

LICENSING ACT 2003 -

STATUTORY LICENSING COMMITTEE PROCEDURES

FOR SUB-COMMITTEE 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, announce the item, welcome those present, establish the identity of all who will be taking part and ask if they have made written representations to the Authority.

(N.B. 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.

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

It must further be noted that 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.

The order of questioning shall be Applicant, Responsible Authorities, Other Persons, Members of the Sub-Committee.)

Step 3 The Licensing Officer outlines the application, confirms the application details, introduces the report and gives an update on any recent changes.

- Step 4** The Chairman will then invite the applicant or their representative to present their case and bring forward any witnesses after which the applicant and witnesses can be questioned in turn by all other parties.
- Step 5** The Responsible Authorities. The Chairman will call on any of the relevant responsible authorities to provide factual information about their involvement with the premises, make reference to the comments in their reports, provide any necessary updates and call any witnesses, after which they can all be questioned in turn by all other parties.
- Step 6** The Chairman will invite the Other Persons to speak and bring forward any witnesses to their case who can be questioned in turn by all other parties.
- Step 7** Those making representations will be invited to sum up or may nominate a representative to sum up on their behalf. The order will be responsible authorities followed by Other Persons.
- Step 8** Applicant's closing statement. The applicant or their representative can make a brief closing statement summarising his or her case and making any closing remarks.
- Step 9** Final clarification for Members. Sub-Committee Members have a final opportunity to seek clarification on any points raised.
- Step 10** 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.

NOTES:

N.B. 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.

The Licensing Officer will remind the applicant that the decision will also be sent to them in writing. At this point there can be no further questions or statements.

Adjournments

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

Disruptive Behaviour

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 20.1 and 20.2 - Council Procedure Rules).