

DECISION-MAKER:	LICENSING COMMITTEE		
SUBJECT:	LICENSING HEARING GUIDANCE NOTES		
DATE OF DECISION:	24 TH MAY 2018		
REPORT OF:	HEAD OF TRANSACTIONS AND UNIVERSAL SERVICES		
<u>CONTACT DETAILS</u>			
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STATEMENT OF CONFIDENTIALITY	
None	
BRIEF SUMMARY	
Report of service manager for licensing, seeking adoption of procedure / guidance notes for Licensing Sub Committees when holding hearings in relation to licensing applications or other licensing determinations.	
RECOMMENDATIONS:	
(i)	The Licensing Committee consider this report and the attached procedure notes and approve / adopt them.
REASONS FOR REPORT RECOMMENDATIONS	
1.	It has been identified by the Chair of the Licensing Committee that procedures are out of date and / or unavailable at meetings. Accordingly a review was instigated, leading to this report.
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	
2.	None
DETAIL (Including consultation carried out)	
3.	These notes provide general guidance for all parties involved in licensing hearings on committee procedures. The Chair or Chair nominated for the purposes of the hearing has absolute discretion in the application and interpretation of the applicable procedure. Licensing Act 2003 hearings, in accordance with statutory guidance, are intended to be in the form of a discussion led by the licensing authority. The written procedure provides some structure but is not intended to be rigidly applied. The rules of natural justice mean that each party should have an equal right to put their case and challenge evidence, where relevant. The procedure notes attached are intended to assist with this process and inform parties that may not be used to hearings of the usual practice. The respective notes on procedure are set out and attached as follows; Appendix A – Licensing Act 2003 & Gambling Act 2005, Appendix - B specific guidance for Sex Establishments, Appendix C - Taxi applications, Appendix D - Taxi complaints, Appendix E – Other matters

4.	Whilst formal approval is not strictly necessary it was considered important that all committee members have the opportunity to scrutinise and approve the procedures – as well as providing a refresh / update for their own benefit.
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
5.	None
<u>Property/Other</u>	
6..	None
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
7.	Licensing Act 2003 (Hearings) Regulations 2005
8.	Ss. 99 and 102 Local Government Act 1972
<u>Other Legal Implications:</u>	
9.	Licensing committees sit in a quasi-judicial capacity and must observe the rules of natural justice. Clear procedures enable each party to any hearing to properly understand how a hearing is structured and when and how they will have an opportunity to address the committee / sub-committee. A fair hearing is important to ensure human rights are respected and upheld.
RISK MANAGEMENT IMPLICATIONS	
10.	None
POLICY FRAMEWORK IMPLICATIONS	
11.	None

KEY DECISION?	No
WARDS/COMMUNITIES AFFECTED:	
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	Procedure note – Licensing Act 2003 and Gambling Act 2005
2.	Procedure note – Sex Establishments
3.	Procedure note – Taxi applications
4.	Procedure note – Taxi complaints
5.	Procedure note – Other matters

Documents In Members' Rooms

1.	None
Equality Impact Assessment	
Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	Yes/No
Data Protection Impact Assessment	
Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.	Yes/No
Other Background Documents	
Other Background documents available for inspection at:	
Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	None