



LICENSING ACT 2003 SUB – COMMITTEES PROCEDURE FOR REVIEW HEARINGS

Introduction

The procedure adopted at the Licensing Review Hearing is at the discretion of the Sub-Committee but will normally follow the pattern outlined below.

The Council's hearings procedure is based on regulations made by the Secretary of State under the Licensing Act 2003. The procedure is intended as a general framework to ensure natural justice and a fair hearing. The Sub-Committee has a duty to view all evidence presented before them impartially.. No matter how strong local opinion may be, Committee Members can only make decisions based on relevant licensing issues as set out before the Sub-Committee in determining applications.

The hearing will be in public session. However, the Sub-Committee may exclude the public from a hearing if it considers it in the public interest to do so. However, the decision will be made in private.

In view of the requirement to hold hearings within specified times, the Licensing Authority will generally be unable to enter into discussions to identify dates convenient to all parties concerned. In exceptional circumstances, the Licensing Authority will consider applications to adjourn hearings to a later date.

Representations at Licensing Hearings

The Applicant for the Review, and the Licence Holder(s) are permitted to speak at the hearing. Ward Councillors, Responsible Authorities and Representors who have made written submissions during the consultation period will also be allowed to speak. Any party to a hearing may be assisted or represented by any person, legally or otherwise.

All parties will be given a fair hearing, and each party will have the same amount of time in which to address the Sub-Committee. **Each party will have 15 minutes to address the Sub-Committee and call any witnesses.**

The Sub-Committee may take into account any documentary evidence or other information in support of the application, representations or notice, submitted either before the hearing or, with the consent of all other parties, at the hearing.

If any Representors fail to attend the hearing, the Sub-Committee will normally proceed but will consider their written representation. In considering written evidence in the absence of a Representor, appropriate weight will be attached, given that the person cannot be questioned by the Applicant for the Review, the Licence Holder(s) and Members.

The Sub-Committee is required to disregard any information given or evidence produced by a party or witness which is not relevant to the application, representations, or notice, and the promotion of the licensing objectives. Duplication should be avoided. Comments must be confined to those points already made, although the parties may extend or expand on their written submissions. The Sub-Committee will have read and familiarised themselves with all the written submissions and the issues prior to the hearing, and therefore do not require the points to be repeated or made at length. The Applicant for the Review, the Licence Holder(s) and Representors cannot raise substantial new information at a hearing which has not been seen previously by the other parties.

The Applicant for the Review or any Representor **may not** introduce any new ground or objection not referred to in the written submission. Amplification of the original representation may be made but any additional or new representation may not be made at the hearing.

Any person behaving in a disruptive manner will be asked to leave the hearing. If this does occur, that person may, before the end of the hearing, submit in writing any information which they would have been entitled to give orally.

Procedure at the Hearing

1. Members of the Sub-Committee will appoint a chair.
2. The Chair will introduce the Sub-Committee Members and Officers and welcome the Applicant for the Review, the Licence Holder(s) and Representors (or their representatives), and establishes the identity of all who will be taking part.
3. The Chair will explain to the parties the procedure that will be followed at the hearing.
4. The Chair will proceed with the order of business on the agenda.
5. When the agenda item relating to the application is reached, the Chair will invite the Licensing Officer to present the application.
6. The Licensing Officer will outline the application, confirm the application details, introduce the report and give an update on any recent changes.
7. The Chair will invite all present, one by one to ask the Licensing Officer questions if they wish to clarify any points raised in the report.
8. The Chair will invite the Applicant for the Review (or their representative) to address the Sub-Committee and present information in support of the application and call any witnesses to support the application, one witness at a time *[maximum 15 minutes]*.
9. The Chair will invite the Licence Holder(s) and Representors (or their representative) and Sub-Committee in the following order to ask questions of the Applicant for the Review (or their representative) and/or witnesses *[maximum 5 minutes each party]*
 - (i) Responsible Authorities
 - (ii) Ward Councillors
 - (iii) Interested Parties in support of the Review
 - (iv) Interested Parties opposing the Review
 - (v) Licence Holder(s)
 - (vi) Sub-Committee
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11. The Chair will invite the Representors in support of the Applicant's Review (or their representative) in the following order to address the Sub-Committee and call any witnesses to support of their representation *[maximum 15 minutes each party]*
 - (i) Responsible Authorities
 - (ii) Ward Councillors
 - (iii) Interested Parties
12. The Chair will invite the Applicant for the Review and the Licence Holder(s) and representors opposing the review to ask questions of each Representor in support of the Review (or their representative) and/or their witnesses after each presentation *[maximum 5 minutes per Representor]*.
13. The Chair will invite the Committee Members to ask questions of each Representor in support of the Review (or their representative) and/or their witnesses after each presentation.
14. The Chair will invite the Licence Holder(s) (or their representative) to present their case and call any witnesses to support their case *[maximum 15 minutes]*.
15. The Chair will invite the Applicant for the Review and Representors (or their representative) in the following order to ask questions of the Licence Holder(s) (or their representative) and/or witnesses *[maximum 5 minutes each party]*
 - (i) Applicant for the Review
 - (ii) Responsible Authorities
 - (iii) Ward Councillors
 - (iv) Interested Parties in support of the Review
 - (v) Interested Parties opposing the Review
16. The Chair will invite the Representors opposing the Review (or their representative) in the following order to state the nature of their interest in the matter, present their case and call any witnesses to support their case *[maximum 15 minutes each party]*
 - (i) Responsible Authorities
 - (ii) Ward Councillors
 - (iii) Interested Parties

17. The Chair will invite the Applicant for the Review and the Licence Holder(s) and representors in support of the review to ask questions of each Representor opposing the Review (or their representative) and/or their witnesses after each presentation [*maximum 5 minutes per Representor*].
18. The Chair will invite the Sub-Committee Members to ask questions of each Representor opposing the Review (or their representative) and/or their witnesses after each presentation.
19. The Chair will invite the Applicant for the Review (or their representative) to summarise their case [*maximum 5 minutes*].
20. The Chair will invite the Representors (or their representative) in the following order to summarise their case [*maximum 5 minutes each party*]
 - (i) Responsible Authorities
 - (ii) Ward Councillors
 - (iii) Interested Parties opposing the Review
 - (iv) Interested Parties in support of the Review
21. The Chair will invite the Licence Holder (or their representative) to summarise their case [*maximum 5 minutes*].
22. The Chair will provide the Sub-Committee with a final opportunity to seek clarification from any of the parties on any points raised, or seek advice from the Licensing Officer on policy, or from the Legal Advisor on law and jurisdiction.
23. When all the evidence has been heard, the Sub-Committee will withdraw to consider the application. Before withdrawing, the panel will confirm how the decision will be provided (see below).

Procedure after the Hearing

24. If the Sub-Committee wish to seek further clarification from any particular party, the Democracy Officer will recall all parties back into the committee room for the questions to be asked.
25. If possible, and always in the case of a Review of a premises licence following a Closure Order, the Sub-Committee will make a decision on conclusion of the hearing and only the Democracy Officer and the

Legal Advisor to the Sub-Committee will remain in the room with the Committee Members. These officers will not comment on the merits of the application, but will be present to provide advice on legal and procedural points and to record the decision.

26. If the decision has been made, all the parties will be invited back into the committee room by the Democracy Officer. The Chair will announce the decision. This decision will then be communicated in writing to the Applicant for the Review, the Licence Holder(s) and Representors within 5 working days of the hearing. There can be no further questions or statements.
27. If the Sub-Committee is unable to make a decision on the day of the hearing, the decision will be made within 5 working days beginning with the day or the last day on which the hearing was held. The Democracy Officer will inform the parties that they are no longer required and the decision will be communicated in writing to the Applicant for the Review, the Licence Holder(s) and Representors within 5 working days of the decision being made.
28. The notification will include information about the rights of appeal against the determination made.