

## 8. LICENSING AND SAFETY COMMITTEE

### Membership

14 Members of the authority as determined by the Council.

### Substitutes

Substitute members may be nominated to the Committee in accordance with paragraph 4 of the Council procedure rules (Part 4).

### Chairman and Vice-Chairman

The Chairman and Vice-Chairman will be appointed at the Annual Council meeting for the municipal year.

### Quorum

The quorum of the Committee shall be one third of the membership, subject to a minimum of 2.

### Meetings

The Committee will meet six weekly, or thereabouts and meetings are usually held at the Council House, Walsall at 6.00 p.m.

### Access to information

The Committee will comply with the Access to Information Rules set out in Part 4 of the Constitution.

### Remit

- (a) **Taxi, gaming, entertainment, food and miscellaneous licensing –**  
Functions relating to licensing and registration as set out in Part B (excluding paragraphs 37 and 38) and paragraph 42 of Part I of Schedule 1 to the Functions Regulations.
- (b) **Health and Safety at Work** - Functions relating to health and safety as set out in Part C of the Functions Regulations under any 'relevant statutory provision' within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as employer.

### Delegations

- (1) The Committee shall exercise the following powers:

<b>Licensing and registration functions</b>	
<u>Power to determine licence applications for</u> <u>(a) the sale by retail of alcohol,</u> <u>(b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club,</u> <u>(c) the provision of regulated entertainment, and</u> <u>(d) the provision of late night refreshment.</u>	<u>Licensing Act 2003 and any regulations or orders made under that Act</u>
<u>Power to determine licence applications for</u> <u>(a) gaming</u> <u>(b) betting and</u> <u>(c) participating in a lottery</u>	<u>Gambling Act 2005 and any regulations or orders made under that Act</u>
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.
2. Power to licence the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936.
3. Power to licence hackney carriages and private hire vehicles.	(a) As to hackney carriages, the Town Police Clauses Act, as extended by section 171 of the Public Health Act 1875, and section 15 of the Transport Act 1985; and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976; (b) As to private hire vehicles, Sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
4. Power to licence drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.

5. Power to licence operators of hackney carriages and private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
<del>6. Power to register pool promoters.</del>	<del>Schedule 2 to the Betting, Gaming and Lotteries Act 1963 (c. 2).</del>
<del>7. Power to grant track betting licences.</del>	<del>Schedule 3 to the Betting, Gaming and Lotteries Act 1963.</del>
<del>8. Power to licence inter-track betting schemes.</del>	<del>Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963.</del>
<del>9. Power to grant permits in respect of premises with amusement machines.</del>	<del>Schedule 9 to the Gaming Act 1968.</del>
<del>10. Power to register societies wishing to promote lotteries.</del>	<del>Schedule 1 to the Lotteries and Amusements Act 1976 (c. 32).</del>
<del>11. Power to grant permits in respect of premises where amusements with prizes are provided.</del>	<del>Schedule 3 to the Lotteries and Amusements Act 1976.</del>
12. Power to issue cinema and cinema club licences.	Section 1 of the Cinema Act 1985.
<del>13. Power to issue theatre licences.</del>	<del>Sections 12 to 14 of the Theatres Act 1968</del>
<del>14. Power to issue entertainments licences.</del>	Section 12 of the Children and Young Persons Act 1933, Section 52 of, and Schedule 12 to, the London Government Act 1963, Section 79 of the Licensing Act 1964, Sections 1 to 5 and 7 of, and Parts I and II of the Schedule to, the Private Places of Entertainment (Licensing) Act 1967 and Part I of, and Schedules 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982.
15. Power to licence sex shops and sex cinemas.	The Local Government (Miscellaneous Provisions) Act 1982, Section 2 and Schedule 3.
16. Power to licence performances of hypnotism.	The Hypnotism Act 1952.
17. Power to licence premises for acupuncture, tattooing, ear-piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.
18. Power to licence pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907.
19. Power to licence market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982, Part III of the London Local Authorities Act 1990 and Section 6 of the London Local Authorities Act 1994.

20. <del>Power to licence night cafes and take-away food shops.</del>	<del>Section 2 of the Late Night Refreshment Houses Act 1969, Part II of the London Local Authorities Act 1990 and Section 5 of the London Local Authorities Act 1994.</del>
21. Duty to keep list of persons entitled to sell non-medicinal poisons.	Sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972.
22. Power to licence dealers in game and the killing and selling of game.	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831; Sections 2 to 16 of the Game Licensing Act 1860, Section 4 of the Customs and Inland Revenue Act 1883, sections 12(3) and 27 of the Local Government Act 1874, and section 213 of the Local Government Act 1972.
23. Power to register and licence premises for the preparation of food.	Section 19 of the Food Safety Act 1990.
24. <del>Power to licence, administer and regulate as a "local authority" scrap metal dealers. Power to licence scrap yards.</del>	Section 1 of the Scrap Metal Dealers Act 1964. <u>Scrap Metal Dealers Act 2013</u>
25. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975
26. 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.
27. Power to licence premises for the breeding of dogs.	Section 1 of the Breeding of Dogs Act 1973 and Section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999.
28. Power to licence 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; Section 1 of the Animal Boarding Establishments Act 1963; the Riding Establishments Acts 1964 and 1970 (1964 c. 70 and 1970 ; <del>Section 1 of the Breeding of Dogs Act 1973, and Sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.</del>
29. Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925.
30. Power to licence zoos.	Section 1 of the Zoo Licensing Act 1981.
31. Power to licence dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976.
<del>32. Power to licence knackers' yards.</del>	Section 4 of the Slaughterhouses Act 1974. See also the Animal By-Products Order 1999.

33. Power to licence the employment of children.	Part II of the Children and Young Persons Act 1933, bylaws made under that Part, and Part II of the Children and Young Persons Act 1963.
34. Power to approve premises for the solemnisation of marriages.	Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995
35. Power to licence persons to collect for charitable and other causes.	Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939.
36. Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993.
37. Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991.
<del>38. Power to licence agencies for the supply of nurses.</del>	Section 2 of the Nurses Agencies Act 1957.
<del>39. Power to issue licences for the movement of pigs.</del>	<del>Article 12 of the Pigs (Records, Identification and Movement) Order 1995.</del>
40. <u>Power<del>s</del> to licence their relation to the movement and</u> sale of pigs.	<del>Article 13 of the Pigs (Records, Identification and Movement) Order 1995.</del> <u>The Pigs (Records, Identification and Movement) Order 2011</u>
<del>41. Power to licence collecting centres for the movement of pigs.</del>	<del>Article 14 of the Pigs (Records, Identification and Movement) Order 1995.</del>
42. <u>Power to issue a licence in relation to the to-movement of</u> cattle <u>from a market.</u>	<del>Article 5(2) of the Cattle Identification Regulations 1998.</del> <u>The Cattle Identification Regulations 2007</u>
<del>43. Power to sanction use of parts of buildings for storage of celluloid.</del>	<del>Section 1 of the Celluloid and Cinematograph Film Act 1922.</del> <u>Act repealed (E.W.S.) (6.4.2013) by The Health and Safety (Miscellaneous Repeals, Revocations and Amendments) Regulations 2013 (S.I. 2013/448), reg. 1, Sch. Table 1; (N.I) (1.6.2015) by The Health and Safety (Miscellaneous Repeals, Revocations and Amendments) Regulations (Northern Ireland) 2015 (S.R. 2015/223), reg. 1(1), Sch. Table 1</u>
44. Power to approve meat product premises.	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994
45. 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.
46. Power to approve dairy establishments.	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 <u>as amended by the The Dairy Products (Hygiene) (Amendment)</u>

	<u>Regulations 1996</u>
47. Power to approve egg product establishments.	Regulation 5 of the Egg Products Regulations 1993.
<del>48. 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.</del>	<del>Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995.</del>
49. Power to approve fish products premises.	Regulation 24 of the Food Safety (Fishery Products & Live Shellfish) (Hygiene) Regulations 1998
50. Power to approve dispatch or purification centres.	Regulation 11 of the Food Safety (Fishery Products & Live Shellfish) (Hygiene) Regulations 1998.
51. Power to register fishing vessels on board which shrimps or molluscs are cooked.	Regulation 21 of the Food Safety (Fishery Products & Live Shellfish) (Hygiene) Regulations 1998.
52. Power to approve factory vessels and fishery product establishments.	Regulation 24 of the Food Safety (Fishery Products & Live Shellfish) (Hygiene) Regulations 1998.
53. Power to register auction and wholesale markets.	Regulation 26 of the Food Safety (Fishery Products & Live Shellfish) (Hygiene) Regulations 1998.
54. Duty to keep register of food business premises.	Regulation 5 of the Food Premises (Registration) Regulations 1991.
55. Power to register food business premises.	Regulation 9 of the Food Premises (Registration) Regulations 1991.
56. Determine fees to be charged in respect of the Gambling Act, 2005	The Gambling (Premise Licence Fees) (England Wales) Regulations 2007

- (2) Service of an abatement Notice in respect of a statutory nuisance.
- (3) Inspection of the area to detect a statutory nuisance.
- (4) Obtaining information as to interests in land under Section 330 Town and Country Planning Act 1990.
- (5) Obtaining particulars of persons interested in land under Section 16 Local Government (Miscellaneous Provisions) Act 1976.
- (6) To hear appeals against decisions made by officers carrying out delegated licensing functions.
- (7) All the functions in relation to Health and Safety set out in Part C of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) ("the Functions Regulations") namely relating to health and safety under any relevant statutory provision within the meaning

of Part 1 of the Health and Safety at Work Act 1974 to the extent that those functions are discharged otherwise than in the Council's capacity as employer.[lynd](#)

~~(8) To designate unsocial drinking zones under the Local Authorities (Alcohol Consumption in public places) Regulations 2001.~~

~~(9) Power to make closing order for take-away food shops (Section 4 of the~~

~~(10) Power to licence, administer and regulate as a "local authority" scrap metal dealers under the provisions of the Scrap Metal Dealers Act 2013.~~