



Cyngor **Abertawe**
Swansea Council

**Report of the Divisional Officer
Licensing, Food & Safety
Statutory Licensing Committee
13 April 2018**

For Information

Licensing Act 2003 - Right to Dispense with a Hearing

1.0 Purpose of the Report

- 1.1 To inform Members of the procedure to be followed in accordance with Section 9 of The Licensing Act 2003 (Hearings) Regulations 2005 to Dispense with a Hearing.

2.0 Dispense with a Hearing Procedure

- 2.1 Section 18(3) of the Licensing Act allows the authority to dispense with the need of a Statutory Licensing Sub Committee hearing, if all parties making representations agree that a hearing is unnecessary.
- 2.2 Representations must be agreed by the applicant and the applicant must agree to amend the operating schedule to include any representations or amendments as conditions.
- 2.3 In such circumstances, a report will be produced for consideration by three Members of the Statutory Licensing Committee via email, telephone or in some cases a short meeting.
- 2.4 The report will include the detail of the application and the initial representation(s) received along with the conditions agreed by all parties.
- 2.5 The report will state that any decision made must be based on the individual merits of the application and the representations received, with a view to promoting the four Licensing Objectives.

- 2.6 The Statutory Guidance states in paragraph 9.37 that the Licensing Authority should seek to focus on the steps considered appropriate to promote the Licensing Objectives that have given rise to the representations and to avoid straying into undisputed areas.
- 2.7 Members may agree, having considered all relevant information to dispense with a hearing under section 18(3) of the Licensing Act 2003.
- 2.8 Should Members agree to dispense with the hearing, the Committee will grant the application as modified by agreement between the parties using its powers under Section 18(4) of the Licensing Act 2003.
- 2.9 Members must carefully consider the representations and subsequent agreement reached between all parties. The additional conditions may be then be applied to the licence.
- 2.10 However, the Committee must be satisfied the agreed conditions are appropriate to promote the licensing objectives.
- 2.11 If Members do not agree that the agreement reached between the parties promotes the licensing objectives a Statutory Licensing Sub Committee will take place to consider the application in full.

Background Papers: None
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