

## **LICENSING AND SAFETY COMMITTEE**

**10 JUNE 2020**

### **ESTABLISHMENT OF SUB-COMMITTEES OF THE LICENSING AND SAFETY COMMITTEE**

Author: Perry Holmes, Chief Legal Officer

#### **Summary**

Members are asked to agree to the establishment of the Licensing Sub-Committee, Licensing Hearing Panels and Licensing 1982 Act Hearing Panels and appoint Members to them.

#### **1. Budget and Policy Framework**

- 1.1 The appointment of Chairmen and Vice-Chairmen of Committees, the establishment of sub-committees and the appointment of Members to serve on them is normally a matter for decision at a Joint Meeting of Committees, which immediately follows the Annual Council Meeting.
- 1.2 As Members will be aware, the Council decided in April not to hold an annual meeting in accordance with The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020. As such there was no Joint Meeting of Committees and the appointment of Chairman and Vice-Chairman and the establishment of sub-committees is therefore a matter for the relevant Committees. The Licensing Sub-Committee, the Licensing Hearing Panels and the Licensing 1982 Act Hearing Panels are sub-committees of the Licensing and Safety Committee.

#### **2 Establishment of Sub-Committees and allocation of seats**

- 2.1 The Council is required under the Local Government and Housing Act 1989 to allocate seats on Committees and sub-committees to political groups in accordance with the size of each group on the Council as a whole, unless alternative arrangements are notified to all Members five clear days in advance of the meeting and agreed without any Councillor voting against them.
- 2.2 As there was no Annual Council meeting this year this review could not take place in respect of Committees and, as such, there is no requirement to review the allocation of seats on the sub-committees.

- 2.3 The terms of reference of the sub-committees are set out in Appendix 1.
- 2.4 It is proposed that the memberships of these sub-committees for 2020/21 be unchanged from 2019/20. On this basis, the proposed memberships are set out in Appendix 2.
- 2.5 As has been the practice in previous years the Committee is asked to waive the requirements of political balance in relation to the Licensing Hearing Panels.

### **3. Financial, legal and risk management implications**

- 3.1 There are no financial implications arising from this report.
- 3.2 The legal position is set out within the body of the report.
- 3.3 There are no risk management implications arising from this report.

### **4. Recommendations**

- 4.1 The Committee is asked:
- a) to agree to the establishment of the Licensing Sub-Committee, Licensing Hearing Panels and Licensing 1982 Act Hearing Panels; their size, the allocation of seats to political groups and memberships as set out in Appendix 2; and
  - b) to agree that the requirement for political balance should be waived in respect of Licensing Hearing Panels and Licensing 1982 Act Hearing Panels and that the process for selection of Panel Members should be as set out in Appendix 2.

#### **Lead officer contact:**

Stephen Platt, Democratic Services Officer, Telephone: 01634 332011  
Email: [stephen.platt@medway.gov.uk](mailto:stephen.platt@medway.gov.uk)

#### **Appendices**

Appendix 1 - Terms of Reference of the Licensing and Safety Committee Sub-Committees

Appendix 2 - Proposed Licensing and Safety Committee Sub-Committee Memberships for 2020/21

#### **Background papers**

None

## Terms of Reference of the Licensing and Safety Committee Sub-Committees

### (A) Licensing Sub-Committee

- To determine hackney carriage private hire and other licensing and registration issues not covered by the Licensing Act 2003 nor the Gambling Act 2005.
- To act in an advisory quasi-judicial capacity to the Chief Legal Officer, when considering representations from applicants for licences under the Scrap Metal Dealers Act 2013 where the authority is minded to refuse, vary or revoke a licence.
- To determine applications for the registration of land as a town or village green, where representations have been received and not withdrawn.

### (B) Licensing Hearing Panel

- To consider all Licensing Act 2003 matters;
- With regard to Licensing Act 2003 matters, to determine:
  - (i) an application for a personal licence if there is a police objection
  - (ii) an application for a personal licence with relevant unspent convictions
  - (iii) an application for a premises licence/club premises certificate, if relevant representation made
  - (iv) an application to vary a Designated Premises Supervisor, if there is a police objection
  - (v) an application for provisional statement, if a relevant representation made
  - (vi) an application to vary premises licence/club premises certificate, if a relevant representation made
  - (vii) an application for a minor variation to a premises licence or club premises licence, if a relevant representation is made
  - (viii) an application for transfer of premises licence, if there is a police objection
  - (ix) applications for interim authorities, if there are police objections
  - (x) an application to review premises licence/club premises certificate
  - (xi) a decision to object when the local authority is a consultee and not the relevant authority considering the application
  - (xii) a police objection to a temporary event notice.

(xiii) whether to suspend, for a period of up to six months, or revoke a personal licence where a Personal Licence Holder has been convicted of a relevant offence or foreign offence, or has been required to pay an immigration penalty, on or after 6 April 2017.

Note: A relevant representation is one which relates to the likely effect of the grant of the licence on the promotion of at least one of the four licensing objectives specified in the Licensing Act 2003.

- With regard to Gambling Act 2005 matters, to determine:
  - (i) applications for premises licences where representations have been received and not withdrawn
  - (ii) applications for a variation to a licence where representations have been received and not withdrawn
  - (iii) applications for a transfer of licence where representations have been received by the Commission
  - (iv) applications for a provisional statement where representations have been received and not withdrawn
  - (v) a review of a premises licence
  - (vi) applications for club gaming/club machine permits where objections have been made and not withdrawn
  - (vii) a cancellation of club gambling/club machine permits
  - (viii) a decision to give a counter notice to a temporary use notice.

**(C) 1982 Act Hearing Panel**

- To determine any applications under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 where relevant representations have been received or where conditions have been proposed by officers but not accepted by the applicant.

**Proposed Licensing and Safety Committee Sub-Committee Memberships for 2020/21****LICENSING SUB-COMMITTEE OF LICENSING AND SAFETY COMMITTEE (7 MEMBERS)****Conservative (4)****Labour (3)****Councillors:**

Bhutia  
Mrs Diane Chambers  
Fearn  
Kemp

**Councillors:**

Mahil  
McDonald  
Prenter

Note: \* Chairman and Vice-Chairman subject to appointment at the Sub-Committee's first meeting of the municipal year.

**LICENSING HEARING PANEL - SUB-COMMITTEE OF LICENSING AND SAFETY COMMITTEE (3 MEMBERS)****AND****LICENSING 1982 ACT HEARING PANEL – SUB-COMMITTEE OF LICENSING AND SAFETY COMMITTEE (3 MEMBERS)**

The following Panels are used for both the above Panels

**Panel A**

Fearn (Conservative)	Bhutia (Conservative)	McDonald (Labour)
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**Panel B**

Mrs Diane Chambers (Conservative)	Carr (Conservative)	Browne (Labour)
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**Panel C**

Fearn (Conservative)	Hackwell (Conservative)	McDonald (Labour)
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**Panel D**

Mrs Diane Chambers (Conservative)	Kemp (Conservative)	Mahil (Labour)
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**Panel E**

Fearn (Conservative)	Elizabeth Turpin (Conservative)	Prenter (Labour)
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**Panel F**

Mrs Diane Chambers (Conservative)	Kemp (Conservative)	McDonald (Labour)
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Note: 1) The Licensing and Safety Committee is asked to waive the requirements of political balance in relation to these Panels as has been the practice in previous years.

2) Hearing Panels can only be made up of members of the Licensing and Safety Committee. Panel A is chosen for the first Hearing Panel of the Municipal Year and the other Panels are used in order i.e. Panel B, Panel C etc having regard to availability and Ward Councillor conflicts. Substitute members, including the fourth member of the Panel to be on standby in case one member of the Panel is unable to take part, are selected on alphabetical basis with the exception of the Chairman or Vice-Chairman of the Licensing and Safety Committee who will generally substitute for each other, if available.

