

# Governance and Audit Committee



SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL



---

Wednesday, 14 June 2023 at 2.00 pm  
Council Chamber - Council Offices, St. Peter's Hill,  
Grantham. NG31 6PZ

---

## Agenda Supplement

### 10. Proposed Amendments to Constitution

(Pages 3 - 7)

Since the publication of the agenda for this meeting, it has been highlighted that the Council's Licensing Procedure Rules require amendments to ensure they are fully compliant with the Licensing Act 2003.

Proposed amendments include:

- clarity over the use of substitutes for meetings of the Alcohol, Entertainment and Late Night Refreshment Licensing Committee in that there is no provision for their use in the Act
- limitations on the contribution of Councillors who are not Members of the Licensing Committee in respect of the determination of applications if they have not already made representations within prescribed timescales

The proposed amendments are highlighted in the attached document.

As these recommendations reflect requirements of the Licensing Act 2003, the Committee is able to instruct the Monitoring Officer to make the proposed changes using their delegation powers without requiring the approval of Full Council.

#### Recommendation

That the Monitoring Officer be instructed to update the Council's Constitution to reflect the amendments to Licensing Procedure Rules, as highlighted in the attached document.

This page is intentionally left blank

## LICENSING PROCEDURE RULES

### 1. Scope

- 1.1 These procedure rules will apply to the Council's Licensing Committee and Alcohol, Entertainment and Late Night Refreshment Licensing Committee.
- 1.2 The Licensing Committee is responsible for taxi, gaming, entertainment, food and miscellaneous licensing.
- 1.3 The Alcohol, Entertainment and Late Night Refreshment Licensing Committee will undertake and exercise those functions of the Licensing Authority as prescribed under the Licensing Act 2003, together with any associated functions of the Council.

### 2. Membership

- 2.1 The Licensing Committee will be composed of 11 Councillors.
- 2.2 The Alcohol, Entertainment and Late Night Refreshment Licensing Committee will consist of 11 Councillors of the Licensing Committee.
- 2.3 The membership of the Licensing Committee and Alcohol, Entertainment and Late Night Refreshment Licensing Committee will comply with the Political Balance Rules in Section 15 of the Local Government and Housing Act 1989.
- 2.4 Membership of the Licensing Committee and Alcohol, Entertainment and Late Night Refreshment Licensing Committee will be subject to having appropriate skill, experience and mandatory training.
- 2.5 Co-opted Members onto the Licensing Committee or Alcohol, Entertainment and Late Night Refreshment Licensing Committee can only be approved by Full Council, for such limited period or for such specific purposes as it sees fit.
- 2.6 The Sub-Committee of the Alcohol, Entertainment and Late Night Refreshment Licensing Committee will comprise of three members of that Committee.

### 3. Meetings of the Licensing Committee and Alcohol, Entertainment and Late Night Refreshment Licensing Committee

- 3.1 Ordinary meetings of the Licensing Committee and Alcohol, Entertainment and Late Night Refreshment Licensing Committee will be held on such dates as Full Council at its Annual Meeting decides. Any variation to the published dates and times for meetings will be undertaken in accordance with the process set out in Council Rules of Procedure in Part 4 of this Constitution.

- 3.2 The Licensing Committee and Alcohol, Entertainment and Late Night Refreshment Licensing Committee may hold extraordinary meetings as they consider necessary. Extraordinary meetings of any Committee may be called as and when deemed appropriate by the relevant Chairman or Vice-Chairman, any three members of the Committee or by the Chief Executive.
- 3.3 No business will be transacted at an extraordinary meeting of a Licensing Committee or Alcohol, Entertainment and Late Night Refreshment Licensing Committee unless notice of that business is included on the summons for the meeting.
- 3.4 It is a legislative requirement that only Members of the Licensing Committee are entitled to sit on the Alcohol, Entertainment and Late Night Refreshment Licensing Committee. There is no provision for substitutions.

#### **4. Agenda items for Meetings**

- 4.1 The Licensing Committee will consider the following business:
- (a) Any declarations of Councillors' interests
  - (b) The minutes of the previous meeting
  - (c) Applications for dealing with renewals, revocations, or accumulation of points for Hackney Carriage or Private Hire drivers or vehicles
  - (d) Applications for licenses made under the Licensing Act 2003
  - (e) Any other report dealing with licensing functions
- 4.2 The Alcohol, Entertainment and Late Night Refreshment Licensing Committee will consider the following business:
- (a) Any declarations of Councillors' interests
  - (b) The minutes of the previous meeting
  - (c) Applications or reviews made under the Licensing Act 2003
  - (d) Any other report dealing with licensing functions

## **5. Attendance at Meetings**

5.1 All Councillors have the right to attend any meeting of the Licensing Committee or Alcohol, Entertainment and Late Night Refreshment Licensing Committee. They will be permitted to speak at the discretion of the Chairman, or person presiding the meeting, but the same provision must be made available to all Councillors in attendance. In such circumstances, no speech will exceed 5 minutes in length, unless the Chairman or person presiding, uses their discretion to allow a Councillor to exceed this time limit. **This does not apply in respect of the Committee's consideration of applications.**

5.2 **In respect of applications, Councillors may only speak at the Committee where the application is being determined if they have made representations as follows:**

(a) **in the case of a review of a premises licence following a closure order, at any time up to and including seven days starting on the day after the day on which the authority received the notice under section 165(4) in relation to the closure order and any extension to it**

(b) **in any other case, at any time during a period of 28 consecutive days starting on the day after the day on which the application to which it relates was given to the authority by the applicant**

5.3 Any Councillor attending a meeting of the Licensing Committee or Alcohol, Entertainment and Late Night Refreshment Licensing Committee may remain at the meeting even though the public has been excluded, unless the Committee, by resolution and specifying the reasons for doing so, requests them to leave.

5.4 No member of the Council will be entitled to attend a meeting of a Licensing Committee or Alcohol, Entertainment and Late Night Refreshment Licensing Committee during the consideration of any item on the agenda should they have a Disclosable Pecuniary Interest, or any other interest, as set out in the Councillor Code of Conduct, in that item.

## **6. Protocol for Considering Applications**

6.1 The Council's legal representative will introduce those present and confirm who is in attendance with regard to any applications before the Committee, as follows:

(a) Introduction of Councillors and Officers

(b) Introduction of applicants

(c) Introduction of statutory authority representatives

- (d) Confirmation of interested parties wishing to speak
- 6.2 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 any questions by those present in the following order:
- (a) The Applicant
  - (b) Members of the Committee
  - (c) Other interested parties or statutory authority representatives
- 6.3 The applicant will then present their application and respond to questions from the following parties:
- (a) The Licensing Officer
  - (b) Members of the Committee
  - (c) Other interested parties or statutory authority representatives
- 6.4 The statutory authority representatives will then make their representation and be questioned by the following:
- (a) The Licensing Officer
  - (b) The applicant
  - (c) Members of the Committee
  - (d) Other interested parties or statutory authority representatives
- 6.5 Any other interested parties present will then make their representations and be questioned by the following:
- (a) The Licensing Officer
  - (b) Members of the Committee
  - (c) The applicant
  - (d) Any other interested parties or statutory authority representatives
- 6.6 The Licensing Officer will then give their closing statement and inform the Committee of all options available to it when determining the application before it.

- 6.7 The applicant, interested parties and statutory authority representatives will then give their closing statements.
- 6.8 All parties will then leave the meeting room whilst the Committee deliberates the application before it.
- 6.9 Once the Committee has reached a decision all parties will be invited back into the meeting room and the decision of the Committee will be read out.

This page is intentionally left blank