

		<b>Licensing Committee</b> <b>8th December 2008</b>	<b>Agenda Item No.</b>
<b>Title</b>		To suggest changes to procedural matters under the Licensing Act 2003	
<b>For further information about this report please contact</b>		David Davies, Licensing Services Manager, Members' Services. Tel: 01926 456107. <a href="mailto:david.davies@warwickdc.gov.uk">david.davies@warwickdc.gov.uk</a>	
<b>Service Area</b>		Members' Services	
<b>Wards of the District directly affected</b>		None	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006</b>		No	
<b>Date and meeting when issue was last considered and relevant minute number</b>		N/A	
<b>Background Papers</b>		None	

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	No
<b>Included within the Forward Plan? (If yes include reference number)</b>	No

<b>Officer/Councillor Approval</b>		
With regard to officer approval all reports <i>must</i> be approved by the report authors relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Relevant Director	24/11/2008	Robert Inman
Chief Executive		
CMT		
Section 151 Officer		
Legal	24/11/2008	Peter Oliver
Finance	24/11/2008	Andy Crump
Portfolio Holder(s)	24/11/2008	Councillor Kinson
<b>Consultation Undertaken</b>		
N/A		
<b>Final Decision?</b>		Yes

## 1. **SUMMARY**

1.1 Changes in procedure

## 2. **RECOMMENDATION**

2.1 Members are asked to consider the report to (1) hold a Licensing Panel hearing every four weeks and (2) hear any cases where conditions have been agreed with responsible authorities and there are no more representations under the Licensing Act 2003.

## 3. **REASONS FOR THE RECOMMENDATION**

3.1 The Licensing Act 2003 does not permit officers to add or remove conditions to a premises licence.

3.2 Currently, if a responsible authority suggests conditions which the applicant accepts, there is no hearing, and the licence is issued containing the conditions.

3.3 If this system is challenged, it may fail, so, to prevent this, a hearing must be held for a Licensing Panel to grant the licence with the conditions attached.

3.4 Graham Leach, Senior Committee Services Officer, has suggested that hearings are arranged every four weeks and entered into the calendar. The nature of the hearing permits more than one case to be heard at each meeting if necessary. If a meeting is not required, it can be cancelled beforehand. This would appear to be a good way to deal with this anomaly and help to ensure that the system is robust enough to withstand challenges.

## 4. **ALTERNATIVE OPTION CONSIDERED**

4.1 In consultation with the council's legal section, and after considering a licensing barrister's views and exploring all alternatives, the suggested method in the report appears to be the only safe method of adding conditions to a premises licence which conforms to necessary legalities and statutes.

## 5. **BUDGETARY FRAMEWORK**

5.1 This report has no budgetary considerations for the Council.

## 6. **POLICY FRAMEWORK**

6.1 None

## 7. **BACKGROUND**

7.1 None.