

Procedure for Hearings

Licensing Act 2003

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 objectors
- 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

Legal Advisor to explain the procedure to the parties

Senior Licensing Officer will present the application which will include any previous licensing history.

3. Applicant to present case

- The applicant or their representative present 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 representative 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 case

This procedure will be followed for each individual objector:

- The objector or their representative will give their reasons for objecting to the application
- The objector or their representative will then call any witnesses
- The applicant or their representative may then question the objector or their representative and any witnesses
- The Members of the sub-committee may ask questions of the objector or their representative and any witnesses
- The objector or their 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. Amendments

The Applicant is asked by the Chair of the sub-committee whether, in light of the objections, they wish 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 they are prepared for Members to give consideration to an amended application (if Members 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.

The applicant 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 Advisor 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 Advisor will be retiring with them but will not take part in the deliberation.

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 Advisor in writing by the Clerk to the Committee within 5 working days.

N.B. if legal advice is given to Members by the Legal Advisor then this advice will be repeated in summary form by the Legal Advisor when the public are re-admitted.

If any party to the hearing or the Senior Licensing Officer are required to address the Committee during their deliberations, all parties will be invited to hear these issues.