

**LICENSING ACT 2003
LICENSING SUB COMMITTEE**

Temporary Event Notice (TEN) - Objection

1. Audio recorder switched on
2. All parties introduce themselves
3. Licensing Officer presents report
4. Relevant Person(s) makes opening statement and calls witnesses (if any)
5. Relevant Person(s) and witnesses questioned by all others present
6. Premises User makes representations and calls witnesses (if any)
7. Premises User and witnesses questioned by all others present
8. Parties sum up in order the following order;
 - a. Licensing Officer;
 - b. Relevant Person(s) and
 - c. Premises User
9. Audio recorder switched off and Members retire accompanied by Legal Officer if required
10. Members return and Chairman announces decision
11. Hearing ends

LICENSING ACT 2003

PROCEDURE FOR; TEMPORARY EVENT NOTICE OBJECTION

1. GENERAL INFORMATION

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

Members of the Licensing Committee will not hear any objection to a Temporary Event Notice where they live within the proximity of the premises and/or where they know the Premises User.

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 all 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 which 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 Committee has sought clarification, without the need for advance disclosure or permission of the Licensing Committee.

Disturbance at a meeting

Where any person disrupts the proceedings the Licensing 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 Licensing Committee will allow the party to submit written representations 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 Licensing 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 usually 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 Licensing 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 opening 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, 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 a party has informed the Licensing Authority that they do not intend to attend or be represented at a hearing, the hearing may proceed in their 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 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 Licensing Committee to allow cross-examination of all parties by all parties within the structure of the hearing process. The Licensing 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. They will introduce themselves and invite the other Members of the Licensing Committee, the Legal Adviser, Licensing Officer, Relevant Person(s), and Premises User, to introduce themselves.
 - iii. They will ask whether there are any declarations of interest.
 - iv. The following will be read out:

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.

The hearing will take the form of a discussion led by the Licensing Committee and cross-examination shall not be permitted unless the Licensing Committee considers that cross-examination is required for it to consider the submission.

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 Licensing Committee so determine.

- v. They will draw attention to the procedure for the hearing as set out in paragraph 2 below.
- 2) **Licensing Officer** will present their report and answer any questions from the other parties present.
- 3) **Relevant Person(s)** (or representative) to make an opening statement and may call witnesses.
- 4) **Questions to the Relevant Person(s)** and witnesses by Licensing Committee Members, Premises User, the Licensing Officer and the Legal Adviser.
- 5) **Premises User** to make opening statements and call witnesses.

- 6) **Questions to Premises User** and witnesses by Licensing Committee Members, Relevant Person(s), Licensing Officer and the Legal Advisor.
- 7) **Parties** to sum up (but not introduce new evidence) in the following order:-
 - i. Licensing Officer
 - ii. Relevant Person(s)
 - iii. Premises User

3. DECISION MAKING PROCESS

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

The Licensing 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 Licensing Committee. The Licensing 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.

The Licensing Authority will inform:

- a. the Premises User
- b. the Relevant Person(s)

in writing of the Licensing Committee's decision and the reasons for it.

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 Licensing Committee, the disposal of the appeal.