

Rother District Council

Report to	-	Licensing & General Purposes Committee
Date	-	21 October 2019
Report of the	-	Executive Director
Subject	-	Licensing Act 2003 Appeals

Recommendation: It be **RESOLVED:** That delegated authority be granted to the Solicitor to the Council, in consultation with the Chairman of the respective Licensing Panel that decided the matter, to settle appeals under the Licensing Act 2003 where it is considered appropriate to do so.

Head of Service: Richard Parker-Harding

Introduction

1. Whilst the Council rarely finds itself the Respondent in licensing appeals under The Licensing Act 2003 the right of appeal is within the Act to be utilised by applicants and interested parties.
2. When such an appeal is made the process involves a full hearing before a Magistrates Court involving a full rehearing in a legal environment. In most cases that process will be necessary to defend a decision to refuse or revoke a licence, but equally can occur when a condition is attached to a licence that a party may feel was inappropriate. In such cases where the issues are relatively straightforward, it would be pragmatic to have the ability to settle appeals with minor changes to the original decision, in order to avoid the expense and time of unnecessary court involvement.
3. The S.182 Guidance under the 2003 Act recommends that any such proposals to settle appeals involve consultation with the Interested Parties, and this consultation will be undertaken before the Solicitor and Chairman of the original Panel to consider the issue of settling the appeal by agreement.

Conclusion

4. This delegation would be a useful provision in the effective resolution of appeals in the future. It would not be used where the substantive decision of the Panel is being appealed.

Malcolm Johnston
Executive Director

Risk Assessment Statement

There are no risk factors in this proposal as the delegation seeks to resolve litigation through an alternative method in minor appeal cases.