

REPORT OF:	HEAD OF ENVIRONMENTAL HEALTH SERVICES
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TO:	LICENSING COMMITTEE
DATE:	10TH MAY 2005

AGENDA ITEM NO:	4	WARD(S) AFFECTED:	ALL
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SUBJECT:	LICENSING ACT 2003 PROCEDURES
PURPOSE OF THE REPORT:	TO AGREE THE PROCEDURES TO BE OPERATED UNDER THE LICENSING ACT 2003 FOR THE LICENSING COMMITTEE AND THE LICENSING SUB COMMITTEES
RECOMMENDATIONS:	
<p>Recommended that Licensing Committee agree the following procedures:</p> <ol style="list-style-type: none"> 1. Procedure note A : RBBC Licensing Committee and Licensing Sub-Committees – Overall Procedure Rules, 2. Procedure note B : RBBC Licensing Sub-Committee – Hearings Rules, 3. Procedure note C : RBBC Licensing Sub-Committee – Procedure. 	

Background

1. The Licensing Act 2003 Section 9(3) allows that 'subject to any such regulations, each licensing committee may regulate its own procedure and that of its sub-committees'.
2. The Licensing Act 2003 (Hearings) Regulations 2005 specify the procedures to be followed in connection with the hearing along with the additional information that should be sent to interested parties.

Factors for Consideration

3. A series of documents have been prepared which incorporate the above legislative requirements in addition to a number of other issues such as hearsay evidence upon which both the sub-committee and interested parties may seek guidance.
4. Annex A contains the 'Overall Procedure Rules' for both the Committee and Sub Committees. These follow a similar format to the procedure rules as laid down in the constitution.

5. Annex B contains the 'Hearing Rules' for the Sub Committees.
6. Annex C contains the 'Procedure' and details the order of business for the Sub Committees.
7. The Chairmen of the Licensing Sub Committees considered the attached annexes at an informal meeting on 28th April 2005. Their comments will follow in a revised version of the annexes to be circulated shortly, which will also contain annotations to clearly identify those parts which are required by statute and should not be changed.

Resource Implications

8. Nil

Conclusions

9. The Licensing Committee is requested to consider the attached documents and agree the procedures to be followed

Reasons

10. The requirements of the Act and associated Regulations are not consistent with existing practices and procedures. Therefore in order to comply with the new statutory requirements the Committee must adopt new procedures.

Background Papers: None