



Walsall Council

Licensing and Safety Committee 12 October 2022

Licensing Act 2003 – amendment to hearing procedure

1.0 Purpose of report

To advise Members of a revised order of proceedings for Walsall Council Licensing and Safety Sub-committee hearings relating to applications for premises licences.

2.0 Recommendations

That the revised procedure for hearings by the Licensing and Safety Sub-committee relating to applications for premises licences be approved.

3.0 Background information

3.1 The Licensing Act 2003 (Hearings) Regulations 2005, as amended, makes provision for the holding of hearings under the 2003 Act. Those regulations require each licensing authority to produce its own procedure.

3.2 The order in which the various interested parties address the sub-committee after the licensing officer has presented the report currently allows for representations from the Responsible Authorities and other Interested parties before the applicant presents their case. However, normal practice in hearings of this nature both in local authorities and at court, allows the applicant to state their case first which provides context upon which other parties make their representations. All other hearings are conducted in this way.

3.3 To regularise this, a revised procedure relating to applications for premises licences is attached as appendix 1 and reflects the advice at 3.2 above. The procedure for hearings relating to licence reviews already reflects this and does not therefore need amending.

4.0 Resource Considerations

4.1 **Financial:** None

4.2 **Legal:** The hearings conducted by the Licensing sub-committee are quasi-judicial in nature and adhere to the principles of natural justice and fairness.

4.3 **Staffing:** None

5.0 Citizen Impact:

None

6.0 Community Safety

None

7.0 Environmental Impact

None

8.0 Performance and risk management issues

None

9.0 Equality implications

These hearings are quasi-judicial in nature and therefore, in the interests of Natural Justice and Fairness, the procedure provides all parties with an opportunity to make their case, ask questions and be questioned.

10.0 Consultation

None required

11.0 Background papers

None

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