

THE LICENSING ACT 2003 PROCEDURE FOR HEARINGS

Report By: County Secretary and Solicitor

Wards Affected

County-wide

Purpose

To advise Members of the Licensing Act 2003 (Hearings) Regulations 2005 which set out the hearing procedure to be followed by a Committee/Sub-committee when determining licensing applications.

Considerations

1. For a number of years the Committee has followed certain procedural arrangements when it has heard licensing applications, to ensure that the rules of natural justice are followed to ensure fairness to applicants and to officers. The Licensing Act 2003 (Hearings) Regulations 2005 which came into force on 7th February 2005 introduced a prescribed procedure to be followed in respect of hearings held by Licensing Authorities under the Act.
2. The Regulations contain specific requirements which the Council must comply with in advance of the hearing taking place such as a notice of the hearing and information which should accompany the notice. The Regulations also stipulate requirements that must be followed in the conduct of hearings
3. The procedure set out at Appendix A to this report has been prepared to ensure that the Council complies with the Regulations and to ensure that hearings are conducted in a fair and efficient manner

Recommendation

THAT: the requirements of the Licensing Act 2003 (Hearings) Regulations 2005 be noted and that the procedure set out at appendix A to this report be adopted