

LICENSING ACT 2003 SUB-COMMITTEE	AGENDA ITEM No. 3
5 OCTOBER 2011	PUBLIC REPORT

Cabinet Member(s) responsible:	Insert name and portfolio of Cabinet Member(s)	
Contact Officer(s):	Deputy Monitoring Officer	Tel. 452361

YUMMY FISH AND CHIP SHOP REVIEW, BACKGROUND TO HEARING ARRANGEMENTS

R E C O M M E N D A T I O N S	
FROM : <i>Deputy Monitoring Officer</i>	Deadline date : <i>none</i>
That the Sub-Committee:	
1. <i>Note the reasons for delay in hearing the licensing application.</i>	

1. ORIGIN OF REPORT

1.1 This brief report is submitted to the Sub-Committee as explanation for the changed listing of this matter.

2. PURPOSE AND REASON FOR REPORT

- 2.1 Licensing applications are listed in accordance with the Licensing Act (Hearings) Regulations 2003. That requires notice of hearing to be given 10 days prior to the hearing of a review
- 2.2 Notice of a review application of Mr Wong's license for the Yummy Fish & Chip Shop was originally given on the 13 September 2011 for hearing to take place on the 28 September 2011. Accordingly the papers would have been issued into the public domain on the 20 September 2011 (Tuesday).
- 2.3 On the 15 September (Thursday) the Deputy Monitoring Officer received a confidential complaint regarding documentary evidence in the case which was serious and required to be investigated. By the 20 September, the deadline for issuing papers, those investigations were not concluded and therefore the Deputy Monitoring Officer took the decision that the papers should not be issued into the public domain whilst they were the subject of a confidential complaint still under review.
- 2.4 That decision was based upon a calculation that the matter, if it were to proceed following the investigation, could be heard at any time prior to the 5 October to comply with the Regulations.
- 2.5 Investigations were concluded on the 22 September and the file closed with no further action required. Accordingly I wrote to the complainant advising that the complaint was closed and asked the Democratic Services team to re-list the matter prior to the 5 October.
- 2.6 On the 23 September I spoke to Mr Wong to explain the delay and offered to re-list the hearing for any date prior to the 5 October. I explained to Mr Wong that if the dates offered were not convenient we could request an adjournment to a later date but that the Regulations required that the matter be listed for initial consideration prior to the 5 October. In a later telephone conversation that same day we agreed either the 3 or 5 October as the new date for the hearing.

2.7 On the 26 September a letter (Appendix A) was sent out to all parties advising them of the re-listed date of 5 October.

3. IMPLICATIONS

3.1 As stated the Licensing Act (Hearings) Regulations 2003 require this matter to come before the Sub-Committee on or before the 5 October 2011.

3.2 Whilst a delay in this matter was unfortunate, it was considered necessary given the confidential complaint made during the preparation period for the hearing.

3.3 The decision to re-list the hearing also took into account that no prejudice to Mr Wong's commercial interests arose from the delay as he remains able to trade under the licence until this matter is concluded by the Licensing Sub-Committee.

4. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

None as the complaint to the DMO.