

## Licensing Act 2003

### Hearing procedure for Licensing Sub-Committee – Premises Licence Review

	<b>Introductions</b>
1.	The Chairman will open the meeting, introduce members of the Sub-Committee and officers present and explain the nature of the decision to be taken and the procedure to be followed.
2.	All persons present to introduce themselves to the Sub-Committee. <u>*NOTE*</u> the Applicant for a <u>review</u> is either a Responsible Authority or an Other Person. The Premises Licence Holder is a “respondent”.
	<b>Summary of Application and Representations</b>
3.	The Council's Licensing Manager will outline the application, any relevant representations and highlight any points relevant to the Licensing Authority's Statement of Licensing Policy and statutory guidance. OR summarise the salient points of the report on the agenda.
4.	The Applicant for the review or their representative may ask relevant questions of the Council's solicitor/Licensing Manager.
5.	The Responsible Authorities may ask relevant questions of the Council's Licensing Manager if necessary.
6.	Any Other Persons who have submitted representations about the application may ask relevant questions of the Council's Licensing Manager if necessary.
7.	The Premises Licence Holder may ask the Licensing Manager <b>QUESTIONS</b> arising from what he/she has said or relating to the application. (The Applicant will have the opportunity to state his/her case later).
8.	The members of the Sub-Committee may ask relevant questions of the Council's Licensing Manager.
9.	The Council's Licensing Manager may respond to any new issues raised.
	<b>The Applicant's Case</b>
10.	The Responsible Authorities or Other Persons applying for the review presents their case (may include evidence of witnesses if appropriate).
11.	The Responsible Authorities who have submitted representations about the application may ask any relevant questions of the applicant for the review if necessary.

12.	Any Other Persons who have submitted representations about the application may ask any relevant questions of the applicant for the review if necessary.
13.	The Premises Licence Holder asks questions of the Applicant for the review if necessary.
14.	The members of the Sub-Committee may ask relevant questions of the Applicant for the review.
15.	The Applicant for Review may respond to any new issues raised.
	<b>The Responsible Authorities case</b>
16.	The Responsible Authorities who have submitted representations about the application will present their case (may include evidence of witnesses if appropriate).
17.	The Applicant for the review or their representative may ask relevant questions of the Responsible Authorities.
18.	Any Other Persons who have submitted representations about the application may ask relevant questions of the Responsible Authorities.
19.	The Premises Licence Holder may ask relevant questions of the Responsible Authorities who have submitted representations about the application.
20.	The members of the Sub-Committee may ask relevant questions of the Responsible Authorities.
21.	The Responsible Authorities may respond to any new issues raised.
	<b>The Other Persons Case</b>
22.	Any Other Persons who have submitted representations about the application will present their case (may include evidence of witnesses if appropriate).
23.	The Applicant for Review or their representative may ask relevant questions of the Other Persons.
24.	The Responsible Authorities who have submitted representations about the application may ask relevant questions of the Other Persons who have submitted representations about the application.
25.	The Premises Licence Holder may ask relevant questions of the Other Persons who have submitted representations about the application.
26.	The members of the Sub-Committee may ask relevant questions of the Other Persons who have submitted representations about the application.
27.	The Other Persons may respond to any new issues raised.

	<b>The Premises Licence Holder Case</b>
28.	The Premises Licence Holder will present their case (may include evidence of witnesses if appropriate).
29.	The Applicant for the review or their representative may ask any relevant questions of the Premises Licence Holder.
30.	The Responsible Authorities who have submitted representations about the application may ask relevant questions of the Premises Licence Holder.
31.	Any Other Persons who have submitted representations about the application may ask relevant questions of the Premises Licence Holder.
32.	The members of the Sub-Committee may ask relevant questions of the Premises Licence Holder.
33.	The Premises Licence Holder may respond to any new issues raised.
	<b>Summing Up</b>
34.	The Chairman will invite the Licensing Enforcement Officer to clarify any technical points.
35.	The Chairman will invite any Other Persons who have submitted representations about the application to briefly summarise their case if they so wish.
36.	The Chairman will invite any Responsible Authorities who have submitted representations about the application to briefly summarise their case if they so wish.
37.	The Chairman will invite the Applicant for the review to briefly summarise their case if they so wish.
38.	The Chairman will invite the Premises Licence Holder to briefly summarise their case if they so wish.
39.	The Chairman will then ask all parties if they are satisfied they have said all they wish to. <b>(NOTE – The Premises Licence Holder to have the last word.)</b>

	<b>Decision</b>
40.	The members of the Sub-Committee will retire to reach a decision in private, accompanied by the Council's legal officer and Committee Manager.
41.	Members of the Sub-Committee return. The Chairman will announce the decision of the Sub-Committee with reasons (summary or full) for the decision.

42.	Meeting closed.
43.	The Council's legal officer will remain in the room to assist all parties should they require clarification of the decision and/or next steps.

### **GUIDANCE NOTES**

\*The Licensing Authority will allow the parties an equal maximum period of time in which to address the Sub-Committee, but request that all parties keep points pertinent and the discussion moving in the interests of cost and efficiency. However, the overriding principle for the Licensing Authority will be to ensure that all parties receive a fair hearing.

- (a) Cross examination of parties is at the discretion of the Sub-Committee.
- (b) When the Premises Licence Holder questions the Licensing Manager or any other party he/she should not go into the merits of his/her case as he/she will have an opportunity to present it at Stage 28. He/she should only ask questions relating to what the Licensing Manager or other person has said or relating to the application as a whole.
- (c) The Applicant or any other party may be represented by a friend or a professional person to speak on his/her behalf who will follow the same procedure as described above and who may call the Applicant as a witness.
- (d) The order or proceedings may be varied by the Chairman if he/she thinks that it is necessary to do so in the interests of affording the Applicant a fair hearing or in order to take into account all relevant considerations.
- (e) If, after the Sub-Committee has withdrawn to make their decision, they decide that they need to ask a question of any of the parties involved in the proceedings or to clarify any matter then they shall do so in the presence of all parties.
- (f) Members of the Sub-Committee must be present throughout the hearing and must not communicate with any party involved in the proceedings except for when they are in the presence of all of the parties and the remainder of the Sub-Committee.