



Leicester
City Council

Minutes of the Meeting of the
LICENSING AND PUBLIC SAFETY COMMITTEE

Held: TUESDAY, 11 MARCH 2025 at 5:30 pm

P R E S E N T:

Councillor Singh Johal (Chair)

Councillor Adatia
Councillor Dr Barton

Councillor Bonham
Councillor Chauhan

Councillor Joshi
Councillor Karavadra
Councillor Pickering – Joined online.

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8. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Cank and Kennedy-Lount.

9. DECLARATIONS OF INTEREST

There were no declarations of interest.

10. MINUTES OF PREVIOUS MEETING

RESOLVED:

that the minutes of the meeting held on 3rd September 2024 be approved as a correct record.

11. PETITIONS

The Monitoring Officer reported that no petitions had been submitted in accordance with the Council's procedures.

12. QUESTIONS, REPRESENTATIONS, STATEMENTS OF CASE

The Monitoring Officer reported that no questions, representations and statements of case had been submitted in accordance with the Council's

procedures.

13. ROLES AND RESPONSIBILITIES OF COUNCILLORS ON A LICENSING HEARINGS COMMITTEE AND PROGRAMME OF ASSISTANCE

The Director of Neighbourhood and Environmental Services submitted a report detailing the Roles and Responsibilities of Councillors who are on Licensing Hearings Committee and programme of assistance.

The Service Manager, Regulatory Services presented the report. It was noted that:

- The primary focus of the report was to outline the roles and responsibilities under the Licensing Act 2003 for Members of the Licensing Hearings Sub-Committees, emphasizing the importance of availability and adherence to statutory deadlines.
- Councillors must act impartially, base decisions on evidence, and comply with Section 182 Guidance to uphold licensing objectives. Failure to meet deadlines may lead to automatic approvals, legal challenges, and diminished public confidence.
- To support councillors, hybrid training and chairing skills development would be introduced, alongside the potential implementation of remote hearings to improve accessibility and efficiency.
- To further alleviate pressures on Licensing Committees, the local authority would reassess which cases require Committee Hearings, ensuring only complex or high-impact applications were considered. Routine applications would now be handled by officers through delegated powers, allowing committees to focus on significant cases. This reallocation aims to address rising enforcement hearings while accommodating Member availability.
- The Licensing Act 2003 governs the regulation of alcohol sales, entertainment, and late-night refreshment in England and Wales. The Act required local authorities establish a Licensing Committee, which delegates certain matters to sub-committees (Licensing Hearings Committees) to determine contested applications, reviews, and other licensing matters.
- The Licensing Act 2003 governs the regulation of alcohol sales, entertainment, and late-night refreshment in England and Wales. The Act requires that local authorities establish a Licensing Committee, which delegates certain matters to sub-committees (Licensing Hearings Committees) to determine contested applications, reviews, and other licensing matters.
- Under the Act, hearings must be conducted within specific timeframes. An example was applications subject to representations must be determined within 20 working days after the end of the representation period.

Councillors sitting on Licensing Hearings Committees have a quasi-judicial role and must act fairly, impartially, and in accordance with the law and guidance.

Their key responsibilities include:

- **Availability and Attendance** – Councillors must be available to sit on hearings as required. The Licensing Act 2003 sets out statutory deadlines that must be adhered to, and failure to convene a hearing within these deadlines can result in applications being granted by default, potentially undermining licensing objectives.
- **Decision-Making** – Councillors must base their decisions on evidence presented, considering the four licensing objectives:
 - Prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm
- **Compliance with Section 182 Guidance** – The Secretary of State's Section 182 Guidance provides clarity on the operation of the Licensing Act 2003. Councillors must adhere to this guidance, particularly in ensuring timely hearings and decisions that are lawful and proportionate.
- **Conflict of Interest and Impartiality** – Councillors must declare any conflicts of interest and not predetermine applications. They must apply the law consistently and avoid personal bias.
- **Training and Knowledge** – Councillors must be adequately trained in licensing law and procedure to ensure they can fulfil their role effectively. The Section 182 Guidance advises that councils should provide regular training to councillors involved in licensing matters

Failure to adhere to statutory deadlines or properly discharge responsibilities may result in:

- **Automatic Approvals** – If hearings are not held within the legal timeframe, applications may be granted by default, regardless of objections.
- **Legal Challenges** – Decisions may be subject to judicial review or appeal, resulting in financial and reputational consequences for the local authority.
- **Undermining Public Confidence** – Poor decision-making or non-compliance can erode public trust in the licensing process and the authority's ability to uphold licensing objectives.
- To support the pressures associated with ensuring all licensing matters are heard and resolved in a timely manner, the local authority would introduce hybrid training for Members. This would enable a greater number of councillors to attend the necessary training sessions, ensuring they are adequately trained to participate in hearings.
- Specialised training would be available for those seeking to develop the skills required to chair licensing hearings effectively. This initiative formed part of an ongoing development programme, which would be expanded over time.
- The local authority was exploring the introduction of a policy to allow for remote hearings, making it easier for councillors, applicants, and the

public to attend. Local authorities retained the discretion in procedural matters, and where practical, hybrid or remote hearings could be implemented to enhance efficiency and accessibility.

- To further reduce the pressure on Licensing Committees and ensure efficiency in decision-making, the local authority would be reviewing the types of cases that required a Committee Hearing.
- The review would align with legislative requirements and ensure that applications brought before the committee were those requiring strategic consideration due to their complexity or potential implications.
- This would not affect applications under the Licensing Act 2003 or Sexual Entertainment Venue Licenses, which would continue to be heard as required.
- Other routine applications would be dealt with through delegated powers by officers, including the Service Manager and Team Manager. This was in line with current practices but would formalise the approach to prevent the committee from being burdened with applications that do not necessitate its involvement.
- Notable exceptions or cases requiring additional scrutiny would continue to be referred to the Licensing (Hearings) or Enforcement (Sub) Committees for appropriate consideration.
- This change was necessary due to the increasing number of enforcement hearings and the constraints on Member availability. By reallocating decision-making responsibilities appropriately, the local authority could ensure a more efficient use of resources while maintaining a robust and transparent licensing process.

In discussions with Members, it was noted:

- There had been some long standing and current appeals since May 2023. Licensing Officers and the Legal Advisors to the Sub-Committees would attend court and represent the Members.
- Work would take place if it was approved for remote hearings to take place to clarify what internal processes would be followed including the use of cameras by all present parties.
- Appellants and representees would need a valid reason to join a hearing online and conditions would need to be in place.
- An organisational review of the Licensing Teams Management had taken place, and the new Licensing Team Manager was introduced to the Committee.

AGREED:

That Members note the report.

14. ANY OTHER URGENT BUSINESS

With there being no further business, the meeting closed at 17.57.

