

iv) Licensing

Responsibilities

Licensing Committee

To be responsible for all of the Council's licensing functions

- To review and recommend to Council:
 - the Licensing Statement of Policy
 - the Gambling Statement of Principles
 - the Policy not to permit casinos
- To review and be responsible for all other Licensing Policies
- To determine whether to refuse the grant of a Hackney Carriage / Private Hire Driver or Private Hire Operator License application.
- To determine whether to refuse to grant a licence for the following licensing functions ;
 - Street Trading Licence (South Hams)
 - Zoo Licensing
 - Sex Establishments
 - Houses in Multiple Occupation
- To determine such other applications as referred to the P&L Committee by the Community of Practice Lead for Environmental Health.

Licensing sub-committee

a) Licensing sub-committees have the following responsibilities in relation to functions under the **Licensing Act 2003**:

- Applications for personal licences - if there is a police objection
- Applications for personal licences with unspent convictions – all cases
- Review of personal licences – if there is a police objection
- Applications for premises licence/club premises certificate – if a relevant representation is made
- Applications for provisional statement – if a relevant representation is made

- Application to vary premises licence/club premises certificate - if a relevant representation is made
- Applications to vary designated premises supervisor – if police objection made
- Applications for transfer of premises licence – if police objection
- Applications for interim authorities – if a police objection
- Applications to review premises licence/club premises certificate – all cases
- Decision to object when Council is a consultee and not relevant authority - all cases
- Determination of a police or Environmental Health objection to a temporary event notice - all cases

b) Licensing sub-committees have the following responsibilities in relation to the **Gambling Act 2005**:

- Application for **premises licence**: if a relevant representation has been made and not withdrawn
- Application for a **variation** to a licence: if a representation has been made and not withdrawn
- Application for a **transfer** of a licence: where representations have been received from the Gambling Commission
- Application for a **provisional statement**: if a representation has been made and not withdrawn
- **Review** of a premises licence
- Application for **club gaming/club machine permits**: where objections have been made and not withdrawn, or where refusal proposed
- **Temporary use notice**: Decision to give a counter notice, or where objection notice received
- **Fees**

Community of Practice Lead for Environmental Health

Shall have the delegated authority:

To determine whether to refuse to grant an application for Hackney Carriage or Private Hire Vehicle Licence.

To determine in consultation with the Chair and Vice-chair of the P&L Committee whether to revoke a Hackney Carriage or Driver licence in situations of urgency ('urgency' to be determined by the Community of Practice Lead for Environmental Health).

To refer such applications which, in the opinion of the Community of Practice Lead for Environmental Health, should be determined by the Licensing Committee.

To determine applications for Licences under the following areas of work not previously delegated to other committees or individuals;

- Public Health (e.g. Animal Boarding Establishments, Dangerous Wild Animals, Pet Shop, Riding Establishments, Skin Piercing and other special treatments).
- Public Safety (e.g. Alcohol and entertainment licences, personal licences, club premises certificates, Hypnotism licences, Gambling licences etc.)
- Housing (e.g. Selective licensing of residential accommodation, Licensing of houses in multiple occupation, Licensing of camping sites, Licensing of caravan sites)
- Environmental (e.g. Environmental Permits, Licensing of scrap metal dealers)

To investigate complaints relating to licensed and licensable activities with the relevant powers of entry in order to undertake these investigation.

To instigate informal or formal action in order to resolve complaints or unlicensed activities and take appropriate action or remedy.

To undertake formal consultations on amendments to policy, (or fares in accordance with the Maximum Chargeable Fare setting policy South Hams only)

Authority **to suspend licences** in situations of urgency where there are reasonable grounds to do so (where urgency is determined by the Community of Practice Lead for Environmental Health)