

Legal Services Licensing Functions

Introduction

Nature of Licensing

Licensing covers a whole spectrum of controls which have been imposed by Parliament over many years.

The Licensing function within Legal Services is dealt with by the Environment and Licensing Group. The Licensing Section comprises 4 full time and 1 part time members of staff who are directly involved with processing licence applications (including the Licensing Manager). The Environment and Licensing Group Solicitor is also involved with a substantial number of legal issues and Committee matters arising out of the Council's licensing functions. Another Solicitor within the Group deals with additional matters such as appeals against decisions made by the Council. A number of Council directorates are also involved as illustrated in Table 2 below.

The underlying purpose of Local Authority licensing is protection of people, animals or the environment.

Some comprise elaborate registration systems (e.g. Street Collection Permits and Societies Lotteries) where the issue of the permit is not the end of the process.

In this document the word "licence" is used to include licence, permit, registration and notice.

Some licensing relates to animal welfare (e.g. riding establishment permits) where establishing proper welfare conditions is a pre-condition of grant.

Other types of licensing involve consideration of a range of policy considerations and often complex interactions between applicants and the public (e.g. Taxi Licensing, Alcohol/Entertainment Licensing and Gambling Licensing).

It follows from the above that the process of licensing can vary from a straight application and grant (two transactions) to a range of interactions over a period of months leading to a grant (or conditional grant) or refusal of an application – the latter two giving rights of appeal.

For all but the simplest type of licence the application process involves contact with a range of internal departments (mainly planning, highways and environmental officers) and external agencies (mainly police and fire authorities) together with other disciplines (e.g. Vets).

Charges for licences are equally variable. Some charges are set by the Council, some by central government, and some can't be charged for.

The following Tables provide a snapshot of a number of issues associated with Licensing.

Table 1
Types of licences involved

Licence type administered by Legal Services	What these licences deal with
Adult Gaming Centres	Require a premises licence under section 150 Gambling Act 2005 for the use of gaming machines which have higher stakes and prizes than allowed in family entertainment centres.
Alcohol, Regulated Entertainment and Late Night Refreshment	The supply of alcohol, regulated entertainment and late night refreshment (as defined in the Licensing Act 2003) require a premises licence. See also Temporary Event Notices (Licensing Act 2003).
Alcohol Premises (as of right) gaming machines	See Licensed Premises Gaming Machine Permits
Animal Boarding Establishments	Boarding establishments for dogs and cats require a licence under the Animal Boarding Establishments Act 1963.
Betting Shops	Require a premises licence under section 150 Gambling Act 2005
Bingo Halls	Require a premises licence under section 150 Gambling Act 2005
Bingo (other than Bingo Halls)	See prize gaming
Club Gaming Permits	These authorise the use of certain gaming machines as well as the provision of facilities for gaming and games of chance as defined in section 271 Gambling Act 2005
Club Gaming Machine Permits	These authorise the use of certain gaming machines as defined in section 273 Gambling Act 2005
Dangerous Wild Animals	The keeping dangerous wild animals requires a licence under the Dangerous Wild Animals Act 1976
Dog Breeding	The keeping breeding establishments for dogs requires a licence under Breeding of Dogs Acts 1973 as amended
Family Entertainment Centre (Licensed)	Require a premises licence under section 150 Gambling Act 2005 for the use of gaming machines which have a lower stakes and prizes than allowed in adult gaming centres
Family Entertainment Centre (unlicensed) Gaming Machine Permits	Used where Family Entertainment Centres do not hold Premises Licences and authorises the use of Category D gaming machines under section 247 Gambling Act 2005
Gaming Machines	See under the relevant types of premises
Hawkers	In designated places a consent is required under section 30 Cheshire County Council

	Act 1980 for the following activities – touting for hotels and restaurants etc; hawking, selling or offering things for sale; trade photography; hiring vehicles, chairs seats or animal rides.
Hypnotism	Exhibitions of hypnotism require the consent of the Council under the Hypnotism Act 1952
House to House Collections	Permits are required under the House to House Collections Act 1939 for collections house to house for charitable purposes. “Collection” means an appeal to the public whether for consideration or not to give money or other property. “Charitable” includes charitable, benevolent or philanthropic purposes.
Late Night Refreshment	A Premise Licence is required for the provision of Late Night Refreshment as defined in Schedule 2 Licensing Act 2003. See Alcohol above. See also Temporary Event Notices (Licensing Act 2003
Licensed Premises Gaming Machine Permits	These may permit the use of Category C or D Gaming Machines on (alcohol) licensed premises in accordance with section 283 Gambling Act 2005. Note also section 282 which provides for the automatic entitlement to one or two Category C or D Gaming Machines subject to conditions.
Lotteries (Small Society)	Small societies may promote lotteries subject to a range of conditions subject to registration with a local authority under Schedule 11 Gambling Act 2005
Motor Salvage Operators	See Scrap Metal Dealers Act 2013
Occasional Use Notices	See Temporary Use Notices (Gambling Act 2005)
Pet Shops	A licence is required for keeping a pet shop under the Pet Shops Act 1951
Performing Animals (from September 2006)	Exhibiting or training performing animals requires a licence under the Performing Animals (Regulation) Act 1925
Prize Gaming Permits	Prize gaming is defined in section 288 Gambling Act 2005 and permits for prize gaming are obtained under section 289 and Schedule 14 of that Act. Prize gaming is gaming where neither the nature nor the size of the prize is determined by reference to the number of persons playing or the amount paid for or raised by the gaming. Bingo is a good example of prize gaming and prize gaming permits may be used for bingo where no Bingo Premises Licence is in place.
Regulated Entertainment	A Premise Licence is required for the

	provision of regulated entertainment as defined in Schedule 1 Licensing Act 2003. See Alcohol above. See also Temporary Event Notices (Licensing Act 2003).
Riding Establishments	A Licence is required under the Riding Establishments Acts 1964 and 1970 for the keeping horses for being let out on hire for riding or instruction in riding
Scrap Metal Dealers	No person may carry on a business as a scrap metal dealer (site or collector) unless authorised by a licence under the Scrap Metal Dealers Act 2013
Sex Establishments	These require a licence under the Local Government (Miscellaneous Provisions) Act 1982. The term "sex establishment" includes sex cinemas, sex shops and sex entertainment venues.
Street Collections	Collecting money or selling articles for charitable or other purposes in any street or public place requires a permit under the Police, Factories, etc., (Miscellaneous Provisions) Act 1916
Street Trading	A street trading consent is required under the Local Government (Miscellaneous Provisions) Act 1982 for selling or exposing or offering for sale of any article (including a living thing) in a street. Note that there are nine categories of activity (e.g. news vending) which are excluded from the definition. But also note that some of these exceptions may still be caught by the Hawking category listed above.
Taxi and Private Hire	Licensing hackney carriage (taxi) vehicles and drivers and private hire vehicles, drivers and operators is controlled by the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847
Temporary Event Notices (Licensing Act 2003)	Usually referred to as TENS. These allow activities otherwise requiring a premises licence under the Licensing Act 2003 to be carried on without a premises licence on a limited number of occasions subject to a range of conditions. See Part 5 Licensing Act 2003.
Temporary Use Notices (Gambling Act 2005)	Usually referred to as TUNS. These allow activities otherwise requiring a premises licence or a permit under the Gambling Act 2005 to be carried on without a premises licence on a limited number of occasions subject to a range of conditions. See Part 9 Gambling Act 2005. Note also Occasional Use Notices

	(OUNS) under section 39 Gambling Act 2005 which relate betting on a horse-race track, dog track or other premises on any part of which a race or other sporting event takes place or is intended to take place.
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Table 2
Persons involved other than Legal Services

Licence type administered by Legal Services	Persons involved other than Legal Services
Adult Gaming Centre	Police; Fire; Gambling Commission; H M Revenue & Customs; Health & Safety Authority; Environmental Health Authority; Planning Authority; Child Welfare Authority
Alcohol, Regulated Entertainment & Late Night Refreshment	Police; Fire; Planning Authority; Health & Safety Authority; Environmental Health Authority; Child Welfare Authority; various maritime and waterways authorities
Alcohol Premises (as of right) machines	None
Animal Boarding Establishments	EHOs; Vets
Betting Shops	See Adult Gaming Centre
Bingo Halls	See Adult Gaming Centre
Bingo (other than Bingo Halls)	None
Club Gaming Permit	Gambling Commission; Police
Club Gaming Machine Permits	Gambling Commission; Police
Dangerous Wild Animals	EHOs; Vets
Dog Breeding	EHOs Vets
Family Entertainment Centre Premises Licence	See Adult Gaming Centre
Family Entertainment Centre (unlicensed) Gaming Machine Permits	None
Gaming Machines	See relevant licence or permit
Hawkers	Property Services
House to House Collections	Charities Commission; Police
Hypnotism	N/A
Late Night Refreshment	See Alcohol above
Licensed Premises Gaming Machine Permit	None
Lotteries (Small Society)	None
Motor Salvage Operators	Police
Pet Shops	EHOs
Performing Animals	EHO's
Prize Gaming Permits	None
Regulated Entertainment	See Alcohol above
Riding Establishments	EHOs; Vet
Scrap Metal Dealers	Police
Sex Shops	Police
Street Collections	Charity Commission; Police
Street Trading	Highways; EHOs

Taxi & Private Hire Drivers/Operators	CRB; DVLA; Occupational Health; Police; other licensing authorities; HDL
Taxi & Private Hire Vehicles	HBC Fleet Management Section; Insurers; Police; other Licensing authorities; HDL

NOTE TO TABLE 2

Some licence/permit applications are purely administrative in nature and do not involve other Council departments or external agencies. However, Table 2 is designed to give a flavour as to the extent of involvement outside of the Council's Legal Services in the determination of applications

Table 3

Other Legislation to be implemented in 2016/2017

Animal Welfare Act (relevant to most animal related licensing)
Charities Act (Street and House to House Collections regime)
Immigration Act (Taxi Licensing and Premises Licences)

NOTE TO TABLE 3

In the first three cases listed in Table 3 the legislation has been made but relevant regulations to bring the legislation into effect have not been made.

Table 4

Miscellaneous

	Can the Application be made in Person (1)	Can the Application be made by Post (2)	Is there an automatic entitlement to Grant (3)	Are Policy Matters Involved (4)
Adult Gaming Centres	N	Y	N	Y
Alcohol	N	Y	N	Y
Alcohol Premises (as of right) gaming machines	N	Y	Y	Y
Animal Boarding Establishments	N	Y	N	Y
Betting Shops	N	Y	N	Y
Bingo Halls	N	Y	N	Y
Bingo (other than Bingo Halls)	N	Y	Y	Y
Club Gaming Permits	N	Y	N	Y
Club Gaming Machine Permits	N	Y	N	Y
Dangerous Wild Animals	N	Y	N	Y
Dog Breeding	N	Y	N	Y
Family	N	Y	N	Y

Entertainment Centre Premises Licence				
Family Entertainment Centre (unlicensed) Gaming Machine Permit	N	Y	Y	Y
Hawkers	Y	Y	N	Y
House to House Collections	N	Y	N	Y
Hypnotism	Y	Y	N	Y
Late Night Refreshment	N	Y	N	Y
Licensed Premises Gaming Machine Permits	N	Y	Y	Y
Lotteries (Small Societies)	N	Y	Y	Y
Motor Salvage Operators	N	Y	N	Y
Pet Shops	N	Y	N	Y
Performing Animals	N	Y	N	Y
Prize Gaming Permits	N	Y	Y	Y
Regulated Entertainment	N	Y	N	Y
Riding Establishments	N	Y	N	Y
Scrap Metal Dealers	Y	Y	N	N
Sex Shops	Y	Y	N	Y
Street Collections	N	Y	N	Y
Street Trading	Y	Y	N	Y
Taxi & Private Hire Drivers/Operators	Y	N	N	Y
Taxi & Private Hire Vehicles	Y	N	N	Y

NOTES TO TABLE 4

- (1) Where applications can be made in person there is a Licensing Section public counter on the 4th floor Municipal Building Kingsway W idnes which is open Monday to Friday 10.00 to 12.00 and 13.00 to 16.00
- (2) Where applications can be made by post they must be sent to the Council's Legal Services Licensing Section at the address shown on the relevant application form (but note that a number of applications must also be sent to statutory consultees and may also require advertisement)

- (3) Where there is not an automatic entitlement to the grant of an application objections may be made to the application
- (4) Where policy matters are involved (e.g. the Council's Statement of Licensing Policy), applicants are advised to familiarise themselves as to the relevant policy – details can be found on the Council's website
- (5) Certain Licences/ Permits/ Registration may be applied for using GOV UK website.

**Table 5
Charges**

Licence type administered by Legal Services	Charges set by Central Government	No charges allowed	Charges set by the Council
Adult Gaming Centres	Y***		
Alcohol	Y		
Alcohol Premises (as of right) gaming machines	Y		
Animal Boarding Establishments			Y
Betting Shops	Y***		
Bingo Halls	Y***		
Bingo (other than Bingo Halls)	Y		
Club Premises Permits	Y		
Club Premises Gaming Machine Permits	Y		
Dangerous Wild Animals			Y
Dog Breeding			Y
Family Entertainment Centre Premises Licence	Y***		
Family Entertainment Centre (unlicensed) Gaming Machine Permit	Y		
Hawkers			Y
House to House Collections		Y	
Hypnotism		Y	
Late Night Refreshment	Y		
Licensed Premises Gaming Machine Permits	Y		
Lotteries (Small Societies)	Y		
Motor Salvage Operators			Y
Pet Shops			Y
Performing Animals			Y
Prize Gaming Permits	Y		
Regulated Entertainment	Y		
Riding Establishments			Y
Scrap Metal Dealers			Y
Sex Establishments			Y
Street Collections		Y	
Street Trading			Y
Taxi & Private Hire Drivers/Operators			Y

Taxi & Private Hire Vehicles			Y
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NOTE TO TABLE 5

The coding Y*** means that central government sets the maximum charge that may be imposed by the Council. In these cases the Council sets the actual charges up to the maximum figure allowed.

Table 6

Approximate numbers of licences 2016

(NOTE: Numbers change regularly: this table is a snapshot of the position as at 30 November 2016)

Licence type administered by Legal Services	Numbers
Adult Gaming Centres	6
Alcohol, Regulated Entertainment & Late Night Refreshment:	
Premises Licences	377
Club Premises Certificates	21
Personal Licences	1260
Temporary Event Notices /Apr-Nov 15	73
Alcohol Premises (as of right) gaming machines	80
Animal Boarding Establishments	9
Betting Shops	24
Bingo Halls	2
Bingo (other than Bingo Halls)	0
Club Gaming Permits	4
Club Gaming Machine Permits	17
Dangerous Wild Animals	0
Dog Breeding	2
Family Entertainment Centre Premises Licence	0
Family Entertainment Centre (unlicensed) Gaming Machine Permit	1
Hawkers	1
Hypnotism	1
House to House Collections	33
Licensed Premises Gaming Machine Permits	20
Lotteries (Small Societies)	75
Pet Shops	11
Performing Animals	1
Prize Gaming Permits	7
Riding Establishments	1
Scrap Metal Dealers	40
Sex Shops (Sex Entertainment Venue)	0
Street Collections	48
Street Trading (No of Vehicles Licensed)	37
Taxi and Private Hire Drivers (SSD)	429
Private Hire Operators	13

Private Hire Vehicles	98
Taxi (Hackney Carriage) Vehicles	267
Transfer of Premises Licence (Apr/Nov 16)	16
Vary Designated Premises Supervisor (Apr to Nov 16)	57