

Licensing Committee

Thursday, 17th December, 2009
at 9.30 am

PLEASE NOTE TIME OF MEETING

Conference Room 3 - Civic
Centre

This meeting is open to the public

Members

Councillor Baillie
Councillor Mrs Blatchford
Councillor Cunio
Councillor Drake
Councillor Fitzgerald
Councillor Galton
Councillor Letts
Councillor Norris
Councillor Odgers
Councillor Osmond
Councillor Parnell (Chair)
Councillor Thomas
Councillor Willacy

Contacts

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PUBLIC INFORMATION

Terms of Reference

The Committee publishes and implements a statement of licensing policy. It appoints Sub-Committees to deal with individual licensing applications and associated matters for which the Council as Licensing Authority is responsible.

Public Representations

At the discretion of the Chair, members of the public may address the meeting about any report on the agenda for the meeting in which they have a relevant interest.

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 – Should the fire alarm sound during the meeting leave the building by the nearest available exit and assemble in the Civic Centre forecourt car park.

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

Dates of Meetings: Municipal Year 2009/10

Meetings of the Committee are held as and when required.

CONDUCT OF MEETING

Terms of Reference

The terms of reference of the Licensing 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 the Council Procedure Rules as set out in Part 4 of the Constitution.

Quorum

The minimum number of appointed Members required to be in attendance to hold the meeting is 5.

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.

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 now available via Southampton Online at
www.southampton.gov.uk/council/meeting-papers

1 **APOLOGIES**

To receive any apologies.

2 **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 Committee Administrator prior to the commencement of this meeting.

3 **STATEMENT FROM THE CHAIR**

4 **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)** (Pages 1 - 2)

To approve and sign as a correct record the Minutes of the meeting held on 26th November 2009 and to deal with any matters arising, attached.

5 **HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER POLICIES** (Pages 3 - 8)

Confidential report of the Solicitor to the Council concerning revisions and clarification in respect of the Council's policy in relation to licensing matters and varied or new vehicle or driver conditions as approved at the last meeting, attached.

Wednesday, 9 December 2009

SOLICITOR TO THE COUNCIL

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LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON 26TH NOVEMBER 2009

Present:

Councillor Parnell (Chair)

Councillors Baillie, Mrs Blatchford, Cunio, Drake, Norris, Osmond, Thomas and Willacy.

Apologies: Councillors Fitzgerald, Galton, Letts and Odgers.

7. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

RESOLVED that the minutes of the Licensing Committee held on 26th August 2009 be approved and signed as a correct record. (Copy of the minutes circulated with the agenda and appended to the signed minutes).

8. **TRIENNIAL REVIEW OF GAMBLING ACT 2005 POLICY**

The Committee considered the report of the Solicitor to the Council setting out a draft revised Gambling Act Policy, as approved by Council on 16th September 2009. The purpose of the report was to afford the Committee the opportunity to provide comment as a consultee on the draft Statement of Licensing Principles for inclusion in the final revised Gambling Act Policy for adoption by Council, as licensing authority, in January 2010. (Copy of the minutes circulated with the agenda and appended to the signed minutes).

The Committee noted that a full report had also been placed before the Council's Local Safeguarding Children's Board and an extensive consultation on the draft Statement of Licensing Principles would be undertaken in accordance with the Act and Regulations as well as the Council's own consultation requirements.

The Committee also noted that, the Act and Regulations were extensive and prescriptive in relation to the majority of the content and form of the Statement of Licensing Principles. The draft policy included relevant minor amendments to that agreed in 2007, resulting from revisions to the statutory guidance, and minor changes in the introduction.

RESOLVED that the draft Statement of Licensing Principles / revised Gambling Act Policy be approved.

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Agenda Item 5

Document is Confidential

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