

# Public Document Pack



Democratic Services  
White Cliffs Business Park  
Dover  
Kent CT16 3PJ

Telephone: (01304) 821199  
Fax: (01304) 872452  
DX: 6312  
Minicom: (01304) 820115  
Website: [www.dover.gov.uk](http://www.dover.gov.uk)  
e-mail: [democraticservices@dover.gov.uk](mailto:democraticservices@dover.gov.uk)

20 May 2016

Dear Councillor

I am now able to enclose, for consideration at the meeting of the **LICENSING COMMITTEE** on Wednesday 25 May 2016 at 5.00 pm, the following reports that were unavailable when the agenda was printed.

- 7 **LICENSING ACT 2003 AND GAMBLING ACT 2005 - APPOINTMENT OF LICENSING SUB-COMMITTEES AND CHAIRMAN OF SUB-COMMITTEES**  
(Pages 2 - 6)

To appoint five Sub-Committees of three members each and to appoint a Chairman for each Sub-Committee in accordance with the report of the Head of Democratic Services.

Yours sincerely

A handwritten signature in black ink, appearing to read "Nicky", written over a white background.

Chief Executive

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**Subject:** LICENSING ACT 2003 AND GAMBLING ACT 2005 – APPOINTMENT OF LICENSING SUB-COMMITTEES AND CHAIRMEN OF SUB-COMMITTEES

**Meeting and Date:** Licensing Committee – 25 May 2016

**Report of:** David Randall – Director of Governance

**Classification:** UNRESTRICTED

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**Purpose of the report:** To appoint Licensing Sub-Committees to hear applications for licences, variation of licences and applications for review of licences.

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**Recommendation:**

- (a) That the Licensing Committee appoints 5 Sub-Committees together with a Chairman for each Sub-Committee for the ensuing municipal year 2016/17.
- (b) That the Licensing Committee adopt the procedure for the appointment of Substitute Members as set out in Appendix 1 of this report.

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## 1. Summary

The Licensing Act 2003 makes provision (under section 9) for the establishment by the Licensing Committee of sub-committees consisting of 3 Members to discharge its functions.

## 2. Introduction and Background

2.1 As in previous years and in accordance with the Licensing Act 2003 and the Gambling Act 2005 this Council, as the Licensing Authority, is required to appoint sub-committees to hear applications for licences, variation of licences and applications for review of licences. As the Licensing Committee is composed of 15 Members, this requires the establishment of 5 Sub-Committees if all members of the Licensing Committee are to be allocated a seat on a sub-committee.

2.2 The sub-committees have been set up in such a way as to ensure that licence applications are not considered by Members representing the Ward in question and thereby to avoid any conflict of interests. In addition, married couples will not be appointed to serve on the same sub-committee in accordance with advice previously given by the Solicitor to the Council.

2.3 In the year 2015/16 the 5 sub-committees were as follows:

A	B W Butcher (CH)	L A Keen	M J Ovenden
B	M R Eddy	B Gardner (CH)	P S Le Chevalier
C	D G Cronk	S M Le Chevalier (CH)	D P Murphy
D	D Hannent (CH)	S C Manion	D A Sargent

E P M Brivio (CH) B Glayzer M Rose

2.4 In forming the sub-committees it should be noted that political balance requirements do not apply.

2.5 The suggested sub-committees for 2016/17 are:

A B W Butcher L A Keen M J Ovenden

B B Gardner S M Le Chevalier D P Murphy

C S F Bannister D G Cronk P S Le Chevalier

D D Hannent M J Holloway M Rose

E P M Brivio B Glayzer D A Sargent

2.6 There have been no suggestions for sub-committee chairmanships made as part of this report and this is a matter for the Licensing Committee to determine.

### **Substitute Rules**

2.7 The Licensing Committee is responsible for making its own operating arrangements (within the confines of the Licensing Act) and it is proposed that to formalise arrangements for substitute members the Licensing Committee adopt the provisions of Council Procedure Rule 4 (Appointment of Substitute Members of Committees, Sub-Committees and Panels/Group) with the amendments outlined in the Appendix 1. The purpose of the amendments is to reflect the lack of political balance requirements for the Licensing Sub-Committees.

2.8 The substitute members for the Licensing Sub-Committees must be drawn from the 15 Members of the Licensing Committee as appointed by the full Council.

2.9 The Democratic Support Officer will work with Members where substitutes are required to ensure that a quorum of Members is present at a Licensing Sub-Committee meeting.

### **3. Identification of Options**

3.1 The appointment of Sub-Committees by the Licensing Committee as specified in the Licensing Act 2003 provides for the efficient and effective discharge of its functions. The size of the Licensing Sub-Committees (3 members) is specified in s.9 of the Act. This is the recommended option.

3.2 The formalisation of rules for the appointment of substitute members provides clarity over the procedure to be followed and codifies existing processes.

### **4. Resource Implications**

There are no resource implications arising from this report.

5. **Appendices**

Appendix 1 – Procedure Rules for the Appointment of Substitute Members

6. **Background Papers**

None.

Contact Officer: Jemma Duffield – Democratic Support Officer

## APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES, SUB-COMMITTEES AND PANELS/GROUPS

*This rule applies to the Licensing Sub-Committees.*

- (1) A full member of **the Licensing Committee** ~~a Committee or Sub-Committee or Panel/Group~~ who is unable to attend a Sub-Committee meeting and wishes a substitute member to attend the meeting in his/her place, shall make the necessary arrangements with any other member of ~~his/her political group~~ **of the Licensing Committee** and shall either give, or arrange for the nominated substitute member or any other member of ~~his/her political group~~ **of the Licensing Committee**, to give notice of the substitution before the time when the meeting is to commence, either in written or oral form to the Committee Officer named on the agenda.
- (2) ~~Neither the Chairman or Vice-Chairman of the Council nor any member of the executive shall act as a substitute for any member of any Scrutiny Committee.~~
- (3) ~~For each committee, with the exception of the Cabinet, the Council will allow the same number of substitutes in respect of each political group as that group holds ordinary seats on that committee.~~
- (4) The effect of a valid notice of substitution (whether written or oral) shall be that the full member shall cease to be a member of the ~~Committee or Sub-Committee or Panel/Group~~ (as the case may be) for the duration of that meeting (and for the duration of any adjournment of that meeting) and that the substitute member shall be a full member of the ~~Committee or Sub-Committee or Panel/Group~~ (as the case may be) for the same period; and that the full member shall resume membership of that ~~Committee or Sub-Committee or Panel/Group~~ after the conclusion of that meeting (including any adjournment thereof).
- (5) A valid notice of substitution (whether written or oral) once given in respect of a meeting of a ~~Committee or Sub-Committee or Panel/Group~~ may not be revoked in respect of such meeting or any adjournment of it.
- (6) The Committee Officer (or his/her representative) shall announce the appointment of any substitute members made in accordance with this Standing Order at the commencement of the meeting.
- (7) In the event of the Chairman of a ~~a Committee or Sub-Committee or Panel/Group~~ being absent and appointing a substitute member to attend in his/her place, the substitute member may only act as an ordinary member and will not assume any rights of the full member to act as Chairman (and in such event the normal rules as to the Vice-Chairman taking the chair will apply). In the absence of both the Chairman and Vice-Chairman from a meeting (and the appointment of substitute members to attend in their place) the meeting shall appoint a Chairman for the meeting who may be drawn from any members (including any substitute member) present and with voting rights.
- (8) (a) ~~Only members who have received the appropriate training may be appointed to act as substitutes on: (i) the Planning Committee (ii) the Regulatory Committee (iii) the Licensing Sub-Committee (iv) the Governance Committee (v) the Standards Committee~~

- (b) Only members of the **Licensing C**ommittees named at Rule 4(8)(a) may be appointed to act as substitutes on their respective **Licensing** sub-committees.