

LICENSING AND SAFETY COMMITTEE

26 APRIL 2005

APPOINTMENT OF VICE-CHAIRMEN AND THE ESTABLISHMENT OF LICENSING HEARING PANELS FOR MAY–JULY 2005

Report from: David Howes, Head of Council Office

Author: Caroline Salisbury, Committee Co-ordinator

1 Summary

1.1 The report recommends the appointment of seven vice-chairmen of the Licensing and Safety Committee to act as chairmen of Licensing Hearing Panels.

1.2 The Licensing Hearing Panels would consider all Licensing Act 2003 matters. Sex establishment applications and health & safety issues would be retained for consideration by the Licensing and Safety Committee. Matters not falling within the Licensing Act 2003, such as hackney carriage and private hire matters will continue to be dealt with by the existing seven member Licensing Sub-committee.

2 Decision issues

2.1 The matters contained within the report are for the committee's consideration and approval, as each committee of the Council may appoint sub-committees and vice-chairmen and direct its order of business within the terms of reference set out in the Council's constitution. In addition, the Licensing Act 2003 provides that the committee established for the purposes of performing the functions of the 2003 Act has the power to establish its own sub-committees.

3 Background

3.1 The Licensing Act 2003 provides that the Licensing Committee may appoint sub-committees, referred to in this report as Licensing Hearing Panels, of three members to discharge functions which fall within the parent committee's terms of reference. Exceptions have already been made by the committee to the principles of political balance being waived for the formation of these panels. Full Council has relaxed the substitution rules for Licensing Hearing Panels providing a substitute is a trained member of the parent committee.

3.2 At the last meeting of the committee held on 11 January 2005, the committee established a number of Licensing Hearing Panels and agreed a timetable for February – April 2005. Council agreed a Schedule of Meetings 2005-2006 in February 2005 for recommendation to Annual Council on 11 May 2005. The relevant Panel dates are set out in the appendix for members information. The committee is now asked to note the timetable for May – July 2005.

4 Chairmen of Licensing Hearing Panels

4.1 Following consultation with the Chairman of Licensing and Safety Committee and group whips, it is proposed that the following rules are followed regarding the appointment of chairmen to Licensing Hearing Panels.

- Licensing Hearing Panels will be convened to include the Chairman or a Vice-Chairman of the Licensing and Safety Committee wherever possible.
- Where the Chairman or a Vice-Chairman is present, that person (or one of those persons chosen by the panel, if more than one is present) will be appointed as Chairman of that Panel.
- Where neither the Chairman nor a Vice-Chairman is present but a member who has attended a Licensing Chairman's training session is present, that person (or one of those persons chosen by the Panel, if more than one is present) will be appointed as Chairman of that Panel.
- In other exceptional cases, the Panel will appoint a Chairman of its own choosing.

4.2 The committee is therefore asked to appoint seven Vice-Chairmen. Nominations from the groups are as follows:

Conservative: The Conservative nominations will be circulated at the meeting.

Labour: The Labour nominations will be circulated before the meeting.

Liberal Democrat: Councillor Luckhurst.

4.3 The appointment of the Chairman of the Panel would still be the first item of business and should adhere to the rules shown above.

5 Financial and legal implications

- 5.1 There may be financial and legal implications if the council fails to determine applications within the statutory timescales. This may result in a “deemed refusal/approval” depending on the type of application. Should an applicant appeal against this the council would probably be liable for costs if unsuccessful in the appeal.
- 5.2 The formation of sub-committees of the main committee established under the Licensing Act 2003 is dealt with in the Licensing Act 2003.
- 5.3 It is within council rules to appoint membership to a committee. Committees are empowered to establish the membership of sub-committees and appoint members to positions of responsibility on those sub-committees.

6 Recommendations

- 6.1 That the committee approves the appointment of seven Vice-Chairmen, as set out in paragraph 4.2 of the report, subject to their attendance at a suitable training course.
- 6.2 That the committee adopts the rules regulating the appointment of Chairmen for Licensing Hearing Panels, as set out in paragraph 4.1 of the report.
- 6.3 That the committee notes the timetable of Licensing Hearing Panel’s and their membership for the period May – July 2005, as set out in Appendix A.

7 Background papers

- 7.1 Licensing Act 2003
Licensing Act guidelines dated 7 July 2004

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**PANEL SCHEDULE
MAY – JULY 2005**

DATE	TIME	PANEL	FOURTH MEMBER
Tuesday, 10 May	9am – 1.00pm	Ken Bamber Buckwell Kieran Magee	
	2.00pm – 5.00pm	Mrs Diane Chambers Mrs Etheridge Harriott	Ken Bamber
	6pm onwards	Andrews Gilry Hicks	
Friday, 13 May	9am – 1.00pm	Mrs Diane Chambers Davis Mrs Etheridge	Ken Bamber
	2.00pm – 5.00pm	Bowler Gilry Harriott	Mrs Etheridge
Tuesday, 17 May	9am – 1.00pm	Ken Bamber Mrs Etheridge Kieran Magee	
	2.00pm – 5.00pm	Andrews Harriott Luckhurst	Mrs Etheridge
	6pm onwards	Bowler Mrs Diane Chambers Mrs Haydock	
Friday, 20 May	9.00am – 1.00pm	Ken Bamber Davis Mrs Etheridge	
	2.00pm – 5.00pm	Baker Mrs Diane Chambers Harriott	Mrs Etheridge

DATE	TIME	PANEL	FOURTH MEMBER
Tuesday, 24 May	9am – 1.00pm	Goulden Davis Kieran Magee	
	2.00pm – 5.00pm	Mrs Diane Chambers Mrs Etheridge Harriott	Ken Bamber
	6pm onwards	Andrews Gilry Mrs Haydock	
Friday, 27 May	9am – 1.00pm	Ken Bamber Davis Goulden	
	2.00pm – 5.00pm	Andrews Harriott Luckhurst	
Tuesday, 31 May	9am – 1.00pm	Ken Bamber Buckwell Kieran Magee	
	2.00pm – 5.00pm	Ken Bamber Bowler Harriott	
	6pm onwards	Andrews Bowler Gilry	
Friday, 3 June	9am – 1.00pm	Ken Bamber Mrs Diane Chambers Davis	Goulden
	2.00pm – 5.00pm	Andrews Harriott Luckhurst	

DATE	TIME	PANEL	FOURTH MEMBER
Tuesday, 7 June	9am – 1.00pm	Ken Bamber Mrs Etheridge Kieran Magee	Davis
	2.00pm – 5.00pm	Bowler Mrs Diane Chambers Harriott	Ken Bamber
	6pm onwards	Andrews Gilry Hicks	
Friday, 10 June	9am – 1.00pm	Mrs Diane Chambers Mrs Etheridge Goulden	
	2.00pm – 5.00pm	Andrews Harriott Luckhurst	Mrs Etheridge
Tuesday, 14 June	9am – 1.00pm	Ken Bamber Buckwell Kieran Magee	
	2.00pm – 5.00pm	Mrs Diane Chambers Harriott Luckhurst	
	6pm onwards	Andrews Bowler Mrs Haydock	
Friday, 17 June	9am – 1.00pm	Buckwell Davis Goulden	Ken Bamber
	2.00pm – 5.00pm	Baker Gilry Harriott	Mrs Etheridge

DATE	TIME	PANEL	FOURTH MEMBER
Tuesday, 21 June	9am – 1.00pm	Davis Goulden Kieran Magee	
	2.00pm – 5.00pm	Ken Bamber Harriott Luckhurst	
	6pm onwards	Andrews Bowler Mrs Diane Chambers	
Friday, 24 June	9am – 1.00pm	Ken Bamber Buckwell Mrs Etheridge	
	2.00pm – 5.00pm	Baker Gilry Harriott	Mrs Etheridge
Tuesday, 28 June	9am – 1.00pm	Ken Bamber Buckwell Kieran Magee	
	2.00pm – 5.00pm	Bowler Mrs Etheridge Harriott	Ken Bamber
	6pm onwards	Mrs Diane Chambers Gilry Hicks	
Friday, 1 July	9am – 1.00pm	Ken Bamber Davis Mrs Etheridge	Goulden
	2.00pm – 5.00pm	Andrews Bowler Luckhurst	Mrs Etheridge

DATE	TIME	PANEL	FOURTH MEMBER
Tuesday, 5 July	9am – 1.00pm	Buckwell Goulden Kieran Magee	
	2.00pm – 5.00pm	Baker Davis Mrs Etheridge	Ken Bamber
	6pm onwards	Andrews Bowler Mrs Diane Chambers	
Friday, 8 July	9am – 1.00pm	Mrs Diane Chambers Davis Mrs Etheridge	
	2.00pm – 5.00pm	Andrews Harriott Luckhurst	Mrs Etheridge
Tuesday, 12 July	9am – 1.00pm	Ken Bamber Buckwell Kieran Magee	
	2.00pm – 5.00pm	Bowler Mrs Etheridge Harriott	
	6pm onwards	Andrews Mrs Diane Chambers Gilry	
Friday, 15 July	9am – 1.00pm	Bowler Buckwell Mrs Diane Chambers	
	2.00pm – 5.00pm	Gilry Harriott Luckhurst	

DATE	TIME	PANEL	FOURTH MEMBER
Tuesday, 19 July	9am – 1.00pm	Ken Bamber Goulden Kieran Magee	Davis
	2.00pm – 5.00pm	Mrs Diane Chambers Mrs Etheridge Harriott	Ken Bamber
	6pm onwards	Andrews Gilry Mrs Haydock	
Friday, 22 July	9am – 1.00pm	Ken Bamber Davis Mrs Etheridge	
	2.00pm – 5.00pm	Andrews Baker Harriott	Mrs Etheridge
Tuesday, 26 July	9am – 1.00pm	Buckwell Goulden Kieran Magee	Ken Bamber
	2.00pm – 5.00pm	Bowler Davis Mrs Etheridge	
	6pm onwards	Mrs Diane Chambers Gilry Hicks	Harriott
Friday, 29 July	9am – 1.00pm	Ken Bamber Bowler Mrs Etheridge	
	2.00pm – 5.00pm	Mrs Diane Chambers Davis Luckhurst	