 151 and 239
Local Government Act 2000, S82
Local Government and Housing Act 1989 Ss 4(1) and 5(1)
Local Government and Rating Act 1997
Representation of the People Act 1983, Ss. 8(2),18, 31,35, 39(4), 52(4), 54, 106, 112, 135, 151, 270(3) and Schedule 12, para. 42
Representation of the People Act 1985, Ss.21
Representation of the People Act 2000, Ss.10 and 93
Superannuation Act 1972, Ss.7, 12, and 24

Subordinate Legislation

Accounts and Audit Regulations 1996
Commons Registration (General) Regulations 1966
Commons Registration (New Land) Regulations 1969, Reg. 6
Local Election (Parishes and Communities) Rules 1986
Local Elections (Principle Areas) Rules 1986

6	EMPLOYEE RELATIONS COMMITTEE	
<p>This Committee was disbanded at the meeting of Annual Council held on 13 May 2009. The functions of this Committee have passed to the General Services Committee</p>		
Appointed by:		No. of Members:
The Council under section 101 Local Government Act 1972		
Chairman appointed by:		Political proportionality:
Quorum:		Employee representatives:
Code/procedures: The procedures are contained in Appendix 3 to this part of this Constitution.		
<p>Terms of Reference:</p> <p>After consultation or negotiation with the trades unions, as appropriate, and in accordance with the Budget and with the agreement of the Corporate Management Team, to:</p> <ol style="list-style-type: none"> 1. To review and recommend the Cabinet (or the Appropriate Cabinet Member) on human resources procedures; 2. To approve and amend human resources procedures insofar as these affect the terms and conditions upon which Officers/staff are appointed or hold office; 3. To monitor the implementation and progress of major human resources projects; 4. To monitor the programme for consultation and review of human resources policies and procedures. <p>This delegation is subject to any recommendation relating to an Executive Function being referred for decision to the Cabinet, Cabinet Member or Officer possessing delegated powers, as appropriate, for formal decision.</p>		

Employee Relations Committee - Procedures

Definition

Any reference in this Appendix to the Cabinet includes a reference to the appropriate Cabinet Member or Officer exercising relevant function on behalf of the Cabinet.

Membership

The Employee Relations Committee will comprise six Councillors. Nominated Trade Union Representatives should be invited to every meeting and have a right to debate issues with Members.

Terms of Reference

The terms of reference of the Committee are as set out in Part 3.5 of the Council's Constitution.

Where a decision of the Committee has a financial implication upon the Authority's budgets, this will be presented to the Cabinet and if appropriate, the Council for approval.

Following a decision of the Committee that has implications for Executive Functions, the Cabinet will be informed at the earliest opportunity.

Appointment of Chairman and Vice-Chairman

The Committee shall appoint a Chairman and Vice-Chairman elected (if necessary) by a majority of the votes cast by the elected Members. The term of office for the Chairman and Vice-Chairman is one year, but re-election is possible.

Casting Vote

In the event of a tied vote on a decision by Members of the Committee, the Chairman shall have the casting vote.

Term of Office

The term of office of elected Members to the Committee shall be one municipal year.

Joint Secretaries

Joint Secretaries, one an Officer of the Authority and one from the Trade Unions, shall be appointed and may attend throughout the Meeting.

Decision-making

The Committee shall use its every endeavour to reach agreement with the trade unions representatives present on matters under its jurisdiction.

In the event that the Trade Unions fail to agree on a decision of the Committee, the Committee's decision shall have effect. However, this does not preclude further discussions between management side and trade unions to consider what other steps (including third party conciliation) might assist resolution whether by ACAS or the regional employer. In whatever case, voluntary arbitration will not be binding.

A decision of the Committee that concerns an Executive Function cannot be made by the Committee but must first be referred to the Cabinet for a decision. For the avoidance of doubt, this will apply to most decisions other than:

- a) agreeing the terms and conditions upon which staff are appointed;
and
- b) the Council's limited powers in relation to superannuation.

