

## **WEST LINDSEY DISTRICT COUNCIL**

### **LICENSING ACT 2003**

#### **PROCEDURE FOR HEARINGS**

1. Election of Chair.
2. Chair's welcome and opening remarks
  - name of Applicant and the premises address
  - the introduction of the Members of the Sub-Committee and Officers
  - introduction of Applicant and Objector(s)
  - Chair to explain that all parties have been given notice to attend the hearing and that the hearing will proceed notwithstanding a party's failure to attend the hearing
  - the Legal Adviser to explain the procedure to the parties
  - the Senior Licensing Officer will present the application which will include any previous licensing history.
3. Applicant to present case
  - the Applicant(s) or his/her/their representative presents his/her/their case
  - the Applicant or their representative will then call any witnesses and/or give evidence in support of their case
  - the Objector(s) or their representatives may then question the Applicant and their witnesses
  - the Members of the Sub-Committee may ask questions of the Applicant and their witnesses
  - the Applicant or their representative will then be given a final opportunity to ask any further questions of their witnesses to clear up any points raised in the earlier questioning.
4. The Objector(s)/Objector(s) Representative's Case

This procedure will be followed for each individual objector

- the Objector or his/her representative will give his/her reasons for objecting to the application
- the Objector or his/her representative will then call any witnesses
- the Applicant or his/her representative may then question the Objector or his/her representative and any witnesses
- the Members of the Sub-Committee may ask questions of the Objector or his/her representative and any witnesses
- the Objector or his/her representative will then be given a final opportunity of asking any further questions of their witnesses to clear up any points raised in the earlier questioning

5. The Applicant is asked by the Chair of the Sub-Committee whether, in light of the objections, he/she wishes to amend the application (when they retire Members will consider only the application before them at that time).

If the Applicant wishes to amend the application or indicates that he/she is prepared for Members to give consideration to an amended application if they are minded to refuse the original application, the Objector(s) are to be given the opportunity to comment on the amended application.

6. Closing Statement or Summary

The Objector(s) can summarise any points they wish to make and comment briefly on the Applicant's replies to questions. They cannot introduce any new issues at this stage.

Applicants can summarise any points they wish to make and comment briefly on the Objector(s)' replies to questions. They cannot introduce new issues at this stage.

7. Conclusion

The Chair will then ask the Legal Adviser whether there are any other matters to be raised or resolved before the Sub-Committee retires to begin its deliberations. The Sub-Committee will exclude the press and public from its deliberations and its decision making.

The Chair will advise the hearing that they will retire to consider the application and that the Legal Adviser will be retiring with them but will not take part in the deliberation. If legal advice is given by the Legal Adviser in the course of deliberations, the Legal Adviser will reiterate this advice to the hearing when the hearing is reconvened.

Once a decision has been made everybody is invited back in and the Chair announces the decision and will give reasons for the decision including any conditions that have been attached and the right of appeal if necessary. The decision will subsequently be formally notified to the Applicant and the Legal Adviser in writing by the Clerk to the Committee within 5 working days.

***NB*** *If legal advice is given to Members by the Legal Adviser then this advice will be repeated in summary form by the Legal Adviser when the public are re-admitted.*