

LICENSING SUB-COMMITTEE HEARING PROCEDURE (approved 21st March 2007)

1. Pre-hearing Arrangements

- 1.1 The licensing unit will notify interested parties of arrangements for hearings. Where relevant this notification will accord with statutory requirements.
- 1.2 Papers will be distributed to sub-committee members and made available at the Civic Centre and on the Council web site by the Committee section at least five working days prior to the hearing. There are exceptions prescribed in the Licensing Act 2003 and other licensing legislation when short time scales preclude prior distribution of papers.

2. Procedure at hearings

- 2.1 At the start of the meeting the Chair will identify the members of the sub-committee and Council officers present, by name. The Chair will also bring to the attention of those present the procedure to be followed at the hearing.
- 2.2 Hearings will generally be in public. But agenda items involving the disclosure of personal details of criminal convictions will be held in closed session; all persons not concerned with the particular item will be asked to leave the room.
- 2.3 At the beginning of each matter for determination, the Chair will ask all parties present for that agenda item to identify themselves. The sub-committee will consider any Notice relevant to the agenda item, submitted prior to the hearing by applicants seeking permission for witnesses to appear, in accordance with the Licensing Act 2003 or other licensing legislation.
- 2.4 The Chair will ask the relevant officer to introduce the item and to summarise the nature of the hearing and issues to be decided by the sub-committee. The officer may outline the options available to the committee including possible conditions which the sub-committee may wish to attach to any granted licenses, registrations or permits. Any supporting documentation produced by the officer as part of the summary will be made available to all parties, unless it forms part of a written report previously made available as in 1.2 above.
- 2.5 The Chair will then advise those present of the order in which the sub-committee intends to invite applicants, responsible authorities, interested parties or representatives to speak, and of any time limit which it intends to impose.
- 2.6 Members of the sub-committee and all parties to the hearing may question any person (through the Chair) at the end of their submission, about what they have said.
- 2.7 In all cases the person or persons who have made application for a licence, certificate, registration or permit or given a relevant notice or counter-notice to the licensing authority, or who is the holder of an authorisation subject to review, will be allowed to make a final statement.
- 2.8 All members of the sub-committee will remain present throughout each hearing.
- 2.9 Members of the sub-committee will, after hearing from all concerned, consider the facts and determine the matter before them. Their decision will be made known to all present. In exceptional cases the matter may be determined at a later date, in which case all present will be informed of the reasons and legal justification for the delay.

3. Adjournments

- 3.1 In circumstances where a person expected to appear does not do so, the Chair - after consulting with the Council's legal adviser and Licensing Unit representative - will decide whether to adjourn a particular agenda item to a future date. If no adjournment is agreed the hearing will proceed, in accordance with statutory requirements where applicable.