



LICENSING ACT 2003 SUB – COMMITTEES PROCEDURE FOR HEARINGS (TEMPORARY EVENT NOTICES)

Introduction

The procedure outlined below will be followed at all Temporary Event Notice Licensing Hearings.

As Licensing Hearings are quasi-judicial the Sub-Committee will, in effect, act like a Court and the rules of natural justice will apply. The Sub-Committee will be guided by legal principles in determining whether evidence is both relevant and fairly admitted. Committee Members have a duty to view all evidence presented before them impartially. Members of the Licensing Sub-Committee have all received relevant training and are used to making decisions of this type. 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.

The purpose of the hearing is

- To enable those with a right to appear to advance their point of view and to test the case of their opponents
- To assist the Sub-Committee to gather evidence and understand the relevant issues

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, Police and Environmental Protection Unit will be allowed to speak at the Sub-Committee. At any hearing of an application, the Applicant, Police and Environmental Protection Unit shall attend in person wherever possible. 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, give any further information, and call any witnesses.** If any party considers this time to be insufficient then a request in writing may be made to the Democracy Officer for an extension of time at least 1 working day before the hearing. However, this will not be automatically granted and will be at the discretion of the Sub-Committee.

The Sub-Committee may take into account any documentary evidence or other information in support of the application, representations or notice, 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 objection and hear and consider any evidence and argument in relation to it put forward by the Applicant. 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 and Members.

Re crime and disorder only

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, representation, or notice, and the promotion of the licensing objective relating to crime and disorder. 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 and Representors cannot raise substantial new information at a hearing which has not been seen previously by the other parties.

A Representor **may not** introduce any new ground or objection not referred to in the written submission unless the Sub-Committee

considers there are exceptional circumstances for doing so and the Representor is able to justify why the ground or objection should be raised. The Applicant may make representations to the Sub-Committee as to why any such request to introduce a new ground should or should not be granted. In considering whether to grant a request by a Representor to introduce a new ground, the Sub-Committee will consider why the new evidence has not been produced earlier and whether the admission of such a ground would necessitate the grant of an adjournment and will consider any unfairness to the Applicant or other Representors by reason of the extra cost or delay thereby caused.

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 prior to the Hearing

The Members sitting on the Sub-Committee will meet prior to the hearing to note the matters that are to be presented. They will only be accompanied by the Democracy Officer and Legal Advisor. Attention will only be drawn to the nature of the application and the premises or person to which it relates. The actual application will not be discussed.

At any hearing of an application, the Licensing Officer, the Applicant and any Representors or representatives will report to reception and be asked to wait in reception until the Democracy Officer calls them through to the committee room.

Procedure at the Hearing

1. Members of the Sub-Committee will appoint a chair.
2. The Chair introduces the Committee Members and officers [*Democracy Officer, Legal Advisor to the committee and the Licensing Officer*], welcomes the Applicant 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(s).
6. The Licensing Officer outlines the application(s), confirms the application details, introduces the report and gives an update on any recent changes.
7. The Chair will invite Committee Members, the Applicant, Police and Environmental Protection Unit (or representatives) to ask the Licensing Officer questions to clarify any points raised in the report.
8. The Chair will ask the Applicant (or their representative) to present their case.
9. The Applicant (or their representative) will present their case and may call any witnesses to support their case [*maximum 15 minutes*].
10. The Chair will invite the Police (or their representative) to ask questions of the Applicant (or their representative) and/or witnesses [*maximum 5 minutes*]
11. The Chair will invite the Environmental Protection Unit (or their representative) to ask questions of the Applicant (or their representative) and/or witnesses [*maximum 5 minutes*]
12. The Chair will invite the Committee Members to ask questions of the Applicant (or their representative) and/or witnesses.
13. The Chair will invite the Police (or their representative) to state the nature of their interest in the matter, present their case and call any witnesses to support their case [*maximum 15 minutes*]
14. The Chair will invite the Applicant to ask questions of the Police (or their representative) and/or their witnesses after each presentation [*maximum 5 minutes*].
15. The Chair will invite the Committee Members to ask questions of the Police (or their representative) and/or their witnesses after each presentation.

16. The Chair will invite the Environmental Protection Unit (or their representative) to state the nature of their interest in the matter, present their case and call any witnesses to support their case *[maximum 15 minutes]*
17. The Chair will invite the Applicant to ask questions of the Environmental Protection Unit (or their representative) and/or their witnesses after each presentation *[maximum 5 minutes]*.
18. The Chair will invite Committee Members to ask questions of the Environmental Protection Unit (or their representative) and/or witnesses after each presentation.
19. The Chair will invite the Police (or their representative) to summarise their case *[maximum 5 minutes]*
20. The Chair will invite the Environmental Protection Unit (or their representative) to summarise their case *[maximum 5 minutes]*
21. The Chair will invite the Applicant (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 Chair will declare the hearing closed and ask the Licensing Officer, the Applicant, Police and Environmental Protection Unit (or their representatives) plus any witnesses present to leave the committee room and wait in the seating area while the Sub-Committee considers the evidence.

Procedure after the Hearing

24. If the Sub-Committee wish to seek further clarification on the evidence given, the Democracy Officer will invite all parties back into the committee room.
25. At a hearing under section 105(2)(a) (counter notice following police objection to temporary event notice) 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. When 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 including reasons together with, if appropriate, details of any conditions to be attached to the grant of the temporary event notice. This decision will then be communicated in writing to the Applicant and Representors within 5 working days of the hearing. There can be no further questions or statements.
27. The notification will include information about the rights of appeal against the determination made.