

## **9.2 Licensing Committee**

### **9.2.1 Composition**

- i) The Licensing Committee will be composed of 11 members and must conform with the Political Balance Rules in Section 15 of the Local Government and Housing Act 1989
- ii) Membership of the Licensing Committee will be subject to having appropriate skill, experience and mandatory training

### **9.2.2 Terms of Reference**

Taxi, gaming, entertainment, food and miscellaneous licensing – functions relating to licensing and registration as set out in Schedule 1 to the Functions Regulations.

### **9.2.3 Delegation to officers**

A list of powers delegated to the Assistant Director, Environment may be found in Article 16 of this Constitution.

### **9.2.4 Rules of procedure**

The Rules of Procedure for Licensing Committee are the same as that for Council from Rule 4.5 excluding the following

- Rule 4.7 Public Open Forum
- Rule 4.12 State of the District Debate
- Rule 4.18.2 Standing to speak are excluded. (Article 4)

### **9.2.5 Order of the agenda**

The order of the agenda for Licensing Committee will be as follows

- (i) Apologies
- (ii) Disclosure of Interests
- (iii) Minutes of previous meeting
- (iv) Applications dealing with /renewals/revocations/accumulation of points for Hackney Carriage/Private Hire drivers/vehicles
- (v) Applications for Licenses made under the Licensing Act 2003
- (vi) Any other report dealing with Licensing functions (Policy documents, etc.)

## **9.3 Alcohol, Entertainment and Late Night Refreshment Licensing Committee**

### **9.3.1 Membership**

Alcohol, Entertainment and Late Night Refreshment Licensing Committee to consist of 11 members of the existing Council's Licensing Committee, appointed by the Council, at or as soon as reasonably practicable after the Annual Council meeting.

### **9.3.2 Terms of Reference**

The purpose of the Committee is to undertake and exercise functions of the licensing authority as allocated to the committee under the Licensing Act 2003, together with any associated functions of the Council.

### **9.3.3 Sub-Committee**

The sub-committee of the Alcohol, Entertainment and Late Night Refreshment Licensing Committee shall comprise three members of that Committee.

### **9.3.4 Rules of procedure**

The Rules of Procedure for Licensing Committee are the same as that for Council subject to the following

- Rule 4.7 Public Open Forum
- Rule 4.12 State of the District Debate
- Rule 4.18.2 Standing to speak are excluded. (Article 4)

### **9.3.5 Order of the agenda**

The order of the agenda for Alcohol, Entertainment and Late Night Refreshment Licensing Committee

- (i) Apologies
- (ii) Disclosure of Interests
- (iii) Minutes of the previous meeting
- (iv) Applications/reviews made under Licensing Act 2003
- (v) Any other report dealing with Licensing functions (Policy Documents, etc.)

## **9.4 Protocol at Meetings of the Licensing Committee and the Alcohol, Entertainment and Late Night Refreshment Licensing Committee**

- (i) The Solicitor to the Committee will introduce those present and confirm who is in attendance with regard to any applications before the Committee as follows

- Introduction of members and officers
  - Introduction of applicants
  - Introduction of statutory authorities (police, environmental health officials, etc.)
  - Confirmation of interested parties wishing to speak (residents, etc.)
- (ii) The Licensing officer will provide a description of the matter before the Committee and the relevant considerations and update the Committee on any matters arising on the item since the agenda was published. They can then be asked questions by those present in the following order
- Applicant
  - Panel (Committee)
  - Other interested parties/statutory authorities
- (iii) The applicant will then present their application and respond to questions from the following parties
- Licensing officer
  - Panel
  - Other interested parties;/statutory authorities
- (iv) The statutory authorities will then make their representation and be questioned by the following
- Licensing officer
  - Applicant
  - Panel
  - Other interested parties/statutory authorities
- (v) Any interested parties present will then make their representations and be questioned by the following
- Licensing officer
  - Panel
  - Applicant
  - Other interested parties/statutory authorities
- (vi) The Licensing Officer will then give their closing statement and inform the Committee of all options open to them when determining the application before them
- (vii) The Applicant/interested parties/statutory authorities will then give their closing statement
- (viii) All parties will then leave the committee room whilst the Committee deliberate the application before them

- (ix) Once the Committee has reached a decision all parties will be invited back to the Committee room and the decision(s) of the Committee will be read out

### **9.5 Meetings of the Licensing Committee**

- (i) Ordinary meetings of the Committees shall be held on such dates as the Council shall at its annual meeting decide.
- (ii) The Committees may hold such special meetings as they consider necessary
- (iii) The Chairman or, in his or her absence, the Vice-Chairman may call a special meeting of the Committee at any time
- (iv) If the Chairman or Vice-Chairman is unable or unwilling to call a special meeting, any quorum of the Committee may do so by written notice given to the Chief Executive
- (v) No business shall be transacted at a special meeting of a Committee unless notice of that business has been given in writing to all members of the Committee

### **9.6 Chairman and Vice-Chairman**

- (i) At the Annual Meeting the Council shall appoint the Chairman and Vice-Chairman of the Licensing Committee
- (ii) If the Chairman or Vice-Chairman resigns by giving written notice of resignation to the Chief Executive, the committee shall, as the first item of business at the next ensuing meeting, elect a successor
- (iii) The Chairman if present, shall preside
- (iv) If the Chairman is absent, the Vice-Chairman shall preside
- (v) If the Chairman and Vice-Chairman are absent, the Committee shall elect one of the members present as Chairman of the meeting

### **9.7 Powers of Chairman and Vice-Chairman**

- (i) The Chairman and Vice-Chairman of a Committee (acting together as a Sub-committee) are authorised to give decisions on any matter
  - (a) Of a routine or straight-forward nature

- (b) Which the Chairman and Vice-Chairman, after consultation with the Chief Executive or relevant Assistant Director most directly concerned, are satisfied should be dealt with as a matter of urgency
- (ii) Any decision taken under paragraph (i) above shall be reported by the officer concerned to the next meeting of the Committee
- (iii) No decision shall be taken under paragraph (i) which would constitute a departure from a settled strategy, policy or programme of the Council, nor outside the powers of the Committee concerned

## **9.8 Co-option**

- (i) The Committee shall not co-opt members under section 102 of the Local Government Act 1972 or Section 21 of the Local Government Act 2000 without the approval of the Council
- (i) The Council may approve the co-option of members to any Committee for such limited periods or for such specific purposes as the Council sees fit

## **9.9 Attendance of Members of the Council**

- (i) Subject to paragraph (ii), any member of the Council may attend any meeting of any Committee of which he or she is not a member
- (ii) A member attending a meeting under paragraph (i) may remain at the meeting even though the public has been excluded unless the Committee, by resolution specify the reason for doing so, requests him or her to leave.
- (iii) A member attending a Meeting of the Committee under paragraph (i) may not take part in the Committee's discussion of any item unless invited to do so by the Committee
- (iv) A member attending a meeting of a Committee under paragraph (i) shall not take part in the voting on any item
- (v) Paragraph (i) shall not entitle a member of the Council to attend any meeting of a Committee of which he or she is not a member whilst any matter in which he or she has a prejudicial interest under the Members Code of Conduct, is under discussion

## **9.10 Recorded Vote**

Before a vote is taken if 5 Members present at the meeting demand it, the names for and against a motion or amendment or abstaining from voting will be recorded and entered into the minutes.