



NOTICE OF MEETING

Licensing Committee

THURSDAY, 21ST MAY, 2009 at 19:30 HRS - CIVIC CENTRE, HIGH ROAD, WOOD GREEN, N22 8LE.

MEMBERS: Councillors Patel (Chair), Beacham, Demirci, Dodds, Edge, Lister (Vice-Chair), Newton, Reid, Scott and Thompson

AGENDA

1. APOLOGIES FOR ABSENCE

2. URGENT BUSINESS

The Chair will consider the admission of any late items of urgent business. Late items will be considered under the agenda item where they appear. New items will be dealt with at item 6 below.

3. DECLARATIONS OF INTEREST

A member with a personal interest in a matter who attends a meeting of the authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

A member with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgement of the public interest **and** if this interest affects their financial position or the financial position of a person or body as described in paragraph 8 of the Code of Conduct **and/or** if it relates to the determining of any approval, consent, licence, permission or registration in relation to them or any person or body described in paragraph 8 of the Code of Conduct.

4. MINUTES (PAGES 1 - 14)

To confirm and sign the minutes of the meetings of the Licensing Committee and the Special Licensing Committees held on:

Special Licensing Committee 24 April 2008
Licensing Committee 22 May 2008
Special Licensing Committee 16 July 2008
Special Licensing Committee 4 December 2008
Special Licensing Committee 6 January 2009.

5. ESTABLISHMENT OF LICENSING SUB COMMITTEES (PAGES 15 - 24)

To establish three Licensing Sub Committees to conduct the majority of hearings under the Licensing Act 2003 and the Gambling Act 2005.

6. NEW ITEMS OF URGENT BUSINESS

To consider any new items of urgent business admitted under agenda item 2 above.

7. EXEMPTION OF PRESS AND PUBLIC

Item 8 is likely to be the subject of a motion to exclude the press and public from the meeting as it contains exempt information as defined in Section 100a of the Local Government Act 1972; namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

8. EXEMPT MINUTES (PAGES 25 - 28)

To confirm and sign the exempt minutes of the Special Licensing Committee, 15 May 2008.

9. DATES OF FUTURE MEETINGS

The scheduled meetings of the Licensing Committee for 2009/10 are as follows:

15 October 2009
25 January 2010
29 March 2010

Yuniea Semambo
Head of Local Democracy and Member Services
5th Floor
River Park House
225 High Road
Wood Green
London N22 8HQ

Helen Jones
Principal Committee Coordinator
(Non Cabinet Committees)
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Wednesday, 13 May 2009

MINUTES OF THE LICENSING COMMITTEE
THURSDAY, 24 APRIL 2008

Councillors Patel (Chair), Peacock (Vice-Chair), *Baker, Beacham, Demirci, *Edge,
 *Lister, Reid, *Vanier and *Dodds

Also Present: Councillor Oatway

* Denotes Members Present

MINUTE NO.	SUBJECT/DECISION	ACTION BY
LSCO05.	<p>ELECTION OF THE CHAIR</p> <p>In the absence of the Chair and Vice-Chair the Committee was asked to elect a Chair to preside over the meeting. Cllr Dodds nominated Cllr Lister and Cllr Baker seconded the nomination. The Committee agreed that Cllr Lister would chair the meeting.</p> <p>RESOLVED</p> <p>That Cllr Lister be appointed as Chair for the duration of the meeting.</p>	
LSCO06.	<p>APOLOGIES FOR ABSENCE</p> <p>Apologies for absence were received from Cllr Patel, Peacock, Beacham and Demirci.</p>	
LSCO07.	<p>URGENT BUSINESS</p> <p>There were no items of urgent business.</p>	
LSCO08.	<p>DECLARATIONS OF INTEREST</p> <p>None received.</p>	
LSCO09.	<p>ALEXANDRA PALACE, ALEXANDRA PALACE WAY, N22 (ALEXANDRA WARD)</p> <p>The Licensing Officer, Ms Barrett, presented the report on the application by Alexandra Park Trading Ltd. The Committee was asked to consider an application for the provision of facilities for betting (track), a betting premises licence.</p> <p>The Committee was informed that the application had originally been submitted for a full license that could be used at any time a sporting event was taking place at the premises, but had subsequently been amended so that the application would only cover the dates of the World Darts Tournament, held at the Palace each year.</p> <p>The licensing authority had not received any representations from the responsible authorities during the consultation period. Objections were received from local residents, who had stated that the premises were not</p>	

**MINUTES OF THE LICENSING COMMITTEE
THURSDAY, 24 APRIL 2008**

suitable for gambling activity in light of the detrimental effect that granting such a licence would have on the surrounding community.

The applicant's representative addressed the Committee and stated that the application was restricted in area, as betting would only take place in the Panorama Room, and restricted in time, as betting could only take place on the dates of the World Darts Tournament.

The application had been submitted by Alexandra Palace Trading Ltd, as only those with the right to occupy the premises could apply for a premises licence under the terms of the Gambling Act 2005. Under a track premises licence, betting facilities would be provided by a third-party operator with an operating licence, in this instance Ladbrokes, who held the contract to sponsor the World Darts Tournament for the next five years.

Ladbrokes were an established company that operated over 2,000 sites, and provided betting facilities at numerous sporting occasions, classified as 'tracks' under the terms of the Gambling Act 2005. A local example was at White Hart Lane football ground, where Ladbrokes provided betting facilities.

As holders of an operating licence, Ladbrokes were bound to comply with the rigorous conditions and terms of practice demanded by the Gambling Commission. These rigorous requirements would ensure that gambling was conducted in a fair and open way and that measures were in place to protect children and other vulnerable persons from being harmed or exploited by gambling.

Betting had been permitted legally at Alexandra Palace during the 2007/08 World Darts Tournament under an Occasional Use Notice, and the Police had confirmed that there were no incidents of crime or disorder reported at the Palace during this time. There was no evidence that there would be a resultant increase in crime or disorder in future if the licence applied for were to be granted.

An objector asked the applicant's representative what evidence she had to support the assertion that betting was not linked to crime and disorder. The Committee was informed that there would be no legalised gambling if there were evidence to link the two, and that in relation to this particular application, the Police would have flagged up any concerns they may have, and had not done so.

Cllr Oatway, representing absent objectors, asked the applicant's representative to clarify where the entrance to the Panorama Room would be, whether there would be any access to the room from the walkway and also the hours permitted for betting under the licence applied for.

The applicant's representative reported that the hours of the licence would be the hours as set out in the default conditions. The entrance to the Panorama Room was indicated on a plan of the venue. It was

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reported that access to the room would be exclusively via the Palm Court, and that only ticket holders for the World Darts Tournament would have access to the Panorama Room. There would be no access via the walkway.

The applicant's representative was asked to specify some of the social responsibility procedures in place at Ladbrokes. It was reported that self-exclusion programmes whereby people can request to be excluded for a period of 6 months to 5 years were in place, and that problem gamblers could be referred to Gamcare. Notices that under-18s were not permitted to bet were displayed at all Ladbrokes operations, and the company also operated a Challenge 21 policy, whereby anyone appearing under the age of 21 would be asked to prove that they were 18 or over. All staff were extensively trained, and a compliance folder was kept on site for reference. During the tournament, a district supervisor would be present during operating hours, and would have responsibility for supervising betting activities.

Objectors expressed concern that granting the licence would lead to an increase in crime and disorder around the venue, as criminals would be attracted to the area when gambling was taking place, particularly once the World Darts Tournament and betting associated with it became established. The Palace and its environs were popular with children, and concerns were expressed that children might be harmed as a result of exposure to gambling. The isolated nature of the venue meant that it was difficult to control any criminal activity around it, and so the venue was not appropriate for gambling. Objectors suggested that an Occasional Use Notice could be used for events in future, as had happened previously, as this would be more appropriate to the venue than a permanent betting premises licence.

A representation that Alexandra Palace Trading Ltd was not legally entitled to apply for a betting premises licence was made, but was disregarded as the Licensing Officer would have carried out all necessary checks before the licence application was accepted.

RESOLVED

The Committee decided to grant the application as asked, subject to the mandatory and default conditions.

The Committee was satisfied that the applicants had met the following principals:

- a). In accordance with any relevant code of practice under section 24.
- b). In accordance with any relevant guidance issued by the Commission under section 25.
- c). Reasonably consistent with the licensing objectives (subject to paragraphs a) and b), and
- d). In accordance with the statement published by the authority under section 349 (subject to paragraphs a) and c).

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	<p>The Committee took into account the written and oral representations from interested parties and were satisfied that the mandatory and default conditions would meet any legitimate concerns raised.</p> <p><u>INFORMATION:</u></p> <p>The Committee requested that the company rigorously applied the Challenge 21 policy and that bets were not accepted from young persons under 18 years of age.</p>	
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**Cllr Harry Lister
Chair**

**MINUTES OF THE LICENSING COMMITTEE
THURSDAY, 22 MAY 2008**

Councillors Beacham, Demirci, Dodds, Lister (Vice-Chair), Patel (Chair), Thompson and Vanier

Apologies Councillors Edge and Reid

Also Present: Councillor Aitken (substituting for Councillor Reid)

MINUTE NO.	SUBJECT/DECISION	ACTION BY
LSCO01.	<p>APOLOGIES FOR ABSENCE</p> <p>Apologies for absence were received on behalf of Councillor Reid due to illness, for whom Councillor Aitken was substituting, and apologies also from Councillor Edge.</p> <p>NOTED</p>	
LSCO02.	<p>URGENT BUSINESS</p> <p>There were no items of urgent business however the Clerk advised that in respect of Item 5 – Establishment of Licensing Sub-Committees there was a TABLED appendix 2 which had been marked ‘TO FOLLOW’ which the Committee were asked to consider as part of the circulated report.</p> <p>NOTED</p>	
LSCO03.	<p>DECLARATIONS OF INTEREST</p> <p>There were no declarations of interest.</p> <p>NOTED</p>	
LSCO04.	<p>MINUTES</p> <p>RESOLVED</p> <p>That the minutes of the meetings of the Licensing Committee held on 17 December 2007, and the special Licensing Committee held on 14 April 2008 be agreed and signed as an accurate record of the proceedings.</p>	
LSCO05.	<p>ESTABLISHMENT OF LICENSING SUB-COMMITTEES</p> <p>The Chair referred to the tabled appendix 2 which was referred to within the report and asked if there were any comments from Members in relation to the proposed composition of the Sub-Committees. The Chair also referred the position of the Councillor who would be appointed as ‘float’, and asked that the Committee Secretariat ensure the utilising of</p>	

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THURSDAY, 22 MAY 2008**

this member in the situation where a substitute member was required or in the case of convening a 'Special' Licensing Sub-Committee, and also ensuring the use of those Members of the Council who had been trained in Licensing matters but who did not sit on the Committee at present.

In response to points of clarification from the Committee the Head of Legal Service's representative – Mr Mitchison – advised the Committee of the powers delegated to the Head of Local Democracy and Member Services in respect of convening 'Special' Licensing Sub-Committees at short notice, as required, and the reasoning for this, together with the Licensing substitution rules in relation to appointing a Member to a sub-Committee on the actual day of the meeting.

Councillor Dodds commented on the feasibility of the Sub-Committees having site visits to premises where a licence was to be considered, and the usefulness to having such visits.

Mr Mitchison responded that whilst he did not see any initial difficulties to the possibility of site visits there would need to be clear guidance and protocols drawn up in respect of such visits, similar to those protocols used for site visits in relation to Planning Committee. The main areas of difficulty however could be in situations where a 'Special' Licensing Committee was to be convened at short notice and there not being sufficient time in which to arrange for a site visit to take place. However Mr Mitchison advised that he would speak with the Licensing Service in this respect to ensure that a report be submitted to a future meeting of the Licensing Committee in this respect.

The Chair welcomed Councillor Dodd's suggestion and asked that officers pursue this suggestion and report further to the Committee.

In response to points of clarification from Councillor Thompson the Chair advised that training would be provided for Councillor Thompson, and to any Councillors on the Sub-Committees as a refresher if they required this, and that the quorum for the meeting of the Sub-Committees was 3 Members – being the number of Members appointed to each.

There being no further points of clarification the Chair MOVED and it was:

RESOLVED

1. that the terms of reference of the Licensing Committee in Part 3 Section C of the Council's Constitution, and as detailed in Appendix 1 to this report be noted;
2. That the establishment of three Licensing Sub-Committees with the membership set out in the TABLED Appendix 2 to this report and as detailed below be agreed:

Licensing Sub-Committee A

**MINUTES OF THE LICENSING COMMITTEE
THURSDAY, 22 MAY 2008**

	<p>Councillor Patel – Chair Councillor Reid Councillor Vanier</p> <p>Licensing Sub-Committee B</p> <p>Councillor Lister – Chair Councillor Demirci Councillor Thompson</p> <p>Licensing Sub-Committee C</p> <p>Councillor Beacham – Chair Councillor Baker Councillor Dodds</p> <p>Float : Councillor Edge</p> <p>3. That the terms of reference of the Licensing Sub-Committees in Part 3 Section C of the Constitution, attached as Appendix 3 to this report be confirmed;</p> <p>4. That Members note the powers delegated to the Head of Local Democracy and Member Services at the meeting of the Committee on 14 April 2008 as detailed below be noted: -</p> <p>(a) To make appointments to the membership of special Licensing Sub-Committees from among the Members of the Licensing Committee;</p> <p>(b) To appoint an additional Member or Members to any scheduled meeting of a Licensing Sub-Committee from among the Members of the Licensing Committee whenever the appointment of a substitute Member under the Committee Procedure Rules (Part 4, Section B) would be impracticable and the meeting would otherwise be inquorate;</p> <p>(c) The exercise of the delegated powers in (a) and (b) above shall be, so far as practicable, in consultation with the Chair of the Licensing Committee and the Chief Whip of each Group and with a view to achieving political balance in the membership of Licensing Committees; and</p> <p>5. that officers be requested to look at the feasibility of conducting site visits to premises whose license applications are to be considered by the Licensing Sub-Committees, and report to a future meeting of the Committee.</p>	
<p>LSCO06.</p>	<p>NEW ITEMS OF URGENT BUSINESS</p> <p>There were no other items of urgent business.</p> <p>NOTED</p>	

**MINUTES OF THE LICENSING COMMITTEE
THURSDAY, 22 MAY 2008**

LSCO07.	DATES OF FUTURE MEETINGS The Committee noted the dates of the Licensing Committee for the remainder of the Municipal Year 2008/09 as follows: 7 October 2008 17 February 2009	
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The meeting ended at 19.45hrs.

COUNCILLOR JAYANTI PATEL
Chair

**MINUTES OF THE SPECIAL LICENSING COMMITTEE
WEDNESDAY, 16 JULY 2008**

Councillors *Patel (Chair), Baker, Beacham, Dodds, Edge, Lister, Newton, *Reid,
*Thompson and *Vanier

MINUTE NO.	SUBJECT/DECISION	ACTION BY
LSCO08.	<p>APOLOGIES FOR ABSENCE</p> <p>Apologies for absence were received from Councillors Baker, Edge, Lister and Newton.</p>	
LSCO09.	<p>URGENT BUSINESS</p> <p>There were no additional items of urgent business.</p>	
LSCO10.	<p>DECLARATIONS OF INTEREST</p> <p>There were no declarations of interest received.</p>	
LSCO11.	<p>APPOINTMENT OF MEMBER TO THE LICENSING SUB-COMMITTEE B</p> <p>The Legal Officer presented the report and asked the Licensing Committee (the Committee) to note that the full Council appointed the membership of the Licensing Committee. In the light of Cllr Demirci's move to the Labour Party there was a vacancy on the Licensing Committee. The full Council appointed Cllr Newton to the Licensing Committee at its meeting on the 14 July 2008.</p> <p>The Committee continued to have five majority Members and 5 minority Members. The tabled document detailed the revised Membership for 2008-09 and that Cllr Demirci had been replaced by Cllr Newton.</p> <p>The Committee was asked to consider the appointment to the current vacancy on its Licensing Sub Committee B, that Cllr Newton replaced Cllr Demirci. The other Sub Committees remained the same with Cllr Edge floating.</p> <p>The Committee was asked to note the changes in the Membership of the Licensing Committee 2008-09.</p> <p>RESOLVED</p> <p>That the recommendations outlined in the report be agreed:</p> <ol style="list-style-type: none"> 1. That the Committee note the appointment of Cllr Newton to the vacant position on the Licensing Committee by Full Council at its meeting on 14 July 2008. 2. That Cllr Newton be appointed on to Licensing Sub Committee B. 	

**Councillor Jayanti Patel
Chair**

**MINUTES OF THE SPECIAL LICENSING COMMITTEE
THURSDAY, 4 DECEMBER 2008**

Councillors *Patel (Chair), *Beacham, *Dodds, Edge, *Lister (Vice-Chair) *Newton, Reid, Scott, Thompson and *Vanier

* Members present

MINUTE NO.	SUBJECT/DECISION	ACTION BY
LSCO01.	<p>APOLOGIES FOR ABSENCE</p> <p>Apologies for absence were received from Councillors Newton, Reid and Scott.</p>	
LSCO02.	<p>URGENT BUSINESS</p> <p>There were no items of urgent business.</p>	
LSCO03.	<p>DECLARATIONS OF INTEREST</p> <p>There were no declarations of interest received.</p>	
LSCO04.	<p>APPOINTMENT OF MEMBER TO THE LICENSING SUB COMMITTEE C</p> <p>The Committee Manager, Member Services, presented the report and asked the Licensing Committee (the Committee) to note that the full Council appointed to the vacant position on the Licensing Committee following the resignation of Cllr Baker. The full Council appointed Cllr Scott to the Licensing Committee at its meeting on 24 November 2008.</p> <p>The Committee continued to have five majority Members and five minority Members. The table attached to the report as appendix 1 detailed the revised Membership for 2008-09 and that Cllr Baker had been replaced by Cllr Scott.</p> <p>The Committee was asked to consider the appointment to the current vacancy on its Licensing Sub Committee C, that Cllr Scott replaced Cllr Baker. The other Sub Committees remained the same with Cllr Edge floating.</p> <p>The Committee was asked to note the changes in the Membership of the Licensing Committee 2008-09.</p> <p>RESOLVED</p> <p>That the recommendations outlined in the report be agreed:</p> <ol style="list-style-type: none"> 1. That the Committee note the appointment to the vacant position on the Licensing Committee by Full Council at its meeting on 24 November 2008; 2. That Councillor Scott be appointed on to Licensing Sub Committee C. 	

**MINUTES OF THE LICENSING COMMITTEE
THURSDAY, 4 DECEMBER 2008**

LSCO05.	DATES OF FUTURE MEETINGS	
	Tuesday 17 February 2009 at 7:30pm	

COUNCILLOR JAYANTI PATEL
Chair

**MINUTES OF THE LICENSING COMMITTEE
TUESDAY, 6 JANUARY 2009**

Councillors Patel (Chair), Beacham, Newton, Scott, Thompson and Demirci

Apologies Councillor Dodds and Edge

MINUTE NO.	SUBJECT/DECISION	ACTION BY
LSCO06.	APOLOGIES FOR ABSENCE Apologies for absence were received from Cllr Dodds and Cllr Edge.	
LSCO07.	URGENT BUSINESS There were no items of urgent business.	
LSCO08.	DECLARATIONS OF INTEREST There were no declarations of interest.	
LSCO09.	APPOINTMENT TO A VACANCY ON LICENSING SUB COMMITTEE A The Committee received a report on the appointment to the Licensing Committee of Cllr Demirci by full Council on 9 December 2008, following the resignation of Cllr Vanier. The Committee noted the revised membership as attached to the report. The Committee was asked to consider the appointment of Cllr Demirci to the current vacancy on its Licensing Sub Committee A. RESOLVED i) That the appointment to the vacant position on the Licensing Committee by Full Council at its meeting on 9 December 2008 be noted. ii) That Cllr Demirci be appointed to Licensing Sub Committee A.	
LSCO10.	DATES OF FUTURE MEETINGS Tuesday 17 February 2009 at 7.30pm.	

COUNCILLOR JAYANTI PATEL
Chair

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Haringey Council

Agenda item:

Licensing Committee**on 21 May 2009**Report Title: **Establishment of Licensing Sub-Committees**Joint Report of: **Head of Local Democracy & Member Services and Head of Legal Services**Forward Plan ref. no. **N/A**Wards Affected: **All**Report: **Non-Key Decision****1. Purpose**

1.1 To establish three Licensing Sub-Committees to conduct the majority of licensing hearings, and to note the provisions for the appointment of substitutes.

2. Recommendations

- 2.1 To note the terms of reference of the Licensing Committee in of the Council's Constitution attached as Appendix 1 to this report.
- 2.2 That Members agree the establishment of three Licensing Sub-Committees with the membership set out in Appendix 2 to this report. (to follow)
- 2.3 That Members confirm the terms of reference of the Licensing Sub-Committees in of the Constitution attached as Appendix 3 to this report.
- 2.4 That Members note the provisions in the Committee Procedure Rules for the appointment of a substitute Member of a Licensing Sub-Committee from among the Members of the Committee when the permanent Sub-Committee Member is unable to attend for any reason (as contained in the Constitution – Appendix E Section 9 paragraph 1.4).
- 2.5 To note that the Council Procedure Rules in Part 4 B of the Constitution do not apply to hearings, which are governed by the Local Licensing Procedure Rules and the relevant Regulations.
- 2.6. To note that the other business of the Committee, except for hearings, is governed by the Council's Procedure Rules (Council Standing Orders) noting the substitution rule as detailed under Part 4 Section B of the Constitution.

Report Authorised by:

Yuniea Semambo, Head of Local Democracy and Member Services – John Suddaby, Head of Legal Services

Contact Officer: **Clifford Hart , Committees Manager**
(x 2920) clifford.hart@haringey.gov.uk

3. Executive Summary

3.1 Members are recommended to establish three Licensing Sub-Committees and to confirm the existing terms of reference for these bodies. In order to ensure that the Sub-Committees can function, their membership and quorum would be three Members, and would allow for delegated power to appoint substitute Members.

4. Reasons for any change in policy or for new policy development (if applicable)

N/A

5. Local Government (Access to Information) Act 1985

5.1 The following background papers were used in the preparation of this report:

(i) the Council's Constitution and (ii) Local Licensing Procedure Rules

6. Licensing Committee

6.1 The full Council appoints the membership of the Licensing Committee including its Chair and Vice-Chair. By law there must be at least 10 but no more than 15 appointed Members. The Committee can still meet and undertake its business with a quorum of 4 Members.

6.2 The Council can determine the terms of reference of the Committee. These are currently set out in Part 3 C of the Council's Constitution and attached as Appendix 1 to this report. Members are invited to note the Committee's terms of reference and, in particular, the reference to the Committee of all premises sites or events where 500 or more persons are expected to be present.

7. Establishing the Licensing Sub-Committees

7.1 The Licensing Committee may establish Sub-Committees to assist with holding hearings for the less major cases. Although the membership for these has been reported to Annual Council, legally it is the Licensing Committee that fixes the Sub-Committees' membership and confirms their terms of reference.

7.2 Last year there were 3 Licensing Sub-Committees to deal with the very large number of contested applications. It is anticipated that the volume of applications will continue for the foreseeable future. It is recommended that 3 Licensing Sub-Committees be appointed and this should be sufficient. The appointed membership of the Sub-Committees is fixed by law at 3 Members. The Council's

own Local Licensing Procedure Rules set the quorum for hearings at 3 Members since this promotes better decision-making.

- 7.3 The membership of the 3 Licensing Sub-Committees is set out in Appendix 2 to this report. The “arithmetic” dictates that one Member of the parent Committee cannot be an appointed member of a Sub-Committee but can be shown as “unassigned”.
- 7.4 On occasions an appointed Member of a Licensing Sub-Committee cannot take part in the decision on a particular case because of a conflict of interest or because the premises in question lie in the Member’s own Ward. In such cases, and any other case where a Member is unexpectedly absent or seriously late, it will be necessary to appoint a substitute Member often at short notice. The Members appointed as substitutes would always be trained Members of the main Committee who were able to make themselves available.
- 7.5 Members of the Committee are asked to note the existing terms of reference of the Licensing Sub-Committees. These are currently set out in Part 3 C of the Constitution and attached as Appendix 3 to this report. Members will note that the great majority of hearings will fall to the Sub-Committees but any case of special significance or difficulty can be called up to the parent Committee to decide. Reports on matters of general concern and decisions on general procedural issues will come to the Committee.

8 Recommendations

- 8.1 To note the terms of reference of the Licensing Committee in of the Council's Constitution attached as Appendix 1 to this report.
- 8.2 That Members agree the establishment of three Licensing Sub-Committees with the membership set out in Appendix 2 to this report. (to follow)
- 8.3 That Members note the terms of reference of the Licensing Sub-Committees in the Constitution attached as Appendix 3 to this report.
- 8.4 That Members note the provisions in the Committee Procedure Rules for the appointment of a substitute Member of a Licensing Sub-Committee from among the Members of the Committee when the permanent Sub-Committee Member is unable to attend for any reason.
- 8.5 To note that the Council Procedure Rules in Part 4 B of the Constitution do not apply to hearings, which are governed by the Local Licensing Procedure Rules and the relevant Regulations.
- 8.6 To note that the other business of the Committee, except for hearings, is governed by the Council’s Procedure Rules (Council Standing Orders) noting the substitution rule as detailed under Part 4 Section B of the Constitution.

9 Comments of the Chief Financial Officer

- 9.1 There are no specific financial implications.

10. Comments of the Head of Legal Services

- 10.1 The legal implications are set out in the body of this report.

11. Use of Appendices / Tables / Photographs.

- 11.1 Appendix 1 to this report is the terms of reference of the Licensing Committee
- 11.2 Appendix 2 to this report is the proposed membership of the three Licensing Sub-Committees (to follow)
- 11.3 Appendix 3 to this report is the terms of reference of the Licensing Sub-Committees

APPENDIX I

TERMS OF REFERENCE OF THE LICENSING COMMITTEE
COUNCIL'S CONSTITUTION PART 3 SECTION C

6. Licensing Committee

- (1) The Licensing Committee has all the functions referred to it by law under the Licensing Act 2003 and the Gambling Act 2005. These include:
 - (a) To be responsible for monitoring the operation of the Acts licensable activities and gambling in the Borough;
 - (b) To receive reports on these matters and on the functions delegated to the Licensing Sub-Committees and to officers. To call for a report on any individual case;
 - (c) To be consulted on the review and determination of the Licensing Policy Statement and the Statement of Gambling Policy including procedures for Council consultation with external stakeholders;
 - (d) To determine the procedures to be followed in handling applications, notices, representations and all hearings, subject to the relevant Regulations;
 - (e) Subject to Regulations, to determine the fees payable for applications for premises licences and related matters under the Gambling Act 2005;
 - (f) To exercise the functions of the Licensing Sub-Committees in relation to any premises, site or event where 500 or more persons are to be present;
 - (g) To exercise the functions of the Licensing Sub-Committees in any case referred to the Committee by its Chair, or by the Chair of a Licensing Sub-Committee on the grounds of its special significance or difficulty;
 - (h) In a Council Election Year when there is a need to hold a hearing in the period between Election day and the Annual Meeting of the Council, those Members of the Licensing Committee who are re-elected as Councillors shall meet as the Licensing Committee to exercise any of the functions of the Licensing Sub-Committees, or under (f) above, and shall elect a Chair for the meeting.

- (2) Excluded from the Licensing Committee's terms of reference are:
- (a) The functions statutorily referred to the General Purposes Committee, the Cabinet and the full Council including the formal review and determination of the Licensing Policy Statement and the Statement of Gambling Policy;
 - (b) The functions delegated to the Licensing Sub-Committees, as set out below, except where referred back to the Committee under sub-paragraph 6(1)(g) above.

APPENDIX 3

TERMS OF REFERENCE OF THE LICENSING SUB-COMMITTEES
COUNCIL'S CONSTITUTION PART 3 SECTION C

3. Under Licensing Committee

3.1 Licensing Sub-Committees

General Provisions

- (a) To exercise all the functions listed in these terms of reference in relation to any premises, site or event where less than 500 persons are to be present;
- (b) The Chair of a Licensing Sub-Committee may, before hearing it, refer any case falling within these terms of reference to the Licensing Committee on the grounds of its special significance or difficulty. This power may also be exercised by the Chair of the Licensing Committee;
- (c) Licensing Sub-Committees have the power to make final decisions on behalf of the Council on matters within their terms of reference and there is no right of appeal to the Licensing Committee.

Functions under both the Licensing Act 2003 and the Gambling Act 2005

- (d) To determine applications for premises licences where relevant representations have been made;
- (e) To determine applications for provisional statements where relevant representations have been made;
- (f) To determine applications for variations of premises licences where relevant representations have been made;
- (g) To determine valid applications for review of premises licences;
- (h) To decide on any other matter where it is necessary or desirable for Members to make that decision;

Functions under the Licensing Act 2003 alone

- (i) To determine applications to vary designated premises supervisors following police objections;
- (j) To determine applications for transfer of premises licences following police objections;
- (k) To consider police objections made to interim authority notices;
- (l) To determine applications for club premises certificates where relevant representations have been made;
- (m) To determine applications to vary club premises certificates where relevant representations have been made;
- (n) To determine valid applications for review of club premises certificates;
- (o) To decide whether to give counter notices following police objections to temporary event notices;
- (p) To determine applications for grants of personal licences following police objections;
- (q) To determine applications for renewals of personal licences following police objections;
- (r) To decide on revocation of personal licences where convictions come to light after grant;

Functions under the Gambling Act 2005 alone

- (s) To determine applications for transfers of premises licences following representations by the Gambling Commission or others;
- (t) To determine applications for the re-instatement of premises licences where relevant representations have been made;
- (u) To decide whether to give counter notices following objections to temporary use notices;
- (v) To determine applications for the grant of club gaming permits and club machine permits where objections have been received;

- (w) To determine proposals to cancel club gaming permits and club machine permits where the holder requests a hearing;
- (x) When the licence holder requests a hearing, to determine officer proposals: (i) to make an order removing the entitlement of an on-premises alcohol licence holder to have one or two gaming machines, or (ii) to cancel or vary a licensed premises gaming machine permit;
- (y) To determine licensed premises gaming machine permit applications for 5 or more machines and all applications for any number of machines where there is cause for concern about the proper management of the premises;

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By virtue of paragraph(s) 3, 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is exempt

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