

LICENSING COMMITTEE – 23 MAY 2011

Title of paper:	Membership and Scheduling of Licensing Panels in 2011/12	
Director(s)/ Corporate Director(s):	Glen O'Connell, Director of Legal and Democratic Services	Wards affected: All
Report author(s) and contact details:	Laura Wilson, Constitutional Services Officer 0115 8764301 laura.wilson@nottinghamcity.gov.uk	
Other colleagues who have provided input:	Ann Barrett, Senior Solicitor, Planning Environment and Leisure	
Relevant Council Plan Strategic Priority:		
World Class Nottingham		
Work in Nottingham		
Safer Nottingham		
Neighbourhood Nottingham		
Family Nottingham		
Healthy Nottingham		
Leading Nottingham		
Summary of issues (including benefits to citizens/service users):		
This report requests the determination of membership and appointment of Chairs of three Licensing Panels to determine licensing applications for the municipal year 2011/12.		
As a result of the Local Elections this year and the need to arrange appropriate training for newly appointed Councillors, it is proposed that only those Councillors on the Committee that have previously received training shall be called upon on an ad-hoc basis to participate at Panel meetings until 27 June 2011.		
Recommendations:		
It is recommended that the Committee:		
1	agree the membership of 3 sub-committees (to be known as Licensing Panels A to C), consisting of no more or less than three Councillors from this Committee (detailed in Appendix 1) with substitutes to also be drawn from the 15 Councillors on this Committee;	
2	appoint a sub-committee known as Special Licensing Panel comprising of the three Chairs of the Licensing Panels, with the ability to use a non-Chair substitute to be drawn from the membership of the Panels;	
3	agree the table of delegated functions set out in Appendix 2;	
4	note the following: (a) that Licensing Committee meetings will be notified as and when required; (b) that Panel meetings have been arranged as set out in Appendix 3; (c) that in relation to the Special Licensing Panel: (i) meetings will be arranged as required to determine complex or contentious	

	<p>licensing applications and to determine reviews of licences;</p> <p>(ii) the Head of Public Protection is responsible for the referral of applications and reviews to the Special Licensing Panel, following consultation with the Chair or Vice-Chair of the Committee;</p> <p>(iii) the allocation procedure used for arranging Special Licensing Panel meetings, is as detailed in Appendix 4 to the report.</p>
--	--

1. BACKGROUND

- 1.1 This Committee is established under Section 6 of the Licensing Act 2003. By virtue of the Act all the functions of the Licensing Authority under the Licensing Act 2003, (other than matters relating to the Statement of Licensing Policy and matters referred to another committee) are required by statute to be carried out by this Committee. In addition, various functions under the Gambling Act 2005 are also required to be exercised by this Committee. The Committee may appoint one or more sub-committees (Panels) consisting of three members of the Committee and, may arrange for some or all of the functions of the Committee to be exercised by a sub-committee or, in appropriate cases, by officers of the Authority.
- 1.2 Licensing Panel memberships and the appointment of Panel Chairs for the municipal year 2011/12 now need to be determined. Whilst this Authority has tried to ensure political balance in the constitution of the Committee and its Panels there is no necessity to do so.

2. FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY)

- 2.1 The Authority is required to operate the licensing and gambling regimes as a no cost service. The majority of fees are set centrally, but where the Authority does have a power to set its own fees, it is under a duty to aim to ensure that this is being achieved. Appropriate delegations to officers and sub-committees ensure that the service is delivered in a cost effective and efficient manner.

3. RISK MANAGEMENT ISSUES (INCLUDING LEGAL IMPLICATIONS, CRIME AND DISORDER ACT IMPLICATIONS AND EQUALITY AND DIVERSITY IMPLICATIONS)

- 3.1 No legal implications, other than those referred to in section 1 (Background) above.
- 3.2 Licensing is an opportunity for the City Council to work in partnership with the Police to reduce the risk of crime and disorder associated with licensable activities occurring.
- 3.3 The licensing and gambling regimes may promote regeneration in deprived areas by generating employment, quality of life opportunities and by supporting local communities.
- 3.4 If properly channelled the creation and operation of leisure opportunities make local communities more attractive areas in which to live and work. If not adequately controlled it may result in the Authority failing in its duty to promote the licensing objectives. Compliance will be ensured by regular inspections of licensed premises and by responding to complaints.

4. EQUALITY IMPACT ASSESSMENTS (EIAs)

- 4.1 An EIA has not been carried out as this report does not include proposals for new or changing policies, services or functions.

5. LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

- 5.1 None.

6. PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

- 6.1 The Licensing Act 2003.
- 6.2 Guidance issued under s182 of the Licensing Act 2003.
- 6.3 The Gambling Act 2005.
- 6.4 Guidance issued under s25 of the Gambling Act 2005.

MEMBERSHIP OF LICENSING PANELS 2011/12

Note: A revised copy of this appendix showing the nominations will be circulated to members prior to the meeting.

PANEL A

PANEL B

PANEL C

SPECIAL LICENSING PANEL

PROCESS OF LICENCE DECISION MAKING –
TABLE OF DELEGATED FUNCTIONS

The Authority, in the majority of cases, follows the table of delegated functions set out below. However, in circumstances where it seems appropriate to the Authority, any particular matter may be dealt with otherwise than is indicated in this table whilst having due regard to statutory requirements. For example, an officer may choose not to exercise their delegated power and refer the matter to the Panel or the Panel itself may choose to refer the matter to the full Committee.

Matter to be dealt with	Full Licensing Committee	Licensing Panel	Officer Decision*
<u>Licensing Act 2003</u>			
Application for personal licence with unspent convictions		All cases where there is a police objection	No objection made
Application for premises licence/club premises certificate	Representation relating to Cumulative Impact other than in a designated saturation zone	Representation made	No representation made
Application for provisional statement	Representation relating to Cumulative Impact other than in a designated saturation zone	Representation made	No representation made
Application to vary premises licence/club premises certificate (<i>other than an application for a Minor Variation</i>)	Representation relating to Cumulative Impact other than in a designated saturation zone	Representation made	No representation made
<i>Application for Minor variation</i>			All cases
Application to vary designated premises supervisor		Police representation made	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		Police representation made	All other cases

Application for interim authority		Police representation made	All other cases
Application to review premises licence/club premises certificate (including summary reviews)		All cases	
Decision on whether a complaint or objection is irrelevant, repetitious, frivolous, vexatious, etc			All cases
Decision to object where Local Authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police representation to a temporary event notice		All cases	
<u>Gambling Act 2005</u>			
Application for premises licence including applications for reinstatement under S195 Gambling Act		<ol style="list-style-type: none"> 1. Representation made and not withdrawn (S154 (4)(a)) and/or 2. Where the Licensing Authority considers that a condition should be added to the licence under S169 (1)(a) or a default condition should be excluded under S169(1)(b) 	All other cases
Application to vary premises licence		<ol style="list-style-type: none"> 1. Representation made and not withdrawn (S154 (4)(b)) and/or 	All other cases

		2. Where the Licensing Authority considers that a condition should be added to the licence under S169 (1)(a) or a default condition should be excluded under S169(1)(b) (S187(3))	
Application for transfer of premises licence		Representation made and not withdrawn (S154(4)(c))	All other cases
Application for provisional statement		1. Representation made and not withdrawn (S154 (4)(d)) and/or 2. Where the Licensing Authority considers that a condition should be added to the licence under S169 (1)(a) or a default condition should be excluded under S169(1)(b)	All other cases
Review of a premises licence		All cases	
Consideration of Temporary Use Notices (including notices modified under section 223)		1. All cases where an objection notice has been received (S222 and 232) 2. All cases where a counter notice may be required	All other cases

Application for Club Gaming/Club Machine Permits, renewals and variations (including those leading to cancellation of permit) under Sch12 para 15		<ol style="list-style-type: none"> 1. Objection made and not withdrawn (Sch12 para 28 (2)) 2. Refusal of a permit proposed on the grounds listed in Sch 12 para 6(1)(a)-(d), or para 10(3) as applicable (Sch 12 para 7) 	All other cases
Cancellation of Club Gaming/Club Machine Permits under Sch 12 para 21		Where a permit holder requests a hearing under para 21(2) or makes representations	All other cases
Cancellation of Club Gaming/Club Machine Permits under Sch 12 para 22 (non payment of annual fee)			All Cases
Applications for other permits registrations and notifications			All cases
Cancellation and variation of Licensed Premises Gaming Machine permits under Sch 13 para 16		Where permit holder requests a hearing under para 16 (2) or makes representations	All other cases
Cancellation of Licensed Premises Gaming Machine permits under Sch 13 para 17 (non payment of annual fee)			All Cases

*These powers are delegated to the Senior Licensing Officer, Licensing Manager, Head of Licensing Permits and Regulations, Director of Community Protection.

DATES OF PANEL MEETINGS 2011/12**PANEL A – MONDAY AT 10.00 AM**

MONTH	DATE	MONTH	DATE
June 2011	6	December 2011	5
	13		12
	20		19
	27	January 2012	9
July 2011	4		16
	11		23
	18		30
	25	February 2012	6
August 2011	1		13
	8		20
	15		27
	22	March 2012	5
September 2011	5		12
	12		19
	19		26
	26	April 2012	2
October 2011	3		16
	10		23
	17		30
	24		
	31		
November 2011	7		
	14		
	21		
	28		

PANEL B – TUESDAY 10.00 AM (or Special Licensing Panel at 10.00 am)

MONTH	DATE	MONTH	DATE
May 2011	24 31	December 2011	6 13 20
June 2011	7 14 21 28	January 2012	3 10 17 24 31
July 2011	5 12 19 26	February 2012	7 14 21 28
August 2011	2 9 16 23 30	March 2012	6 13 20 27
September 2011	6 13 20 27	April 2012	3 10 17 24
October 2011	4 11 18 25		
November 2011	1 8 15 22 29		

PANEL C – THURSDAY 10.00 AM

MONTH	DATE	MONTH	DATE
May 2011	26	December 2011	1
			8
June 2011	2		15
	9		22
	16		29
	23		
	30	January 2012	5
			12
July 2011	7		19
	14		26
	21		
	28	February 2012	2
			9
August 2011	4		16
	11		23
	18		
	25	March 2012	1
			8
September 2011	1		15
	8		22
	15		29
	22		
	29	April 2012	5
			12
October 2011	6		19
	13		26
	20		
	27		
November 2011	3		
	10		
	17		
	24		

**PROCEDURE FOR THE
SPECIAL LICENSING PANEL**

Membership and procedure

1. The Special Panel is required to comprise of 3 Chairs of Licensing Panels, with the ability to use a non-chair substitute to be drawn from the membership of the Licensing Panels.
2. Upon notification that a meeting of the Special Panel is required Constitutional Services will seek to call the meeting within 7 working days of the deadline imposed by the Licensing Act 2003 (Hearings) Regulations 2005 (as amended) for the commencement of the hearing. The Special Panel meeting will be arranged for 10.00 am on a Tuesday (Panel B is arranged for 10.00 am every Tuesday and this slot should be used for Special Panel as it would be impossible to have both panels on the same day).
3. Constitutional Services will initially canvass the availability of all chairs for all Panels which do not currently have work allocated to them within this 7 day time scale.
4. The Special Panel shall be convened on a date within this time scale where:
 - a. 3 Chairs are available, or failing this;
 - b. 2 Chairs and a non-Chair substitute are available.
5. On those occasions where due to the amount of work before the Special Panel or lack of available members it is not possible to convene a meeting of the Special Panel within the required timescales then the Licensing Officer shall be asked to consider using her delegated power to extend the time limits for the commencement of hearings to the next available day and date allocated for a licensing panel upon which sufficient members of the Special Panel would be available.
6. No Chair has been appointed for the Special Panel. It will therefore be necessary to consider the appointment of the Chair as the first item at the meeting. Where they are in attendance at a meeting of the Special Panel the first preference to Chair the meeting would be the Chair of the Licensing Committee, followed by the Vice Chair, then any other Chair.
7. Whilst under these arrangements, the consideration of interim steps and any representations made against in them in Summary Reviews would fall to be determined by the Special Licensing Panel, given the urgency and timescales imposed in determining such matters that these steps may be considered by an ordinary Licensing Panel if it is not possible to convene a meeting of the Special Licensing Panel within the prescribed time scales, it being noted that the full review will still be placed before the Special Licensing Panel.