Title:	**Constitution of the Council** **(Part 3Gb: Licensing & Gambling Acts Sub-Committees)**
Owner:	**John Teasdale**
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FUNCTIONS AND PROCEDURES OF THE LICENSING & GAMBLING ACTS SUB-COMMITTEES

1 FUNCTIONS OF THE LICENSING & GAMBLING ACTS SUB-COMMITTEES

THE LICENSING COMMITTEE CAN AMEND THE FUNCTIONS OF THE LICENSING & GAMBLING ACTS SUB-COMMITTEES

1.1 The Licensing Committee forms Licensing and Gambling Acts Sub-Committees. These are formal sub-committees of the Council.

1.2 The Licensing and Gambling Acts Sub-Committees deal with matters referred to them under the Licensing Committee's delegations in respect of functions under the Licensing Act 2003 and the Gambling Act 2005.

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2 PROCEDURES FOR THE LICENSING & GAMBLING ACTS SUB-COMMITTEES

THE LICENSING COMMITTEE CAN AMEND THE PROCEDURES WHICH THE LICENSING & GAMBLING ACTS SUB-COMMITTEES FOLLOW IN CONSULTATION WITH THE MONITORING OFFICER

MEMBERSHIP

2.1 Membership will be a total of 3 to reflect the political make-up of the Council.

MEETINGS

2.2 All meetings of the Licensing & Gambling Acts Sub-Committees shall be held at the Town Hall Burton upon Trent at 09~~10~~:30~~.00~~am unless different arrangements are agreed ~~previously agreed~~ by the relevant Sub-Committee.

2.3 The Sub-Committees will meet so often as may be required to perform the functions of the Sub-Committee.

CHAIRMAN AND VICE-CHAIRMAN

2.4 The Licensing Committee appoint the Chairman and the Sub-Committee shall appoint the Vice-Chairman.

RIGHT TO ATTEND

2.5 Meetings of the Sub-Committee shall be open to the press and public except for confidential business.

2.6 All Councillors formally appointed to the Sub-Committee by the Licensing Committee have the right to attend and to vote at meetings of the Sub-Committee.

2.7 Other Councillors who are not formal members of the Sub-Committee may attend meetings of the Sub-Committee, except where Exempt Information is likely to be disclosed. If Exempt Information is likely to be disclosed, they can only attend such meetings if they can demonstrate that their attendance is necessary to perform their duties as a Councillor. If they do attend, they may ask the Chairman for consent to speak (giving reasons). The Chairman may seek the views of the Sub-Committee before making a decision. If the Chairman gives such consent, the Councillor may take part in the debate when invited to do so by the Chairman (but may not vote).

QUORUM

2.8 A quorum shall be no less than 2 Councillors.

QUASI-JUDICIAL HEARINGS

2.9 Where the Sub-Committee is sitting to conduct a hearing of a quasi-judicial nature, the Sub-Committee shall follow a procedure for such hearings that complies with the European Convention on Human Rights and the rules of natural justice – see Section 3.

REPORTING ARRANGEMENTS

2.10 Where necessary the Sub-Committee will make reports and recommendations to the Licensing Committee arising from the outcome of their work.

APPLICATION OF COUNCIL MEETING PROCEDURE RULES

2.11 Save where inconsistent with these Rules, proceedings at the Sub-Committee will be governed as set out in Rule 23 of the Council Meeting Procedure Rules – see Part 3A.

3 PROCEDURES FOR FORMAL HEARINGS OF THE LICENSING & GAMBLING ACTS SUB-COMMITTEES

THE LICENSING COMMITTEE CAN AMEND THE PROCEDURES WHICH THE LICENSING & GAMBLING ACTS SUB-COMMITTEES FOLLOW IN CONSULTATION WITH THE MONITORING OFFICER

3.1 The Chairman will introduce the Sub-Committee.

3.2 The Chairman will ask persons present to identify themselves and their interest in the matter under consideration.

3.3 The Chairman will confirm that all persons present and involved have received copies of the agenda, the procedure and all relevant supporting documents.

3.4 The Chairman will explain the purpose and scope of the hearing.

3.5 The Chairman will ask officers to provide a brief outline of the matter under consideration.

3.6 The Chairman will decide which of the parties shall put their case first.

In the case of an application, this will normally be the applicant(s) or their representative; in the case of a complaint, this will normally be the complainant(s) or their representative.

3.7 The Chairman will ask the first party to present their case.

3.8 The first party may then be questioned by:

3.8.1 The second party;

3.8.2 Officers/advisors to the Sub-Committee;

3.8.3 Members of the Sub-Committee.

3.9 The Chairman will ask the second party to present their case.

In the case of an application, this will normally be objectors or their representatives; in the case of a complaint, this will normally be the persons who are the subject of the complaint or their representative.

3.10 The second party may then be questioned by:

3.10.1 The first party;

3.10.2 Officers/advisors to the Sub-Committee;

3.10.3 Members of the Sub-Committee.

3.11 The Chairman will then ask the first party to sum up their case.

3.12 The Chairman will then ask the second party to sum up their case.

3.13 At any time during the proceedings the Chairman may ask officers or advisors to the Sub-Committee to present any additional relevant information, subject to all parties being given time to consider such information and make representations relating to it if they so request.

3.14 All parties will withdraw, with the exception of the clerk and the legal advisor to the Sub-Committee, while the Sub-Committee considers its decision.

3.15 Decisions may be announced orally to the parties and will be confirmed in writing with reasons.

3.16 Subject to compliance with the European Human Rights Directive and the rules of natural justice, the Sub-Committee may vary the procedure at hearings if that is conducive to the business.