

CHAPTER 8.4 - LICENSING AND APPEALS COMMITTEE PROCEDURE RULES

8.4.1 Function and Composition of the Licensing and Appeals Committee

The Licensing and Appeals Committee is responsible for:-

- a) carrying out functions relating to licensing and registration as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (the Functions Regulations);
- b) carrying out functions relating to licensing and registration as set out in the Licensing Act 2003 and Gambling Act 2005;
- c) carrying out functions relating to the setting of fees, as set out in the Gambling Act 2005, as delegated by Council;
- d) the exercise of functions relating to health and safety under 'any relevant statutory provision' within the meaning of Part I of the Health and Safety at Work Act 1974 to the extent those functions are discharged otherwise than in the Council's capacity as employer;
- e) considering any specific matters referred by Council;
- f) consideration of applications where objections have been received, through individual panels, in relation to the functions of licensing and registration as set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the Functions Regulations) except applications made in connection with Hackney Carriage and Private Hire Driver, Operator and Vehicle Licensing; and
- g) consideration of appeals, through individual panels, in relation to the granting of and conditions imposed upon licences relating to taxi, food, street trading, school accredited driver, ~~grievance and disciplinary procedures,~~ and other miscellaneous issues.

The Licensing and Appeals Committee is composed of 14 Members of the Authority appointed annually by the Council. Appointments shall be subject to the rules of political balance.

8.4.2 Meetings of the Licensing and Appeals Committee

The Licensing and Appeals Committee shall schedule a minimum of four meetings per Municipal Year, as scheduled in the Timetable of Meetings, agreed by Council. Meetings of the Committee will be held at the Council's main offices or another location to be agreed by the Chairman. Meetings will be held in public and the Access to Information Rules in Chapter 3.2 of this Constitution set out the requirements covering public meetings.

Extraordinary meetings of the Licensing and Appeals Committee may be called at any time by the Chairman or, in his/her absence, the Vice Chairman of the Committee or by the Chief Executive if he/she considers it necessary or appropriate. The business to be conducted at an extraordinary meeting of the Licensing and Appeals Committee shall usually be a single item only and there shall be no consideration of previous minutes.

8.4.3 Public and Member Questions

Public and Member questions can be asked in accordance with the requirements set out in Chapter 4.2 of this Constitution.

8.4.4 Petitions

Petitions can be submitted to the Licensing and Appeals Committee subject to the requirements of the Council's Petition Protocol described in Chapter 3.5 of this Constitution.

8.4.5 Quorum

The quorum of a meeting of the Licensing and Appeals Committee will be one quarter of the whole number of Members or three, whichever is the greater.

Procedure at Meetings

8.4.6 Speaking Rights

A Member of the Council who is not a Member of the Committee shall be entitled to attend and speak (but not vote) at any full meeting of the Licensing and Appeals Committee. Members attending under this provision shall tell the Chairman of the Committee in advance that they will be attending.

~~Members of the public or other organisations shall only be entitled to speak at a full meeting of the Committee by invitation from the Chairman.~~

At the meetings of the Licensing and Appeals Committee after each main presentation, members of the public and other organisations present may be allowed to speak (through the Chair). Any statements from speakers must be relevant to the item or presentation just received. Speaking time will be limited to 5 minutes per item at the discretion of the Chairman.

Speaking rights relating to Hearings and Appeals constituted by the Licensing and Appeals Committee are described in the procedures in [Rule 8.4.10](#).

8.4.7 Disturbance by Public

If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room.

If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.

8.4.8 Rules of Debate

Debates at the Licensing and Appeals Committee shall take place in accordance with the rules laid down in Chapter 4.2.

Debate at Hearings and Appeals shall take place in accordance with the procedures described in [Rule 8.4.10](#).

8.4.9 Duration of Meeting

As set out in Chapter 4.2 unless the majority of Members present vote for the meeting to continue, any meeting of the Licensing and Appeals Committee that has not concluded by

10.30pm will adjourn immediately. If, once a Motion to continue has been proposed and seconded, the majority of Members present vote to continue, the meeting will continue for a further period not exceeding 30 minutes.

Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date the remaining business will be considered at the next ordinary meeting.

8.4.10 Licensing and Appeals Sub-Committee Procedure Rules

Hearings held under the Licensing Act 2003 shall be considered by a Sub-Committee comprising three Members of the Licensing and Appeals Committee.

In accordance with the Licensing Act 2003 (Hearings) Regulations (as amended), all Hearings to determine applications under the Act shall be considered in accordance with procedures agreed by the Licensing and Appeals Committee. Details of the procedure to be followed for each type of hearing will be circulated beforehand to all parties to the hearing. Procedures shall be based on the principles of natural justice and Article 6 of the Human Rights Act, the right to a fair hearing.

Hearings and Appeals to Determine All Other Matters Listed in [Rule 8.4.1\(f\)](#) and [Rule 8.4.1\(g\)](#)

~~All Members of the Council shall be invited to nominate themselves to sit on such panels following Annual Council. Except where either legislative or constitutional arrangements state otherwise (such as in the case of grievance or disciplinary panels – see [Rule 8.4.11.1](#)), membership of individual Hearings and Appeals shall be drawn from the pool of Members that have agreed to sit on such panels by the Democratic Services Manager.~~

8.4.11 Hearings held to determine all other matters listed in rule 8.4.1(f) and Rule 8.4.1(g) shall be considered by a Sub Committee comprising three Members of the Licensing and Appeals Committee. Details of the procedure to be followed for each type of hearing will be circulated beforehand to all parties to the hearing.

~~8.4.11.1~~

~~Panels convened in respect of grievance and disciplinary matters must comprise at least one Member of the Personnel Board. The remainder of the Panel may comprise any Member of the Council, subject to Personnel Board Members having been invited in the first instance.~~

~~8.4.11.2~~

~~Individual Hearing and Appeals Panels shall be comprised of no more than five Members.~~

8.4.11.3¹

The quorum of a Hearing or Appeals Panel shall be three Members.

8.4.11.4²

The procedure to be followed at Hearings and Appeals relating to the other matters listed in [Rule 8.4.1\(f\)](#) and [Rule 8.4.1\(g\)](#) shall be determined by other legislative or constitutional arrangements maintained by the Democratic Services Section.

In all cases, all parties involved with a Hearing or Appeal shall be informed of the procedure to be followed in advance of the Hearing or Appeal. Those procedures shall be

founded upon the principles of natural justice and Article 6 of the Human Rights Act, the right to a fair hearing.

8.4.12 Members ability to make Representations or Call for Reviews

Under the Licensing Act 2003 Members are able to make representations and call for reviews in relation to premises licences and club premises certificate applications in any ward in the Authority's area provided these are made on the grounds of one or more of the licensing objectives, which are:

- a) the prevention of crime and disorder;
- b) the prevention of public nuisance;
- c) public safety; and
- d) the protection of children from harm.

8.4.12.1

Representations or applications for review on grounds other than those set out in [Rule 8.4.12](#) cannot be considered. Representations that are considered to be frivolous or vexatious will also be disregarded.

8.4.12.2

~~If a review of a premises licence or club premises certificate has been held recently and the circumstances at the premises have not changed an application for review can be rejected.~~

8.4.12.3

All representations or applications for review must:

- a) be in writing, showing the name and address of the author (the representation/review application must be published as part of the process);
- b) clearly set out the likely effects the granting of the licence would have on the promotion of at least one of the licensing objectives;
- c) present evidence in support of the representation or review.

8.4.12.4

Although Parish/Town Councillors are not interested parties in their own right, they can be involved as representatives of interested parties, including the Parish/Town Council itself.