

Minute Extract from Licensing Committee - 23 March 2009

L/494/08-09 Review of Guidance for Licensing Committee

Before the Committee was a report by the Executive Head of Legal and Democratic Services, copies of which had been circulated to all Members and a copy of which is attached to the signed copy of these Minutes as Item 5.

The Assistant Solicitor introduced the report which asked the Committee to consider the LACORS (Local Authorities Coordinators of Regulatory Services) guidance on Licensing Committee hearings, as referred to it for consideration by the Standards Committee. She noted that it is not necessary for the LACORS guidance to be formally adopted within the Council's Constitution as it is intended for guidance only and much of its contents are duplicated from the relevant legislation.

The Committee considered the contents of the guidance and agreed that, although it should be given due regard, it is not necessary for the LACORS guidance to be formally adopted within the Council's Constitution.

Resolved

- (i) that the Committee has no comments on the LACORS guidance attached to the report;
- (ii) that it is not necessary for the LACORS guidance to be formally adopted within the Council's Constitution;
- (iii) that these comments be passed to the Standards Committee on 6 April 2009 for consideration.

Local Government Act 1972

Background documents:

Agenda and minutes of LIC 23.03.09

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Review of Guidance for the Licensing Committee

Report by the Executive Head of Legal and Democratic Services

1.0 Summary

- 1.1 To consider the existing Guidance for the Licensing Committee, identify any areas where improvements could be made and make appropriate recommendations to the Standards Committee.
- 1.2 This item was adjourned by the Committee on the 17th November 2008 for further consideration of the proposed guidance and its implications.

2.0 Background

- 2.1 The Council adopted the new Code of Conduct for Members in July 2007 and a new constitution in April 2008.
- 2.2 On the 13th October 2008 the Standards Committee considered the adoption of the LACORS (Local Authorities Coordinators of Regulatory Services) guidance on Licensing Committee hearings under the Licensing Act 2003 as being good practice and for inclusion within the Council's constitution.
- 2.3 The Standards Committee resolved that:

The Monitoring Officer consults the Executive Head of Housing, Health and Community Safety and the Licensing Committee to consider LACORS guidance and the Licensing Committee consider the Guidance at the meeting on the 17 November and make any comments back to this committee.
- 2.4 The item was deferred on the 17th November to allow further investigation of the proposed guidance and its implications.
- 2.5 The latest version of the LACORS guidance is attached as Annex 1 to this report.
- 2.6 The Committee is invited to note that officers, when advising and training Councillors use the LACORS guidance.
- 2.7 Following further investigation of the proposed guidance between relevant officers from the Licensing and Legal and Democratic Services it is not thought that it is necessary for the LACORS guidance to be formally adopted within the Constitution as it is intended for guidance purposes only however due regard to the LACORS guidance will continued to be given at any Licensing Committee or Sub-Committee.

2.8 This report again offers Members of the committee the opportunity to consider the guidance and make comments or recommendations to the Standards Committee at its meeting on the 6th April 2009.

2.8 The advice does not have any particular status within the Council.

2.9 Brief details about LACORS are set out in Annex 2.

3.0 Proposals

3.1 That the Committee consider the guidance attached and agree that it is not necessary to formally include the guidance within the Constitution.

3.2 That the Committee agrees to forward its comments and/or recommendations to the Standards Committee on the 6th April 2009.

4.0 Legal

4.1 Sections 49 to 52 of the Local Government Act 2000 ("the 2000 Act") provide that the Council will adopt the model code of conduct and that members shall comply with it. The Council may include other provisions which are consistent with that model code.

4.2 Section 54 of the 2000 Act provides that the functions of the Standards Committee include:

- (a) promoting and maintaining high standards of conduct by the members and co-opted members of the authority, and
- (b) assisting members and co-opted members of the authority to observe the authority's code of conduct.
- (c) advising the authority on the adoption or revision of a code of conduct,
- (d) monitoring the operation of the authority's code of conduct, and
- (e) advising, training or arranging to train members and co-opted members of the authority on matters relating to the authority's code of conduct.

5.0 Financial implications

5.1 There are no financial implications arising from this report.

6.0 Recommendation

6.1 That the Committee agrees what comments / recommendations it has on the LACORS guidance.

6.2 That the Committee agrees to forward its comments / recommendations to the Standards Committee on the 6th April 2009.

Local Government Act 1972

Background Papers:

- Report: Review of guidance for the Licensing Committee, Standards Committee, 13th October 2008.
- Minute: S/262/08-09 Review of Guidance for Licensing Committee
- Report: Review of guidance for the Licensing Committee, Licensing Committee, 17th November 2008.
- Minute: L/314/08-09 Review of Guidance for Licensing Committee

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Schedule of Other Matters

1.0 Council Priority

1.1 This report is not related to any specific Council priority

2.0 Specific Action Plans

2.1 Matter considered and no issues identified

3.0 Sustainability Issues

3.1 Matter considered and no issues identified

4.0 Equality Issues

4.1 Matter considered and no issues identified

5.0 Community Safety issues (Section 17)

5.1 Matter considered and no issues identified

6.0 Human Rights Issues

6.1 Matter considered and no issues identified

7.0 Reputation

7.1 Matter considered and no issues identified

8.0 Consultations

8.1 There was not a need to carry out any consultation on the changes

9.0 Risk assessment

9.1 Matter considered and no issues identified

10.0 Health & Safety Issues

10.1 Matter considered and no issues identified

11.0 Procurement Strategy

11.1 Matter considered and no issues identified

12.0 Partnership working

12.1 Matter considered and no issues identified



LACORS' GUIDANCE:
LICENSING COMMITTEE HEARINGS UNDER THE LICENSING
ACT 2003

FOR LOCAL AUTHORITIES IN ENGLAND & WALES
Revised August 2007

Note:

- Hard copy of this Guidance is available from LACORS either via a download from its website (free for local authority users) or a copy can be ordered from LACORS, telephone 020 7665 3888 (a charge will be made).

In offering this advice LACORS wishes to make it clear that:

- Ø Legislation may change over time and the advice given is based on the information available at the time the guidance was produced. It is not necessarily comprehensive and is subject to revision in the light of further information.
- Ø Only the courts can interpret statutory legislation with any authority.
- Ø This advice is not intended to be a definitive guide to, nor substitute for, the relevant law. Independent legal advice should be sought where appropriate.
- Ø This guidance needs to be read in conjunction with the Licensing Act 2003, the Guidance issued by the Secretary of State for Culture, Media and Sport on 28 June 2007 under section 182 of the Licensing Act 2003, and the Secondary Legislation (Regulations) SI 2005 No 44

FOREWORD

The Licensing Act 2003 will put local authorities firmly at the centre of decision making process for licences relating to regulated entertainment and the provision of alcohol, as well as late night refreshment. Concerns regarding this shift in responsibility have touched on many areas, including the amount of time and costs that will be incurred by local authorities holding lengthy committee hearings. It is hoped that this guidance will offer advice and suggestions in areas licensing authorities will consider and will provide practical pointers to assist with running their licensing committee and sub-committees in an efficient manner.

LACORS is aware that there are different views on the administration of committees, and that there are currently significant differences in how these are run from authority to authority. Further, the Licensing Act 2003, statutory Guidance and secondary legislation (Regulation) are not as clear as was hoped in many areas concerning administration of these hearings. Consequently, there is much discussion as to the interpretation of different areas of the legislation that will ultimately be decided by the courts. LACORS will review this guidance regularly and in light of any relevant case law, but until such time this document aims to offer simple, useful and practical guidance, and flags up for colleagues the areas that LACORS is aware of that there is ongoing discussion and disagreement.

This guidance is intended for all officers involved with the administration of the licensing committee and its sub-committees, and looks at the key areas of consideration for licensing authorities in setting up and administering a well run and fair hearing. It contains model versions of the documents that licensing authorities have a statutory right to produce, and ideas for format and layout of other associated papers that may be produced including model templates for committee agendas and reports. This guidance is applicable to local authorities in both England and Wales.

A number of local authorities and independent advisors have assisted with this document. Special thanks to James Button of James Button & Co, Philip McCourt of Harborough Council, Jonathan

Smith of Poppleston Allen, and Leeds Council. Thanks also to the LACORS licensing reform policy forum advisors who have offered practical assistance with re-writing of drafts. In particular, many thanks to Alan Tolley of Sandwell MBC and Jeffrey Leib of Watford Council who have all helped to ensure that the advice given within this document is useful from a practical perspective.

Cllr Geoffrey Theobald OBE
Chairman

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1. Introduction

Licensing committees will play a crucial role in delivery of the new functions bestowed on local authorities by the Licensing Act 2003. LACORS is becoming increasingly aware that many local authorities are feeling apprehensive and concerned about the amount of time that will be taken up in committee hearings, especially during transition where it is likely these will be needed often. The following notes are intended to offer guidance and assistance in areas that LACORS thinks local authorities should consider in relation to licensing committees and should be read in conjunction with the Act, Secretary of States Guidance and secondary legislation.

The Local Government Act 1972 rules applying to advertising committee hearings, and administering committee hearings do not apply to the licensing committee (and sub committees) delivering functions of the Licensing Act 2003. The particular areas that this is likely to affect are exempt information, exclusion of press and public, and access to information (usually covered by Part VA and sch12A LGA 1972). The Government intends that local authorities make their own provision in these areas (subject to the Licensing Act 2003 (Hearings) Regulation SI 2005 No. 44), but LACORS suggests that in the absence of comprehensive new criteria for these decisions that local authorities may wish to continue using the relevant sections of this statute, and the local authorities own existing procedural policies where applicable.

The following general principles should always be remembered when conducting committee hearings:

- All parties have a right to a fair hearing.
- All local government decision-making should be conducted in an open, transparent, and accountable way.

All efforts should be taken by the local authority to promote these principles.

2. Statute and Guidance

Sections of the Licensing Act 2003 and statutory Guidance relating to the procedures of licensing committees are replicated below.

Licensing Act 2003

Section 183 (1) states 'Regulations may prescribe the procedure to be followed in relation to a hearing held by a licensing authority under this Act and in particular may:

- require a licensing authority to give notice of hearings to such persons as may be prescribed.
- make provision for expedited hearings in urgent cases
- make provision about the rules of evidence which are to apply to hearings
- make provision about the legal representations at hearings of the parties to it
- prescribe the period within an application, in relation to which a hearing has been held, must be determined or any other step in the procedure must be taken'

Guidance issued under section 182 of the Licensing Act 2003

Paragraph 13.76: The 2003 Act provides that the functions of the licensing authority (including its determinations) are to be taken or carried out by its licensing committee (except those relating to the statement of licensing policy or where another of its committees has the matter referred to it). The licensing committee may delegate these functions to sub-committees or in appropriate cases, to officials supporting the licensing authority. Where licensing functions are not automatically transferred to licensing committees, the functions must be carried out by the licensing authority as a whole and not by its executive. Statements of licensing policy should indicate how the licensing authority intends to approach its various functions. Many of the decisions and functions will be purely administrative in nature and statements of licensing policy should underline the principle of delegation in the interests of speed, efficiency and cost-effectiveness.

Paragraph 13.78: Where under the provisions of the 2003 Act, there are no relevant representations on an application for the grant of a premises licence or club premises certificate or police objection to an application for a personal licence or to an activity taking place under the authority of a temporary event notice, these matters should be dealt with by officers in order to speed matters through the system. Licensing committees should receive regular reports on decisions made by officers so that they maintain an overview of the general situation. Although essentially a matter for licensing authorities to determine themselves, the Secretary of State recommends that delegation should be approached in the following way: (see paragraph 13.79 - scheme of delegation)

LACORS is aware that the scheme of delegation contained within the Guidance does not accurately reflect all delegations applying to the sub committee, and local authorities should also have regard to relevant sections of the Act when considering delegating decisions.

3. Secondary Legislation (Regulations) SI 2005 No 44

In January 2005 secondary legislation in the form of Regulations was laid before Parliament. These Regulations affected a number of areas, and gave further detail concerning how hearings should be conducted. The following section gives guidance on the main areas affected by the Regulations. In this section, the topic and main relevant Regulations are stated in brackets after the sub heading, the other relevant Regulations are mentioned in the bulk of the text. LACORS recommends colleagues read this section in cross-reference with the hearings Regulations (SI No 44).

a) Notice of Hearings (Regulation 6)

Regulation 6 prescribes how much notice should be given prior to a committee hearing occurring. Different time frames apply to the notification of a hearing depending on the application to be heard. As previously stated, LACORS suggests that where Regulations do not apply, local authorities may consider it appropriate to implement a 5 days notice rule for advertising committee hearings.

The timeframes for when an authority must hold a hearing to determine an application are contained within Schedule 1 of the hearings Regulations.

Regulation 34 dictates that all notice is given in writing, but apart from this, the term 'give notice' is open to local determination. LACORS suggest officers comply with existing good practice concerning accessibility and open decision making by posting the notice in a public place (e.g. at the entrance to the town hall) and posting the notice and associated papers electronically on their website whilst replicating any local good practices related to the advertising of committee meetings.

LACORS suggests that best practice in this area is to give notice electronically (i.e. email- local authorities should check prior to sending that the notice will be accepted electronically (Regulation 34.2 (b)), in addition to any postal methods in light of the short notice period for determination in some circumstances, and taking into account the reliability of postal methods. However, where notice is only given by post, LACORS suggests that this should always be sent first class.

b) Information to accompany notice of hearing (Regulation 7)

Regulation 7 requires that the following information is made available to parties (specifically those listed in column 2 of the Schedules contained in the hearings Regulations):

- the rights of the party provided for in Regulations 15 and 16;
- the consequences if a party does not attend or is not represented at the hearing;
- the procedure to be followed at the hearing;
- any particular points on which the authority considers that it will want clarification at the hearing from the party.

LACORS suggests these documents are sent by post or electronically (if agreed and permission of the recipient is given to the licensing authority in advance as stipulated by Regulation 34.2 (b)) and laid out clearly for public inspection at the hearing, whilst also being available on the Council website.

Committee protocol

LACORS suggests this procedure is accessible, and adopted by all Members of the committee as a requirement prior to taking part in the decision making process. Regulation 7(c) requires this procedure is sent in advance to all parties and explained to all parties at the beginning of the hearing.

This procedure needs to include:

- Procedure to be followed at committee.
- Order in which representations will be heard.
- Rights of committee Members and applicants to ask any question of any party concerned*
- The procedure for calling witnesses.
- Consequences and procedure if any party fails to attend a hearing including; whether that hearing will still take place, or procedure if deciding to adjourn the hearing'
- An equal maximum period of time (per party) allowed in which all parties can exercise their rights.
- How the decision will be delivered (generally at end of hearing (Regulation 26 and 27) and notified (Regulations 28 and 29).
- Availability of records and papers.
- Procedure and rights to exclude parties.
- Policy for accepting additional information to a representation.
- Policy for accepting written representations (in compliance with the Regulation).

Regulation 18 allows additional information to be submitted to the committee (with consent) to an existing representation at the time of the hearing. If this additional information is allowed and considered, this may be viewed as prejudicing those who did not submit additional information at a late stage because they followed the timescales for representations specified in the notice or advertisement.

LACORS further suggests that in the case where a party may fail to attend the hearing, except in exceptional circumstances, that the hearing still proceeds in the interests of those as well as cost and efficiency.

A suggested procedure is available as **appendix A**.

** Regulation 23 states that the authority generally leads the hearing and that cross-examination cannot take place unless specified by the local authority. LACORS suggests that hostile cross examination should not be a feature of any well run committee hearing, but that all parties present are allowed to ask questions of one another. Therefore, as a general rule, LACORS suggests that*

to allow cross-questioning and open discussion, licensing authorities should not prohibit cross-examination. However, to protect the discretion of the local authority in disallowing cross-examination in exceptional circumstances it should be made clear to all parties that this decision will be taken on a case-by-case basis with a presumption to allow.

c) Applicants and Interested Parties Requirements (Regulations 7,8,15, 16 and 20)

Regulations require that the authority fulfill certain obligations to applicants (or those representing them) and interested parties. Similarly, applicants (or those representing them) have a responsibility to the licensing authority to give notice. These responsibilities are laid out below:

Authority to inform party:

- Their right to attend and have a person (legally qualified or not) represent them.
- Any particular points that the authority will require clarification on.
- Procedure to be followed by the committee (see 3b above).
- The consequences of not attending the hearing*.

Party to inform authority:

- Whether they will attend the hearing.
- If necessary, requests for any other people to attend, accompanied by their name and a brief description of the main points that person needs to make and why this is of assistance to the licensing authority considering the application.
- Intention to call witnesses (and names).
- Whether he or she considers the hearing to be unnecessary.

LACORS suggests a separate document requesting this information and informing the applicant of the timeframes in which to submit this information (stipulated by Regulation 8 (3, 4 and 5), be sent separately to the applicant and interested parties (if felt necessary) in advance, and at the same time as other associated papers. LACORS suggests that if and when this information is sent to interested parties they are reminded that representations can only be made in relation to the four licensing objectives and are encouraged to let the licensing authority know as soon as possible if they wish to withdraw their representation.

** Regulation 20 allows the authority to hold the hearing in the absence of the applicant if they fail to attend or fulfill their obligation to the licensing authority or to give appropriate notice on the issues named above. This Regulation also prescribes that the licensing authority must consider the application, representation or notice given by that party in their absence.*

d) Representations (Regulations 10,16,17,18,19)

Regulations give detail concerning how representations are made and stipulating that agreement must be reached by all parties in accepting late additions to representations (Regulation 18).

However, it is the decision of the licensing authority to disregard evidence or representations made at any time that is vexatious or frivolous (see Regulations 19(a) for further detail).

e) Timings adjustments, adjourning and dispensing with a hearing (Regulations 9,11 and 13)

Regulation 9, 11 and 13 give detail regarding the process required for dispensing with a hearing if all parties agree and for adjourning the hearing. LACORS suggests these requirements are fulfilled by requesting agreement from all parties (applicant/LA/interested parties) in writing that the hearing is unnecessary. As per Regulation 12 (2) and (3) decisions to adjourn hearings must be given to all parties in writing. LACORS suggests this is done as far as is possible in advance setting out clearly how long the adjournment is for; the reasons for adjourning, and extending other time limits if necessary in the public interests.

Authorities should note that, following discussions between the DCMS and the LACORS Licensing Policy Forum, LACORS can now provide the following commentary on regulation 9: if mediation has taken place and the reason for the hearing has been resolved (with all persons required by the Act agreeing to dispense with the hearing), a physical hearing need not take place, irrespective of whether the outcome involves conditions being added to the licence. For further details on this please [click this link](#) to the relevant LACORS article.

f) Hearing to be held in public (Regulation 14)

Regulation 14 dictates all hearings are held in public unless the licensing authority 'considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in public' in which the applicant, those assisting the applicant or other interested parties can be excluded.

The Act, Guidance and Regulations give no criteria for which to exclude the public from decision-making. In the absence of this, LACORS suggest that local authorities may wish to continue to use existing criteria (Local Government Act 1972, schedule 12A) for excluding the press and public from decision making although these are not legally binding to decisions made under the Licensing Act 2003. However, LACORS is aware that this criterion is being reviewed (at time of publication) and local authorities may prefer to instruct their legal officers to draft criteria for exclusion akin to the public interest test under the Freedom of Information Act 2000.

g) Record of Proceedings (Regulation 30)

Regulation 30 requires a record of proceedings be kept in an intelligible form for 6 years from the date of decision or dispersal of appeal. Some legal advice has suggested that Regulation 30 is actually requiring the local authority to keep a full verbatim record of the hearing. This is by no means a unanimous view, but LACORS is looking into this area and will offer further advice on this as soon as possible.

Licensing authorities that wish to keep a verbatim record could do this via an electronic recording, and not be reliant on a verbatim set of minutes transcribed by the committee administrator. LACORS reminds colleagues that where a verbatim record is kept, that this would be disclosable under the Freedom of Information Act 2000.

LACORS suggests the written committee minutes are stored electronically and for 6 years in compliance with Regulation 29 and that, bearing in mind the advice offered above, are brief, in plain English, and show the following:

- Membership
- Declarations of interest
- That the agreed procedure was followed
- The decision taken and reasons for that decision

The purpose of minutes is to provide an accurate record of proceedings and decisions taken by the meeting. Officers should ensure that is clear and understandable to any member of the public, who was present or not.

Once agreed and published, these minutes should then fit all other public accessibility criteria mentioned. All parties should be informed of how to obtain the minutes, and a rough indication as to when they will be available.

Agenda

The committee agenda should be clear and lay out the following:

- Date, time and place of meeting
- Membership of the committee
- Detail of contact officers (committee and licensing)
- Order of business
- Procedure to be followed by the committee (attached or detail of where to obtain)

A suggested agenda format is attached as **appendix B**.

Report

There are differing views between local authorities whether a committee report is necessary for the Licensing Act 2003 committee. However, LACORS would suggest that this is a useful way of pinpointing clearly (and keeping a record of) relevant representations and policy considerations. A suggested format for this document is attached as **appendix C**.

h) Exclusions (Regulation 25)

Regulation 25 allows the authority to remove disruptive persons from the authority, and allows the excluded party to submit for consideration, before the end of the meeting, any written representations they had wished to make orally to the hearing.

LACORS suggests that in a case of exclusion, this option is given to the parties concerned by the Chair of the meeting (or delegated person), and it is minuted clearly that this procedure took place.

i) Irregularities (Regulations 31, 32 and 33)

Regulations 31, 32 and 33 allow that irregularities and clerical errors do not render a decision void and that the licensing authority seeks to cure any irregularity or error as quickly as possible and preferably in advance of the hearing.

LACORS suggests that irregularities and errors (and efforts taken to rectify them) form part of the minutes of the meeting and provide written evidence of the procedure taken. Typographical errors should be corrected at the time of the hearing, and the amendment of them noted as part of the minutes.

4. General Principles

a) Recommendations

It is LACORS view that officers should not make recommendations on applications in their own right. Representations can only be received in relation to one of the four licensing objectives and only by a responsible authority or interested party. The Licensing Act 2003 (s18 (8)) dictates that licensing authority cannot make representations on applications, and that their role is limited to determining the application, and deciding whether or not a representation received is frivolous or vexatious. LACORS suggests that the licensing officers role in decision-making should be to offer advice and expertise based upon their professional knowledge on aspects of the application being heard, without making a recommendation for decision. Similarly, officers should take care that their conduct in committee does not indicate favour in one direction or another.

b) Written evidence and data protection

Written letters of objection and support are often received concerning applications, and clearly it is important that these are seen by Members of the committee (and available to the applicant and interested parties) so that they can make an informed decision on the application. The addresses of these representations will also need to be considered by the committee in many instances including considering the weight of representations made concerning noise. However, it is worth remembering that for data protection reasons and in the interest of the parties concerned, that personal information (e.g. names and house numbers) are withheld from public circulation, or if the information is requested by the committee or interested parties, that it is only circulated with prior permission of those making the representation. Where this permission is not acquired these written representations should be mentioned in an abstract way such as:

'12 letters of objection were received from residents in Brewery Lane'

Data protection considerations should also be remembered during dialogue in the committee hearing.

c) Role of Chair

The Chair of the licensing committee plays a crucial role in helping those members of the public that are present to understand the process. The Chair's responsibilities include:

- Welcoming all parties to the meeting and explaining the procedure of the hearing.
- Introducing Members of the committee and officers present.
- Explaining the order in which representations will be heard.
- Orally notifying those present of the decision taken by the committee, reasons why and any attached conditions.

d) Member Conduct

LACORS recommends that Members taking part in decisions should only be permitted to do so if they have been present for all of the hearing, in the interest of a fair hearing, and out of respect for all parties present.

e) Determination of decision

LACORS is of the view that unless the local authority has taken the decision to exclude the public from the hearing, all aspects of that decision should be taken in public. However, LACORS is aware that in many circumstances Members feel it necessary to consider their final decision in private prior to the applicant being informed of the decision. In these cases LACORS strongly suggests that the only officer Members be accompanied by is the legal advisor, and that advice given to Members in private by the legal officer is repeated in public. If Members do move into private session then the Chair should be reminded to state that the committee has resolved to move into private session in accordance with Regulation 14 (2).

f) Quorum

LACORS suggests that in the interests of a fair hearing, and principles of accountability and public decision-making, that a decision taken by the sub committee is not taken by less than three Members. To assist with this, local authorities could schedule in the availability of a 'spare' Member to substitute if it becomes necessary. Any changes to advertised Membership should be explained to all parties present at the beginning of the hearing. See appendix C for further detail.

g) Other points to consider

Local authorities may also wish to consider the following points when planning the layout and structure of the licensing committee:

- That the layout of the room ensures that all members of the public can hear and see the decision making process to ensure transparency, clarity and no perception of bias.
- A separate area for press to sit where they can see and hear the process clearly, and away from the public.
- Displaying copies of the committee protocol for the public to peruse, and the criteria for which and when the meeting will move into private session.
- Ensuring that all members of the public have access to agenda and related papers.

Appendix A

Suggested committee protocol- Licensing sub-committee

The four licensing objectives, as given by the Licensing Act 2003, are:

- the prevention of crime and disorder;
- public safety;
- the prevention public nuisance; and
- the protection of children from harm

Each application that comes before this committee will be treated on its own merits, and this licensing authority will take its decision based upon:

- The merits of the application
- The promotion of the four licensing objectives
- The policy of the licensing authority, a copy of which can be obtained from... (LA to add detail).
- The guidance issued by the Secretary of State for Culture, Media and Sport on 28 June 2007 under section 182 of the Licensing Act 2003.

The procedure of the committee is as follows:

- Chair opens the meeting, introducing Members of the committee and officers present to the applicant and members of the public, explains the nature of the decision to be taken, and the procedure to be followed.
- The officer outlines the application, any relevant representations and relevancies to the local authority licensing policy statement and statutory guidance (optional).
- Members to ask any relevant questions of the officer.
- Licensing officer introduces applicant (if present) and invites him or her, or person representing them, to address the committee or clarify any information arising from the officers' outline, if necessary.
- Licensing Officer to invite those parties making representations to address the sub committee.
- Members to ask any relevant questions of those parties making representations.
- Applicant or person representing them to ask any relevant questions of those parties making representations.
- If necessary, the committee will consider requests to allow other parties invited by the applicant to address the committee.
- Applicant or person representing them addresses the committee.
- Members may ask any relevant questions of the applicant or person representing them.

- Parties that made representations to ask any relevant questions of the applicant or person representing them.
- Chair to invite applicant or those representing them, and any parties making representations, to briefly* summarise their points if they wish.
- Chair asks all parties that they are satisfied they have said all they wish to.
- Members of the committee discuss and make their decision.
- Chair relays the decision and the reasons given for the decision, and any conditions placed upon the licence (if granted) and the licensing objective that they relate to.

Please Note

- Changes of Membership will be given at the beginning of the meeting.
- Decisions will generally be taken regardless of whether the applicant is present. All notices and representations received from absent parties will be considered.
- Late representations and evidence will only be considered with agreement of all parties present.
- In cases where a decision cannot be given at the end of the hearing, the licensing officer will inform the applicant when they will be notified of the decision within 5 working days.
- Applicants have a right to appeal, details of which can be obtained via the licensing officer.
- This Council is committed to taking decisions in a honest, accountable and transparent fashion but on occasion may find it necessary to exclude members of the press and public based upon the legal framework given in the Local Government Act 1972 sch 12a and/or local policy. In these occasions decisions based on the above framework will be given. Similarly, this authority generally will allow all parties to ask questions of another party present, but this decision will be taken on a case by case basis and in some exceptional circumstances (a reason will be given) cross examination may be prohibited.
- The authority has the right to exclude any parties disrupting this hearing, at its discretion.

* This licensing authority grants a maximum 20 minutes per party to make all relevant statements, but respectfully request that all parties keep points pertinent and the discussion moving in the interests of cost and efficiency.



Appendix B

Suggested agenda template

Licensing Sub-Committee

(Day and date, including year)

th

Wednesday 12 January 2005

(Venue)

Town Hall

(Time)

2 pm

Licensing authority to add:

- Licensing department contact details
- Committee contact details
- Website details for associated papers.

Membership*

Councillor Cragg (Chair), Councillor Snard, Councillor Keen.

* This licensing authority will only allow licensing decisions to be taken by a minimum of three Councillors. In the event of one Member being unable to attend, their place will be substituted by another Member taken from the membership of the full Licensing Committee. In the event of this substitution taking place all parties will be informed of the change of Membership at the beginning of the hearing.

AGENDA

1. Welcome
2. Apologies and reconstitution of Membership
3. Declaration of interests
4. Licence Hearings

Item 1

Variation.

Applicant: Mr P Smith

An outline of the application and associated papers are attached

Item 2

Temporary Event Notice.

Applicant: Fern Village Hall

An outline of the application and associated papers are attached

Item 3

Premises Licence.

Applicant: Ms S Lick

An outline of the application and associated papers are attached

Item 4

Personal Licence.

Applicant: Mr V Dodge

An outline of the application and associated papers are attached

5. Minutes

Minutes of the meeting held on the 12th December

Please note the procedure to be taken by the committee (which is attached to this agenda).
(Optional- LA's may prefer to attach address of where this information can be obtained.)

Appendix C

Suggested content of committee report

1. The application

Summary of nature of application, licensable activities, hours, supply of alcohol.

2. Background

Any relevant background information.

3. Promotion of Licensing Objectives

Detail of promotion of the four licensing objectives:

- the prevention of crime and disorder;
- public safety;
- the prevention public nuisance
- the protection of children from harm

4. Relevant representations

Details of relevant representations received and relation to the four licensing objectives.

5. Interested Parties

Details of representations made by interested parties.

6. Policy Considerations

Detail of relevant policy considerations, including local policy statement.

7. Associated papers

Detail of appendices. These could include copies of representations received (omitting addresses).

About LACORS

What is LACORS?

[An Introduction to LACORS](#)

LACORS (the Local Authorities Coordinators of Regulatory Services) is the local government central body responsible for overseeing [local authority regulatory and related services in the UK](#).

What are regulatory services?

This is the name given to a group of services which exist to protect the public. LACORS coordinates the regulatory services delivered by local government. These range from protecting consumers against illegal door stop selling to checking hygiene standards in restaurants and food factories.

LACORS' customers

Our website and services are available to customers in the UK who deal with LACORS; namely local authority heads of regulatory services, front line officers, elected members, officers from central bodies, staff and officials from partner organisations such as central government departments and professional bodies.

Individual businesses and members of the public should contact their trade association or local authority.

How is LACORS funded?

LACORS is a local government central body created by the UK local authority associations which comprise of the [Local Government Association \(LGA\)](#), [Welsh Local Government Association \(WLGA\)](#), [Convention of Scottish Local Authorities \(COSLA\)](#) and [Northern Ireland Local Government Association \(NILGA\)](#). LACORS is mainly funded from local government monies. In England and Wales money is 'top sliced' from the Revenue Support Grant.

How does LACORS work?

Central to LACORS' work is the promotion of quality regulation, development of policy and dissemination of comprehensive advice, guidance and good practice for local authority regulatory services. This is distributed through this website and via e-mail bulletins to heads of service and also specialist officers. LACORS is assisted in its work by a network of local authority advisers and recognised experts.

LACORS consults with advisers and stakeholders on a range of issues via its Policy Forums and Focus Groups. Representatives meet to discuss key strategic and policy issues affecting regulatory services to help focus LACORS' work.

LACORS Board of Directors

LACORS is accountable to its Board of Directors which is made up of senior elected members nominated by the four UK local authority Associations.