

PART 4.6 - LICENSING COMMITTEE PROCEDURE RULES (LCR)

Note: The Licensing Committee is a statutory committee, which must be appointed by the full Council. It is responsible for deciding and determining its own rules.

LCR1 TIMING AND BUSINESS

The first licensing committee meeting of the council's municipal year shall be its annual meeting. The annual meeting will:

- (i) elect a member to the office of chair of the licensing committee for the ensuing municipal year;
- (ii) elect a member to the office of vice-chair for the ensuing municipal year;
- (iii) establish a special purposes sub-committee comprising the chair of the licensing committee, its vice-chair and one other committee member whose terms of reference must enable it to deal with any matters of business which would ordinarily be referred to the next ordinary meeting of the licensing committee but which are, in the opinion of the licensing manager (in consultation with the chair) of such urgency that they cannot await the date of the next ordinary meeting;
- (iv) establish any other sub-committees considered necessary and in respect of each of them:
 - (a) agree the membership;
 - (b) agree the terms of reference;
- (v) approve the minutes of the last meeting;
- (vi) effect delegations to sub-committees and review / revise as appropriate existing delegations to officers;
- (vii) receive any declarations of interest from members;
- (viii) receive any announcements from the chair;
- (ix) receive a report concerning the city council's Statement of Licensing Policy and Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003;
- (x) consider any other business set out in the notice convening the meeting.

LCR2 ORDINARY MEETINGS

Ordinary meetings will:

- (i) in the case of the licensing committee: elect a member to preside if the chair (and

vice-chair, if appointed) are not present and in the case of a sub-committee: elect a member to preside as chair for that meeting subject to preference being given to those members who have completed an appropriate course of training as provided by the city council;

- (ii) approve the minutes of the last meeting;
- (iii) receive any declarations of interest from members;
- (iv) receive any announcements from the chair;
- (v) (other than in respect of business to be conducted in accordance with the hearings regulations) receive petitions, questions, (and provide answers) and statements made in accordance with the provisions of LCR9;
- (vi) receive reports on any matter which is within the committee's general or specific remit; and
- (vii) make reports on any matter as required by section 7 of the Licensing Act 2003 and in particular sub-sections (4), (6) and (8) of that section.

LCR3 EXTRAORDINARY MEETINGS

LCR3.1 Calling extraordinary meetings

The proper officer may call committee meetings in addition to ordinary meetings of their own volition and those listed below may request the proper officer to do so:

- (i) the committee by resolution; or
- (ii) the chair; or
- (iii) any two members of the licensing committee if they have signed a requisition presented to the chair and the chair has refused to call for a meeting or has failed to call for a meeting within seven days of the presentation of the requisition.

LCR3.2 Business

The agenda for an extraordinary meeting shall specify the matters that the meeting will deal with. Petitions, questions and statements will be accepted only if they relate to the business for which the extraordinary meeting has been arranged.

LCR4 SUBSTITUTE SUB-COMMITTEES

LCR4.1

Where a licensing sub-committee convened for the purpose of a hearing is unable to discharge any function delegated to it by the licensing committee because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it (whether that inability be due to their being absent from the meeting or having a declarable interest in the matter or any other cause) the proper officer (or their representative) shall be entitled to substitute another sub-committee to deal with the matters on the agenda at the time and place notified. The substitute sub-committee may include one or more members of the sub-committee it is replacing.

LCR4.2

Where a member of a licensing sub-committee convened for the purpose of a hearing is absent or unable to participate for whatever reason (but the sub-committee remains capable of meeting the quorum) and it is reasonably practicable to substitute a differently constituted sub-committee which includes the two remaining members then the proper officer may convene a meeting of that other sub-committee. However, the proper officer shall not take this step if unreasonable delay would thereby be caused to the completion of the sub-committee's business. In that event, the sub-committee would continue with a complement of two members.

LCR5 TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the proper officer and notified in the summons.

The place of the meeting may also include and permit the use of remote hearings facilitated over the internet.

Decisions to conduct the meeting remotely will rest with the Licensing Manager or Licensing Team Leader in consultation with the respective chair and when necessary a representative of Legal Services.

LRC6 NOTICE OF AND SUMMONS TO MEETINGS

Subject to the provisions of any enactment and where it is reasonably practicable to do so at least five clear working days before it occurs the proper officer will give notice to the public of the time and place of any meeting and send the summons by email to every member of the committee or subcommittee as appropriate. The summons should be posted on the council's website and contain the date, time and place of each meeting and will identify the business to be transacted.

LCR7 CHAIR OF MEETING

The person presiding at the meeting (where this is not the person appointed at the annual meeting to the office of chair) may exercise any power or duty of the chair.

LCR8 QUORUM

- (1) The quorum for meetings of the licensing committee will be five.
- (2) The quorum for meetings of a sub-committee shall be two.
- (3) During any meeting if the chair counts the number of councillors present and declares there is not a quorum, then the meeting will stand adjourned to a time and date fixed by the proper officer. If the law requires the business to be transacted by a particular date ("*the deadline*") then the date so fixed must be prior to the deadline. In respect of sub-committees which stand adjourned for this reason, if it should not be reasonably practicable for the particular members to meet prior to the deadline, then

the proper officer will convene a meeting of a differently constituted sub-committee to deal with the remaining business. In all other cases, if a date is not fixed at the time of adjournment, the remaining business will be considered at the next ordinary meeting.

LCR9 PETITIONS, QUESTIONS AND STATEMENTS

LCR9.1

The following rules do not apply in respect of business to be conducted in accordance with the hearings regulations:

- (a) residents who are affected by the business of the committee and members, provided they give notice in writing or by electronic mail to the proper officer (which notice must include:
- their name;
 - their full address;
 - (in the case of a petition) the wording of the petition; or
 - (in the case of a statement) a copy of the submission)

by no later than 12 noon 2 working days before the day of the meeting may present a petition or submit a statement at ordinary meetings of the committee or sub-committee concerned. The petition or statement must relate to the terms of reference and role and responsibilities of the committee or sub-committee concerned. Where the statement or petition concerns business governed by the hearings regulations, the proper officer will return the statement or petition concerned and will inform the resident or member of the statutory provisions governing the making of representations including the restrictions upon who may make representations and the times within which they must be made;

- (b) individuals presenting petitions may be required to read out the objectives of the petitions;
- (c) statements, provided they are no more than 1,000 words in length will be circulated to all relevant members and will be published on the Council's website no later than 1 hour before the meeting;
- (d) there will be no debate but after receiving the petition/statement the Committee will resolve:-
- (1) *"that the petition / statement be noted"*; or
 - (2) if the content relates to a matter on the agenda to the meeting;
"that the contents of the petition / statement be considered when the item is debated"; or
 - (3) *"that the petition / statement be referred (as appropriate) to the relevant department within the Council for a response"*.

LCR9.2

Questions

Residents who are affected by the business of the licensing committee or members of council may submit questions to be answered by the chair of the licensing committee. Notice of such questions must be given in accordance with LCR9.3 below.

LCR9.3

Order of Questions

Questions will be asked in the order that they were received, except that the chair may group together similar questions.

LCR9.4

Notice of questions

- (a) A question may only be asked if notice has been given by delivering the question in writing or by electronic mail to the proper officer no later than 5pm, three clear working days before the day of the meeting. Each question must be accompanied by the name and full address of the questioner.
- (b) The chair of the committee may, in his/her absolute discretion, agree to receive questions notwithstanding a failure to comply with the notice provisions set out in paragraph (a) above, but where the chair does not so agree she/he must either:
 - (i) direct that the questions be answered at the next ordinary meeting of the licensing committee; or
 - (ii) indicate the date by which a written response will be provided.

In the event of the chair indicating a written response both the question and its answer will be published prior to the date fixed for the next ordinary meeting of the committee.

LCR9.5

Number of questions

There will be a limit of three questions and two supplementary questions in total for each questioner.

LCR9.6

Scope of questions

The chair, in consultation with the proper officer may reject a question if, in the opinion of the chair, it does not relate to a matter falling within the committee's terms of reference or it is defamatory, frivolous or offensive.

LCR9.7

Response

- (1) Written replies to questions notified in accordance with LCR9.4 as above will be made available no later than one hour before the time fixed for the meeting to begin.

- (2) Where the chair agrees to respond to late questions they may do so either orally or in writing.

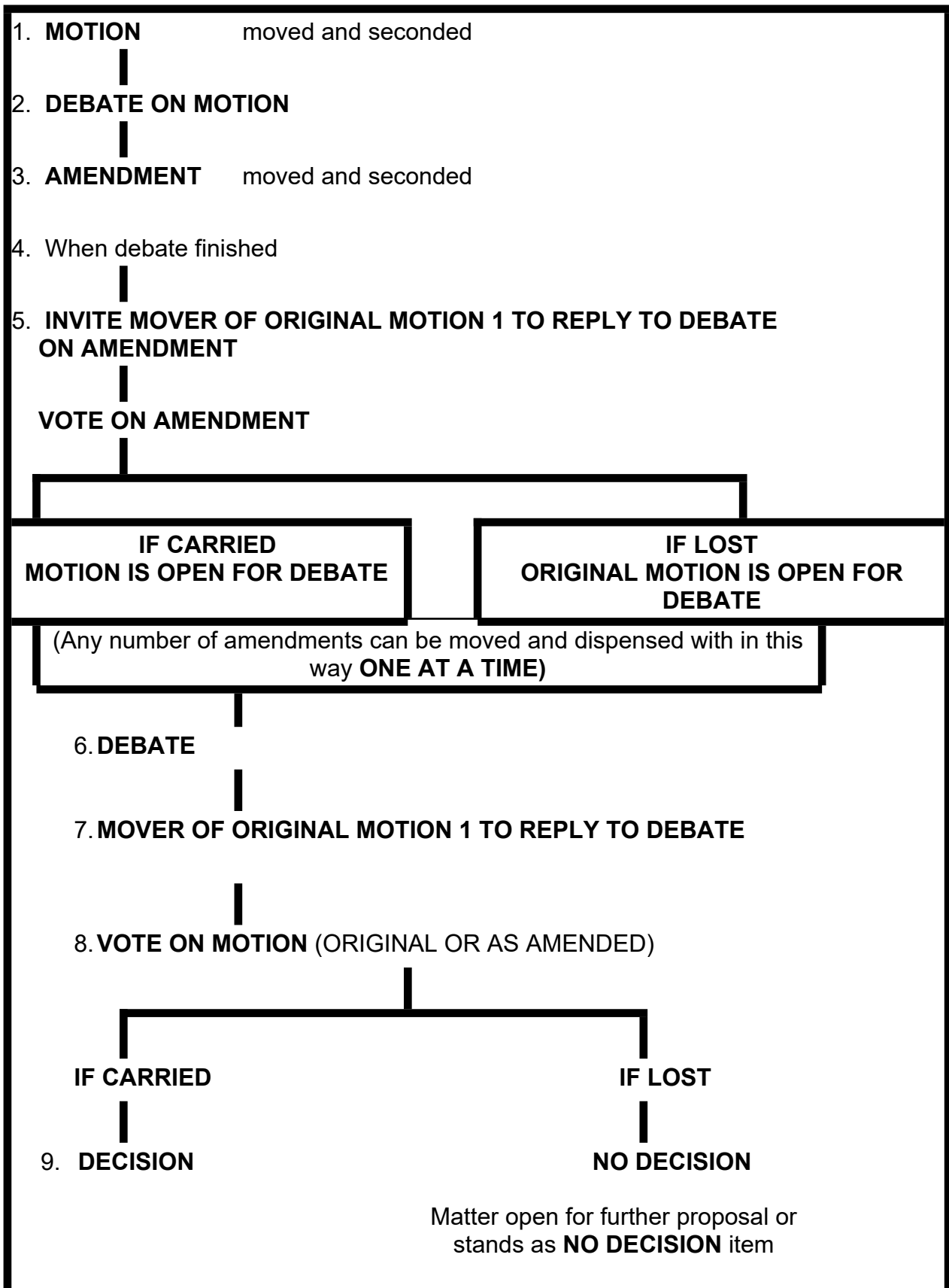
LCR10 MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- (a) to appoint a chair of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a sub-committee or member arising from an item on the summons to the meeting;
- (f) to receive or make reports or to adopt recommendations of sub-committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to suspend a particular licensing committee procedure rule (LCR);
- (m) to exclude the public and press.

**LCR 11
RULES OF DEBATE**

Simplified diagram showing how decisions might be reached.



LCR11.1

No debate until motion or amendment is seconded

A motion or an amendment may be debated only after it has been seconded by another member.

LCR11.2

Right to require motion or amendment in writing

Unless notice of the motion or amendment has already been given, a copy of the motion must be put in writing and sent electronically to the proper officer before it is moved or immediately after it is moved (see also LCR11.6 (f) concerning amendments).

LCR11.3

Seconders' speech

When seconding a motion or amendments, a member may reserve their speech until later in the debate.

LCR11.4

Content of speeches

Speeches must be directed to the business under discussion or to a personal explanation or point of order.

LCR11.5

When a councillor may speak again

A member who has spoken on a motion may not speak again whilst it is the subject of debate except:

- (a) to speak once on an amendment moved by another member;
- (b) to move a further amendment if the motion has been amended since s/he last spoke;
- (c) if his / her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he or she spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

LCR11.6

Amendments to motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add words as long as the effect of (ii) – (iv) is not to negate the motion.

- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the chair will read out the amended motion before accepting any further amendments or if there are none, push it to the vote.
- (f) A copy of the amendment must be put in writing and sent electronically to the proper officer either before it is moved or immediately after it has been moved.

LCR11.7

Alteration of a motion

- (a) A member may also alter a motion of which they have given notice with the consent of the meeting. The consent of the meeting will be signified without discussion.
- (b) A member may alter a motion (which they have moved) without notice with the consent of both the meeting and the seconder. The consent of the meeting will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

LCR11.8

Withdrawal of a motion

A member may withdraw his / her motion with the consent of both the meeting and the seconder. The consent of the meeting will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

LCR11.9

Right to reply

- (1) The mover of a motion has a right of reply at the end of the debate on the motion immediately before it is put to the vote.
- (2) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment but may not otherwise speak on it.
- (3) The mover of the amendment has no right of reply to the debate on their amendment.

LCR11.10

Motions which may be moved during debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to amend a motion;
- (b) that the question being as put;
- (c) to adjourn a debate;
- (d) to adjourn a meeting;
- (e) to exclude the public and press; and
- (f) to not hear further a member named under LCR16.3 or to exclude them from the meeting under LCR16.4

LCR11.11

Closure motions

- (a) A member may move, without comment, the following motions at the end of a speech of another member:
 - (i) that the question be now put;
 - (ii) to adjourn a debate; or
 - (iii) to adjourn a meeting.
- (b) If a motion *“that the question be now put”* is seconded and the chair considers the item has been sufficiently discussed, the procedural motion will be put to the vote. If it is passed the chair will give the mover of the original motion a right of reply before putting their motion to the vote; or
- (c) If a motion *“to adjourn the debate”* or *“to adjourn the meeting”* is seconded and the chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, the procedural motion will be put to the vote without giving the mover of the original motion the right of reply.

LCR11.12

Point of order

A member may raise a point of order at any time. The chair will hear the member immediately. A point of order may only relate to an alleged breach of the licensing committee procedure rules (LCR) or the law. The member must indicate the rule or law and the way in which they consider it has been breached. The ruling of the chair on the matter will be final.

LCR11.13

Personal explanation

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the chair on the admissibility of a personal explanation will be final.

LCR12 RULING OF CHAIR TO BE FINAL

The chair's ruling on any matter of procedure arising out of these rules shall be final.

LCR13 VOTING

LCR13.1 Majority

Subject to the provisions of any enactment and / or as the case may be of any procedures specific to the conduct of and preparation for hearings, any question coming or arising before the licensing committee (or any of its sub-committees) shall be decided by the majority of the members present and voting thereon at a meeting.

LCR13.2 Chair's casting vote

Subject to those provisions in the case of an equality of votes the member presiding at the meeting shall have a second or casting vote.

If two or more members present at the meeting immediately demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

LCR13.4 Right to require individual vote to be recorded

Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

LCR13.5 Voting on appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

LCR14 MINUTES

LCR14.1

For the avoidance of doubt the provisions of paragraphs 40, 41, 43 and 44 of the Twelfth Schedule to the Local Government Act 1972 (as amended) shall apply to the minutes of the licensing committee and its sub-committees.

LCR14.2

For the purpose of signing the minutes in accordance with the provisions referred to in LCR14.1 above, the next suitable meeting will be either:

- (i) in respect of minutes of the licensing committee: the next ordinary meeting of the licensing committee or its annual meeting; or
- (ii) in respect of the minutes of a sub-committee of the licensing committee: either the next ordinary meeting of that particularly constituted sub-committee or the next ordinary meeting of the licensing committee whichever of those two bodies shall meet soonest following the minutes being ready for approval, save that where approved minutes are required prior to either of those two bodies being scheduled to meet then the next suitable meeting will be a meeting of the licensing (special purposes) sub-committee.

LCR14.3

Form of minutes

The minutes will contain all motions and amendments in the exact form and order the chair put them.

LCR15

EXCLUSION OF THE PUBLIC

Subject to any provisions to the contrary in any relevant enactment (and in particular in the hearings regulations) members of the public and press may only be excluded from a meeting in accordance with the Access to Information Rules (APR) in Part 4 of the city council's constitution (which rules are for the avoidance of doubt hereby incorporated into these procedure rules in so far as they do not conflict with them) or LCR 17 (disturbance by public).

LCR16

MEMBERS' CONDUCT

LCR16.1

Speaking at committees

When a member speaks at the committee they must address the meeting through the chair. If more than one member seeks to speak, the chair will ask one to speak. Other members must remain silent whilst the member is speaking unless they wish to make a point of order or a point of personal explanation.

LCR16.2

Chair's ruling

When the chair so requires during a debate, any member speaking at the time must stop. The meeting must be silent.

LCR16.3

Councillor not to be heard further

If a member persistently disregards the ruling of the chair by behaving improperly or offensively or deliberately obstructs business, the chair may move that the member be not heard further. If seconded, the motion will be voted on without discussion.

LCR16.4

Councillor to leave the meeting

If the member continues to behave improperly after such a motion is carried, the chair may move that either the member leaves the meeting or that the meeting stands adjourned for a specified period. If seconded, the motion will be voted on without discussion.

LCR16.5

General disturbance

If there is a general disturbance making orderly business impossible, the chair may adjourn the meeting for as long as they consider necessary.

LCR17

DISTURBANCE BY PUBLIC

LCR17.1

Removal of member of the public

If a member of the public interrupts proceedings the chair will warn the person concerned. If they continue to interrupt, the chair will order their removal from the meeting room.

LCR17.2

Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the chair may call for that part to be cleared.

LCR18

SUSPENSION AND AMENDMENT OF LICENSING COMMITTEE PROCEDURE RULES

LCR18.1

Suspension

All of these licensing committee procedure rules (LCR) except LCR13.4, 14.2 and 20.1, may be suspended by motion on notice or without notice if at least one half of the whole number of members are present. Suspension can only be for the duration of the meeting.

LCR19

FINANCE AND CONTRACTS

For the avoidance of doubt it is hereby confirmed that:

LCR19.1

Financial management

The management of the licensing committee's financial affairs will be conducted in accordance with the financial procedure rules (FPR) set out in part 4 of the city council's constitution.

LCR19.2

Contracts

Every contract made by or on behalf of the licensing authority acting through its statutory licensing committee and those subcommittees and officers delegated thereunder shall comply with the Procurement Rules set out in part 4 of the city council's constitution.

LCR20

RULES SPECIFIC TO THE CONDUCT OF HEARINGS HELD BY THE LICENSING AUTHORITY UNDER THE LICENSING ACT 2003

LCR20.1

The provisions of the Licensing Act 2003 (Hearings) Regulations 2005 (as amended) will be observed in connection with the conduct of hearings and where the regulations apply all licensing procedure rules will be construed and applied in a manner which does not offend those provisions.

NB This rule may not be suspended in any circumstances.

LCR20.2

Questions, statements and petitions

The rules concerning questions, statements and petitions do not apply to any business of the licensing authority in respect of which it is required to conduct a hearing at any time prior to the decision being notified following conclusion of the hearing concerned.

LCR20.3

Hearings – preliminary steps

- (a) Whenever it appears to the licensing manager (or any authorised member of his / her team) that the authority's obligation to hold a hearing has arisen then, as soon as is reasonably practicable, they will take steps to refer the application and any representations to a duly authorised sub-committee or, exceptionally, following consultation with the chair, to the licensing committee itself.
- (b) The licensing manager will take instructions from that subcommittee with regard to the following preliminary matters (where relevant):
 - whether any member considers themselves unable to hear the matter by virtue of prejudicial interest / appearance of bias;
 - the procedure to be followed at the particular hearing;
 - any particular points on which the sub-committee considers that it will want clarification at the hearing from a party;
 - whether there are any representations from interested parties which will be determined not to be relevant representations by virtue of their being, in the opinion of the sub-committee, frivolous or vexatious;
 - time estimate for the hearing;
 - a time and date when all members can convene to conduct the hearing;
 - a provisional indication regarding which of their number will chair the meeting.

- (c) Where any member indicates that they consider themselves to be disqualified from hearing the matter then the Licensing Manager shall take steps to refer the matter to a differently constituted committee which shall not include the member who is so disqualified but may include the remaining members of the originally selected sub-committee.

LCR20.4

Procedure following conclusion of the hearing

- (a) At the conclusion of the hearing the members of the subcommittee will withdraw to consider the determination of the relevant application / revocation / review / decision to give counter-notice as appropriate.
- (b) The parties shall not be entitled to accompany the members who will generally deliberate in private. Deliberation can take place at a time to be decided by the sub-committee provided it will be completed so as to ensure the city council can meet any statutory deadline for determination and notification.
- (c) The members may be accompanied by appropriate officers for the purpose of receipt of advice and / or guidance and / or administrative support; in particular the sub-committees administrator and its legal and policy advisers.
- (d) The strict rules of debate (such as those concerning the proposing and seconding of motions and imposing limits on the ability of councillors to participate in debate) shall not automatically apply to the deliberations referred to in this rule. The chair will lead a discussion of their colleagues with a view to ascertaining if the meeting can reach consensus on the merits of the application or other matter before it and any matters flowing from that (such as the imposition of conditions where appropriate). If it appears that a consensus view will not be reached within a reasonable time the chair will direct the manner in which deliberations will continue. Once a consensus appears to have been reached (or a proposal is before the meeting in accordance with any directions made by the chair) the matter will be put to the meeting and a determination made by a majority of the members present and voting thereon. The sub-committee shall direct its officers as to the completion of a decision record, which should include the determination, together with a summary of relevant findings and reasons supporting the decision made. The determination will be notified in accordance with the statutory rules and the decision record published following its being certified by signature of the chair as being correct.