
EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations come into force on 30 April 2007 and make provision for the proceedings of licensing committees and subcommittees ('relevant committees'), where they are required to hold a hearing in respect of applications relating to premises licences under Part 8 of the Gambling Act 2005 (the Act).

Under Part 8 of the Act, applications may be made for a premises licence, to vary, transfer or reinstate a premises licence, for a provisional statement, and for a review of a premises licence. Sections 162(1) and 201(4) of the Act require licensing authorities to hold a hearing in specified circumstances to consider such applications.

Section 154(1) of the Act delegates the functions of a licensing authority in England and Wales under Part 8 of the Act to the authority's licensing committee. Section 154(3) of the Act applies sections 7(9) (referral back to licensing authority) and section 10 (sub-delegation) of the Licensing Act 2003 in relation to a function delegated to a licensing committee. Section 10(1) of the Licensing Act allows a licensing committee to delegate its functions to a sub-committee or to an officer of the licensing committee.

Regulation 4 requires committees to hold hearings as soon as reasonably practicable after the deadline for making representations.

Regulation 5 requires committees to give notice of any hearing to relevant persons listed in the Schedule, and for the notice to contain specified information.

Regulation 6 sets out further information and documents that must accompany the notice.

Regulation 7 allows a committee to postpone hearings either where it needs to consider information or documents, or if a party, witness or person representing a party, is unable to attend.

Regulation 8 requires hearings to be held in public, but allows committees to hold them in private if they consider it necessary.

Regulation 9 sets out how a committee is required to conduct the hearing, and the circumstances in which it may allow parties to attend, question and cross-examine persons at the hearing.

Regulation 10 makes provision in cases where a party does not attend the hearing, and allows committees to adjourn the hearing or proceed in a party's absence.

Regulation 11 allows relevant committees to exclude persons who are disrupting the hearing or set conditions on their attendance; if a person is excluded, the committee must allow him to make written submissions which it is obliged to take into account.

Regulation 12 requires a committee to notify the parties if, with their consent, it has dispensed with a hearing. In these circumstances, the committee is to make a decision on the application or review.

Under regulations 13 and 14 committees are required to determine the application or review within five working days after the last day of the hearing, but may extend this time limit if it is in the public interest.

Regulation 15 requires committees to ensure that a record of the hearing is taken and kept for six years after the hearing.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Regulations 16 and 17 allow committees to disregard or remedy the consequences of any irregularities that result from a failure to comply with a procedural requirement, and to correct accidental slips or omissions in any record of their decision.

A full Regulatory Impact Assessment of the costs and benefits of these Regulations is available from the Premises Licences Team, Department for Culture, Media and Sport, 2-4 Cockspur Street, London SW1Y 5DH, telephone 020 7211 6528.