

LICENSING COMMITTEE

Minutes of the meeting of the Licensing Committee held on 21 May 2009 commencing at 5.30 p.m.

Present: Cllr. Loney (Chairman)

Cllrs. Abraham, Darrington, Davison, Orridge, Mrs Parkin, Waller and Wigg.

2. APOLOGIES FOR ABSENCE

Apologies were received from Cllrs. Brown, Cooke, Mrs. Dawson, McInnes, Pett and Piper.

3. MINUTES OF THE PREVIOUS MEETING

Resolved: That the minutes of the meetings of the Committee held on 22 January 2009 and 12 May 2009 be approved and signed by the Chairman as a correct record.

4. DECLARATIONS OF INTEREST

Cllr. Mrs. Parkin declared a personal interest as Member of the Access Group for item 4.

5. ARRANGEMENTS FOR LICENSING HEARING SUB-COMMITTEES (Report No. 4)

The Democratic Services Manager explained that the proposed changes to the Licensing Hearing Sub-Committees were intended to strengthen standing orders. He also explained that whilst Members would be responsible for making substitutions, Democratic Services Officers would assist Members by maintaining a list of available substitutes and by contacting the selected substitute on the Member's behalf.

Members discussed the suggestion of requiring only two Members for a quorum and felt that the greatest effort should be made to avoid the situation arising. It was therefore agreed to amend the proposals to allow substitutions up to one working hour prior to a scheduled Licensing Hearing.

Resolved: (a) That five Licensing Sub-Committees be appointed, with the membership set out in the report and the terms of reference set out in Appendix A to these minutes;

(b) that the quorum of the Licensing Sub-Committee be amended to two; and

(c) that Council be recommended to amend Part 8 of the Constitution as set out in Appendix A to these minutes.

THE MEETING WAS CONCLUDED AT 5.49 P.M.

Chairman

PART 8 – LICENSING COMMITTEE

1. Licensing Committee

1.1 Composition: Fifteen Members of the District Council reflecting the political proportionality of the Council

1.2 Terms of Reference

- (a) Except as provided in the Licensing Act 2003 and the Gambling Act 2005, the discharge of all functions of the District Council as licensing authority prescribed by those acts;
- (b) the issue, renewal, transfer, suspension and revocation of hackney carriage, private hire vehicle, driver and operator licences;
- (c) applications for the licensing of sex establishments; and
- (d) the discharge of all other functions relating to licensing and registration in so far as they are the responsibility of the District Council.

2. Licensing Hearing Sub-Committees

2.1 The Licensing Committee has established five Licensing Hearing Sub-Committees. The Chief Executive will call a meeting of one of the sub-committees whenever there is business to be transacted.

Composition: Each Sub-Committee will contain three Members of the Licensing Committee. Any member of the Licensing Committee may act as a substitute on any of the Licensing Sub-Committees. Democratic Services must be notified by the members concerned of any substitutions at least one working hour prior to a sub-committee meeting.

2.2 Terms of Reference

Licensing Act 2003:

- (a) determination of application for the grant/ renewal of a personal licence where an objection notice has been given by the Police;
- (b) consideration of Police objection notice following conviction of personal licence holder;
- (c) determination of application for the variation of a designated premises supervisor where a notice has been received from the Police;
- (d) determination of application for the transfer of a premises licence where a notice has been received from the Police;

- (e) determination of application for:
 - (i) premises licence;
 - (ii) club premises certificate;
 - (iii) provisional statement;
 - (iv) variation of premises licence / club premises certificates;
 - (v) review of a licence following an application by a senior police officer;where relevant representations have been made;
- (f) determination of application for the review of a premises licence/club premises certificate;
- (g) determination on review of premises licence following closure order;
- (h) consideration of Police objection notice given in response to a temporary event notice; and
- (i) consideration of Police notice given in response to an interim authority notice.

Gambling Act 2005:

- (a) determination of application for the grant/ variation/ transfer/ reinstatement of premises licence;
- (b) determination on review of premises licence;
- (c) determination of application for provisional statement;
- (d) consideration of notice of objection to temporary use notice;
- (e) determination of application for the grant/ renewal of family entertainment centre gaming permit, club gaming permit, club machine permit, licensed premises gaming machine permit, gaming machine permit; and
- (f) cancellation of club gaming permit, club machine permit, licensed premises gaming machine permit.

3. Procedure at Sub-Committees of the Licensing Committee (established in accordance with Section 9 of the Licensing Act 2003)

- 3.1 In accordance with Section 9 (1) of the Licensing Act 2003, the Licensing Committee has resolved to establish five Sub-Committees, each consisting of three members of the Committee.
- 3.2 The Sub-Committees have delegated authority to determine those functions that are reserved for decision by the Sub-Committees in accordance with Appendix B of the Council's Statement of Licensing Policy dated 7th January 2008.
- 3.3 Hearings shall be conducted in accordance with this Procedure Note and The Licensing Act 2003 (Hearings) Regulations 2005 subject to the right of the Sub-Committee to vary that procedure at their absolute discretion if considered in the public interest.
- 3.4 The quorum for a Sub-Committee shall be two members.
- 3.5 At the commencement of each hearing the Sub-Committee shall elect one of its members as Chairman.
- 3.6 The order of business at hearings shall be:
 - (a) Election of Chairman.
 - (b) Declarations of interests.
 - (c) Chairman explains the procedure to be followed at the hearing, including the setting of equal time limits for all parties and the granting of adjournments.
 - (d) Chairman ascertains who is assisting or representing the parties.
 - (e) Applicant (or his/her representative) addresses the Sub-Committee.
 - (f) Applicant questioned by members. At the discretion of the Sub-Committee, other parties may be permitted to question the applicant.
 - (g) Persons who have made representations in respect of the application (or their representative) address the Sub-Committee. No issues other than those relevant to their representations may be raised.
 - (h) Members question each party at the conclusion of their address. At the discretion of the Sub-Committee, the applicant may be permitted to question other parties.

- (i) Sub-Committee may offer the parties a short adjournment to discuss in the absence of the Sub-Committee whether a solution acceptable to all the parties can be put to the Sub-Committee.
- (j) Applicant (or his/her representative) makes closing address.
- (k) Sub-Committee may grant a short adjournment. The parties may not speak to members regarding the application during adjournments.
- (l) The Sub-Committee considers the application and motions put to accept or reject the application in the terms requested or to grant the application subject to specified conditions. Reasons are to be given for motions.
- (m) The parties will be informed of the decision at the hearing or thereafter in accordance with Regulation 26 of the 2005 Regulation.