

# REPORT

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## LICENSING HEARING PROCEDURE

### 1. Report Summary

To seek Committee approval to the procedure to be adopted at hearings required to be held by the council as licensing authority under the Licensing Act 2003.

### 2. Background

- 2.1 The Licensing Act 2003 [Hearings] Regulations 2005 were made on 12<sup>th</sup> January and came into force on 7<sup>th</sup> February. The Regulations make provision for procedures for and at hearings but in so far as the Regulations do not make any provision the licensing authority [which in the context of the Regulations includes this Committee] can determine its own procedure.
- 2.2 A draft of the proposed procedure to be utilised at licensing hearings is attached to this report. The main area for local discretion is the maximum time that has been allowed for each party to speak. Members may decide that the suggested 10 minutes is inappropriate in the context of time that is allowed to applicants and objectors at planning committees. ([annex a](#))
- 2.3 A copy of the Regulations is attached to this report ([annex b](#))

### 3. Recommendation

Committee resolves to adopt the draft procedure for use at all hearings.

### 4. Background Papers:

None

### 5. Implications:

- **Financial:** There is no budgetary provision for training of Committee Members in licensing law and procedure.
- **Legal:** contained in the body of this report.
- **Human Rights:** Article 6 [right to a fair trial] and First Protocol Article 1 [right to property] are engaged. The recommended procedure is in accordance with the law and any interference is considered to be further to a legitimate aim and proportionate.
- **Personnel:** hearings will require to be serviced by a Committee Clerk from Democratic Services and an advisory lawyer from Legal & Property Services. It is not currently known what the long term staffing implications will be.
- **Community Safety:** an element of the 4 licensing objectives to which committees conducting hearings are required to have regard to.
- **Environmental implications:** an element of the 4 licensing objectives to which committees conducting hearings are required to have regard to.
- **Council's Core Values:** excellent service, promoting a thriving economy, environmentally conscientious, fair and equitable, communicating with the public.
- **Wards Affected:** All