

	Licensing & Regulatory Committee 8 August 2016	Agenda Item No. 4
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Title	Revised wording for Licensing & Regulatory Panels
For further information about this report please contact	Graham Leach 01926 456114, graham.leach@warwickdc.gov.uk
Wards of the District directly affected	None
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No
Date and meeting when issue was last considered and relevant minute number	
Background Papers	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No
Equality Impact Assessment Undertaken	No

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	28 July 2016	Chris Elliott
Head of Service		
CMT		
Section 151 Officer		Mike Snow
Monitoring Officer	28 July 2016	Graham Leach (Deputy)
Finance		Mike Snow
Portfolio Holder(s)	28 July 2016	Andrew Mobbs
Consultation & Community Engagement		
John Gregory – Solicitor Acting for the Council - 28 July 2016		
Final Decision?	Yes	
Suggested next steps (if not final decision please set out below)		

1. **Summary**

- 1.1 The report provides the revised notes for the legal officer at Licensing Panel Hearings for information

2. **Recommendation**

- 2.1 The Committee notes the contents of the revised legal officers notes for Licensing Panels as set out at Appendix 1.

3. **Reasons for the Recommendation**

- 3.1 The introduction of the Licensing Act 2003 brought with it the need for Licensing Panels and associated procedures for these. The Panels started in 2005 and the current guidance used by Solicitors at each Panel has, although tailored for each meeting, been in place since this time.
- 3.2 The guidance offered by the Solicitor supporting the Panel is the responsibility of the Solicitor for the Panel, but it was considered appropriate for the Committee as a whole to be aware of the revised wording before it was introduced.
- 3.3 The purpose of the revised wording is proposed to make it clearer and not as cumbersome to read. The revision are based on experience of panels over a number of years has seen the removal of parts that no longer necessary to spell out at every meeting, e.g. there has never been a need to remove somebody for behaving in an "*unruly or disruptive manner*", and there is no need to be explicitly remind everyone that they can be represented or withdraw their representation.
- 3.4 The only substantive change to procedure relates to the closing speech given to applicants. The Hearings Regulations state that all parties should be allocated equal time to make representations. Affording only one party the chance to close may give the impression that one party is being given more time others. Therefore, this has been replaced with an opportunity for all parties to make further comments in light of the evidence presented. It has been observed that the applicants often don't quite know what to do with a closing summary, particularly if they are unrepresented, and those who are represented often only use it as an opportunity to repeat what they have said during the meeting.

4. **Policy Framework**

- 4.1 Policy Framework – The report does not impact on the Policy Framework of the Council.
- 4.2 Fit for the Future –The report does not directly contribute to Fit for the Future aims but provides an example of the continued approach by officers to improve service and reduce waste.
- 4.3 Impact Assessments – No impact assessment is required.

5. **Budgetary Framework**

5.1 The report does not impact on the budgetary framework or budgets of the Council.

6. **Risks**

6.1 The primary risk associated with the report is continuing to use the current legal officers notes because this would not reflect the Council's practical experience of how the panels operate and the most up to date legal advice.

7. **Alternative Option(s) considered**

7.1 No alternatives are proposed because the report is for information only.

Notes for Legal Officer at Licensing Panel Hearings

I will now set out the procedure for today's meeting.

The order in which evidence is to given to the Panel is as follows:

- (1) The Licensing Officer will present their report.*
- (2) The Applicant will present the application and may comment on any representations which have been made.*
- (3) The Responsible Authorities will make their representations in respect of the application.*
- (4) Anybody else who has made a representation and registered to speak will then be allowed to make their representations.*
- (5) After each party has made its representations, there will be an opportunity for the panel, the Applicant and the other parties registered to speak to ask questions of that party in relation to the representations they have made*
- (6) Finally, all parties will be asked whether they have anything further to add in light of the evidence that has been presented, and the Panel will retire to consider its decision.*

Evidence will not be given under oath, but I should remind all parties that the deliberate telling of untrue statements at this hearing is a criminal offence. All representations and questions should be addressed through the Chair and direct cross examination will not be permitted.

The Panel will only consider matters that are relevant to the four Licensing Objectives, which are;

- § *The prevention of Crime and Disorder.*
- § *Public Safety.*
- § *The prevention of public nuisance.*
- § *The protection of children from harm.*

Although there is no fixed period of time given to each party, I ask that everybody keeps to relevant points and avoid unduly lengthy or repetitive statements.

At the end of the hearing the Panel will consider its decision, during which time all parties will be asked to leave the room with the exception of myself and the Committee Services officer. My role is only to provide legal advice, and not to make any recommendation as to the determination to be given.

The Panel will endeavour to make a final determination today, which will be read out at the end of the meeting. Written copies of the decision will subsequently be posted to all those who have made representations in relation to the application.

The Applicant or any person who has made representations may appeal against the decision of the Panel to the Magistrate's Court within 21 days of issue of formal notification of the decision.