

DECISIONS OF THE LICENSING COMMITTEE

19 JANUARY 2005

Committee:

- * Councillor Eva Greenspan (Chairman)
- * Councillor Daniel Hope (Vice-Chairman)

Councillors:

- | | |
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| * Steven Blomer | Susette Palmer |
| * Maureen Braun | Wendy Prentice |
| * Peter Davis | Agnes Slocombe |
| * Aba Dunner | * Ansuya Sodha |
| * Olwen Evans | * Soon-Hoe Teh |
| * Claire Farrier | * Jim Tierney |
| * Malcolm Lester | |

* denotes Member present

1. **MINUTES:**
RESOLVED – That the Decisions of the meeting held on 1 December 2004 be approved as a correct record.
2. **ABSENCE OF MEMBERS:**
Apologies for absence were received from Cllr. Susette Palmer, and from Cllr. Agnes Slocombe, who was attending a meeting of School Governors.
3. **DECLARATION OF MEMBERS' PERSONAL AND PREJUDICIAL INTERESTS:**
None were declared.
4. **LICENSING HEARINGS PROCEDURE:**
The Committee considered a report of the Head of Committee which proposed a draft Procedure for the conduct of this Authority's Licensing Act 2003 Hearings. The report appended the draft Hearings Regulations made by the Secretary of State under the Act, upon which the proposed Procedure had been based.

The Committee noted that the Regulations were published in final form, following extensive consultation, on 14 January and that since the proposed Procedure had been written, a new requirement had been included in the Regulations to the effect that the Hearings were to take the form of a discussion led by the Authority – a discursive rather than adversarial approach.

As a result of this new requirement and the requirement to ensure the parties to a Hearing have equal opportunity to put their case, the

Committee noted that officers would have to re-work the proposed Procedure and that it would not be appropriate for the Committee to agree the Procedure at this stage.

Accordingly, the Committee

RESOLVED – (i) To note that the Hearings Regulations had been finalised and now included a requirement for Hearings to be discursive;
(ii) To instruct the Head of Committee and the Borough Solicitor to develop a Hearings Procedure which reflected the new regulatory requirements; and
(iii) To defer consideration of this Authority’s Hearings Procedure until 21 February when the Committee would be called to meet again.

The meeting finished at 7.44pm