

Appendix B

PROCEDURE TO BE FOLLOWED AT HEARINGS OF THE LICENSING SUB- COMMITTEE

1. PURPOSE

The purpose of the hearing is to assist the sub committee to gather evidence and understand the relevant issues in order that the sub committee may determine the application.

2. PROCEDURE

2.1 The hearing will generally be in public but the Chairman may exclude the public from all or part of the proceedings where this is in the public interest.

2.2 The quorum will be three members of the Licensing committee.

2.3 The Chairman will deal with introductions and explain the hearings procedure.

2.4 An equal maximum time will be allocated to all parties.

2.5 All parties must provide: their full name; private or business address and the name of the body they represent, if applicable.

2.6 The sub committee will determine whether persons present will be permitted to address the hearing.

2.7 Where necessary, the Chairman may require spokespersons to nominated to represent groups or other large numbers of objectors.

2.8 Members of the Authority may ask any question of any party or witness. Before participating in a hearing Members they must make a declaration confirming that they have not discussed the matter with any member of the sub committee hearing the application or review.

2.9 The sub committee's legal adviser or administrator will assist parties regarding the order in which they may present their evidence and, if permitted, ask questions.

2.10 The sub committee may seek clarification of any procedural, technical, legal or factual matter at any time during the proceedings from any party.

2.11 Any party wishing to withdraw a representation may do so orally at the hearing.

2.12 If a party does not attend, the sub-committee may either proceed in absence or adjourn in accordance with the Licensing Act (Hearings) Regulations 2005.

3. EVIDENCE

3.1 Court rules of evidence will not strictly apply. They will however be followed to a great extent because Licensing sub committee decisions must be based upon an objective assessment of evidence. Hearsay evidence is permitted but will be given less weight than direct evidence. Evidence given in person, where cross-

examination is possible, is likely to be given more weight than representations which are only in writing.

- 3.2 The Licensing sub committee will receive a copy of the application, location of the premises and details of any representations in advance of the hearing.
- 3.3 The sub committee may take into account documentary evidence submitted either:
 - (a) 5 working days before the hearing; or
 - (b) in exceptional circumstances at the discretion of the Chairman, less than 5 working days before the hearing; or
 - (c) with the consent of all parties, at the hearing.
- 3.4 Copies should be provided of any document that is to be submitted at the hearing.
- 3.5 The sub committee shall disregard any evidence or information that is irrelevant to the application or the Licensing objectives.
- 3.6 The Chairman may require any person who is acting in a disruptive manner to leave the hearing.

4. ORDER OF PROCEEDINGS

- (a) Opening statement by the Council's Head of Licensing or representative
- (b) Representations by 'Responsible Authorities' and their witnesses;
- (c) Questions from the applicant and other parties if agreed by the Chairman;
- (d) Representations from 'Interested parties' and their witnesses';
- (e) Questions from the applicant and other parties if agreed by the Chairman;
- (f) Information from the applicant and witnesses in support of the applicant;
- (g) Questions from other parties to the applicant and their witnesses if agreed by the Chairman;
- (h) With leave of the Chairman, any further questions arising as a result of new information.
- (i) Closing statement of The Council's Head of Licensing, 'Responsible Authorities' and 'Interested parties';
- (j) Closing statement of applicant.

5. DETERMINATION OF THE APPLICATION

- 5.1 This will be made either at the end of the hearing or within the time specified in the Licensing Act (Hearings) regulations.
- 5.2 The Chairman may adjourn the hearing to enable the sub committee to reach its decision. (Which can be reached by majority decision).
- 5.3 Only the Licensing Authority's administrator or legal adviser may be present during the sub committee's deliberations at this stage. This can only be for the purposes of providing privileged advice on law or to record decisions and reasons.
- 5.5 The Licensing sub committee may refuse or grant the application in whole or in part and may attach any conditions they consider necessary to support the achievement of the Council's licensing objectives.

5.6 A record of the proceedings will be taken and maintained for six years.