



**NOTTINGHAM CITY COUNCIL**  
**LICENSING COMMITTEE**

**Date:** Monday, 9 May 2016

**Time:** At the rising of Overview and Scrutiny Committee

**Place:** Council Chamber - at the Council House, Old Market Square

**Councillors are requested to attend the above meeting to transact the following business**

**Corporate Director for Resilience**

**Governance Officer:** Mark Leavesley **Direct Dial:** 0115 876 4302

- 1 APPOINTMENT OF CHAIR**
- 2 APPOINTMENT OF VICE-CHAIR**
- 3 APOLOGIES FOR ABSENCE**
- 4 DECLARATIONS OF INTERESTS**  
If you need advice on declaring an interest, please contact the Governance Officer above, if possible before the day of the meeting
- 5 MINUTES** 3 - 4  
Last meeting held on 1 March 2016 (for confirmation)
- 6 MEMBERSHIPS / MEETING DATES OF LICENSING PANELS FOR 2016-17** 5 - 12  
Report of Corporate Director for Resilience

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**NOTTINGHAM CITY COUNCIL**

**LICENSING COMMITTEE**

**MINUTES of the meeting held at Loxley House, Station Street, on Tuesday 1 March 2016 from 12.40pm to 1.10pm**

**Membership**

Present

Councillor Brian Grocock (Chair)  
Councillor David Smith (Vice Chair)  
Councillor Rosemary Healy  
Councillor Mohammed Ibrahim  
Councillor Dave Liversidge  
Councillor Linda Woodings

Absent

Councillor Liaqat Ali  
Councillor Corall Jenkins  
Councillor Sue Johnson  
Councillor Gul Khan  
Councillor Carole McCulloch  
Councillor Toby Neal  
Councillor Alex Norris  
Councillor Wendy Smith  
Councillor Mick Wildgust

**Colleagues and others in attendance**

|                |                              |   |                |
|----------------|------------------------------|---|----------------|
| Ref: KB        | - Solicitor to the Committee | ) | Resources      |
| Mark Leavesley | - Governance Officer         | ) |                |
| Naomi Fearon   | - Contracts Manager          | ) | Take 1 Studios |
| Courtney Rose  | - Executive Director         | ) |                |

**10 APOLOGIES**

|                     |   |                        |
|---------------------|---|------------------------|
| Councillor Johnson  | - | other Council business |
| Councillor Ali      | ) |                        |
| Councillor Jenkins  | ) |                        |
| Councillor Neal     | ) |                        |
| Councillor Norris   | ) | personal               |
| Councillor W Smith  | ) |                        |
| Councillor Wildgust | ) |                        |

**11 DECLARATIONS OF INTERESTS**

None.

**12 MINUTES**

The Committee confirmed the minutes of the meeting held on 13 October 2015 as a correct record and they were signed by the Chair.

**13 'DARK ANGELS' - CLASSIFICATION OF FILM**

The Committee considered a report of the Director of Community Protection, requesting it to make a recommendation regarding the classification of the film 'Dark Angels', which is designed for education purposes and will eventually be shown in schools and community / family centres to highlight issues for females as a result of

their partners, brothers and family members being involved in gangs/drug culture, domestic violence, trafficking and sexual exploitation.

The classification decision at this meeting is for a private screening at a ticketed event for adults only at Cineworld, Cornerhouse, during March 2016, with a view to editing the film prior to showing in schools and community / family centres (to be viewed by children and young adults).

During deliberation, the Chair stated that part of the Committee's remit under the Licensing Act 2003 was to promote the licensing objectives, including the Protection of Children from Harm and the Prevention of Crime and Disorder, which he felt this film achieved.

During discussion, it was stated that a letter of support for the film's concept and proposed use has been received from the City Council's Lord Mayor and other City Councillors.

Members present at the meeting had previously viewed the film in its entirety.

**RESOLVED that the Committee recommends that the film 'Dark Angels', in its current form, is suitable for viewing only by those aged 15 years and over.**

**LICENSING COMMITTEE – 09 MAY 2016**

|   |   |                            |
|---|---|----------------------------|
| <b>Title of paper:</b>                  | Membership / meeting dates of Licensing Panels in 2016/17   |                            |
| <b>Director:</b>                        | Glen O’Connell<br>Corporate Director for Resilience   | <b>Wards affected:</b> All |
| <b>Report author / contact details:</b> | Mark Leavesley<br>Governance Officer<br>0115 876 4302 or <a href="mailto:mark.leavesley@nottinghamcity.gov.uk">mark.leavesley@nottinghamcity.gov.uk</a> |                            |
| <b>Others who have provided input:</b>  | Ann Barrett<br>Team Leader, Planning and Environment Team<br><br>Angela Rawson<br>Licensing Manager, Licensing and Trading Standards                    |                            |

**Relevant Council Plan Key Theme:**

|   |   |
|---|---|
| Strategic Regeneration and Development              |   |
| Schools   |   |
| Planning and Housing                                |   |
| <b>Community Services</b>                           | X |
| Energy, Sustainability and Customer                 |   |
| Jobs, Growth and Transport                          |   |
| <b>Adults, Health and Community Sector</b>          | X |
| <b>Children, Early Intervention and Early Years</b> | X |
| <b>Leisure and Culture</b>                          | X |
| Resources and Neighbourhood Regeneration            |   |

**Summary of issues:**

This report requests the determination of membership and appointment of Chairs of the Licensing Panels, to determine licensing applications for the municipal year 2016/17.

**Recommendations:**

It is recommended that the Committee:

- 1** agree the membership of three sub-committees (to be known as Licensing Panels A, B and C), each consisting of a pool of five Councillors from this Committee, with substitutes to be drawn from all Councillors on this Committee;
- 2** appoint a sub-committee known as Special Licensing Panel, comprising the Chairs of the three Licensing Panels if possible, with the ability to use non-Chair substitutes if necessary, to be drawn from all Councillors on this Committee;
- 3** note the table of delegated functions set out in Appendix 1, which form the remit of this Committee, as prescribed by the Council’s Constitution and relevant legislation;

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note the following:

- (a) that Licensing Committee meetings will, where possible, be held on a Monday as and when required;
- (b) that Licensing Panel meetings will be arranged as required (and held normally on a Monday (Panel A), Tuesday (Panel B) or Friday (Panel C));
- (c) that in relation to the Special Licensing Panel:
  - (i) meetings will be arranged as required (and held normally on a Monday, Tuesday or Friday) to determine complex or contentious licensing applications and to determine reviews of licences;
  - (ii) the Licensing Manager is responsible for the referral of applications and reviews to the Special Licensing Panel;
  - (iii) the allocation procedure used for arranging Special Licensing Panel meetings is as detailed in Appendix 2 to the report.

## 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 2016/17 now need to be determined.

## 2. **OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS**

2.1 None.

## 3. **FINANCE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY)**

3.1 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.

**4. LEGAL AND PROCUREMENT COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND INCLUDING LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)**

- 4.1 No legal implications, other than those referred to in section 1 (Background) above.
- 4.2 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.
- 4.3 The licensing and gambling regimes may promote regeneration in deprived areas by generating employment, quality of life opportunities and by supporting local communities.
- 4.4 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.

**5. SOCIAL VALUE CONSIDERATIONS**

- 5.1 None.

**6. EQUALITY IMPACT ASSESSMENT**

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

**7. LIST OF BACKGROUND PAPERS RELIED ON IN WRITING THIS REPORT (NOT INCLUDING PUBLISHED DOCUMENTS OR CONFIDENTIAL OR EXEMPT INFORMATION)**

- 7.1 None.

**8. PUBLISHED DOCUMENTS REFERRED TO IN THIS REPORT**

- The Licensing Act 2003.
- Guidance issued under s182 of the Licensing Act 2003.
- The Gambling Act 2005.
- Guidance issued under s25 of the Gambling Act 2005.

**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 a Panel itself may choose to refer the matter to the Committee.

| <b>Matter to be dealt with</b>  | <b>Full Licensing Committee</b>   | <b>Licensing Panel</b>                      | <b>Officer Decision*</b> |
|---|---|---|--------------------------|
| <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   |
| Application for Minor variation   |   |   | 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          |

| Matter to be dealt with  | Full Licensing Committee | Licensing Panel  | Officer Decision* |
|--|--------------------------|--|-------------------|
| 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  |                   |
| <b><u>Gambling Act 2005</u></b>  |                          |  |                   |
| Application for premises licence including applications for reinstatement under S195 Gambling Act                  |                          | <ol style="list-style-type: none"> <li>1. Representation made and not withdrawn (S154 (4)(a)) and/or</li> <li>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)</li> </ol> | All other cases   |
| Application to vary premises licence   |                          | <ol style="list-style-type: none"> <li>1. Representation made and not withdrawn (S154 (4)(b)) and/or</li> <li>2. Where the Licensing Authority considers that a condition should</li> </ol>  | All other cases   |

| Matter to be dealt with   | Full Licensing Committee | Licensing Panel  | Officer Decision* |
|---|--------------------------|--|-------------------|
|   |                          | be added to the licence under S169 (1)(a) or a default condition should be excluded under S169(1)(b)   |                   |
| 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"> <li>1. Representation made and not withdrawn (S154 (4)(d)) and/or</li> <li>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)</li> </ol> | 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"> <li>1. All cases where an objection notice has been received</li> <li>2. All cases where a counter notice may be required</li> </ol>  | 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"> <li>1. Objection made and not withdrawn (Sch12 para 28 (2))</li> <li>2. Refusal of a permit proposed on the grounds listed in Sch 12</li> </ol>   | All other cases   |

| <b>Matter to be dealt with</b>  | <b>Full Licensing Committee</b> | <b>Licensing Panel</b>   | <b>Officer Decision*</b> |
|---|---------------------------------|--|--------------------------|
|   |                                 | para 6(1)(a)-(d),<br>or para 10(3) as<br>applicable                                |                          |
| 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 Licensing Manager, the Principal Licensing Officers, the Chief Licensing Trading Standards and ASB Officer, Director for Community Protection and Corporate Director for Community Services.

**MEMBERSHIP AND PROCEDURE FOR THE SPECIAL LICENSING PANEL**

1. The Special Licensing Panel is, ideally, to comprise of the three Chairs of the Licensing Panels (A, B and C), with the ability to use non-chair substitutes, if necessary, to be drawn from the membership of the Licensing Committee.
2. Upon notification that a meeting of the Special Licensing 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 Licensing Panel meeting will be arranged for 10.30am on a Monday, Tuesday or Friday (in place of the relevant Licensing Panel, as it would be impossible to have both on the same day).
3. Constitutional Services will initially canvass the availability of all three Panel Chairs.
4. The Special Panel shall be convened on a date within this time scale where:
  - a. the three 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 Licensing Panel, or lack of available members, it is not possible to convene a meeting of the Special Licensing Panel within the required timescales, then the Licensing Manager 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 Licensing Panel would be available.
6. No Chair has been appointed for the Special Licensing 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 Licensing 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.