

PUBLIC INFORMATION

Terms of Reference

The Sub-Committee deals with licences for which the Council is responsible under the Licensing Act, 2003 and Gambling Act 2005, including:-

- Personal licences for the sale of liquor Licensing Act 2003;
- Premises licences, various permits, variations and reviews (Licensing Act 2003 and Gambling Act 2005);
- Club certificates, variations and reviews Licensing Act 2003;
- Registration and deregistration of designated premises supervisors Licensing Act 2003;

Determination of police objections to temporary event notices Licensing Act 2003

Relevant Representations

Those who have made relevant representations may address the meeting about the matter in which they have an interest.

When dealing with Licensing Act matters the Sub-Committee can only take into account the following statutory Licensing Objectives:-

- prevention of crime and disorder
- public safety
- prevention of public nuisance
- protection of children from harm

Likewise, when dealing with Gambling Act matters the Sub Committee can only take into account the statutory Licensing Objectives below:-

- Preventing gambling being a source of crime
- That gambling is conducted in a fair and open way
- To protect children and other vulnerable children from harm

Southampton City Council's Six Priorities

- Providing good value, high quality services
- Getting the City working
- Investing in education and training
- Keeping people safe
- Keeping the City clean and green
- Looking after people

Smoking policy

The Council operates a no-smoking policy in all civic buildings.

Mobile Telephones –

Please turn off your mobile telephone whilst in the meeting.

Fire Procedure –

In the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

Access –

Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

Dates of Potential Meetings: Municipal Year 2009/10

7 MAY 2009	22 OCTOBER
21 MAY	5 NOVEMBER
4 JUNE	19 NOVEMBER
18 JUNE	3 DECEMBER
2 JULY	17 DECEMBER
16 JULY	7 JANUARY 2010
30 JULY	14 JANUARY
13 AUGUST	11 FEBRUARY
27 AUGUST	25 FEBRUARY
10 SEPT	11 MARCH
24 SEPT	25 MARCH
8 OCTOBER	8 APRIL
	22 APRIL

CONDUCT OF MEETING

Terms of Reference

The terms of reference of the Licensing (Licensing and Gambling) Sub-Committee are contained in Part 3 (Schedule 2) of the Council's Constitution.

Business to be discussed

Only those items listed on the attached agenda may be considered at this meeting.

Rules of Procedure

The meeting is governed by specific legislation and the Council Procedure Rules as set out in Part 4 of the Constitution.

Quorum 3

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

Disclosure of Interests

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "personal" or "prejudicial" interests they may have in relation to matters for consideration on this Agenda.

Personal Interests

A Member must regard himself or herself as having a personal interest in any matter:

- (i) if the matter relates to an interest in the Member's register of interests; or
- (ii) if a decision upon a matter might reasonably be regarded as affecting to a greater extent than other Council Tax payers, ratepayers and inhabitants of the District, the wellbeing or financial position of himself or herself, or close associates or:-
 - (a) any employment or business carried on by such person;
 - (b) any person who employs or has appointed such a person, any firm in which such a person is a partner, or any company of which such a person is a director;
 - (c) any corporate body in which such a person has a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
 - (d) Any body listed in Article 14(a) to (e) in which such a person holds a position of general control or management.

A Member must disclose a personal interest if they wish to speak, but there are exceptions.

/continued

Prejudicial Interests

Having identified a personal interest, a Member must consider whether a member of the public with knowledge of the relevant facts would reasonably think that the interest was so significant and particular that it could prejudice that Member's judgement of the public interest. If that is the case, the interest must be regarded as "prejudicial" and the Member must disclose the interest and withdraw from the meeting room during discussion on the item.

It should be noted that a prejudicial interest may apply to part or the whole of an item but in quasi judicial matters ie when hearing an application, if a member declares a prejudicial interest they may take no part in the determination of that matter.

Where there are a series of inter-related financial or resource matters, with a limited resource available, under consideration a prejudicial interest in one matter relating to that resource may lead to a member being excluded from considering the other matters relating to that same limited resource.

There are some limited exceptions.

Note: Members are encouraged to seek advice from the Monitoring Officer or his staff in Democratic Services if they have any problems or concerns in relation to the above.

Principles of Decision Making

All decisions of the Sub-Committee will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the outcome);
- due consideration of the evidence before it and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency; and
- setting out reasons for the decision.

In exercising discretion, the Sub-Committee must:-

- understand the law that regulates the decision making power and gives effect to it. The Sub-Committee must direct itself properly in law;
- take into account of relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- take no account of irrelevant considerations;
- act for a proper purpose, exercising its powers in accordance with the Licensing Act 2003 or Gambling Act 2005 as appropriate, case law and statutory guidance;
- not reach a decision which no authority acting reasonably could reach "Wednesbury reasonableness"; and
- act with procedural propriety in accordance with the rules of fairness.