Conduct and Procedure of Licensing Panel

Newport
CITY COUNCIL
CYNGOR DINAS
Casnewydd

Membership and Appointment of Chairperson

Two panels of six members are established for this purpose. Each Panel is established in proportion to the full committee and the quorum is three. The Chair will be elected on the day by a simple majority vote.

Attendances and withdrawals

Any elected members who arrive after the consideration of any application has commenced should withdraw and take no part in the consideration of that specific application.

Any member who leaves the meeting at any point during consideration of any application should withdraw and take no part in the consideration of that specific application

Procedure

Applications will be considered in the following structure:

a) First there will be a presentation about the application / report by a Licensing Officer alongside officer recommendations.

b) The Chair will invite the Applicant(s)/person(s) called to attend or their representative to speak about their application/the matter under consideration if they so wish

c) The Chair will then provide an opportunity for members of the Panel to comment or ask questions of the Applicant/person(s) called to attend Licensing Officer or Legal Officer or of any other officer in attendance.

d) Questions must be relevant to the application being considered by the Panel

e) When the Chair considers all members and the applicant(s)/person(s) called to attend have had an opportunity to contribute he or she will ask the applicant to leave whilst the Panel retires to deliberate.

f) When the Panel retires, the Legal Officer(s) will remain in order to provide legal advice as and when required and to ensure that the decision schedule reflects the decision taken and the reasons for the decision. The democratic administrator will assist the Panel by recording a written note of the debate and of the vote taken.

g) Other officers or the applicant(s)/person(s) called to attend may be called to provide points of explanation if so required and the full meeting would reconvene for such purposes.

h) When the Panel, in retirement, has completed its deliberations, the Chair will ask for a motion to be moved, seconded and a vote taken

i) The matter under consideration will be determined by a simple majority vote by a show of hands. All members of the Panel, including the Chair, should cast a vote either in favour or against the motion before the Panel. As all members of the Panel are performing a quasi - judicial role, then it would not generally be appropriate for members to abstain.

j) If an equal number of votes for and against are recorded, the Chair will have a second or casting vote. The Chair can only use a second or casting vote if he or she has participated in the original vote. In the event of there being no clear majority and if the Chair is not in a position to use a casting vote then the matter must be reconsidered until a majority vote is taken. If no majority vote occurs then the matter has to be re-listed for consideration before an entirely fresh panel.

k) Following the vote, the matter is resolved. There must be no further discussion on the matter.

l) The applicant(s) person(s) called to attend and all other parties attending will be invited back and the meeting reconvened. The applicant(s)/persons called to attend will be informed of the decision and the reasons for the decision which has been taken. The applicant(s)/person(s) called to attend will be informed that the reasons for the decision will be forwarded to him or her in writing and will also be informed of the right of appeal.

m) The Senior Democratic Services Officer will provide a record of the decision and the reasons for the decision

n) The Licensing Officer shall write to the applicant(s)/person(s) called to attend informing him, her or them of the decision and of the reason for the decision. The letter will also refer to the right of appeal.