

Committee(s):	Date(s):	Item no.
Licensing	24 October 2011	
Subject: Procedures followed for Licensing Hearing		Public
Report of: Town Clerk		For Decision
<p style="text-align: center;"><u>Summary</u></p> <p>This report outlines, for Members' information, the existing procedures implemented by officers of the Licensing Team and the Town Clerk's Department when organising hearings to consider representations in connection with applications for licences under the Licensing Act 2003.</p> <p>Recommendations</p> <p>That the report be received and its contents noted</p>		

Main Report

Background

1. This report was prepared following enquiries made by Members of the Committee about the procedures for organising Licensing Hearing.

Current Position

2. As Members will be aware, under the Licensing Act 2003, the licensing authority must hold a hearing in the event that relevant representations are made within a 28 day consultation period to any of the following applications:-
 - For a new premises licence or club premises certificate
 - For a variation to an existing premises licence or club premises certificate
 - For a provisional statement
3. A hearing must also be held where an objection notice is received from the police in relation to an application for a temporary event notice, the transfer of a premises licence, a personal licence, and other formalities. These tend to be less common than hearings resulting from objections to new applications or variations.

4. The majority of hearings must be held within 20 working days of the last date for making representations/objections. The exceptions are the cancellation of an interim authority notice following police objections which must be heard within 5 working days, a counter-notice following police objection to a temporary event notice which must be heard within 7 working days and the review of a premises licence following a closure order which must be heard within 10 working days. If a representation/objection is received, the Licensing Team records the information and opens a 'hearing' file. At the end of the 28-day consultation period the Town Clerks Department is informed of the need to start the process of scheduling a hearing. Brief information relating to the applicant, copies of the application and copies of the representations/objections are sent to the Town Clerks Department at this stage in order that a panel can be arranged to conduct the hearing. However, it has recently been agreed that Town Clerks are informed of the possibility of a hearing becoming necessary three or four days prior to the last day of the consultation period. Once a date of the hearing has been set a Notice of Hearing letter is sent to all parties 10 clear working days before the hearing notifying them of the venue, date and time. The exceptions to this case are hearings for the cancellation of an interim authority notice and for a counter-notice following a police objection to a temporary event notice which require 2 working days notice and hearings for review of a premises licence following a closure order which require 5 working days notice.
5. The Licensing Service prepare a hearing report and send this, along with any other necessary paperwork, to the Town Clerks Department. This information is sent to Town Clerks to send the hearing bundle to the relevant parties within five working days of the hearing date.
6. The relevant supporting documentation is also provided to the Department, and papers are subsequently redacted by the Town Clerk for data protection reasons, before being circulated to the applicant, objectors and the panel.
7. The format of hearings is prescribed in statute and are organised by the Town Clerk's Department in accordance with legal requirements and as advised by the Comptroller and City Solicitor's Department. Licensing hearings may incorporate a visit to the premises.
8. Once the hearing has taken place, the decision letter is drafted by the clerk to the Committee (based on a prescribed template), in accordance with the decision taken at the hearing, and sent to the officers in the

Licensing Team and the Comptroller & City Solicitor's Department, for comments. Once the draft of the letter has been agreed by officers, it is sent to all panel Members for their consideration. Any comments received are considered and taken into account. The final letter is sent to all parties within five working days of the hearing taking place.

9. The clerk to the Committee is responsible for drafting the minutes of the hearing, following the same protocol outlined above, to ensure accuracy. The minutes are submitted to the full Licensing Committee to the following meeting (the Committee meets quarterly).

Consultees

10. The Director of Markets & Consumer Protection and the Comptroller and City Solicitor were consulted in the preparation of this report.

Contact:

Caroline Webb

020 7332 1416

caroline.webb@cityoflondon.gov.uk