

LICENSING ACT 2003 SUB COMMITTEE

Summary Procedure

Premises Licence Application

- 1. Audio recorder switched on**
- 2. All parties introduce themselves**
- 3. Licensing Officer presents report**
- 4. Applicant makes opening statement and calls witnesses if any**
- 5. Applicant and witnesses questioned by all others present**
- 6. Responsible Authorities make opening statements and call witnesses if any**
- 7. Responsible Authorities and witnesses questioned by all others present**
- 8. Interested Parties if any make opening statements and call witnesses**
- 9. Interested Parties and witnesses questioned by all others present**
- 10. Applicant is asked whether application is to be amended**
- 11. Parties sum up in order of Interested Parties, Responsible Authorities, Licensing Officer and Applicant**
- 12. Audio recorder switched off and Members retire accompanied by Legal Officer if required**
- 13. Members return and Chairman announces decision**
- 14. Hearing ends**

LICENSING ACT 2003

PROCEDURE FOR HEARING LICENSING APPLICATIONS Premises Licence Application

1. GENERAL INFORMATION

In this document references to Committee shall be construed to include a Sub-Committee of the Committee.

Members of the Licensing Committee will not hear any application where they live within the proximity of the premises or where they know the applicant.

In the interests of timely, efficient and cost-effective decision making the Licensing Authority strongly urges all parties involved in any hearing to ensure that there is full advance disclosure between the parties of information to be put before the Licensing Committee thereof which will conduct the hearing. Failure to so disclose will unduly delay the proceedings due to arguments as to the admissibility of the information and may result in the information not being admitted.

A party will be entitled to supply additional information at the hearing in response to a point upon which the Licensing Authority has sought clarification, without the need for advance disclosure or permission of the Committee.

Disturbance at a meeting

Where any person disrupts the proceedings the Committee may exclude that person, including a party to the proceedings from the hearing, or allow the individual to remain subject to conditions. The process to be followed when removing a member of the public is that within the Council's Constitution for the management of disturbance by the public.

If a party is refused permission to return to the hearing, the Committee will allow the party to submit written representation before the end of the hearing, summarising their intended oral representation. This information, if relevant to the licensing objectives, will be taken into consideration in the Committee's determination.

Time limit on Presentations

Each party will be allowed the same amount of time to present its case. The times permitted for representations are those set out below unless written representations are made to the Licensing

Authority in advance of the hearing giving reasons why the particular limits should not apply. If written representations have been received the Committee will first consider any objection and determine whether to amend the allocated time.

On the basis that there will normally have been full disclosure of the information to be presented at the hearing the Licensing Authority is of the opinion that open statements should be brief.

For guidance only the maximum time normally applicable is as set out below:

- i. opening statement (10 minutes)
- ii. clarification of points raised by Licensing Authority before hearing (5 Minutes)
- iii. calling any witness in support of their application, representation or notice (10 minutes each)
- iv. question any other party or witness. (5 minutes)
- v. summing up (10 minutes)

Failure of parties to attend

If the party has informed the Licensing Authority that he does not intend to attend or be represented at a hearing, the hearing may proceed in his absence.

If a party who has so indicated fails to attend or be represented at a hearing the Licensing Committee may -

- i. where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or
- ii. hold the hearing in the party's absence.

Where a hearing is held in the absence of a party the Licensing Committee will consider the application/representation/ or notice made by the party.

Where the hearing is adjourned to a specified date the Licensing Authority will notify forthwith the parties of the date, time and place to which the hearing has been adjourned.

Cross Examination

There is a presumption given by the Committee to allow cross-examination of all parties by all parties within the structure of the hearing process. The Committee will only exercise it's discretion to stop or not allow cross-examination if the questioning is felt unnecessary for it to consider the application or representation. The Committee will not permit hostile or repetitive questioning.

2. THE HEARING

- 1) **The Chair** will open the proceedings in the following order.
 - i. The audio recording device will be turned on.
 - ii. He will introduce himself and invite the other Members of the Committee, the Legal Adviser, Licensing Officer, Applicant, Responsible Authorities and Interested Parties, to introduce themselves.
 - iii. He will ask whether there are any declarations of interest.
 - iv. The following will be read out:
 - a. **As all parties will have had the opportunity to make detailed written submissions so it is expected that any opening statement by the parties to be brief.**
 - b. **The hearing will take the form of a discussion led by the Licensing Committee and cross-examination shall not be permitted if the Committee considers the cross-examination is not necessary for it to consider the submission.**
 - c. **Additional information produced at the hearing without prior disclosure between the parties may not be heard if following objections to its submission by any other party the Committee so determine.**
 - v. He will draw attention to the procedure for the hearing as set out in paragraph 2 below.
 - a) **Licensing Officer** will present his report and answer any questions from the other parties present.
 - b) **Applicant** (or representative) to make an opening statement and may call witnesses
 - c) **Questions to the Applicant** and witnesses by Sub Committee Members, Responsible Authorities, Interested Parties, the Legal Adviser and the Licensing Officer.

- d) **Responsible Authorities** to make opening statements and call witnesses.
- e) **Questions to the Responsible Authorities** by Sub Committee Members, Applicant, Interested Parties, Legal Adviser and Licensing Officer.
- f) **Interested Parties** to make opening statements and call witnesses.
- g) **Questions to Interested Parties** and witnesses by Sub Committee Members, Applicant, Responsible Authorities, the Sub Committee, Legal Adviser and Licensing Officer.
- h) Applicant to be asked whether he wishes to amend his application
- i) Parties to sum up (but not introduce new evidence) in the following order:-
 - i. Interested Parties
 - ii. Responsible Authorities
 - iii. Licensing Officer
 - iv. Applicant

3. DECISION MAKING PROCESS

The audio recording will be turned off. The Committee will retire to deliberate its decision in private. The Committee may invite the Legal Adviser to retire with them if legal advice is required.

The Committee will return to the hearing. The Legal Adviser will turn the audio recording on and then inform all parties of any legal advice given to the Committee. The Committee will normally announce its decision and the reasons for it and that the decision will be confirmed in writing to the parties at the earliest opportunity.

In some cases the Licensing Authority will inform the applicant of the Committee's decision and reasons for it within 5 days.

4. RECORDS OF PROCEEDINGS

An audio record of the proceedings will be kept for a period of 6 years from the date of the determination of the proceedings or, where an appeal is brought against the determination of the Committee, the disposal of the appeal.