



City of Westminster

Licensing Committee

Date: 12 March 2014

Classification: For General Release

Title: Licensing Act 2003 & Gambling Act 2005 – Rules of Procedure (update)

Report of: Operational Director for Premises Management and Head of Legal And Democratic Services

Wards Involved: Not Applicable

Policy Context: Management of the Public Realm

Financial Summary: No financial implications

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1. Summary

1.1 Following a decision by the Licensing Committee at the November 2013 meeting to introduce new practices in respect of late papers received at Licensing Sub-Committee meetings, the Rules of Procedure (which sets out the legislative and the Council's requirements under the Licensing Act 2003 and Gambling Act 2005) have been updated to reflect these changes in practice.

2. Recommendation

2.1 The Committee is recommended to approve the amended Rules of Procedure (attached as Appendix 1) for applications submitted under the Licensing Act 2003 and the Gambling Act 2005 with immediate effect.

3. Relevant Information

- 3.1 When determining applications under the Licensing Act 2003 and the Gambling Act 2005 all parties are served a copy of the Council's Rules of Procedure which govern the way in which hearings are arranged and conducted.
- 3.2 Following the decision of the Licensing Committee on 20 November 2013 in regard to the service of late papers, the Rules of Procedure have been re-drafted to reflect the changes that had been agreed. The objective is to encourage the timely submission of all papers that are to be considered at Licensing Sub-Committee meetings.
- 3.3 The new Rule 8.6 has been highlighted in yellow in the attached Appendix and clearly states that the Licensing Sub-Committee has discretion as to whether or not it will consider documentary or other information that is submitted late. It further provides that members may decide to adjourn the proceedings so as to allow members and other parties to consider the information and explains that an adjournment may be to another date.
- 3.4 A further amendment to the rule has also been incorporated to reflect the fact that an adjournment may not always be convenient for the other parties attending. If the covering note does not provide an adequate explanation as to why the information has been presented late, the Sub-Committee may also decide not to consider the information at all. However, before making such a decision, the Sub-Committee will obviously consider the importance of the additional information and will need to appreciate that such evidence can still be presented to the magistrates' court in the event of any decision being appealed.

4. Financial Implications

- 4.1 There are no financial implications arising from this report.

5. Legal Implications

- 5.1 The legal implications are set out in the report.

If you have any queries about this report please contact Sharon Bamborough, Licensing Assistant Service Manager on 020 7641 7824, or email sbamborough@westminster.gov.uk OR Peter Large, Head of Legal Services on 020 7641 2711 or email plarge@westminster.gov.uk