

# Licensing (Licensing and Gambling) Sub-Committee

Thursday, 31st May, 2012  
at 9.30 am

**PLEASE NOTE TIME OF MEETING**

Civic Centre

This meeting is open to the public  
**Members**

Councillor Cunio  
Councillor B Harris  
Councillor Vassiliou

## **Contacts**

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## **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 Seven Priorities**

- More jobs for local people
- More local people who are well educated and skilled
- A better and safer place in which to live and invest
- Better protection for children and young people
- Support to the most vulnerable people and families
- Reducing health inequalities
- Reshaping the Council for the future

### **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 2012/13**

<b>2012</b>	<b>15<sup>TH</sup> NOVEMBER</b>
<b>10<sup>TH</sup> MAY</b>	<b>29<sup>TH</sup> NOVEMBER</b>
<b>31<sup>ST</sup> MAY</b>	<b>13<sup>TH</sup> DECEMBER</b>
<b>14<sup>TH</sup> JUNE</b>	<b>2013</b>
<b>28<sup>TH</sup> JUNE</b>	<b>3<sup>RD</sup> JANUARY</b>
<b>12<sup>TH</sup> JULY</b>	<b>17<sup>TH</sup> JANUARY</b>
<b>26<sup>TH</sup> JULY</b>	<b>31<sup>ST</sup> JANUARY</b>
<b>9<sup>TH</sup> AUGUST</b>	<b>14<sup>TH</sup> FEBRUARY</b>
<b>23<sup>RD</sup> AUGUST</b>	<b>28<sup>TH</sup> FEBRUARY</b>
<b>6<sup>TH</sup> SEPTEMBER</b>	<b>14<sup>TH</sup> MARCH</b>
<b>20<sup>TH</sup> SEPTEMBER</b>	<b>28<sup>TH</sup> MARCH</b>
<b>4<sup>TH</sup> OCTOBER</b>	<b>11<sup>TH</sup> APRIL</b>
<b>18<sup>TH</sup> OCTOBER</b>	<b>25<sup>TH</sup> APRIL</b>
<b>1<sup>ST</sup> NOVEMBER</b>	

## CONDUCT OF MEETING

### **Terms of Reference**

The terms of reference are contained in 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 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, a relative or a friend 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.

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## **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.

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 Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

## AGENDA

Agendas and papers are available via the Council's website.

### 1 **ELECTION OF CHAIR**

To appoint a Chair for the purposes of this meeting.

### 2 **APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)**

To note any changes in the membership of the Sub-Committee made in accordance with the Licensing Act 2003.

### 3 **DISCLOSURE OF PERSONAL AND PREJUDICIAL INTERESTS**

In accordance with the Local Government Act 2000, and the Council's Code of Conduct adopted on 16th May 2007, Members to disclose any personal or prejudicial interests in any matter included on the agenda for this meeting.

NOTE: Members are reminded that, where applicable, they must complete the appropriate form recording details of any such interests and hand it to the Democratic Support Officer prior to the commencement of this meeting.

### 4 **STATEMENT FROM THE CHAIR**

### 5 **EXCLUSION OF THE PRESS AND PUBLIC**

At a predetermined point during the consideration of all items the Sub-Committee may move into private session in order to receive legal advice when determining issues. The press and the public, unless otherwise excluded by the Licensing Act 2003 (Hearings) Regulations 2005, will be invited to return immediately following that private session at which time the matter will be determined and the decision of the Sub-Committee will be announced.

Chair to move that in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 that the press and public be excluded from the meeting in respect of Item 6.

The information contained therein is potentially exempt as it relates to individual personal details and information held under the Data Protection Act 1998. In applying the public interest test the Sub-Committee should consider whether it is appropriate to disclose this information as the individuals' legal expectation of privacy and the public interest in maintaining confidentiality may outweigh the public interest in the hearing taking place in public.

**6 VARIATION APPLICATION FOR PREMISES LICENCE - DPS VARIATION**

Confidential report of the Head of Legal, HR and Democratic Services detailing an objection by Hampshire Constabulary to a DPS variation application, attached.

**7 APPLICATION FOR A VARIATION OF A PREMISES LICENCE - BAIZZ CLUB, 57-59 CASTLE WAY, SOUTHAMPTON, SO14 2AU**

Report of the Head of Legal, HR and Democratic Services detailing an application for a variation of a premises licence in respect of Baizz Club, 57-59 Castle Way, Southampton, SO14 2AU, attached.

Monday, 21 May 2012

HEAD OF LEGAL, HR AND DEMOCRATIC  
SERVICES