



Licensing Committee

Tuesday 4 May 2021 at 4.00 pm

This will be held as an online virtual Meeting

Details on how to access the link in order to view the meeting will be made available online via the following link: [HERE](#)

Membership:

Members

Councillors:

Denselow (Chair)

Long (Vice-Chair)

Ahmed

Chohan

Hector

Hylton

Kennelly

Maurice

McLeish

Shahzad

For further information contact: Devbai Bhanji, Governance Assistant

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For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit:

www.brent.gov.uk/committees

The press and public are welcome to attend this meeting as an online virtual meeting. The link to view the meeting will be made available via the following link: [HERE](#)

Notes for Members - Declarations of Interest:

If a Member is aware they have a Disclosable Pecuniary Interest* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent and must leave the room without participating in discussion of the item.

If a Member is aware they have a Personal Interest** in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent.

If the Personal Interest is also significant enough to affect your judgement of a public interest and either it affects a financial position or relates to a regulatory matter then after disclosing the interest to the meeting the Member must leave the room without participating in discussion of the item, except that they may first make representations, answer questions or give evidence relating to the matter, provided that the public are allowed to attend the meeting for those purposes.

***Disclosable Pecuniary Interests:**

- (a) **Employment, etc.** - Any employment, office, trade, profession or vocation carried on for profit gain.
- (b) **Sponsorship** - Any payment or other financial benefit in respect of expenses in carrying out duties as a member, or of election; including from a trade union.
- (c) **Contracts** - Any current contract for goods, services or works, between the Councillors or their partner (or a body in which one has a beneficial interest) and the council.
- (d) **Land** - Any beneficial interest in land which is within the council's area.
- (e) **Licences** - Any licence to occupy land in the council's area for a month or longer.
- (f) **Corporate tenancies** - Any tenancy between the council and a body in which the Councillor or their partner have a beneficial interest.
- (g) **Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

****Personal Interests:**

The business relates to or affects:

- (a) Anybody of which you are a member or in a position of general control or management, and:
 - To which you are appointed by the council;
 - which exercises functions of a public nature;
 - which is directed is to charitable purposes;
 - whose principal purposes include the influence of public opinion or policy (including a political party or trade union).
- (b) The interests of a person from whom you have received gifts or hospitality of at least £50 as a member in the municipal year;

or

A decision in relation to that business might reasonably be regarded as affecting the well-being or financial position of:

- You yourself;
- a member of your family or your friend or any person with whom you have a close association or any person or body who is the subject of a registrable personal interest.

Agenda

Introductions, if appropriate.

Item	Page
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1	Apologies for absence and clarification of alternate members	
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2	Declarations of interests	
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Members are invited to declare at this stage of the meeting, the nature and existence of any relevant disclosable pecuniary, personal or prejudicial interests in the items on this agenda and to specify the item(s) to which they relate.

3	Minutes of the previous meeting	1 - 2
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To approve the minutes of the previous meeting as a correct record.

4	Licensing Sub-Committee Appointments and Decision-Making	3 - 8
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This report fulfils the Committee's duty to review and determine the representation of political groups on its Regulatory Sub-Committee and to make appointments in accordance with the wishes of the political groups concerned.

5	Appointment to Sub-Committees	9 - 10
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To confirm the appointment of members to the Committee's Alcohol and Entertainment Licensing Sub-Committee and Regulatory Sub-Committee, in accordance with the wishes of the political groups concerned.



Please remember to **SWITCH OFF** your mobile phone during the meeting.

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MINUTES OF THE LICENSING COMMITTEE **Held as an online meeting on Thursday 17 September 2020 at 6.00pm**

PRESENT (in remote attendance): Councillor Denselow (Chair), Ahmed, Chohan, Hector, Hylton, Kennelly, Long, Maurice, Shahzad

1. Apologies for absence and clarification of alternate members

No apologies were received.

2. Declarations of interests

There were no declarations of personal or prejudicial interest

3. Minutes of the previous meeting

RESOLVED that the minutes of the previous meeting, held on 26 August 2020, were approved and signed as an accurate record of the meeting. Cllr Denselow formally thanked Cllr Ahmed for all his hard work on the Committee. Cllr Ahmed thanked all committee members for supporting him as the previous Chair of the Committee.

4. Sub-Committee Appointments and Decision-making Arrangements

The Committee received a report from the Director of Legal, HR Audit & Investigation Services which set out the Committee's duty to review and determine the representation of political groups on its Regulatory Sub Committee and to make appointments in accordance with the wishes of the political groups concerned.

Appointments to the main Licensing Committee had been agreed at the Annual Council Meeting on 14 September 2020.

The Committee noted:

1. that whilst the Licensing Committee had a statutory duty to review and determine the representation of political groups and allocation of seats on its Regulatory Sub Committee, there was no requirement to apply these rules to the Alcohol and Entertainment Licensing Sub Committee.
2. The political balance principles that would apply in relation to the allocation of seats to political groups on the Regulatory Sub-Committee, as detailed in section 3 of the report;
3. The proposed extension of the delegated powers listed under section 3.4.5 of the report (in relation to alcohol, entertainment and gambling licensing) to the Operational Director Regeneration, Growth and Employment.

Having considered the proposals detailed within the report, the Committee

RESOLVED

- (1) To approve the establishment of a single Alcohol and Entertainment Licensing Sub Committee and Regulatory Sub Committee, on the basis set out in sections 3.4.2 – 3.4.5 of the report.
- (2) To agree the allocation of seats to political groups on the Regulatory Sub Committee, in accordance with the political balance rules, as detailed within section 3.11 of the report (4 Labour: 1 Conservative); and
- (3) To approve the extension of the delegated powers listed under section 3.4.5 of the report (in relation to alcohol, entertainment and gambling licensing) to the Operational Director Regeneration, Growth & Employment.

5. Appointments to Licensing Sub Committees

RESOLVED to make the following appointments to each of the following Sub Committees:

ALCOHOL AND ENTERTAINMENT SUB-COMMITTEE

DENSELOW (C) - **LABOUR**
LONG - **LABOUR**
CHOHAN - **LABOUR**

SUBSTITUTE MEMBERS:

AHMED, HECTOR, HYLTON, KENNELLY, MAURICE, MCLEISH, SHAHZAD

REGULATORY SUB-COMMITTEE


DENSELOW (C) - **LABOUR**
AHMED - **LABOUR**
CHOHAN - **LABOUR**
LONG - **LABOUR**
MAURICE - **CONSERVATIVE**

SUBSTITUTE MEMBERS:

HECTOR, HYLTON, KENNELLY, MCLEISH, SHAHZAD

The meeting closed at 6.05pm. The Mandatory Member Learning and Development training session took place after the meeting.

COUNCILLOR DENSELOW
Chair

	Licensing Committee 4 May 2021
	Report from the Director of Legal and HR Services
Licensing Sub-Committee Appointments and Decision-making Arrangements	

Wards Affected:	All
Key or Non-Key Decision:	Non-Key
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	None
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Debra Norman Director of Legal and HR Services Email: debra.norman@brent.gov.uk Tel: 020 8937 1578 Biancia Robinson Senior Solicitor (Governance) Email: biancia.robinson@brent.gov.uk Tel: 020 8937 1544

1.0 Summary

- 1.1 This report fulfils the Committee's duty to review and determine the representation of political groups on its Regulatory Sub-Committee and to make appointments in accordance with the wishes of the political groups concerned.

2.0 Recommendations

That the Committee:

- 2.1 Agree the allocation of seats to political groups on the Regulatory Sub-Committee, in accordance with political balance rules.
- 2.2 Appoint Members and substitutes to each of its Sub-Committees

3.0 Detail

- 3.1 The Licensing Committee covers all the Council's licensing and registration functions, including being the Council's statutory licensing committee when discharging licensing functions under the Licensing Act 2003 and the Gambling Act 2005.

- 3.2 In practice, functions under the Licensing Act 2003 and the Gambling Act 2005 are discharged by the Committee's Alcohol & Entertainment Licensing Sub-Committee and officers.
- 3.3 As it also exercises the Council's other licensing and registration functions, the Committee (to that extent) is also classified as an ordinary committee of the Council.
- 3.4 ***Alcohol, entertainment and gambling licensing***
- 3.4.1 The Licensing Committee has established and operates a single three Member sub-committee called the Alcohol and Entertainment Licensing Sub-Committee.
- 3.4.2 The Sub-Committee comprises of the Chair, Vice-Chair of the main Committee along with one other Member appointed from within the main Licensing Committee membership. The remaining other seven Members of the main Committee are then appointed as substitutes for this Sub-Committee, so that any of these can be selected whenever the need arises.
- 3.4.3 This Sub-Committee is chaired by the Chair or, in his/her absence, the Vice-Chair of the Licensing Committee. In the absence of the Chair or Vice-Chair, one of the three Sub-Committee Members chosen by the Sub-Committee will act as Chair.
- 3.4.4 In establishing the Sub-Committee, the main Committee approved the following delegations:
- 'To consider and determine applications and other matters under the Licensing Act 2003 which cannot be determined by officers in accordance with section 10 of the Licensing Act 2003 or any other enactment and any other matter referred to it for determination by the Strategic Director Regeneration and Environment.'*
- 'To consider and determine applications and other matters under the Gambling Act 2005 which cannot be determined by officers in accordance with section 10 of the Licensing Act 2003, as applied by various provisions of the Gambling Act 2005 or any other enactment, and any other matter referred to it for determination by the Strategic Director Regeneration and Environment.'*
- 3.4.5 In addition, the Committee has approved the following delegations to the Strategic Director Regeneration and Environment, which were also extended in May 2019 to the Operational Director Regeneration Growth and Employment:
- 'To consider and determine applications and other matters under the Licensing Act 2003 which can be determined by officers in accordance with section 10 of the Licensing Act 2003 or any other enactment.'*
- 'To consider and determine applications and other matters under the Gambling Act 2005 which can be determined by officers in accordance with section 10 of the Licensing Act 2003, as applied by various provisions of the Gambling Act 2005 or any other enactment.'*

- 3.4.6 Given the frequency of licensing hearings, appointing substitutes from the full membership of the Committee helps to ensure that, over a period of time, all available Committee Members will have the opportunity to decide contested applications and conduct hearings.

3.5 *All other (non-executive) licensing and registration functions*

- 3.5.1 The Licensing Committee has also established a further Sub-Committee known as the Regulatory Sub-Committee. This is comprised of five Members appointed from the membership of the main Licensing Committee, with the remit to exercise all of the Committee's non-Licensing Act and Gambling Act functions.
- 3.5.2 This Sub-Committee is chaired by the Chair or, in his/her absence, the Vice-Chair of the main Licensing Committee and in the absence of the Chair or Vice-Chair, one of the five Sub-Committee Members acts as Chair.
- 3.5.3 The other five Members of the main Committee are appointed as substitutes for this Sub-Committee so that any of these can be selected whenever the need arises.
- 3.5.4 When establishing the Sub-Committee, the main Licensing Committee approved the following delegations:
- 'To discharge all of the Licensing Committee's licensing and registration functions which do not relate to the Licensing Act 2003 or the Gambling Act 2005.'*
- 3.5.5 Existing officer delegation arrangements, whether based on specific committee delegations or the Council's general scheme of officer delegations (as set out in Part 3 of the Constitution) will continue to apply in respect of these general licensing and registration functions.

Political balance

- 3.6 There is no legal requirement to apply political balance rules to the Alcohol and Entertainment Licensing Sub-Committee and it would be impractical to do so. The need for Licensing Act hearings is frequent, and sometimes urgent, and securing the availability of Members is not always straightforward. Therefore, maximum flexibility is essential.
- 3.7 As the main Committee has been constituted as an ordinary committee of the Council so that it can carry out additional functions, statutory political balance rules do apply to the main Licensing Committee.
- 3.8 Accordingly, the Licensing Committee has been included as part of the review and determination of the representation of political groups on Council committees which was undertaken at the Annual Council meeting on 29 April 2021, with the appointment of Members also to be agreed, in accordance with the wishes of the political groups concerned.
- 3.9 In terms of the Regulatory Sub-Committee, this means that the Licensing Committee also has a statutory duty to review and determine the representation of political groups on this Sub-Committee as soon as practicable after the Full

Council review. The Committee then has a duty to make appointments to the Sub-Committee giving effect to the wishes of the political group allocated seats.

3.10 The allocation of seats is determined by applying the political balance principles prescribed by the Local Government and Housing Act 1989 and supplemented by the Local Government (Committees and Political Groups) Regulations 1990. These principles are set out below and are designed to ensure that the political composition of committees and sub-committees, as far as reasonably practicable, replicate the political composition of Full Council.

3.11 The political balance principles are:

- (i) That not all the seats on the sub-committee are allocated to the same political group.
- (ii) That the majority of the seats on the sub-committee are allocated to a particular political group if the number of persons belonging to that group is a majority of the Council's Membership.
- (iii) Subject to paragraphs (i) and to (ii) above, that the number of the seats on the sub-committee which are allocated to each political group bears the same proportion to the number of all the seats on that sub-committee as is borne by the number of Members of that group to the Membership of the Council.

3.12 There is a 4th principle which applies to appointment of ordinary committees and which was therefore applied at the recent Annual Council meeting. The legislation does not apply this principle to appointment of sub-committees.

3.13 Given the current vacancy (pending the outcome of the Brondesbury Park by-election on 6 May 21) the Membership of the Council stands at 62 councillors with the composition of political groups as follows:

58 Labour Group councillors (93.54%) and three Conservative Group councillors (4.84%).

According to the political balance rules, a political group for this purpose is a group of two or more members. Whilst the Council's membership also includes one Liberal Democrat councillor, representing 1.62% of the total composition of the Council, under the rules relating to political balance this single member is not treated as having formed a political group for the purposes of the review.

3.14 Based on a Regulatory Sub-Committee with 5 seats, the Labour Group is entitled to an allocation of 4 seats and the Conservative Group is entitled to be allocated the remaining one seat.

3.15 Having regard to the wishes expressed by the political groups, which have been detailed under Agenda Item 5, the Committee is requested to appoint 5 Members to the Regulatory Sub-Committee and three to the Alcohol & Entertainment Licensing Sub Committee.

4.0 Financial Implications

4.1 There are none arising directly from this report.

5.0 Legal Implications

5.1 These are addressed in the body of the report.

6.0 Equality Implications

6.1 None.

Report sign off:

DEBRA NORMAN

Director of Legal, HR, Audit and Investigations

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APPOINTMENTS TO LICENSING SUB-COMMITTEES

2021/2022 MUNICIPAL YEAR

ALCOHOL AND ENTERTAINMENT SUB-COMMITTEE

DENSELOW (C)	LABOUR
LONG	LABOUR
CHOHAN	LABOUR

SUBSTITUTE MEMBERS:

AHMED, HECTOR, HYLTON, KENNELLY, MAURICE, MCLEISH, SHAHZAD

REGULATORY SUB-COMMITTEE

DENSELOW (C)	LABOUR
AHMED	LABOUR
CHOHAN	LABOUR
LONG	LABOUR
MAURICE	CONSERVATIVE

SUBSTITUTE MEMBERS:

HECTOR, HYLTON, KENNELLY, MCLEISH, SHAHZAD

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