

## PROCEDURE FOR LICENSING SUB COMMITTEES

### General

1. The Sub Committee shall consist of three members drawn from the Licensing & Enforcement Committee. *In the event of one member of the Sub Committee having to withdraw, the Sub Committee may continue with the hearing in their absence provided all the parties consent.* The Sub Committee is non-political and will make decisions based upon the representations made to it in accordance with the licensing objectives, the Licensing Policy Statement and Guidance issued under section 182 of the Licensing Act 2003.
2. A Local Authority Solicitor will act as legal advisor to the Sub Committee and provide advice, when needed, on matters which may be raised of a legal or procedural nature either during the hearing or before the decision is announced.
3. An officer from the authority's Committee Secretariat will be in attendance to take a record of the hearing.
4. If a party has informed the authority that they do not intend to attend or be represented at a hearing, the hearing may proceed in their absence.
5. If a party who has not so informed the authority fails to attend or be represented at the hearing, the Sub Committee may
  - (a) adjourn the hearing to a specified date where this is necessary in the public interest; or
  - (b) continue in the party's absence.
6. A party may withdraw any representations
  - (a) by giving notice to the authority no later than 24 hours before the day or the first day on which the hearing is to be held; or
  - (b) orally at the hearing.
7. The hearing shall take place in public unless the Sub Committee considers that the public interest in excluding the public from all or part of the hearing outweighs the public interest in the hearing, or that part of the hearing, taking place in public. A party and any person representing or assisting a party may be treated as a member of the public.
8. If any person attending the hearing is behaving in a disruptive manner, in the opinion of the Sub Committee, the Chair can require him to leave the hearing and may
  - (a) refuse to permit that person to return; or
  - (b) permit him to return only on such conditions as the Sub Committee may specify but such a person may, before the end of the hearing, submit to the Sub Committee in writing any information which they would have been entitled to give orally had they not been required to leave.
9. The authority may adjourn the hearing to a specified date or arrange for the hearing to be held on specified additional dates where it considers this to be necessary for its consideration of any representations or notice made by a party. Where the hearing is adjourned or to be held on additional dates, the authority will notify the parties forthwith of the date, time and place to which the hearing is to be held. If a hearing is adjourned or part heard the Sub Committee to which it is adjourned must consist of the same Members.

### **Time Limits**

10. The Sub Committee shall provide the Applicant, Relevant Authorities and Interested Parties an equal opportunity to address the Sub Committee. All parties will be requested to provide a time estimate for any presentation to the Sub Committee. It is expected that all parties will be permitted a maximum of 15 minutes each, except in exceptional circumstances.

### **Introduction**

11. The Chair will introduce Members of the Sub Committee then invite officers and parties present to introduce themselves and to confirm whether or not they wish to make oral representations. Where there are a number of interested parties with similar representations, they may wish to appoint a representative.
12. The Chair will explain the procedure to be followed. On rare occasions it may be necessary, in order to ensure the fairness of the proceedings and in the public interest, for the Chair to alter the order in which parties speak from that set out below.
13. The Chair will explain that all parties have an equal maximum period of time during which to address Members, to question other parties and to give further information in response to a point upon which the authority has requested clarification. The Chair will request confirmation from each party that the proposed maximum period of time is adequate.
14. The Sub Committee shall consider any request from a party for permission to have another person appear at the hearing.
  - (a) Such request must be included in that party's notice in response to the Notice of Hearing.
  - (b) Permission shall not be unreasonably withheld.
15. The Chair will remind the parties that the hearing shall take the form of a discussion led by the Sub Committee and cross-examination shall not be permitted unless the Sub Committee considers that cross-examination is required for it to consider the representations, application or notice as may be required.
16. The Chair will invite the parties to request permission to question or to cross-examine any other party or parties and the Sub Committee shall determine whether permission is granted (permitted parties). All questions must be relevant to the application and must relate to the licensing objectives, Licensing Policy Statement or the guidance issued under section 182 of the Licensing Act 2003.
17. The Chair will remind the parties that it will consider the written representations of any parties who are absent and will hear the representations of those parties who are present.

### **The Licensing Authority**

18. The Licensing & Enforcement Manager ('LEM') or authority representative shall present his report. The report shall not make any recommendation in terms of the outcome of the hearing. The report may summarise the application, the representations and the LEM's comments as to how these relate to the licensing objectives, the Licensing Policy Statement and the Guidance issued under section 182 of the Licensing Act 2003.

19. The parties may ask the LEM for clarification of any points made in the report in such order as the Chair shall decide.

20. Members of the Sub Committee may ask the LEM for clarification of any points made in the report.

#### **The Applicant**

21. The Applicant or his representative shall address the Sub Committee and shall call witnesses if applicable.

22. The permitted parties shall ask their questions in such order as the Chair shall decide.

23. Members of the Sub Committee shall ask the Applicant and witnesses questions if they wish to do so.

#### **Responsible authorities & Interested parties**

24. In such order as the Chair shall decide, those parties who have made relevant representations or their representative(s) shall address the Sub Committee and shall call witnesses if applicable.

25. The permitted parties shall ask their questions in such order as the Chair shall decide.

26. Members of the Sub Committee shall ask questions if they wish to do so.

#### **Final Statements**

27. The Chair will invite the parties to make final statements in the following order

(a) Any responsible authority or interested party who has made relevant representations (in such order as the Chair shall decide)

(b) The LEM on any factual issues relating to the application

(c) Applicant

#### **Decision making**

In circumstances where the determination is to be given at the conclusion of the hearing:-

28. The Chair will ask the parties and any other persons to leave the room, unless it is more practicable for Members themselves to retire to another room.

29. Once Members have made their decision, the parties and any other persons will be invited to return to the meeting room and the Chair will announce the decision of the Sub Committee.

30. The decision of the Sub Committee shall be confirmed in writing to the Applicants, Relevant Authorities and Interested Parties. The rights of appeal shall be included with the written decision.

#### **Adjournments**

31. It is anticipated that the majority of hearings will be heard and determined at the scheduled meeting of the Sub Committee, however there will be occasions when the Applicant, Relevant Parties or Sub Committee may wish to adjourn the hearing. Whosoever requests the adjournment shall provide reasons for the adjournment and the Sub Committee shall consider these. If the Sub Committee considers it is in the public interest to adjourn they shall have the power to do so to a specified date with the same Sub Committee. If the application is refused reasons shall be given.