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Monitoring Officer
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Agenda

Name of meeting	LICENSING COMMITTEE
Date	MONDAY 12 JUNE 2023
Time	4.00 PM
Venue	COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Members of the committee	Cllrs G Peace (Chairman), I Ward (Vice-Chairman), D Andre, J Bacon, M Beston, S Ellis, P Fuller, C Jarman, J Jones-Evans, C Mosdell and Vacancy Democratic Services Officer: Marie Bartlett democratic.services@iow.gov.uk

1. **Apologies and Changes in Membership (if any)**

To note any apologies or changes in membership of the Committee made in accordance with Part 4B paragraph 5 of the Constitution.

2. **Minutes** (Pages 5 - 6)

To confirm as a true record the Minutes of the meeting held on 13 June 2022.

3. **Declarations of Interest**

To invite Members to declare any interest they might have in the matters on the agenda.



Details of this and other Council committee meetings can be viewed on the Isle of Wight Council's Committee [website](#). This information may be available in alternative formats on request. Please note the meeting will be audio recorded and the recording will be placed on the website (except any part of the meeting from which the press and public are excluded). Young people are welcome to attend Council meetings however parents/carers should be aware that the public gallery is not a supervised area.

4. **Public Question Time**

Questions are restricted to matters not on the Agenda. Questions may be asked without notice but to guarantee a full reply at the meeting, a question must be put including the name and address of the questioner by delivery in writing or by electronic mail to Democratic Services at democratic.services@iow.gov.uk, no later than two clear working days before the start of the meeting. Normally, Licensing Committee is held on a Monday, therefore the deadline for written questions will be Wednesday 7 June 2023.

5. **Urgent Business**

To consider any matters which, in the Chairman's opinion, are urgent.

6. **Report of the Monitoring Officer** (Pages 7 - 10)

Establishment of, and appointments to, the Licensing Sub-Committee.

7. **Members' Question Time**

To guarantee a reply to a question, a question must be submitted in writing or by electronic mail to democratic.services@iow.gov.uk no later than 4pm on Thursday 8 June 2023. A question may be asked at the meeting without prior notice but in these circumstances, there is no guarantee that a full reply will be given at the meeting.

CHRISTOPHER POTTER
Monitoring Officer
Friday, 2 June 2023

Interests

If there is a matter on this agenda which may relate to an interest you or your partner or spouse has or one you have disclosed in your register of interests, you must declare your interest before the matter is discussed or when your interest becomes apparent. If the matter relates to an interest in your register of pecuniary interests then you must take no part in its consideration and you must leave the room for that item. Should you wish to participate as a member of the public to express your views where public speaking is allowed under the Council's normal procedures, then you will need to seek a dispensation to do so. Dispensations are considered by the Monitoring Officer following the submission of a written request. Dispensations may take up to 2 weeks to be granted.

Members are reminded that it is a requirement of the Code of Conduct that they should also keep their written Register of Interests up to date. Any changes to the interests recorded on that form should be made as soon as reasonably practicable, and within 28 days of the change. A change would be necessary if, for example, your employment changes, you move house or acquire any new property or land.

If you require more guidance on the Code of Conduct or are unsure whether you need to record an interest on the written register you should take advice from the Monitoring Officer – Christopher Potter on (01983) 821000, email christopher.potter@iow.gov.uk, or Deputy Monitoring Officer - Justin Thorne on (01983) 821000, email justin.thorne@iow.gov.uk.

Notice of recording

Please note that all meetings that are open to the public and press may be filmed or recorded and/or commented on online by the council or any member of the public or press. However, this activity must not disrupt the meeting, and if it does you will be asked to stop and possibly to leave the meeting. This meeting may also be filmed for live and subsequent broadcast (except any part of the meeting from which the press and public are excluded).

If you wish to record, film or photograph the council meeting or if you believe that being filmed or recorded would pose a risk to the safety of you or others then please speak with the democratic services officer prior to that start of the meeting. Their contact details are on the agenda papers.

If the press and public are excluded for part of a meeting because confidential or exempt information is likely to be disclosed, there is no right to record that part of the meeting. All recording and filming equipment must be removed from the meeting room when the public and press are excluded.

If you require further information please see the council guide to reporting on council meetings which can be found at <http://www.iwight.com/documentlibrary/view/recording-of-proceedings-guidance-note>

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Minutes

Name of meeting	LICENSING COMMITTEE
Date and Time	MONDAY 13 JUNE 2022 COMMENCING AT 4.00 PM
Venue	COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs D Pitcher (Chairman), S Hastings (Vice-Chairman), D Adams, J Bacon, M Beston, G Peace and P Spink
Also Present	Ben Gard, Jodie Gibson and Kevin Winchcombe
Apologies	Cllrs C Jarman, J Jones-Evans and C Mosdell

1. **Minutes**

RESOLVED:

THAT the minutes of the meeting held on 28 February 2022 be approved.

2. **Declarations of Interest**

There were no declarations received at this stage.

3. **Public Question Time**

There were no public questions.

4. **Urgent Business**

There was no Urgent Business.

5. **Report of the Monitoring Officer**

The Committee were advised that this was an annual report to allow Sub Committees to be set up from the Licensing Committee. A proposal was made and duly seconded, a vote was taken the result was:

RESOLVED

That a licensing sub-committee be appointed of any three members drawn from the Licensing Committee on an ad hoc basis, with the terms of reference as set out in the Constitution, and that it be politically proportionate as far as practicable, with a quorum of three such members.

6. **Members' Question Time**

There were no Members questions.

CHAIRMAN



Purpose: For Decision

Committee Report

Committee	LICENSING COMMITTEE
Date	12 JUNE 2023
Title	ESTABLISHMENT OF, AND APPOINTMENTS TO, THE LICENSING SUB-COMMITTEE
Report of	MONITORING OFFICER

EXECUTIVE SUMMARY

1. The purpose of this report is to appoint a licensing sub-committee (which meets as and when necessary or needed) from the membership of the Licensing Committee, with its terms of reference being as set out in the Constitution.

RECOMMENDATION

2. That a licensing sub-committee be appointed of any three members drawn from the Licensing Committee on an ad-hoc basis, with the terms of reference as set out in the Constitution, and that it be politically proportionate as far as practicable, with a quorum of three such members.

BACKGROUND

3. The Full Council appoints its Licensing Committee annually and its Licensing Committee has power to establish a sub-committee.
4. The Council's Constitution sets out the terms of reference of the proposed licensing sub-committee in Part 3 Section 6 (currently on page 41).
5. It is proposed that (as presently detailed in the Constitution) the licensing sub-committee comprises three members drawn from this committee, that it be politically balanced as far as practicable, and that the quorum of the licensing sub-committee should be three members.
6. The appointment of such a sub-committee facilitates effective and efficient decision-making and has proved to be very useful to conduct the business of the local authority as licensing authority.

CORPORATE PRIORITIES AND STRATEGIC CONTEXT

7. Good governance arrangements are essential to the delivery of the council's services and the decision-making process that support this.

Responding to climate change and enhancing the biosphere

8. This would reduce the emissions created from requiring all members of the Licensing Committee to be in attendance to only three members therefore reducing the level of emissions from transport used, it would also reduce the amount of printing undertaken.

CONSULTATION

9. None.

FINANCIAL / BUDGET IMPLICATIONS

10. There are no additional costs associated with the proposals contained in this report. The recommendations accord with the resources available within the overall budget agreed by Full Council in February 2023.

LEGAL IMPLICATIONS

11. The power to appoint a sub-committee is contained in two separate and distinct pieces of legislation.
12. This is because the Licensing Committee is a hybrid committee appointed as an 'ordinary committee' (under section 102 (1) (a) of the Local Government Act 1972) and established as a 'statutory committee' (under section 6 (1) of the Licensing Act 2003). The difference between the 'ordinary committee' and the 'statutory committee' depends upon what functions are to be exercised. No 'ordinary committee' can exercise any function of the Licensing Act 2003 of a licensing authority (see section 101(15) of the Local Government Act 1972).
13. An 'ordinary committee' may appoint one or more sub-committees under section 102 (1) (c) of the Local Government Act 1972. Membership of such a committee is subject to section 15 of the Local Government and Housing Act 1989 ('duty to allocate seats to political groups') i.e. it is required to be politically proportionate (unless alternative arrangements have been agreed without dissent under section 17 of that Act).
14. The committee in its role as a statutory committee established under section 6 (1) of the Licensing Act 2003 may arrange for the discharge of any functions exercisable by it by a sub-committee established by it under section 10 (1) (a) of the Licensing Act 2003. The functions in Part 8 of the Gambling Act 2005 are delegated to the statutory committee established under section 6 (1) of the Licensing Act 2003 and section 10 of the Licensing Act 2003 is applied by section 154 of the Gambling Act 2005. There is no legal requirement as to political proportionality regarding such a sub-committee, but it may be politically proportionate.

15. There are sound practical reasons to appoint a sub-committee, though there is no strict legal requirement to do so.
16. As a sub-committee of the statutory committee is required by statute to comprise three members (see section 9 (1) of the Licensing Act 2003), it is considered expedient that the sub-committee consists of any three members drawn from the parent committee in all cases and for business resilience reasons.
17. This would enable any member of the standing Licensing Committee to be selected from its full pool of all appointed members (subject to any political proportionality requirements as far as is practicable) to serve on the ad hoc licensing sub-committee of three when that sub-committee is called upon to meet from time to time (see R (on the application of Bridgerow Limited) v. Chester West and Chester Borough Council [2014] EWHC 1187 (Admin), and MuMu Enterprises (Weston) Limited v North Somerset District Council (2014)).

EQUALITY AND DIVERSITY

18. The council as a public body is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination, promote equal opportunities between people from different groups and to foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. It is not considered that the content of this report has any negative impact on any of the protected characteristics.

OPTIONS

19. **Option 1:** To agree the appointment of a sub-committee of any three members drawn from the Licensing Committee on an ad hoc basis, with the terms of reference as set out in the Constitution and that it be politically proportionate as far as is practicable, with a quorum of three such members.
20. **Option 2:** To not allow the establishment such a sub-committee.

RISK MANAGEMENT

21. The recommendations are to ensure that the council meets its corporate governance requirements and responds to changing requirements and demands. These should lessen the risks arising from any challenge to the decision-making process by way of judicial review or other such legal action.

EVALUATION

22. An effective governance system for the council is essential to enable business to be transacted efficiently, and in a timely manner. The appointment of a sub-committee supports this.

BACKGROUND PAPERS

23. None

Contact Point: Christopher Potter, Monitoring Officer, ☎ 821000 e-mail
christopher.potter@iow.gov.uk

CLAIRE SHAND
Director of Corporate Services