

NOTTINGHAM CITY COUNCIL
LICENSING COMMITTEE

Date: Monday 20 May 2013

Time: At the rising of Overview and Scrutiny Committee

Place: Tea Room, Council House, Old Market Square

Councillors are requested to attend the above meeting on the date and at the time and place stated to transact the following business.



Deputy Chief Executive/Corporate Director for Resources

Constitutional Services Officer: Mark Leavesley Direct dial – 0115 876 4302

A G E N D A

1 APPOINTMENT OF VICE-CHAIR

2 APOLOGIES FOR ABSENCE

3 DECLARATIONS OF INTERESTS

4 MINUTES

Last meeting held 14 May 2012 (for confirmation)

Attached

5 MEMBERSHIP / MEETING DATES OF LICENCING PANELS 2013/14

Report of Director of Legal and Democratic Services

Attached

IF YOU ARE UNSURE WHETHER OR NOT YOU SHOULD DECLARE AN INTEREST IN A PARTICULAR MATTER, PLEASE CONTACT THE CONSTITUTIONAL SERVICES OFFICER SHOWN ON THIS AGENDA, IF POSSIBLE BEFORE THE DAY OF THE MEETING, WHO WILL PROVIDE ADVICE IN THE FIRST INSTANCE

CITIZENS ATTENDING MEETINGS ARE ASKED TO ARRIVE AT LEAST FIFTEEN MINUTES BEFORE THE START OF THE MEETING TO BE ISSUED WITH VISITOR BADGES

Agenda, reports and minutes for all public meetings can be viewed online at:
<http://open.nottinghamcity.gov.uk/comm/default.asp>

NOTTINGHAM CITY COUNCIL

LICENSING COMMITTEE

MINUTES

of meeting held on **14 MAY 2012** at the

Council House from 3.39 pm to 3.50 pm

- ✓ Councillor Grocock (Chair)
- ✓ Councillor Ali
- ✓ Councillor Choudhry
- ✓ Councillor Cresswell
- ✓ Councillor Ibrahim
- ✓ Councillor Jenkins
- ✓ Councillor Khan
- ✓ Councillor Morris
- ✓ Councillor B Ottewell
- ✓ Councillor Parton
- ✓ Councillor Saghir
- ✓ Councillor Steel
- ✓ Councillor Smith
- ✓ Councillor Wildgust

- ✓ indicates present at meeting

1 APOLOGY FOR ABSENCE

An apology for absence was received from Councillor Ibrahim.

2 DECLARATIONS OF INTERESTS

No declarations of interests were made.

3 MINUTES

RESOLVED that the minutes of the last meeting held on 23 May 2011, copies of which had been circulated, be confirmed and signed by the Chair.

4 APPOINTMENT OF VICE-CHAIR

RESOLVED that Councillor Cresswell be appointed Vice-Chair for the municipal year 2012/13.

5 MEMBERSHIP AND SCHEDULING OF LICENSING PANELS 2012/13

Consideration was given to a report of the Director of Legal and Democratic Services, copies of which had been circulated, outlining the administrative procedures in connection with the organisation and discharge of licensing business by the Authority.

The Conservative Councillors were invited to participate in the Licensing Panels, but declined the invitation due to their limited number of Councillors.

RESOLVED

- (1) that 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, with substitutes to be drawn from the 15 Councillors of this Committee, be agreed as follows:

Panel A

Councillor D Cresswell (Chair)
Councillor D Smith
Councillor L Ali

Panel B

Councillor B Grocock (Chair)
Councillor G Khan
Councillor M Wildgust

Panel C

Councillor M Ibrahim (Chair)
Councillor G Jenkins
Councillor J Morris

- (2) that a sub-committee, known as Special Licensing Panel, be appointed 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) that the table of delegated functions, as set out in Appendix 2 to the report, which formed the remit of this Committee as prescribed by the Council's Constitution and relevant legislation, be noted;
- (4) that the following be noted:
- (a) that Licensing Committee meetings would be notified as and when required;
 - (b) that Panel meetings had been arranged as detailed in Appendix 3 to the report;
 - (c) that in relation to the Special Licensing Panel:
 - (i) meetings would be arranged as required to determine complex or contentious licensing applications and to determine reviews of licences;
 - (ii) the Head of Public Protection was responsible for the referral of applications and reviews to the Special Licensing Panel, following consultation with the Chair or Vice-Chair of the Committee;
 - (iii) the allocation procedure used for arranging Special Licensing Panel meetings, as detailed in Appendix 4 to the report.

LICENSING COMMITTEE – 20 MAY 2013

Title of paper:	Membership / meeting dates of Licensing Panels in 2013/14	
Director:	Glen O'Connell Director of Legal and Democratic Services	Wards affected: All
Report author and contact details:	Mark Leavesley Constitutional Services Officer 0115 8764302 or mark.leavesley@nottinghamcity.gov.uk	
Others 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:		
This report requests the determination of membership and appointment of Chairs of three Licensing Panels to determine licensing applications for the municipal year 2013/14.		
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 three Councillors from this Committee (detailed in Appendix 1) with substitutes to be drawn from the Councillors on this Committee;	
2	appoint a sub-committee known as Special Licensing Panel, ideally comprising the three Chairs of the Licensing Panels if possible, with the ability to use non-Chair substitutes if necessary, to be drawn from the membership of the Panels;	
3	note the table of delegated functions set out in Appendix 2, which form the remit of this Committee as prescribed by the Council's Constitution and relevant legislation;	
4	note the following: <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (i) meetings will be arranged as required to determine complex or contentious licensing applications and to determine reviews of licences; 	

- | | |
|--|---|
| | <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 certain prescribed matters including the adoption and publication of the Statement of Licensing Policy) 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 2013/14 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 2013/14

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

PANEL A

Councillor
Councillor
Councillor

PANEL B

Councillor
Councillor
Councillor

PANEL C

Councillor
Councillor
Councillor

SPECIAL LICENSING PANEL

Councillor
Councillor
Councillor

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 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)) 	All other cases
Application for transfer of premises licence		Representation made and not withdrawn (S154(4)(c))	All other cases
Application for provisional statement		<ol style="list-style-type: none"> 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)		<ol style="list-style-type: none"> 1. All cases where an objection notice has been received (S222 and 232) 	All other cases

		2. All cases where a counter notice may be required	
Application for Club Gaming/Club Machine Permits, renewals and variations (including those leading to cancellation of permit) under Sch12 para 15		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 and/or Director of Community Protection.

DATES OF PANEL MEETINGS 2013/14**Panel A – Monday at 10.30am**
(or Special Licensing Panel at 10.30am)

<u>Month</u>	<u>Date</u>	<u>Month</u>	<u>Date</u>
June 2013	3 17 24	January 2014	6 13 20 27
July 2013	1 15 22 29	February 2014	3 17 24
August 2013	5 12 19	March 2014	10 17 24 31
September 2013	2 16 23 30	April 2014	7 28
October 2013	7 14 28		
November 2013	4 11 18 25		
December 2013	2 16 23 30		

Panel B – Tuesday 10.30am
(or Special Licensing Panel at 10.30am)

<u>Month</u>	<u>Date</u>	<u>Month</u>	<u>Date</u>
May 2013	21 28	January 2014	7 14 21 28
June 2013	4 11 18 25	February 2014	4 11 18 25
July 2013	2 9 16 23 30	March 2014	4 11 18 25
August 2013	6 13 20 27	April 2014	8 15 22 29
September 2013	5 12 19 26	May 2014	6
October 2013	1 8 15 22 29		
November 2013	5 12 19 26		
December 2013	3 10 17 24 31		

Panel C – Thursday at 10.30am
(or Special Licensing Panel at 10.30am)

<u>Month</u>	<u>Date</u>	<u>Month</u>	<u>Date</u>
May 2013	23 30	January 2014	2 9 16 23 30
June 2013	6 13 20 27	February 2014	6 13 20 27
July 2013	4 11 18 25	March 2014	6 13 20 27
August 2013	1 8 15 22 29	April 2014	3 10 17 24
September 2013	7 14 21 28	May 2014	1 8
October 2013	3 11 18 25		
November 2013	7 14 21 28		
December 2013	5 12 19 26		

**PROCEDURE FOR THE
SPECIAL LICENSING PANEL**

Membership and procedure

1. The Special Panel is, ideally, to comprise of the 3 Chairs of the Licensing Panels, with the ability to use non-chair substitutes, if necessary, 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 10.30am on either a Monday, Tuesday or Thursday (in place of the relevant Licensing Panel as it would be impossible to have both panels on the same day).
3. Constitutional Services will initially canvass the availability of all 3 Chairs.
4. The Special Panel shall be convened on a date within this time scale where:
 - a. 3 Chairs are available, or failing this;
 - b. appropriate substitutes 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 his/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 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.