
Roles and Responsibilities of Councillors on a Licensing Hearings Committee and Programme of assistance

Licensing & Public Safety Committee

Decision to be taken by: Licensing & Public Safety
Committee

Date of meeting: 11th March 2025

Lead director/officer: Sean Atterbury, Director of
Neighbourhood and Environmental Services

Useful information

- Ward(s) affected: All
- Report author: Tj Mavani, Service Manager, Regulatory Services
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- Report version number: 1

1. Summary

- 1.1 The report outlines the roles and responsibilities of councillors on Licensing Hearings Committees under the Licensing Act 2003, emphasizing the need for 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.
- 1.2 To support councillors, hybrid training and chairing skills development will be introduced, alongside the potential implementation of remote hearings to improve accessibility and efficiency.
- 1.3 To further alleviate pressures on Licensing Committees, the local authority will reassess which cases require committee hearings, ensuring only complex or high-impact applications are considered. Routine applications will be handled by officers through delegated powers, allowing committees to focus on significant cases. This reallocation aims to address rising enforcement hearings while accommodating councillor availability.
- 1.4 The combined efforts of structured training, remote hearing policies, and streamlined case management will reinforce a transparent and effective licensing process.

2. Recommended actions/decision

- 2.1 To note the roles and responsibilities of councillors and the importance of availability and attendance.
- 2.2 To note that officers to put in place an increase in training availability by incorporating hybrid attendance and a structured development programme for councillors seeking to enhance their skills.
- 2.3 To note that officers to implement and introduce a policy for conducting Hybrid Hearings using technology, aligning with relevant legislation and guidance.
- 2.4 To note that officers to implement overall streamline decision-making by referring those that cannot be delegated to officers by law, to the committee, while all other routine applications are handled through delegated powers.

3. Scrutiny / stakeholder engagement

N/A

4. Background and options with supporting evidence

- 2.5 This report outlines the key roles and responsibilities of councillors sitting on a Licensing Hearings Committee under the Licensing Act 2003, with reference to the statutory Section 182 Guidance. The primary focus is on the importance of availability for hearings and the consequences of non-compliance with statutory deadlines.
- 2.6 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.
- 2.7 Under the Act, hearings must be conducted within specific timeframes. For example, applications subject to representations must be determined within 20 working days after the end of the representation period (Schedule 1, para. 9). Failure to meet these statutory deadlines may result in automatic approvals or an inability to impose necessary conditions.
- 2.8 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.
- 2.9 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.

Future Developments and Training Initiatives

- 2.10 To ease the pressures associated with ensuring all licensing matters are heard and resolved in a timely manner, the local authority will introduce hybrid training for councillors. This will enable a greater number of councillors to attend the necessary training sessions, ensuring they are adequately prepared to participate in hearings.
- 2.11 Additionally, specialised training will be available for those seeking to develop the skills required to chair licensing hearings effectively. This initiative forms part of an ongoing development programme, which will be expanded over time.
- 2.12 Further, the local authority is exploring the introduction of a policy to allow for remote hearings, making it easier for councillors, applicants, and the public to attend. The case of R (Hertfordshire County Council) v Secretary of State for Housing, Communities and Local Government [2021] EWHC 1093 (Admin) highlighted the limitations of remote meetings under current legislation.
- 2.13 However, local authorities retain discretion in procedural matters, and where practical, hybrid or remote hearings can be implemented to enhance efficiency and accessibility.
- 2.14 This approach will help streamline the licensing process and ensure timely decision-making while maintaining transparency and public engagement.

Review of Cases Brought Before the Licensing Committee

- 2.15 To further reduce the pressure on Licensing Committees and ensure efficiency in decision-making, the local authority will be reviewing the types of cases that require a committee hearing.
- 2.16 This review will align with legislative requirements and ensure that applications brought before the committee are those requiring strategic consideration due to their complexity or potential far-reaching implications.
- 2.17 This will not affect applications under the Licensing Act 2003 or Sexual Entertainment Venue Licenses, which will continue to be heard as required.
- 2.18 Other routine applications will be dealt with through delegated powers by officers, including the Service Manager and Team Manager. This is in line with current practices but will formalise the approach to prevent the committee from being burdened with applications that do not necessitate its involvement.
- 2.19 Notable exceptions or cases requiring additional scrutiny will continue to be referred to the Licensing (Hearings) or Enforcement (Sub) Committees for appropriate consideration.

2.20 This change is necessary due to the increasing number of enforcement hearings and the constraints on councillor availability. By reallocating decision-making responsibilities appropriately, the local authority can ensure a more efficient use of resources while maintaining a robust and transparent licensing process.

5. Financial, legal, equalities, climate emergency and other implications

5.1 Financial implications

There are no significant financial implications associated with the recommendations within this report. The cost of any additional training will be managed within existing budgets.

Signed: Stuart McAvoy

Dated: 27th February 2025

5.2 Legal implications

The proposals in this report are without detail and in the formative stage. Legal services will work with officers and provide guidance and advice as required. Hybrid hearings are an option available in relation to Licensing Hearings but will not be available for committee hearings held under the constitution. The reallocation of decision making may require changes to the constitution and the terms of reference for Licensing Committees.

Signed: Feizal Hajat, Qualified Lawyer

Dated: 27 February 2025

5.3 Equalities implications

There are no direct equality implications arising from this report. However, we need to ensure that accessibility needs/issues are taken into account regarding hybrid and remote hearings and reasonable adjustments be considered as required to ensure participation for people from across all protected characteristics.

Signed:

Dated:

5.4 Climate Emergency implications

There are no significant climate emergency implications arising from this report.

Signed: Duncan Bell, Change Manager (Climate Emergency). Ext. 37 2249

Dated: 27.02.25

5.5 Other implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

None

6. Background information and other papers:

None relevant

7. Summary of appendices:

None

8. Is this a private report (If so, please indicate the reasons and state why it is not in the public interest to be dealt with publicly)?

No

9. Is this a “key decision”? If so, why?

No