

North East Derbyshire District Council

Licensing and Gambling Acts Committee

25 July 2022

Licensing and Gambling Acts Committee and Sub-Committee Meeting Arrangements

Report of the Assistant Director of Governance and Monitoring Officer

Classification: This report is public

Report By: Sarah Sternberg, Assistant Director of Governance and Monitoring Officer

Contact Officer: Alan Maher, Interim Governance Manager
alan.maher@ne-derbyshire.gov.uk

PURPOSE / SUMMARY

To consider the arrangements for Licensing and Gambling Acts Committee and Sub-Committee meetings for the 2022-23 Municipal Year.

RECOMMENDATIONS

1. That Committee notes the schedule of dates for the Licensing and Gambling Acts Committee during the 2022-23 Municipal Year.
 2. That Committee notes the schedule of potential dates for the Licensing and Gambling Acts Committee Sub-Committee's for the 2022-23 Municipal Year.
 3. That Committee considers a schedule of attendees for these meetings during the 2022-23 Municipal Year.
 4. That the Assistant Director of Governance and Monitoring Officer be delegated authority to appoint Members to serve on scheduled and unscheduled meetings of the Licensing and Gambling Acts Sub-Committee and that Committee recommends to Standards Committee that this delegation be included in the Scheme of Delegation in the Constitution.
 5. That the Assistant Director of Governance and Monitoring Officer be delegated authority to determine, in consultation with the Chair of the Committee, the criteria for when the Sub-Committee should hear and determine cases, in those instances when Applicants or Licence Holders will not be at the meeting and that the Committee recommends to Standards Committee that this delegation be included in the Scheme of Delegation.
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IMPLICATIONS

Finance and Risk: Yes No

Details:

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details:

On Behalf of the Solicitor to the Council

Staffing: Yes No

Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Significantly Affected	None
Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet / Executive <input type="checkbox"/> SMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	N/A

Links to Council Plan priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.

N/A

REPORT DETAILS

1 **Background** *(reasons for bringing the report)*

- To review and determine the arrangements for Licensing and Gambling Act Committee and Sub-Committee meetings for the 2022-23 Municipal years.

2. **Details of Proposal or Information**

3.1 The responsibilities of the Licensing and Gambling Acts Committee are made clear in the Council's Constitution. This has been published on the Council's Web Site: <https://democracy.ne-derbyshire.gov.uk/ieListDocuments.aspx?CId=1293&MId=2331&Ver=4>

2.2. The functions of the Committee are set out below:

- To consider all licensing matters related to the Licensing Act 2003 and the Gambling Act 2005
- To recommend to Council statements of Licensing Policy under the both the Licensing Act 2003 and the Gambling Act 2005
- To make any minor changes and updates to the Statements of Licensing Policy under the both the Licensing Act 2003 and the Gambling Act 2005 that are required following the adoptions by Council of both statements.
- To recommend to Council to resolve whether to issue a Casino Licence

2.3 The following matters are reserved to the Council Meeting:

- (i) The Statements of Licensing Policy under both the Licensing Act 2003 and the Gambling Act 2005
- (ii) The power to resolve to issue a Casino Licence

2.4 In addition to today, the Committee has two scheduled meetings during the Municipal Year. These will follow on from the meetings of the General Licensing Committee.

- **Tuesday 11 October 2022 (2pm)**
- **Tuesday 7 February 2022 (2pm)**

2.5. With the agreement of the Chair, special meetings will be arranged, as required.

2.6 Specific aspects of the Committee's responsibilities under the Council's Constitution are discharged by the Licensing and Gambling Acts Committee Sub-Committees. In particular, the Sub Committees have responsibility:

- To consider all matters which cannot be delegated to officers concerning the discharge by the Council of its licensing functions under the Licensing Act 2003, including:

- Application for a personal licence where there are relevant unspent convictions;
 - The review of a premises licence or club premises certificate; other than minor variations
 - Decision to object when the local authority is the consultee and not the relevant authority considering the application;
 - Determination of a police or environmental health objection to a temporary event notice.
 - Where a relevant representation has been made in respect of the following applications:
 - (i) Personal licence;
 - (ii) Premises licence or club premises certificate;
 - (iii) Provisional statement;
 - (iv) Variation to a premises licence or club premises certificate;
 - (v) Variation to a designated personal licence holder;
 - (vi) Transfer of a premises licence;
 - (vii) Interim authority.
 - To consider all matters which cannot be delegated to officers concerning the discharge by the Council of its licensing functions under the Gambling Act 2005, including:
 - Application for a premises licence where representations have been received and not withdrawn.
 - Application for variation to a licence where representations have been received and not withdrawn.
 - Application for a transfer of a licence where representations have been received from the Gambling Commission.
 - Application for a provisional statement where representations have been received and not withdrawn.
 - Review of a premises licence.
 - Application for a club gaming/club machine permits where objections have been received and not withdrawn.
 - Cancellation of club gaming/club machine permits.
- 2.7 Licensing and Gambling Acts Sub Committees consist of three Members, all of whom have to be present for the meeting to be quorate. The composition of the General Licensing Sub-Committee has been determined 'as and when required' from the available Members of the Committee. Previously, the Membership was determined in advance at the start of

the Municipal Year. This has the advantage of enabling Members to be clear well in advance when they would be required to attend Sub-Committee meetings and so avoid potential diary clashes.

- 2.8 As Licensing and Gambling Acts Sub Committees often take place following General Licensing Committee Sub Committees, it would seem appropriate that three of the five Members who attend these meetings should comprise the Sub-Committee panel for Licensing and Gambling Act Sub Committees. Separate arrangements would be required for stand-alone meetings.
- 2.9 Members and officers would be informed when the Licensing and Gambling Acts Sub-Committee Meetings were cancelled or when additional meetings were arranged. This information would also be published on the Council’s web site. The Monitoring Officer would also determine the membership for additional Sub-Committee meetings, following consultation with Committee Members.
- 2.10 A schedule of Licensing and Gambling Acts Sub-Committee meetings and an indicative list of those Members who might serve them is set out below. Committee is asked to consider this. The suggested three Members are in bold, with the other two Members intended as substitutes.

Date of Licensing and Gambling Acts Committee Sub-Committee (following on from any General Licensing Committee Sub Committee meetings.	Possible ‘Panel’ of Members for the Sub-Committee Meeting
Tuesday 2 August 2022	Barker, Emmens , Reader, Roe, Thacker
Tuesday 30 August 2022	Antcliff, Kerry, Liggett, P Wright, Windley
Tuesday 27 September 2022	Barker , Emmens, Reader, Roe, Thacker
Tuesday 1 November 2022	Liggett, Pickering, Roe, Stone, M Foster
Tuesday 29 November 2022	Barker, Emmens, Reader , Roe, Thacker
Tuesday 13 December 2022	Antcliff, Kerry, Liggett, P Wright, Windley
Tuesday 31 January 2023	Liggett, Pickering, Roe , Stone, M Foster
Tuesday 28 February 2023	Barker, Emmens, Reader, Roe , Thacker
Tuesday 28 March 2023	Antcliff, Kerry, Liggett , P Wright, Windley
Tuesday 18 April 2023	Liggett, Pickering, Roe , Stone, M Foster

3. Procedural Arrangements

3.1 The Council has procedural arrangements in place for considering hearings under the Licensing and Gambling Acts. These are summarised below.

A The Chair of the Sub-Committee will:

- (a) Indicate that the procedure for the hearing will be as required in the Licensing Act 2003 (Hearing) Regulations 2005 and will take the form of a discussion led by the licensing authority.
 - (b) Indicate that this hearing shall take place in public, except where (as defined in regulations) the Public Interest requires the public exclusion. A party or any person assisting or representing a party may be treated as a member of the public.
 - (c) Indicate that at the hearing a party shall be entitled to:
 - (i) In response to a point which the Council has given notice that it will want clarification under the Regulations, give further information in support of their application, representations or notice;
 - (ii) Subject to permission by the Chair of the Panel allow you to question any other party present; and
 - (iii) Address the Sub-Committee
 - (e) Indicate that in considering any representations or notice made by a party, the authority may take into account documentary or other information produced by a party in support of their application, representation or notice (as applicable) either before the hearing or, with the consent of all the other parties at the hearing.
- B** The Sub-Committee will consider any request made by a party for permission for another person to appear at the hearing, other than the person he/she intends to represent him/her at the hearing. Such permission shall not be unreasonably withheld
- C** The order for submissions by each party to the hearing will be:
- (a) The Licensing Officer
 - (b) The Objectors
 - (c) The Applicants
- D** After each of the above submissions the Members of the Sub-Committee will be entitled to ask questions of the relevant party.
- E** Each party will be allowed the equal maximum period of time in which to exercise their rights.
- F** The authority may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing.
- G**
- (a) Regarding failure of parties to attend the hearing; if the authority has not been notified then it may, where it considers it to be necessary in the public interest, adjourn the hearing to a specified date or continue to hold the hearing in their absence.
 - (b) Where the authority holds a hearing in a party's absence it will consider the application, representations or any notice made.

- (c) Where the authority adjourns the hearing to a specified date it will notify each party of the date, time and place, to which the hearing has been adjourned.
- H The parties will be entitled to make closing submissions. The closing submission of any applicant for a licence will follow the closing submissions of the representatives of any objectors.
- I The Licensing Sub-Committee may, after hearing the representations ask all parties, except the legal adviser and the Governance Services representative to withdraw to enable the Sub-Committee to deliberate in private.
- J In most cases the authority will make its determination at the conclusion of the hearing. The pronouncement of the determination is made in public. In all cases specified in the Hearing Regulations, the authority will make its written determination within a period of five or ten working days as appropriate.
- K Applicants and those making representations have the right to be accompanied by a legal representative, friend or other representative of their choice.
- L If Applicants and those making representatives have informed the Council that they do not intend to attend or be represented at a hearing, the hearing may proceed in their absence. If they have not informed the Council and they fail to attend or be represented at a hearing the Sub-Committee may –
 - (a) Where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or
 - (b) Hold the hearing in their absence

3.2 Each case would need to be considered on its merits and the decision would depend on the facts. However, it would be appropriate to now set formal criteria for what constitutes the ‘public interest’ for these purposes and when it would be appropriate to consider the case in the absence of the Applicant or those making representations and when to defer consideration until they were able to attend.

3.3 It is recommended that that the Assistant Director of Governance and Monitoring Officer receives delegated authority to determine this criteria, in consultation with the Chair of the Committee. This would need to then be agreed by the Standards Committee for inclusion in the Council’s Scheme of Delegation.

4 Reasons for Recommendation

4.1 To help ensure the operation of the Council's Licensing and Gambling Acts Committee and Sub Committees and ensure that they can undertake their functions effectively.

5 Alternative Options and Reasons for Rejection

5.1 None

DOCUMENT INFORMATION

Appendix No	Title
	None
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet you must provide copies of the background papers)	