

LICENSING ACT 2003 -

LICENSING COMMITTEE PROCEDURES

FOR SUB-COMMITTEE REVIEW HEARINGS

The purpose of this procedure is to ensure hearings of the Licensing Sub-Committee are dealt with in a just, timely and effective way. Throughout the hearing the Licensing Authority shall focus on particular representations or objections made and will consider the relevant licensing objectives. During the hearing all parties will be restricted to raising issues directly relevant to the application, representation or notice. Wherever possible the hearing will be held in public.

Procedure

Step 1 Appoint Chairman.

As a Chairman will have to be appointed at each Sub-Committee hearing, the Democratic and Scrutiny Officer will request a nomination, a vote will be taken and the Chairman for the duration of the Sub-Committee hearing will be announced.

Step 2 The Chairman will introduce the Sub-Committee, Panel Members announce the item, welcome the Applicant bringing the review and the Licensee / Respondent to the review. The Chairman will establish the identity of all who will be taking part.

The Chairman will outline the order of business to those present and confirm the identity of the Applicant and Licensee / Respondent to the review.

Where a party expected to attend does not, the Sub-Committee will consider whether to adjourn the hearing or continue in the absence of the party. Where a party has requested another person be allowed to appear at the hearing as a witness the Sub-Committee will consider the request.

N.B. With the permission of the Sub-Committee, questions may be asked of any party to the hearing by any other party.

All questions must be made through the Chairman and not directly to the Applicant or Responsible Authorities without prior approval of the Sub-Committee Chairman.

Order of Questioning - The order of questioning shall be Applicant bringing the review, Responsible Authorities, Interested Parties, Members of the Sub-Committee.

- Step 3** Introduction from the Licensing Officer - The Licensing Officer outlines the application for review, confirms the application details, introduces the report and gives an update on any recent changes.
- Step 4** The Applicant bringing the review, or their representative, will present their case and bring forward any supporters or witnesses after which they can be questioned in turn by all other parties.
- Step 5** The Responsible Authorities - The Licensing Officer will call on any of the relevant Responsible Authorities i.e. Police, Fire, Building Control, Environmental Health, etc. to provide factual information about their involvement with the premises, make reference to the comments in their reports and provide any necessary updates.
- Step 6** Interested Parties - Interested Parties will be invited to speak and bring forward any witnesses to their case who can be questioned in turn by all other parties.
- Step 7** Licensee / Respondent to the review will present their case and bring forward any supporters or witnesses after which they can be questioned in turn by all other parties.
- Step 8** Those making representations will be invited to sum up. The order will be Responsible Authorities followed by Interested Parties.
- Step 9** Licensee / Respondent to the review closing statement - The Licensee / Respondent to the review or their representative can make a brief closing statement summarising his or her case and making any closing remarks.
- Step 10** Final clarification for Members. Sub-Committee Members have a final opportunity to seek clarification on any points raised.
- Step 11** The Sub-Committee retire to deliberate in private accompanied only by the Legal Officer and the Democratic and Scrutiny Officer.
- On return the Chairman will announce the decision.
- Step 12** It must be noted that any legal advice given to the Sub-Committee during their deliberations will be repeated publicly and comments invited where appropriate.

Adjournments

- N.B.** The Sub-Committee may adjourn the hearing where considered necessary for the consideration of representation or notice.

Disruptive Behaviour

N.B. If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room.

If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared. (Council Constitution 19.1 and 19.2. - Council Procedure Rules)

N.B. The above procedure may be dispensed with and or varied with the leave of the Chairman.