

**REPORT OF THE DIVISIONAL OFFICER**  
**LICENSING, FOOD & SAFETY**  
**TO THE GENERAL LICENSING COMMITTEE**  
**6th MARCH 2015**

**PROCEDURE FOR CONSIDERATION OF “PART 2” GENERAL LICENSING COMMITTEE REPORTS**

**1.0 Background and Purpose of Report**

- 1.1 As Members are aware, following recent legal advice, the procedure for consideration of “Part 2” General Licensing Committee reports has changed.
- 1.2 This report is for Members to formally agree the new procedure. Copies of this procedure will also be sent to all persons invited to attend the General Licensing Committee in respect of “Part 2” reports in the future.

**2.0 The Procedure**

- 2.1 Following a decision by Members to exclude and remove the press and public, the Applicant/Licence Holder and where applicable, their representative(s) will be invited into the room where the General Licensing Committee or General Licensing Sub Committee is being held in the order set out on the agenda unless the Committee agrees to vary the order . The Members of the Committee will have received a report about the matter being considered and will have the report before them.
- 2.2 The Democratic Services Officer will request the Applicant/Licence Holder to provide a valid copy of the DVLA Driving Licence to be verified by the Legal advisor and Licensing Officers.
- 2.3 The Chair of the Committee will introduce the Officers present at the Committee, these will normally include the Council’s Legal Officer, the Democratic Services Officer, the Licensing Officer and any other officers who may be present.
- 2.4 The Chair will explain the procedure and running order of the meeting and will ask the Applicant/Licence Holder to introduce any representative(s) present.
- 2.5 The Licensing Officer will ask the Applicant/Licence Holder to confirm that they have received the report being considered.

- 2.6 If the Applicant/Licence Holder states that they have not received the report or disputes any facts contained within the report, this matter will be considered at this stage. Depending on the outcome, the Committee may resolve to adjourn consideration of the report in order that the query may be addressed.
- 2.7 The Licensing Officer will present the facts of the case by taking the Committee through the report.
- 2.8 The Chair will invite Members to ask any questions of the Licensing Officer.
- 2.9 The Chair will invite the Applicant/Licence Holder or their representative(s) to speak in relation to the matter. This is the opportunity to raise any relevant matters, including an explanation of the matters referred to in the report and any information to support the case.
- 2.10 The Chair will invite the Members of the Committee present to ask any questions of the Applicant/Licence Holder or their representative(s).
- 2.11 The Chair will invite the Licensing Officer and any other officer present to ask any questions of the Applicant/Licence Holder or their representative(s).
- 2.12 The Chair will ask the Licensing Officer and the Applicant/Licence Holder or their representative(s) if they have anything further to say to sum up the case.
- 2.13 The Chair will explain that the Applicant/Licence Holder or their representative(s) may telephone the Licensing Section after 2.30pm that day or a specified date and time for the decision of the Committee.
- 2.14 The Chair will ask the Licensing Officer, any other officer present, the Applicant/Licence Holder and any representative to leave the room to allow discussion of the matter in private. All parties are requested to remain outside of the Committee Room until the Democratic Services Officer has confirmed that they may leave.

- 2.15 The Council's Legal Officer and Democratic Services Officer will remain present during the discussion to advise on points of law and procedure and to take a record of the proceedings as appropriate.
- 2.16 If Members of the Committee require further information or clarification on any matter, all persons who have withdrawn from the hearing are invited to return. After the information required has been provided all parties will be asked to withdraw again.
- 2.17 The Committee considers all the evidence provided and makes a decision.
- 2.18 The decision and reasons for the decision (where relevant) will be confirmed in writing within 14 days of the decision being made by the General Licensing Committee. The letter will include details of any statutory rights of appeal where relevant.

### **3.0 RECOMMENDATIONS**

- 3.1 It is recommended that Members adopt the procedure to be followed by the General Licensing Committee as detailed in paragraph 2 the report.

#### **The Licensing Committee's instructions are requested.**

<b>Background Papers:</b>	<b>None</b>
<b>Contact Officer:</b>	<b>Yvonne Lewis</b>
<b>Extension:</b>	<b>5600</b>
<b>Legal Contact:</b>	<b>Kath Clague</b>