



## LICENSING ACT 2003

### Procedure at hearings before the Licensing Sub-Committee

1. A hearing will be held to determine applications made under the Licensing Act 2003 where there have been relevant representations or the police have objected. All parties to the hearing will be given advance notice of the hearing by the Council. The parties to the hearing will have the chance to be heard. They are also entitled to be helped or represented by another person.
2. Hearings will take place before a Sub-Committee of 3 elected members of the General Purposes and Licensing Committee. One of these members will Chair the hearing.
3. All parties are encouraged to enter into preliminary discussions with the other parties with a view to seeking an agreement or compromise. For the avoidance of doubt, if a hearing proceeds to determination by a Sub-Committee, such agreements or agreed conditions will not be binding on any Sub-Committee. In the event that one party suggests or agrees to conditions or makes concessions which are later withdrawn in advance of or at the hearing, such conditions or concessions will not prejudice the party at the hearing and the Sub-Committee will make their determination as if such conditions or concessions had never been made.

### Preliminary matters

4. The Chairman will introduce those present.
5. The Chairman will check that none of the Sub-Committee has any pecuniary or non-pecuniary interest in the application.
6. The Chairman will check whether all the parties are present at the hearing. If any party who was expected to attend has not turned up for the hearing, the Sub-Committee will decide whether to hold the hearing in that party's absence, or to adjourn it to another date. Hearings will be adjourned if the Sub-Committee considers this necessary in the public interest. If the Sub-Committee decides to hold the hearing in a party's absence, they will still consider any written information received from him or her.
7. Normally, hearings will be open to the public. However, the Sub-Committee may exclude the public from the hearing (or part of it) if they think the public interest in doing so outweighs the public interest in having the hearing in public. If the public are excluded, any of the parties to the hearing, and/or anyone helping or representing them, may also be excluded.
8. A party may have asked for someone else to appear at the hearing to make a point or points that may help the Sub-Committee reach a decision. It is up to the Sub-Committee to decide whether that person should be heard, although permission will not be refused unreasonably. Such a person is referred to as a "witness" in this procedure.
9. A party may also be assisted or represented by another person.

10. Where multiple parties have submitted representations, the Chairman will invite a spokesperson to be nominated to avoid repetition.
11. The Chairman will ask that when addressing the Sub-Committee for the first time, each party identifies themselves.
12. The Chairman will then explain the procedure that will follow.

### **General information on the conduct of the hearing**

13. Each party is entitled to:
  - (a) Give further information in response to any point that the Council told them before the hearing they would like clarified;
  - (b) With the permission of the Chairman, question any other party; although cross examination will not be allowed; and
  - (c) Address the Sub-Committee.
14. Members of the Sub-Committee may question any party or witness at any time.
15. At the Chairman's discretion, the Sub-Committee's legal advisor may ask any questions he or she thinks are relevant at any time.
16. Unless the Council has requested that a particular point be clarified (paragraph 13 (a) above), new documentary or other information may not be submitted for the first time at the hearing without the agreement of all the other parties. In such circumstances, the new information will be circulated to all parties and their consent will be sought at the beginning of the hearing.
17. Members of the Sub-Committee will disregard any information given by a party, a representative or a witness which is not relevant to their application, representation or notice and the promotion of the licensing objectives.
18. Members of the Sub-Committee will have read all the papers included in the agenda for the hearing before the hearing starts. The parties are requested not to spend unnecessary time repeating evidence which is already in the papers and which is not disputed.
19. Members of the Sub-Committee will not enter into any discussions with any party prior to, during or following the hearing.
20. Evidence that is not relevant to the case, or to the promotion of the four licensing objectives, will be disregarded. Hearsay evidence may be allowed, but the Sub-Committee may not attach as much weight to it as direct evidence.

### **Procedure for the Hearing**

21. The Sub-Committee's Legal Advisor will clarify any legal issues at the beginning of the hearing.
22. If any party has asked permission for a witness or witnesses to appear, the Sub-Committee will decide whether they should be heard (see paragraph 8 above).
23. The length of time parties will be allowed to put their case, and (if permitted) question other parties, is at the Chairman's discretion. However, all parties will be allowed an equal maximum amount of time.

### The applicant's case

24. The applicant (or his / her representative) may present his / her case.
25. If the Sub-Committee permits, the applicant may call those witnesses whose names have been provided in advance to support his application.
26. Where a group of witnesses wish to speak in support of the application for similar reasons, one person should act as spokesperson for the whole group. The Sub-Committee may reasonably refuse permission for a witness to be heard if his or her evidence simply repeats points already made.
27. The Chairman will invite the objectors to question the applicant.
28. Members of the Sub-Committee may ask questions of the applicant (or his / her representative) or any of his / her witnesses.

### The objectors' case

29. Where there is more than one objector, and a spokesperson has not been nominated, the Chairman will decide the order in which the objectors may put their case. If there is an objection from one of the responsible authorities, their representative will normally be invited to put his or her case first.
30. The following procedure will apply to each objector in turn.
31. The objector (or his / her representative) may present his / her case.
32. If the Sub-Committee permits, the objector may call those witnesses whose names have been provided in advance to support his / her objection.
33. Where a group of witnesses wish to speak in support of the objection for similar reasons, one person should act as spokesperson for the whole group. The Sub-Committee may reasonably refuse permission for a witness to be heard if his or her evidence simply repeats points already made.
34. The Chairman will invite the applicant to question the objector.
35. Members of the Sub-Committee may ask questions of the objector or any witnesses.

### Summing up

36. The Chairman will invite the spokesperson (or in the event that there is not one, each objector) to make a final statement or sum up his / her case.
37. The Chairman will invite the applicant to make a final statement or sum up his / her case.

### Sub-Committee's decision

38. At the end of the hearing the Chairman will declare the hearing closed, and the public and the press will be excluded while the Sub-Committee retires to consider the matter.
39. The Sub-Committee's legal advisor and clerk will retire with the Sub-Committee to give any legal advice and to record the decision.

40. The parties will either be invited to wait to be informed of the outcome or will be informed that they will receive a copy of the decision in writing.
41. If the decision is to be given at the hearing, as soon as the decision is reached, the Sub-Committee will return to the room in which the hearing took place, and the Chairman will announce the decision and the reasons for it.
42. Otherwise, all parties will be formally notified in writing of the decision and reasons within 5 working days of the hearing.