

3 Licensing and Gambling Acts Committee

There will be a *Licensing and Gambling Acts Committee* of 15 *Councillors* which must meet at least once a year by law.

It is a legislative requirement that the Council maintains a committee that deals solely with matters related to the Licensing Act 2003 and the Gambling Act 2005. These committee functions cannot be combined with any others.

The functions of the Licensing and Gambling Acts Committee include:

Functions	Matters Reserved to <i>Council Meeting</i>
<p>To consider all licensing matters related to the Licensing Act 2003 and the Gambling Act 2005</p> <p>To recommend to Council statements of Licensing Policy under the both the Licensing Act 2003 and the Gambling Act 2005</p> <p>To make any minor changes and updates to the Statements of Licensing Policy under the both the Licensing Act 2003 and the Gambling Act 2005 that are required following the adoptions by Council of both statements.</p> <p>To recommend to Council to resolve whether to issue a Casino Licence</p>	<p>The following matters are reserved to the <i>Council Meeting</i>:</p> <p>(i) The Statements of Licensing Policy under both the Licensing Act 2003 and the Gambling Act 2005</p> <p>(ii) The power to resolved to issue a Casino Licence</p>

3.1 Licensing and Gambling Acts Sub Committee

Licensing and Gambling Acts Sub Committees will be established comprising **threefive** Members who are Members of the Licensing and Gambling Acts Committee to consider any matters referred to them which relate to matters arising under the Licensing Act 2003 or the Gambling Act 2005.

A quorum of **all** three Members of the Sub Committee will be required for the meeting to be held. The Chairman for the meeting will be determined by the Members present at the meeting.

Licensing and Gambling Acts Sub Committees will be arranged by the Monitoring Officer as and when required.

The functions of the Licensing and Gambling Acts Sub-Committee include:

- To consider all matters which cannot be delegated to officers concerning the discharge by the Council of its licensing functions under the Licensing Act 2003, including:
 - Application for a personal licence where there are relevant unspent convictions;
 - The review of a premises licence or club premises certificate; other than minor variations
 - Decision to object when the local authority is the consultee and not the relevant authority considering the application;
 - Determination of a police or environmental health objection to a temporary event notice.
- Where a relevant representation has been made in respect of the following applications:
 - personal licence;
 - premises licence or club premises certificate;
 - provisional statement;
 - variation to a premises licence or club premises certificate;
 - variation to a designated personal licence holder;
 - transfer of a premises licence;
 - interim authority.
- To consider all matters which cannot be delegated to officers concerning the discharge by the Council of its licensing functions under the Gambling Act 2005, including:
 - Application for a premises licence where representations have been received and not withdrawn.
 - Application for variation to a licence where representations have been received and not withdrawn.
 - Application for a transfer of a licence where representations have been received from the Gambling Commission.
 - Application for a provisional statement where representations have been received and not withdrawn.
 - Review of a premises licence.

- Application for a club gaming/club machine permits where objections have been received and not withdrawn.
- Cancellation of club gaming/club machine permits.

Delegation of functions to officers

The following functions may be exercised the Head of Housing and Community Safety save for the matters reserved for Licensing and Gambling Acts Committee or Sub-Committees, or for Full Council:

- All matters arising under the Licensing Act 2003.
- All matters arising under the Gambling Act 2005.

4 General Licensing Committee

There will be a *General Licensing Committee* of 15 *Councillors* which will meet at least once a year.

As a result of the legislative restriction that the Licensing and Gambling Acts Committee can only deal with matters relating to the Licensing Act 2003 and the Gambling Act 2005 the Council will maintain a General Licensing Committee to deal with all other matters relating to licensing.

The functions of the General Licensing Committee include:

Functions	Matters Reserved to <i>Council Meeting</i>
<p>To consider all licensing matters not covered by the Licensing Act 2003 and the Gambling Act 2005, including Private Hire and Hackney Carriage Drivers, Vehicles and Operators.</p> <p>To recommend to Council any licensing policies except the Licensing Act 2003 and the Gambling Act 2005 policies.</p> <p>To make any minor changes and updates to the Council’s Hackney Carriages and Private Hire Vehicles, Drivers and Operators Policy following adoption by Council</p> <p>To make any minor changes and updates to other relevant licensing policies as required</p>	<p>The following matters are reserved to the <i>Council Meeting</i>:</p> <p>(i) Determination of the Council’s Hackney Carriages and Private Hire Vehicles, Drivers and Operators Policy</p> <p>(ii) Determination of other licensing policies, as required</p>

4.1 General Licensing Sub Committee

General Licensing Sub-Committees will be established, comprising ~~three~~five members who are Members of the General Licensing Committee to consider any matters referred to them which relate to:

- (a) matters arising under the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Police and Crime Act 2009);
- (b) private hire and/or hackney carriage matters;
- (c) scrap metal sites and operators.

but not at the same meeting.

A quorum of all three Members of the Sub Committee will be required for the meeting to be held. The Chairman for the meeting will be determined by the Members present at the meeting.

Schedule of Meetings

A Schedule of General Licensing Sub-Committee meetings will be agreed by Council at the start of each municipal year. This schedule of meetings will be subject to amendment, as required, to enable the Sub-Committees to deal effectively with the matters referred to them.

The membership of any unscheduled General Licensing Sub-Committee meetings that are arranged will be determined by the Monitoring Officer in consultation with the Chairman of the General Licensing Committee.

The functions of the General Licensing Sub-Committee include:

- To consider all hackney carriage and private hire licensing issues which are referred to it in accordance with the Hackney Carriages and Private Hire Vehicles, Drivers and Operators Policy.
- The determination of applications for sexual establishments (including sexual entertainment venues, sex shops and sex cinemas) under the Local Government (Miscellaneous Provisions) Act 1982 (as amended) where representations have been received and not withdrawn.
- To determine applications for house-to-house collections under the House to House Collections Act 1939 (as amended) where representations are received from Police and not withdrawn or where officers have reasonable grounds for referral to Committee.
- To determine applications and revocations under the Scrap Metal Dealers Act 2013 where representations have been received and not withdrawn

Delegation of functions to officers

The following functions may be exercised the Head of Housing and Community Safety save for the matters reserved for General Licensing Committee or Sub-Committees, or for Full Council:

- All hackney carriage and private hire licensing issues in accordance with the Hackney Carriages and Private Hire Vehicles, Drivers and Operators Policy.
- All matters concerning the discharge by the Council of its licensing function under the Local Government (Miscellaneous Provisions) Act 1982 (as amended)
- All matters concerning the discharge by the Council of its licensing function under the House to House Collections Act 1939 (as amended)
- All matters concerning the discharge by the Council of its licensing function under the Scrap Metal Dealers Act 2013
- All other licensing matters delegated from time to time by the General Licensing Committee

6. Joint Employment and Appeals Committee

There will be an ~~Joint~~ Employment and Appeals Committee of ~~eight Members~~; four Councillors ~~from North East Derbyshire District Council and four Councillors from Bolsover District Council~~.

The membership ~~from North East Derbyshire District Council~~ shall comprise the Leader of the Council, the Deputy Leader, a relevant Cabinet Member and the Leader of the Largest Minority Group or their appointed substitute. Substitutes if called upon will replace an existing Member for the duration of an employment procedure in its entirety. At its conclusion, appointment reverts to the Member originally appointed. The Members and Substitutes shall be appointed at the Annual Meeting. The rules of proportionality shall apply to this Committee.

The ~~Joint~~ Employment and Appeals Committee will meet as a Committee in relation to all appointments of the ~~Strategic Alliance~~ Management Team which includes the Statutory Officers and other Chief Officers/Deputy Chief Officers (employed by the Council under Joint Negotiating Committee (JNC) terms and conditions).

The ~~Joint~~ Employment and Appeals Committee will meet as a Sub-Committee of the 4 appointed Members or their substitutes ~~comprised as one of the options below~~ when dealing with a disciplinary or capability issue:

Option 1	Option 2
Leader BDC	Leader NEDDC
Deputy Leader NEDDC	Deputy Leader BDC
Cabinet member BDC	Cabinet member NEDDC
Leader of largest minority group NEDDC	Leader of largest minority group BDC

The ~~Joint~~ Employment and Appeals Committee will have the roles and functions as set out below:

Functions	Matters not delegated
<p>To interview candidates for posts within the Strategic Alliance Management Team</p> <p>To appoint candidates to posts within the Strategic Alliance—Management Team, with the exception of the Head of Paid Service, Chief Finance Officer and Monitoring Officer</p> <p>To recommend to the Councils' the appointment of the Head of Paid Service, Chief Finance Officer and Monitoring Officer</p> <p>To deal with the final stages of the grievance and harassment procedures for all Statutory Officers and other Chief Officers/Deputy Chief Officers</p> <p>To deal with appeals from the Chief Officers/Deputy Chief Officers, including Statutory Officers, against action taken against them</p> <p>In respect of the dismissal of any of the Statutory Officers, namely the Head of Paid Service, the Monitoring Officer and the Section 151 Officer, the Joint Employment and Appeals Committee shall make a recommendation to the Councils which will be supported via a report from two of the Councils's Standards Committee Independent Persons</p>	<p>To determine any matter referred to it.</p>

~~Where the authority determines to recruit a Head of Service or Director post outside of the Strategic Alliance or determines to take any disciplinary action in relation to such a post the Member Panel will be called the Employment and Appeals Committee and will comprise the four members of the JEAC.~~