

## **LICENSING PROCEDURE RULES (Licensing Sub-Committee)**

1. This procedure note sets out how the Licensing Committee will manage its business in an efficient, fair, and transparent way. Reference to Committee is to be taken as the full Licensing Committee of ten members, a Licensing Sub-Committee A or B of three members.

2. These procedure rules shall be adopted in relation to the conduct of hearings of Licensing Sub-Committees which are held to consider applications submitted under the Licensing Act 2003 and associated regulations. A separate procedure note shall be adopted in relation to the conduct of hearings of the Taxi Licensing Sub-Committee.

3. This procedure note is issued as a guide only-the order and conduct of business may be varied by the person presiding at any time in order to facilitate the determination of the matter, having regard to statutory restrictions and the rules of natural justice

### 4. The Sub-Committee Meeting Agenda

4.1 The agenda pack containing the officer report on the applications to be considered at the meeting will be circulated to Members of the Sub-Committee eight days ahead of the meeting (unless the matter for determination is related to a Temporary Event Notice, as these meetings have to be held within fourteen days of the end of the statutory notice period). An electronic copy is posted on the Council's website.

4.2 The parties to the hearing will be notified in writing prior to the meeting, advising them that the application is to be considered by the Sub-Committee and of the arrangements made for the determination of the application. The Applicant receives copies of representations and any additional information sent to other parties.

### 5. Notices to be served

#### 5.1 For Responsible Authority

A minimum of one working day before the hearing or first day of the hearing, written notice must be given if a party: intends to attend and/or be represented at the hearing, or considers a hearing to be unnecessary.

#### 5.2 For all other applications

5.2.1 A minimum of five working days before the hearing or first day of the hearing, written notice (including email) must be given if a party intends to attend and/or be represented at the hearing or considers a hearing to be unnecessary.

### 6. Dispensing with the Hearing and Withdrawal of Representations

6.1 The Council may dispense with holding a hearing where all the parties to the hearing, other than the Council itself, have given written notice that they consider a hearing to be unnecessary.

6.2 Parties to the hearing may withdraw their representations by either giving notice to the Council no later than 24 hours before the day of the hearing or first day of the hearing, or orally at the hearing.

6.3 This does not apply to review applications where no such mechanism is available to dispense with a hearing.

## 7. Time limits

7.1 The Licensing Officer, Applicant, Responsible Authority, and person who submitted representations are each allowed a maximum of 15 minutes to present their case (unless the Chair agrees a different period in the circumstances of a particular case)

7.2 Representations received from more than one person will be allowed a maximum 15 minutes shared between them (unless the Chair agrees a different period in the circumstances of a particular case)

## 8. Minutes of the meeting

8.1 In line with usual Council procedure, the minutes of a meeting would be approved at the next meeting of the same Committee or Sub-Committee.

## 9. **Hearing Procedure to be followed at Licensing Sub-Committee Hearings**

### 9.1 Chairmans's announcements

9.1.1 Mobile phones should be switched off.

9.1.2 Speakers to use the microphones in front of them (for meetings held in the Council Chamber)

### 9.2 Apologies for absence and declarations of interest

9.2.1 The Chair will check whether all the parties are present at the hearing, and if any are not, whether they have told the Council that they do not wish to attend or be represented. If any party who was expected to attend has not done so, 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 that is possible. If the Sub-Committee decides to hold the hearing in a party's absence, they will still consider any written information received.

9.2.2 If a party has informed the Council that they do not intend to attend or be represented at the hearing, the hearing can proceed in their absence.

9.2.3 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.

### 9.3 Introductions

9.3.1 The chairman will introduce the sub-committee members and officers.

9.3.2 The chairman will ask the applicant to introduce him/herself.

9.3.3 The chairman will ask the representative of any responsible authority to introduce him/herself.

9.3.4 The chairman will ask the representative of any other persons (who has given proper notice of intention to speak at the hearing) to introduce him/herself.

#### 9.4 Hearing overview

9.4.1 The chairman will outline the hearing procedure, which is a discussion led by the chairman. Members of the sub-committee may ask questions or clarification at any time. Cross examination will not normally be allowed.

9.4.2 Unless the Council has requested in advance that a particular point be clarified, new documentary or other evidence may not be submitted for the first time at the hearing, unless all the other parties agree.

#### 9.5 The Procedure – Premises Licence (application or variation)

9.5.1 The chairman will ask the Licensing Officer to present their report, including background information, and will outline the reasons why the Sub-Committee is considering the application.

9.5.2 The Applicant may question the Licensing Officer.

9.5.3 Any Responsible Authority followed by any other persons may question the Licensing Officer.

9.5.4 Sub-Committee Members may question the Licensing Officer.

9.5.5 The Applicant will present their case.

9.5.6 The Licensing Officer may question the Applicant.

9.5.7 Any Responsible Authority followed by any other persons may question the Applicant.

9.5.8 Sub-Committee Members may question the Applicant.

9.5.9 Any Responsible Authority followed by any other persons are entitled to present their case.

9.5.10 The Licensing Officer may question any Responsible Authority or any other persons.

9.5.11 The Applicant may question any Responsible Authority or any other persons.

9.5.12 Sub-Committee Members may question any Responsible Authority or any other persons.

#### 9.6 Closing statements

9.6.1 Each of the parties will be asked to summarise their case. No new information, evidence or documents are to be introduced at this time.

9.6.2 The chairman will ask the licensing officer to summarise its report.

9.6.3 The chairman will ask any responsible authority to sum up its case.

9.6.4 The chairman will ask the representative or any other person to sum up its case.

9.6.5 The chairman will ask the applicant to sum up his/her case.

9.7 The Procedure – Premises Licence (review)

9.7.1 The chairman will ask the Licensing Officer to present their report, including background information, and will outline the reasons why the Sub-Committee is considering the application.

9.7.2 The Applicant for the Review may question the Licensing Officer.

9.7.3 The Premises Licence Holder may question the Licensing Officer.

9.7.4 Sub-Committee Members may question the Licensing Officer.

9.7.5 The Applicant for the Review will present their case.

9.7.6 The Licensing Officer may question the Applicant.

9.7.7 The Premises Licence Holder may question the Applicant.

9.7.8 Sub-Committee Members may question the Applicant.

9.7.9 The Premises Licence Holder may present their case.

9.7.10 The Licensing Officer may question the Premises Licence Holder.

9.7.11 The Applicant may question the Premises Licence Holder.

9.7.12 Sub-Committee Members may question the Premises Licence Holder.

9.8 Closing statements

9.8.1 Each of the parties will be asked to summarise their case. No new information, evidence or documents are to be introduced at this time.

9.8.2 The chairman will ask the Licensing Officer to summarise its report.

9.8.3 The chairman will ask the Applicant to sum up its case.

9.6.4 The chairman will ask the Premises Licence Holder to sum up its case.

9.9 The Procedure – Personal Licence

9.9.1 The chairman will ask the Licensing Officer to present their report, including background information, and will outline the reasons why the Sub-Committee is considering the application.

9.9.2 The Personal Licence Applicant/Holder may question the Licensing Officer.

9.9.3 The Police may question the Licensing Officer

9.9.4 Sub-Committee Members may question the Licensing Officer.

9.9.5 The Police will present their case.

9.9.6 The Licensing Officer may question the Police.

9.9.7 The Personal Licence Applicant/Holder may question the Police.

9.9.8 Sub-Committee Members may question the Police.

9.9.9 The Personal Licence Applicant/Holder will present their case.

9.9.10 The Licensing Officer may question the Personal Licence Applicant/Holder.

9.9.11 Sub-Committee Members may question the Personal Licence Applicant/Holder.

9.10 Closing statements

9.10.1 Each of the parties will be asked to summarise their case. No new information, evidence or documents are to be introduced at this time.

9.10.2 The chairman will ask the Licensing Officer to summarise its report.

9.10.3 The chairman will ask the Applicant to sum up its case.

9.10.4 The chairman will ask the Police to sum up its case.

9.10.5 The chairman will ask the Personal Licence Applicant/ Holder to sum up its case.

9.11 The Procedure – **Temporary Event Notices**

9.11.1 The chairman will ask the Licensing Officer to present their report, including background information, and will outline the reasons why the Sub-Committee is considering the application.

9.11.2 The Applicant may question the Licensing Officer.

9.11.3 Any Responsible Authority followed by any other persons may question the Licensing Officer

9.11.4 Sub-Committee Members may question the Licensing Officer.

9.11.5 The Applicant will present their case.

9.11.6 The Licensing Officer may question the Applicant.

9.11.7 Any Responsible Authority followed by any other persons may question the Applicant.

9.11.8 Sub-Committee Members may question the Applicant.

9.11.9 Any Responsible Authority followed by any other persons are entitled to present their case.

9.11.10 The Licensing Officer may question any Responsible Authority followed by any other persons.

9.11.11 The Applicant may question any Responsible Authority followed by any other persons.

9.11.12 Sub-Committee Members may question any Responsible Authority followed by any other persons.

#### 9.12 Closing Statements

9.12.1 Each of the parties will be asked to summarise their case. No new information, evidence or documents are to be introduced at this time.

9.12.2 The chairman will ask the Licensing Officer to summarise its report.

9.12.3 The chairman will ask the Applicant to sum up its case.

9.12.4 The chairman will ask any Responsible Authority followed by any other persons to sum up its case.

#### 9.13 Decision notification (applies to all of the above including Personal Licence – application, variation, review, Personal Licence and Temporary Event Notice)

9.13.1 The sub-committee members will retire to consider the decision in private. In doing so the solicitor to the Sub-Committee will retire with them but will take no part in the discussion of the merits of the case or what the decision should be.

9.13.2 Should the solicitor to the Sub-Committee be required to clarify any points of law, these will be repeated in the public session.

9.13.3 The sub-committee members will return, and the Chair will give the decision and the reasons for it. The Licensing Officer will confirm this decision in writing to the parties and advise of any right of appeal.

9.13.4 If the reasons for the decision have not been finalised due to time constraints, the Chairman will confirm that these will be delivered in writing within five working days beginning with the day of the hearing or the last day of the hearing.