

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LICENSING COMMITTEE – 21 SEPTEMBER 2005

Title of report	HEARINGS AND APPEALS
Contacts	Councillor P A Hyde - 01530 260469 e-mail: paul.hyde@nwleicestershire.gov.uk Roy Eaton – 01530 454530 e-mail: roy.eaton@nwleicestershire.gov.uk
Purpose of report	To appraise members of the implications of the number of hearings and appeals being held under the Licensing Act 2003.
Strategic aims	Crime and disorder
Implications:	
Financial/Staff	There will be additional legal costs associated with appeals under the Licensing Act 2003. There will also be additional staffing costs associated with the holding of hearings. This will be subject to a further report.
Health/Anti-Poverty	None.
Crime and Disorder	The prevention of crime and disorder is one of the four licensing objectives.
Risk Management	The additional staffing costs incurred in the handling of Sub-Committee meetings was necessary to ensure that they could be administered within statutory timeframes.
Human Rights	It is important that both hearings and appeals are conducted in accordance with human rights.
E-Government	None.
Comments of Deputy Monitoring Officer	
Comments of Section 151 Officer	
Comments of Head of Paid Service	

Consultees	None.
Background papers	None.
Recommendations	TO CONSIDER MAKING A REQUEST TO THE EXECUTIVE BOARD FOR A SUPPLEMENTARY ESTIMATE TO COVER DIRECT COSTS ASSOCIATED WITH APPEALS UNDER THE LICENSING ACT 2003

1. HEARINGS

- 1.1 Members will be interested to learn that thus far the Authority has dealt with 10 hearings under the Licensing Act 2003 with, at the time of dictating this report, a further 17 scheduled. Members will be aware of some of the difficulties this has brought in terms of the administration of hearings particularly the availability of members to act and officer support with further resourcing having to be brought in to cover the legal advisor and committee administrator roles.
- 1.2 This extra resource is at a cost to the authority and will be subject to a further report.
- 1.3 Officers are aware of an appeal that has been made against the Licensing Sub-Committee's decision in respect of the Bull's Head, Ashby de la Zouch and a further two are expected in respect of the White Hart, Ashby de la Zouch and the Cross Keys, Castle Donington.
- 1.4 The mounting of these appeals does pose difficulty in that no budget provision has been made to cover any costs associated with them.
- 1.5 Costs will vary from appeal to appeal dependant upon the level of representation involved.
- 1.6 The Acting Head of Legal Services advises that the Council could expect a bill in the sum of £2,000 and it is possible that a similar bill could be faced in each case.
- 1.7 The Committee is asked to consider whether it wishes to request that the Executive Board provide a supplementary estimate to cover the cost of legal representation.