

Licensing Committee

Tuesday, 4th June, 2013

PRESENT: Councillor R Charlwood in the Chair

Councillors K Bruce, N Buckley, R Downes,
J Dunn, B Gettings, T Hanley, M Harland,
G Hussain, G Hyde, A Khan, P Latty,
B Selby and C Townsley

1 Chair's Opening Remarks

Councillor Charlwood welcomed all present to this, the first meeting of the new Municipal Year. The Chair noted that this would be the last Committee meeting that Mrs G Marshall, Legal Advisor to the Committee, would attend as she was leaving the Authority to take up a new post. The Committee expressed their best wishes to Mrs Marshall for the future.

2 Late Items

The Chair accepted the minutes of the Licensing (Large Casino) Committee held on 13th, 14th and 17th May 2013 respectively as late items of business onto the agenda for the meeting. The minutes had not been available at the time of agenda despatch as they had required formal comment and clearance from Legal Services and the Chair of the Committee. Copies of the minutes had been circulated to Members prior to the Committee meeting and had been published on 28th May 2013 (minute 5a) refers)

3 Declaration of Disclosable Pecuniary Interests

There were no declarations of interest

4 Apologies for Absence

Apologies for absence were received from Councillor Wilkinson

5 Minutes

RESOLVED – That the minutes of the following meetings be approved as a correct record

- a) 13th, 14th and 17th May 2013 (Large Casino process)
- b) 14th May 2013 (ordinary meeting)

6 Matters Arising

Minute 116 – Members noted that arrangements were being made to hold the first meeting of the Hackney Carriage and Private Hire Driver Licence (length of issue of licences) Working Group. Initial meetings would be just for Members; however the Trade had indicated they welcomed the opportunity to participate in subsequent meetings of the working group

(Councillor Khan joined the meeting at this point)

7 Licensing Committee - Annual Governance Arrangements

The City Solicitor submitted a report seeking to establish the governance arrangements for the Licensing Committee for the 2013/2014 municipal year, namely:

- To note the terms of reference of the Licensing Committee as agreed at the Annual Council meeting on 20 May 2013;
- To appoint the licensing sub-committees for the 2013/2014 municipal year and to approve their terms of reference; and
- to approve the delegation of functions to Officers as appropriate

Members commented on and made amendments to the proposed membership of the sub committees as set out in Appendix 2 of the report.

Additionally, one Member highlighted the amount of work undertaken by those members of the Committee who had dealt with the Large Casino licence process and commented on the Members' Allowance scheme. General discussion followed on the adequacy of the additional allowance one-off payment relative to the time spent on the applications and Members received clarification on the role of the Independent Remuneration Panel in setting the allowance.

The Committee also commented on the role of Members as council employees or office holders, the implications of the minimum wage legislation on the Members' Allowance Scheme and recent discussions in respect of Councillors' pension schemes. Councillor Buckley expressed his view that Councillors were not employees of the Council and therefore the minimum wage rule did not apply, furthermore he would find it personally difficult to explain to his constituents in the current economic climate that he had sought to secure additional payment.

RESOLVED –

- a) That the terms of reference of the Licensing Committee as approved by full Council on 20 May 2013 as shown at Appendix 1
- b) That the five licensing sub-committees hearings required under the 2003 and 2005 Acts be established with the following memberships
 - A Councillors Bruce, Downes and Gettings
 - B Councillors Dunn, Buckley and G Hussain
 - C Councillors Townsley, Harland and Hyde
 - D Councillors Hanley, P Latty and Selby
 - E Councillors Charlwood, Wilkinson and Khan
- c) That approval be given to the terms of reference for the licensing sub-committees as set out in Appendix 3 of the report
- d) That approval be given to the delegation of licensing functions to the Assistant Chief Executive (Customers and Communities) as shown in Appendix 4 of the report.

8 Licensing Procedure Rules, the Code of Practice for Determining Licensing Matters and Prescribed Licensing Training

The City Solicitor submitted a report setting out the draft Procedure Rules relating to hearings and other meetings of the Licensing Committee and sub-committees and sought approval for the Rules to be adopted in order to govern committee procedure. The report also highlighted the Code of Practice

for the Determination of Licensing Matters, previously approved by Standards Committee but now within the remit of the Committee to determine.

Member's attention was also directed to the arrangements for the prescribed Member Training on licensing under the provisions of Article 8A of the constitution and the Code of Practice. It was noted that since the report had been dispatched there had been further discussions which had amended the proposals. It was now proposed that the compulsory training for new Members would consist of an introduction to licensing and a session on bias and pre-determination. For existing and new members there would be one compulsory update session per year. That would constitute the prescribed training under Article 8A. Additional briefings and training sessions would continue to be offered which would not be compulsory.

In addition Members noted that there may be a requirement to identify further compulsory training for specific types of hearing such as that provided during the last municipal year for the Casino application. Such training would be identified in any report brought to Members regarding the arrangements for dealing with such matters at which point Members would be asked to consider whether it should be compulsory

RESOLVED –

- a) That the Licensing Procedure Rules as set out as Appendix 1 of the report be approved
- b) That approval be given to the contents of the Code of Practice for the Determination of Licensing Matters as set out in Appendix 2 of the report and that the Committee agree to follow the Code
- c) To approve the arrangements for the prescribed training programme.

9 Licensing Roundup

The Head of Licensing and Registration submitted a report on the challenges and changes dealt with by the Licensing Authority during the previous twelve months encompassing the work of the both the Taxi and Private Hire Licensing Section and the Entertainment Licensing Sections.

The Committee also noted the matters included within the report which were likely to be dealt with during the coming year.

RESOLVED – That the contents of the report be noted

10 Date and Time of Next Meeting

RESOLVED – To note the date and time of the next meeting as Tuesday 25th June 2013 at 10.00 am