



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

**Date:** Monday, 8 May 2017

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

**Place:** Tea Room, Council House, Old Market Square

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

**Corporate Director for Strategy and Resources**

**Governance Officer:** Mark Leavesley

**Direct Dial:** 0115 876 4302

**1 APOLOGIES FOR ABSENCE**

**2 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

**3 MINUTES**

3 - 4

Last meeting held on 09 May 2016 (for confirmation)

**4 MEMBERSHIP AND MEETING DATES OF LICENSING PANELS DURING 2017/18**

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Report of Corporate Director for Strategy and Resources

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**NOTTINGHAM CITY COUNCIL**

**LICENSING COMMITTEE**

**MINUTES of the meeting held at Tea Room - Council House on 9 May 2016 from 16.57 - 17.06**

**Membership**

Present

Councillor Brian Grocock (Chair)  
Councillor David Smith (Vice Chair)  
Councillor Mohammed Ibrahim  
Councillor Corall Jenkins  
Councillor Sue Johnson  
Councillor Gul Nawaz Khan  
Councillor Neghat Nawaz Khan  
Councillor Sally Longford  
Councillor Dave Liversidge  
Councillor Linda Woodings

Absent

Councillor Liaqat Ali  
Councillor Rosemary Healy  
Councillor Carole McCulloch  
Councillor Toby Neal  
Councillor Michael Wildgust

**Colleagues, partners and others in attendance:**

Zena West - Governance Officer

**1 APPOINTMENT OF CHAIR**

**RESOLVED to appoint Councillor Brian Grocock as the Chair of Licensing Committee for the 2016/17 municipal year.**

**2 APPOINTMENT OF VICE-CHAIR**

**RESOLVED to appoint Councillor David Smith as the Vice-Chair of Licensing Committee for the 2016/17 municipal year.**

**3 APOLOGIES FOR ABSENCE**

None.

**4 DECLARATIONS OF INTERESTS**

None.

**5 MINUTES**

The minutes of the meeting held 1 March 2016 were agreed and signed by the Chair.

**6 MEMBERSHIPS / MEETING DATES OF LICENSING PANELS FOR 2016-17**

**RESOLVED to:**

- (1) agree membership of the three sub-committees (Licensing Panels A, B and C) at a later date;

- (2) appoint a sub-committee known as the Special Licensing Panel, comprising the Chairs of the three Licensing Panels (Councillor Linda Woodings, Councillor Brian Grocock and Councillor Mohammed Ibrahim), with the ability to use non-Chair substitutes if necessary, to be drawn from all Councillors on the Licensing Committee;**
- (3) note the table of delegated functions as set out in appendix 1 to the report, which form the remit of the Licensing Committee, as prescribed by the Council's Constitution and relevant legislation;**
- (4) note that:**
  - (a) Licensing Committee meetings will, where possible, be held on a Monday as and when required;**
  - (b) Licensing Panel meetings will be arranged as required, and will normally be held on a Monday (Panel A), Tuesday (Panel B) or Friday (Panel C);**
- (5) note that, in relation to the Special Licensing Panel:**
  - (a) 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;**
  - (b) the Licensing Manager is responsible for the referral of applications and reviews to the Special Licensing Panel;**
  - (c) the allocation procedure used for arranging Special Licensing Panel meetings is as detailed in Appendix 2 to the report.**

**LICENSING COMMITTEE - 08 MAY 2017**

<b>Title of paper:</b>	Membership and meeting dates of Licensing Panels during 2017/18	
<b>Corporate Director:</b>	Candida Brudenell	<b>Wards affected:</b> All
<b>Report author and contact details:</b>	Mark Leavesley, Governance Officer 0115 876 4302 <a href="mailto:Mark.leavesley@nottinghamcity.gov.uk">Mark.leavesley@nottinghamcity.gov.uk</a>	
<b>Other colleagues who have provided input:</b>	Ann Barrett, Team Leader, Planning and Environment Team Angela Rawson, Licensing Manager, Licensing and Trading Standards	
<b>Relevant Council Plan Key Theme:</b>		
Strategic Regeneration and Development		
Schools		
Planning and Housing		
<b>Community Services</b>		<b>X</b>
Energy, Sustainability and Customer		
Jobs, Growth and Transport		
<b>Adults, Health and Community Sector</b>		<b>X</b>
<b>Children, Early Intervention and Early Years</b>		<b>X</b>
<b>Leisure and Culture</b>		<b>X</b>
Resources and Neighbourhood Regeneration		
<b>Summary of issues (including benefits to citizens/service users):</b>		
This report requests the determination of membership and appointment of Chairs of Licensing Panels to determine licensing applications for the municipal year 2017/18.		
<b>Recommendations:</b>		
It is recommended that the Committee:		
<b>1</b>	agree the membership of two sub-committees (to be known as Licensing Panels A and B) with substitutes to be permitted and drawn from the membership of the appointed Licensing Committee;	
<b>2</b>	accept the recommendation of the Independent Remuneration Panel (January 2017) and appoint the Chair and Vice-Chair of the Licensing Committee as the Chairs of the two Licensing Panels;	
<b>3</b>	appoint a sub-committee, known as Special Licensing Panel, to comprise the Chair and Vice-Chair of the Licensing Committee (with substitutes to be permitted if necessary) and one other member to be drawn from the membership of the full Committee;	
<b>4</b>	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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5	<p>note the following:</p> <ul style="list-style-type: none"> <li>(a) that Licensing Committee meetings will, where possible, be held on a Monday as and when required;</li> <li>(b) that Licensing Panel meetings will be arranged as required (and held normally on a Monday (Panel A) and a Tuesday (Panel B));</li> <li>(c) that in relation to the Special Licensing Panel: <ul style="list-style-type: none"> <li>(i) meetings will be arranged as required (and held normally on a Monday or a Tuesday) to determine complex or contentious licensing applications and to determine reviews of licences;</li> <li>(ii) the Licensing Manager is responsible for the referral of applications and reviews to the Special Licensing Panel;</li> <li>(iii) the allocation procedure used for arranging Special Licensing Panel meetings is as detailed in Appendix 2 to the report.</li> </ul> </li> </ul>
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## 1 **REASONS FOR RECOMMENDATIONS**

- 1.1 This Committee is established under Section 6 of the Licensing Act 2003 (the Act). 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 for the municipal year 2017/18 now need to be determined.

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

- 2.1 None.

## 3 **FINANCE COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)**

- 3.1 This report's recommendations concern the membership and appointment of Chairs of Licensing Panels in order to determine licensing applications for the municipal year 2017/18. There are therefore no financial implications stemming from this report.

Ian Greatorex (Finance Project Manager)

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

- 4.1     The statutory basis for establishing the sub committees are set out in section 1 and no other legal implications arise from this report.

Ann Barrett (Team Leader, Planning and Environment Team)

**5     EQUALITY IMPACT ASSESSMENT**

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

**6     LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION**

- 6.1     None.

**7     PUBLISHED DOCUMENTS REFERRED TO IN COMPILING 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.

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**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

<b>Matter to be dealt with</b>	<b>Full Licensing Committee</b>	<b>Licensing Panel</b>	<b>Officer Decision*</b>
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 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

<b>Matter to be dealt with</b>	<b>Full Licensing Committee</b>	<b>Licensing Panel</b>	<b>Officer Decision*</b>
		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), or para 10(3) as 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 two Chairs of the Licensing Panels (A and B), 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 or Tuesday (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 the two Panel Chairs.
4. The Special Panel shall be convened on a date within this time scale where:
  - a. the two 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.
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.

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