

REVIEW OF LICENSING SUB-COMMITTEE HEARING PROTOCOLS

Committee name	Licensing Committee
Officer reporting	Stephanie Waterford, Residents Services
Papers with report	Hearing protocols
Ward	All

HEADLINES

As Members will be aware, as part of this agenda, the Statement of Licensing Policy is currently being reviewed. It, therefore, would be timely to also review the suite of Licensing Sub-Committee Hearing Protocols to ensure best practice and consistency in conducting all types of Licensing Hearings.

RECOMMENDATIONS:

That the Committee discusses the headings for review and instructs Officers to prepare draft Hearing Protocols ready for final review and adoption at the next Licensing Committee meeting in January 2021.

SUPPORTING INFORMATION

The Hearing Protocols were last updated and adopted in 2015 and serve as the standard by which the Licensing Authority must determine applications across all delegated licensing regimes.

The Hearing Protocols currently in place are;

- 1) Protocol for new and variation applications under the Licensing Act 2003 and Gambling Act 2005
- 2) Protocol for reviews under the Licensing Act 2003 and Gambling Act 2005
- 3) Protocol for Scrap Metal Dealers Act 2013
- 4) Protocol for Sex Establishment Licences
- 5) Protocol for Street Trading Applications
- 6) Protocol for Film Classifications (order of proceedings only)

These hearings contain common principles and headings which are underpinned by the principle legislation. The three main protocols used are in relation to Licensing, Gambling and Street trading matters. However, Members have in past years sat on hearings relating to Sex Establishments and Film Classification.

Officers recommend that Members discuss the protocols and instruct Officers to prepare draft versions for the next Full Licensing Committee meeting in January 2021 for fuller consideration and approval.

A copy of each of the above protocols is enclosed as part of this report.

Classification: Public

Licensing Committee: 14 October 2020

Topics for potential discussion and review could include;

- Information contained in the Licensing Officers report
- Procedure at the Hearing - i.e. representations, evidence, parties to the hearing
- Updating to reflect remote hearings, noting though this is currently superseded by temporary regulations in effect to May 2021.

Members may have their own matters to raise.

BACKGROUND PAPERS

- S182 Guidance under the Licensing Act 2003
- Hearing Regulations 2005
- Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020