

# **Licensing Acts Committee procedure rules**

## **Purpose of the Licensing Acts Committee**

1. The Licensing Acts Committee is responsible for all matters under the Licensing Act 2003 and the Gambling Act 2005 but it will make recommendations to Council on the licensing policy statement and the gambling statement of principles. The 2003 Act concerns the regulation of the sale and supply of alcohol, the provision of entertainment and the provision of late night refreshment. The 2005 Act covers the control and licensing of gambling (namely gaming, betting and lotteries).
2. The Licensing Acts Committee appoints sub-committees called licensing panels to deal with particular cases.

## **Membership**

3. The Licensing Acts Committee will comprise 12 councillors appointed annually by Council and will be politically balanced. There shall be no substitute members.
4. A councillor shall not participate in the determination of any licensing application in their ward.
5. A councillor who is a member of both the Licensing Acts Committee and the Planning Committee shall only consider licensing and planning applications relating to a particular site as a member of one of those committees during a 12 month period. No member of the Cabinet, nor the chair or the vice-chair of Council shall act as chair or vice-chair of the committee.

## **Time and place of meetings**

6. The time and place of meetings will be notified in the agenda for each meeting. General Licensing Committee meetings will take place in accordance with an agreed programme. In addition, additional meetings may be scheduled as required.

## **Notice of, and agenda for, meetings**

7. The head of legal and democratic will give notice to the public of the time and place of any meeting. At least five clear working days before a meeting, the head of legal and democratic will publish the agenda on the council's website and make it available for public inspection at the council's offices, except where the matter under consideration contains confidential or exempt information. The agenda will set out the date, time and location of the meeting, and will specify the business to be transacted. The agenda may contain reports about matters for the Committee's consideration. Where not all reports are available with the agenda they will be published as soon as they become available. Licensing Acts Committee agendas will also be available for six years after a meeting.

## Chair of meetings

8. The chair (and vice-chair in their absence) will preside over meetings and lead and guide the work of the committee. No member of the Cabinet shall act as chair or vice-chair of the committee.
9. The chair may choose to indicate how they wish to be addressed, according to personal preference.

## Quorum

10. A quarter of the members of the committee must be present for a legally valid committee meeting to be held. During any meeting, if the chair counts the number of councillors present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the chair. If he/she does not fix a date, the remaining business will be considered at the next meeting.
11. If there is no quorum at the published start time for the meeting, a period of 15 minutes will be allowed. If there remains no quorum at the expiry of this period, the meeting shall be declared null and void. The business will be considered at a time and date fixed by the chair. If he/she does not fix a date, the remaining business will be considered at the next meeting.

## Duration of meetings

12. No meeting shall exceed two and a half hours in duration unless the committee, prior to the expiry of the period, vote for the meeting to continue for a further period not exceeding 30 minutes. Remaining business will be considered at the next meeting.

## Meeting procedure

13. The committee shall consider the following business:
  - (a) to receive any apologies and notifications of substitutes;
  - (b) declarations of pecuniary interests and other interests;
  - (c) minutes of the previous meeting; and
  - (d) the business otherwise set out on the agenda for the meeting.

## Public participation

14. An application to speak must be made in writing or by email to democratic services [democratic.services@southandvale.gov.uk](mailto:democratic.services@southandvale.gov.uk) by 5.00 pm on the last working day before the day of the meeting. Persons who have registered to speak may appoint someone to speak on their behalf provided that written authority from the person who has registered to speak is given to democratic services before the meeting commences.
15. The public may address a Licensing Acts Committee meeting by asking a question, making a statement or presenting a petition and may speak for up to three minutes each. Every question must relate to an agenda item for that meeting. Public

questions, statements or petitions will only be accepted at a special meeting of the committee if they relate to the item due to be discussed at that meeting.

16. The public address session at the start of each Licensing Acts Committee meeting will be limited to fifteen minutes. Where the number of speakers exceeds the time available, each speaker's time will be reduced.
17. Questions or statements will be considered by the meeting in the order that they are registered with democratic services. Where multiple questions or statements are received from different people on the same subject, the chair may group these together.
18. The chair of the meeting may suspend the operation of speaking rules at any time if he/she considers it necessary for the purpose of maintaining order.

## **Voting**

### **MAJORITY**

19. Any matter will be decided by a simple majority of those councillors voting and present in the room at the time the question was put.

### **CHAIR'S CASTING VOTE**

20. If there are equal numbers of votes for and against, the chair will have a second or casting vote. There will be no restriction on how the chair chooses to exercise a casting vote. If the chair does not exercise his/her casting vote, the motion being considered will be deemed to be lost.

### **SHOW OF HANDS**

21. Unless a recorded vote is requested under rule 21, the chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

### **RECORDED VOTE**

22. If three councillors present at the meeting request it, the names of those voting for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. If a recorded vote is requested, the vote shall be taken alphabetically.

### **RIGHT TO REQUIRE INDIVIDUAL VOTE TO BE RECORDED**

22. Where any councillor requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

## **Minutes**

23. The chair will sign the minutes of the proceedings at the next suitable meeting. The chair will move that the minutes of the previous meeting be signed as a correct record. Only the accuracy of the minutes may be discussed.

## **Record of attendance**

24. All councillors present must sign the attendance list provided at the meeting.

## **Exclusion of the public**

25. The public and press may only be excluded from attending a Licensing Acts Committee meeting for the consideration of confidential or exempt business or under rules 31 and 32 (disturbance by the public).

## **Councillors' conduct**

26. If more than one councillor speaks, the chair will ask one to speak. Other councillors must remain silent whilst a councillor is speaking unless they wish to make a point of order or a point of personal explanation.

### **CHAIR SPEAKING**

27. When the chair speaks during a debate, any councillor speaking at the time must stop.

### **COUNCILLOR NOT TO BE HEARD FURTHER**

28. If a councillor persistently disregards the ruling of the chair by behaving improperly or offensively or deliberately obstructs business, the chair may move that the councillor be not heard further. If seconded, the motion will be voted on without discussion.

### **COUNCILLOR TO LEAVE THE MEETING**

29. If the councillor continues to behave improperly after such a motion is carried, the chair may move that either the councillor leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

### **GENERAL DISTURBANCE**

30. If there is a general disturbance making orderly business impossible, the chair may adjourn the meeting for as long as he/she thinks necessary.

## **Disturbance by the public**

### **REMOVAL OF A MEMBER OF THE PUBLIC**

31. If a member of the public interrupts the meeting, the chair will invite the person to stop. If they continue to interrupt, the chair will order their removal from the meeting room.

### **CLEARANCE OF PART OF THE MEETING ROOM**

32. If there is a general disturbance in any part of the meeting room open to the public, the chair may call for that part to be cleared and if necessary, adjourn the meeting for as long as he/she thinks necessary.

## **Attendance by other district councillors at meetings**

33. A councillor who is not otherwise entitled to attend and speak at a committee shall be entitled to do so (but not to vote) at a meeting of a committee in any of the following circumstances:
- (a) during the consideration of any matter which specifically affects his/her ward, provided that prior notice is given to the head of legal and democratic before the start of the meeting; or
  - (b) with the agreement of the chair, or the person presiding at the meeting of the committee, provided that prior notice is given to the head of legal and democratic before the start of the meeting.

## **Licensing Acts Panels**

34. The Licensing Acts Committee will appoint sub-committees known as Licensing Acts Panels to consider matters delegated to these under the Licensing Act 2003 and Gambling Act 2005. These panels will comprise any three members of the Licensing Acts Committee. The head of legal and democratic has delegated authority to convene such panels.
35. Wherever possible, applications should be heard by a panel comprising the chair or vice-chair of the committee plus two other members of the committee, but that this should not affect the principle that any three members of the committee will constitute a properly appointed panel.