

CANNOCK CHASE COUNCIL

LICENSING & PUBLIC PROTECTION COMMITTEE

4 SEPTEMBER 2014

REPORT OF HEAD OF ENVIRONMENTAL HEALTH

1. Reasons for Referral

- 1.1 Under the Licensing Act 2003 ("the Act") the Council is required to establish a Licensing Committee. Section 7 of the Act provides that most of the Licensing functions are to be carried out by the said Licensing Committee. At Cannock Chase Council this Committee is known as the Licensing & Public Protection Committee.
- 1.2 Section 9 of the Act provides for the establishing of Licensing Sub-Committees.
- 1.3 Section 10 of the Act allows for the Council's Licensing & Public Protection Committee to delegate some of its functions to sub-committees and officers. Under these provisions the Licensing & Public Protection Committee has delegated the responsibility for hearings to the Licensing Sub-Committee.
- 1.4 On occasion parties make applications under the Act that have particularly pressing time limits- for example temporary event notices and review applications. In some cases a party will ask for additional time to consider their position. Sometimes all parties make a request for an adjournment of the Licensing Sub Committee hearing.
- 1.5 Given the increasing number of applications coming to the Licensing Sub Committee it would be useful for the Licensing & Public Protection Committee to authorise the Head of Law and Administration (The Council's Solicitor), in consultation with the Chairman of the Licensing & Public Protection Committee to make certain decisions to adjourn hearings, extend time limits and to dispense with the need to hear some hearings where all parties have agreed to this.
- 1.6 Therefore the Licensing & Public Protection Committee is requested to consider authorising the Head of Law and Administration, in consultation with the Chairman of the Licensing & Public Protection Committee, to make certain administrative decisions, as below.

2. Recommendation

- 2.2 That the Licensing & Public Protection Committee authorise the Head of Law and Administration, in consultation with the Chairman of the Licensing & Public Protection Committee:-

- (a) To dispense with holding a hearing, if all persons required by the Act agree that such a hearing is unnecessary, and to give notice to the parties that a hearing has been dispensed with, as per Regulation 9 of the Licensing Act 2003 (Hearings) Regulations 2005 ("the Regulations")
- (b) To extend time limits, and to give notice of the same, as per Regulation 11 of the Regulations.
- (c) To adjourn a hearing, and to give notice of the adjournment, as per Regulation 12 of the Regulations.
- (d) To make amendments as to the procedure to be followed at hearings of the Licensing Sub Committee, as per Regulation 21 of the Regulations.
- (e) To take steps to cure any irregularities resulting from failure to comply with the provisions of the Regulations, as per Regulations 31, 32 and 33.