

Meeting	Gambling, Licensing & Regulatory Committee
Date	24 April 2017
Present	Councillors Douglas (Chair), Boyce (Vice-Chair), Aspden, Crisp, D'Agorne, Hayes, Hunter, D Myers, Orrell and Richardson (From 4.30pm)
Apologies	Councillors Funnell, Gillies, Mason and Mercer

Part B - Matters Referred to Council

33. Council's Constitution - Licensing Appeals

Members considered a report which sought support for the approval to change the Council's Constitution in relation to the current procedure with regards to appeals relating to licensing decisions.

The Licensing Manager clarified that as far as she was aware CYC were the only Council who gave appellants the chance to appeal via an internal process, in addition to the Magistrates Court. Removing this process would bring CYC in line with other authorities and legislation.

During debate some Members were of the opinion that removing this internal right to appeal would save officer time and money and improve efficiency. They felt that the Magistrates Court was the right forum to deal with the seriousness of the appeals being heard. Conversely, other Members highlighted that the current process was of a high quality and suggested there was merit to having an additional right of appeal.

Members then considered the following options:

1. Recommend to Full Council that the Council's Constitution is changed and a new procedure for dealing with licensing appeals is approved. In line with the requirements of relevant legislation licence applicants and licence holders can appeal a decision made by Officers to refuse/suspend/revoke to the

Magistrates Court, thereby no longer providing an internal appeals process.

2. Recommend to Full Council that a change to the Council's Constitution in relation to the internal appeals process is approved. Licence applicants and licence holders can appeal a decision made by Officers to refuse/suspend/revoke to a Sub-Committee of the Gambling, Licensing and Regulatory Committee. In line with the relevant legislation licence applicants/holders will also be able to appeal Officers decisions to Magistrates Court.
3. Take no further action.

After some debate and consideration of the options, on balance, Members were minded to support Option 2 on the basis that it preserved a staged process for dealing with appeals and provided the opportunity to benefit from the knowledge and experience of Members of this Committee.

Recommended: That, in accordance with Option 2, the Committee recommend to Full Council that a change to the Council's Constitution in relation to the internal appeals process is approved on the basis of:

Licence applicants and licence holders being able to appeal a decision made by Officers to refuse/suspend/revoke to a Sub-Committee of the Gambling, Licensing and Regulatory Committee;

In line with the relevant legislation, licence applicants/holders would also be able to appeal Officers decisions to Magistrates Court.

Reason: To allow applicants/licence holders who are aggrieved by a decision made by an Officer of the Council to appeal that decision in line with the requirements of the relevant legislation.

Councillor Douglas, Chair

[The meeting started at 4.00 pm and finished at 4.40 pm].