

WYCOMBE DISTRICT COUNCIL

LICENSING PANEL

PROCEDURE WHERE ALL PARTIES HAVE AGREED TO DISPENSE WITH NEED FOR HEARING UNDER THE LICENSING ACT 2003

1. The Panel will consist of three Members of the Licensing Committee. Panel members can be assisted on matters of law and procedure by their Legal Advisor (“the Legal Advisor”) who will be one of the Council’s Solicitors.
2. Each Member of the Panel will receive a report from the Licensing Officer containing a copy of the application, the relevant representations received and copies of written confirmation from all parties dispensing with the need for a hearing. This report will normally be sent electronically to the three Members.
3. The Members of the Panel will not formally meet, however they may discuss the application with each other and may seek legal advice. Details of all discussions and legal advice sought must be sent to all three Members.
4. The Members must first decide whether they agree to dispense with a hearing and secondly whether they agree to grant the application on the conditions agreed between the parties. In these cases, the parties will have been formally consulted on the actual wording of the conditions and agreement will have been sought for the conditions.
5. If a Member agrees to the matters referred to in paragraph 4 they should confirm the same by sending an email to the Licensing Officer and copying the same to the Committee Administrator and Legal Advisor.
6. If all three Members agree to the hearing being dispensed with and the application being granted subject to the agreed conditions, a decision notice will be prepared by the Legal Advisor and the licence issued by the Licensing Officer.
7. If at least one Member disagrees with the application being granted, a formal meeting will be arranged by the Committee Administrator in order for the three Members to discuss the application. A majority decision should be reached.
8. If the Members by majority decision decide that the licence cannot be granted on the conditions agreed or a hearing should not be dispensed with, then a hearing should be arranged by the Committee Administrator and notice should be given to the parties in accordance with the statutory timescales.

9. All correspondence and discussions must be recorded and passed to the Committee Administrator who will retain the same as a formal record of the decision making process. These documents will be available to the public, unless the Panel Members decide it is in the public interest to exclude them.