

Part Two: Chapter 6 - Functions of the Licensing and Regulatory Affairs Committee

6.1 The general functions and areas of responsibility of the Council's Licensing and Regulatory Affairs Committee are to

- a) undertake, to the extent shown in the following pages, all of the functions listed in this Chapter of the Constitution that are Non-Executive functions under the terms of Regulation 2 and Schedule 1 of the Local Authorities (Functions and Responsibilities) Regulations, 2000 as amended by the Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2001.
- b) exercise such other licensing and regulatory powers and non-executive functions of the Council as are delegated to the Committee from time to time
- c) delegate to any sub-committee it may appoint any of its powers or functions, subject to any limitation that the Committee may consider appropriate;
- d) delegate any of its powers to an officer or officers of the Council, subject to any limitation that the Committee may consider appropriate, in relation to:
 - i. the imposition of any condition, limitation or other restriction on an approval, consent, licence, permission or registration granted
 - ii. the determination of any other terms to which any such approval, consent, licence, permission or registration is subject
 - iii. the determination as to whether to take enforcement action in consequence of:
 - iv. a breach of any approval, consent, licence, permission or registration granted
 - v. a breach of any condition, limitation or term to which such approval, consent, licence, permission or registration is subject
 - vi. the amendment, modification or variation of any approval, consent, licence, permission or registration
 - vii. the revocation of any such approval, consent, licence or registration.
- e) grant powers of entry in respect of any of the powers listed in this Chapter of the Constitution to an officer or officers of the Council.
- f) respond to consultations from the Executive on the preparation of statutory plans, policy and strategy and, where appropriate, to make commendations on them to the full Council.
- g) advise the Council on all matters, and resources required to undertake the functions listed in this Chapter of the Constitution. To make recommendations to the full Council on estimates of income, fees and Fareham Borough Council Constitution charges, expenditure and the budget required by the Committee to undertake its functions.

6.2 The Committee will also undertake the following specific functions:

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Function	Provision of Act or Statutory Instrument
Licensing and Registration functions	
<i>Note: for functions first delegated to the Committee after May 2002 (such as the provisions of The Licensing Act 2003) see supplementary notes at end of table.</i>	
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).
2. Power to licence the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936 (c.49).
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 70 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.
6. Power to register pool promoters.	Schedule 2 to the Betting, Gaming and Lotteries Act 1963 (c.2).

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Function	Provision of Act or Statutory Instrument
7. Power to grant track betting licences.	Schedule 3 to the Betting, Gaming and Lotteries Act 1963.
8. Power to licence inter-track betting schemes.	Schedule 5ZA to the Betting, Gaming and Lotteries Act 1963.
9. Power to grant permits in respect of premises with amusement machines.	Schedule 9 to the Gaming Act 1968 (c.65).
10. Power to register societies wishing to promote lotteries.	Schedule 1 to the Lotteries and Amusements Act 1976 (c.32).
11. Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the Lotteries and Amusements Act 1976.
12. Power to issue cinema and cinema club licences.	Section 1 of the Cinemas Act 1985 (c.13).
13. Power to issue theatre licences.	Sections 12 to 14 of the Theatres Act 1968 (c.54).
14. Power to issue entertainment licences.	Section 12 of the Children and Young Persons Act 1933 (c.12), Section 79 of the Licensing Act 1964 (c.26), Sections 1 to 5 and 7 of, and Parts I and II of the Schedule to, the Private Places of Entertainment (Licensing) Act 1967 (c.19) and Part I of, and Schedules 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982 (c.30).
15. Power to licence sex shops and sex cinemas.	Section 2 and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

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Function	Provision of Act or Statutory Instrument
16. Power to licence performances of hypnotism.	The Hypnotism Act 1952 (C.46).
17. Power to licence premises for acupuncture, tattooing, earpiercing 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 (c.53).
19. Power to licence market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982
20. Power to licence night cafes and take-away food shops.	Section 2 of the Late-Night Refreshment Houses Act 1969 (c.53) Note: see also Licensing Act 2003 – para 93.
21. 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 (c.32); Section 2 to 16 of the Game Licensing Act 1860 (c.90), Section 4 of the Customs and Inland Revenue Act 1983 (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).
22. Power to register and licence premises for the preparation of food.	Section 19 of the Food Safety Act 1990 (c.16).
23. Power to licence scrap yards.	Section 1 of the Scrap Metal Dealers Act 1964 (c.69).
24. Power to licence premises for the breeding of dogs.	Section 1 of the Breeding of Dogs Act 1973 (c.60) and Section 1 of the Breeding

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Function	Provision of Act or Statutory Instrument
	and Sale of Dogs (Welfare) Act 1999 (c.11).
25. 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 (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 and Sale of Dogs (Welfare) Act 1999.
26. Power to licence zoos.	Section 1 of the Zoo Licensing Act 1981 (c.37).
27. Power to licence dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976 (c.380).
28. Power to licence knackers' yards.	Section 4 of the Slaughterhouses Act 1974. See also the Animal By-Products Order 1999 (S.I. 1999/646).
29. Power to licence 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 (c.44).
30. Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c.40).
31. Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991 (c.22).
32. Power to permit deposit of builder's skip on highway.	Section 139 of the Highways Act 1980 (c.66).

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Function	Provision of Act or Statutory Instrument
33. Power to licence planting, retention and maintenance of trees etc in part of highway.	Section 142 of the Highways Act 1980.
34. Power to authorise erection of stiles etc on footpaths or bridleways.	Section 147 of the Highways Act 1980.
35. Power to licence works in relation to buildings etc. that obstruct the highway.	Section 169 of the Highways Act 1980.
36. Power to consent to temporary deposits or excavations in streets.	Section 171 of the Highways Act 1980.
37. Power to dispense with obligation to erect hoarding or fence.	Sections 172 of the Highways Act 1980.
38. Power to restrict the placing of rails, beams etc. over highways	Sections 178 of the Highways Act 1980.
39. Power to consent to construction of cellars etc. under streets.	Section 179 of the Highways Act 1980.
40. Power to consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators.	Section 180 of the Highways Act 1980.
41. Power to approve meat product premises.	Regulations 4 and 5 of the Meat Products(Hygiene) Regulations 1994 (S.I. 1994/3082).
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).

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Function	Provision of Act or Statutory Instrument
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).
43. Power to approve dairy establishments.	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (S.I. 1995/1086).
44. Power to approve egg product establishments.	Regulation 5 of the Egg Products Regulations 1993 (S.I. 1993/1520).
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).
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).
47. Power to approve dispatch or purification centres.	Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
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.
49. Power to approve factory vessels and fishery product establishments.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
50. Power to register auction and wholesale markets.	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.

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Function	Provision of Act or Statutory Instrument
51. Duty to keep register of food business premises.	Regulation 5 of the Food Premises (Registration) Regulations 1991 (S.I. 1991/2828).
52. Power to register food business premises.	Regulation 9 of the Food Premises(Registration) Regulations 1991.
Functions relating to health and safety at work	
53. Functions under any "relevant statutory provision" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) 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.	Part I of the Health and Safety at Work etc Act 1974 (c.37).
Functions relating to elections	
54. Power to recommend to Full Council the appointment of an electoral registration officer.	Section 8(2) of the Representation of the People Act 1983 (c.2).
55. Power to assign officers in relation to requisitions of the registration officer.	Section 52(4) of the Representation of the People Act 1983.
56. Power to recommend to Full Council the appointment of a returning officer for local government elections.	Section 35 of the Representation of the People Act 1983 (c.2).
57. Duty to provide assistance at European Parliamentary elections.	Paragraph 4(3) and (4) of Schedule 1 to the European Parliamentary Elections Act 1978 (c.10).

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Function	Provision of Act or Statutory Instrument
58. Power to recommend to Full Council the division of the constituency into polling districts.	Section 18 of the Representation of the People Act 1983.
59. Power to recommend to Full Council the division of electoral divisions into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983.
60. Powers in respect of holding of elections.	Section 39(4) of the Representation of the People Act 1983.
61. Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983.
62. Power to recommend to Full Council the filling of vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985.
63. Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972.
64. Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972.
65. Power to determine fees and conditions for supply of copies of, or extracts from, election documents.	Rule 48(3) of the Local Elections (Principal Areas) Rules 1986 (S.I. 1986/2214) and rule 48(3) of the Local Elections (Parishes and Communities) Rules 1986 (S.I. 1986/2215).
66. Power to recommend to Full Council the submission of proposals to the Secretary of State for an order under section 10 (pilot schemes for local	Section 10 of the Representation of the people Act 2000 (c. 2).

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Function	Provision of Act or Statutory Instrument
elections in England and Wales) of the Representation of the People Act 2000.	
Functions relating to name and status of areas and individuals	
67. left blank	
68. Power to recommend to Full Council to change the name of the Borough.	Section 74 of the Local Government Act 1972.
69. Power to recommend to Full Council to confer the title of honorary alderman or admit an honorary freeman.	Section 249 of the Local Government Act 1972.
Functions relating to bylaws, local bills etc	
70. Power to recommend to Full Council to make, amend, revoke or re-enact bylaws.	Any provision of any enactment (including a local Act), whenever passed, and Section 14 of the Interpretation Act 1978 (c.30).
71. Power to recommend to Full Council to promote or oppose local or personal Bills.	Section 239 of the Local Government Act 1972.
Functions relating to pensions etc.	
72. Power to recommend to Full Council on functions relating to local government pensions, etc.	Regulations under section 7, 12 or 24 of the Superannuation Act 1972 (c.11)
Miscellaneous Provisions	

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Function	Provision of Act or Statutory Instrument
73. Power to make closing order with respect to take-away food shops	Section 4 of the Local Government (Miscellaneous Provisions) Act 1982 (c. 30).
74. Powers to create footpath or bridleway by agreement.	Section 25 of the Highways Act 1980 (c.66).
75. Powers to create footpaths and bridleways.	Section 26 of the Highways Act 1980 (c.66).
76. Power to stop up footpaths and bridleways.	Section 118 of the Highways Act 1980.
77. Power to determine application for public path diversion order	Section 118ZA and 118C(2) of the Highways Act 1980
78. Power to divert footpaths and bridleways.	Section 119 of the Highways Act 1980.
79. Power to make public path diversion order.	Sections 119ZA, and 119C(4) of the Highways Act 1980
80. Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA, and 119C of the Highways Act 1980.	Section 121B of the Highways Act 1980
81. Power to decline to determine certain applications	Section 121C of the Highways Act 1980
82. Powers relating to the removal of things so deposited on highways as to be a nuisance.	Section 149 of the Highways Act 1980

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Function	Provision of Act or Statutory Instrument
83. Power to extinguish certain public rights of way.	Section 32 of the Acquisition of Land Act 1981 (c. 69)
84. Power to extinguish public right of way over land acquired for clearance.	Section 294 of the Housing Act 1981 (c. 68)
<i>85. transferred to Audit committee</i>	
86. Power to recommend to Full Council to appoint staff and determine the terms and conditions on which they hold office (including procedures for their dismissal).	Section 112 of the Local Government Act 1972
<i>87. transferred to Audit committee</i>	
<i>88. transferred to Audit committee</i>	
89. Power to recommend to Full Council to appoint officers for particular purposes (appointment of "Proper Officers").	Section 270(3) of the Local Government Act 1972
90. Power to recommend to Full Council to designate officer as Head of Paid Service and to provide staff, etc.	Section 4(1) of the Local Government and Housing Act 1989 (c. 42)
91. Power to recommend to Full Council to designate officer as the Monitoring Officer and to provide staff, etc.	Section 5(1) of the Local Government and Housing Act 1989 (c. 42)
<i>92. transferred to Audit committee</i>	
93. To exercise the Council's functions under the Licensing Act 2003, including the power to licence persons and premises for the supply of alcohol or	Licensing Act 2003

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Function	Provision of Act or Statutory Instrument
regulated entertainment or late night refreshment and to review such licences.	
94. To exercise the Council's functions under the Gambling Act 2005, including the power to licence premises and grant permits for gambling.	Gambling Act 2005
95. To exercise the Council's functions under the Health Act 2006 and associated regulations.	Health Act 2006

6.3 The extent of onward delegations of licensing functions from the Committee to the Licensing Panel is set out in the annex to this chapter.

6.4 The extent of any onward delegations of licensing or regulatory functions from the Committee to officers is set out in Part 4 of the Constitution.

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