

PROCEDURE TO BE FOLLOWED AT HEARINGS OF THE LICENSING SUB-COMMITTEE (USING MICROSOFT TEAMS LIVE EVENTS)

1. PURPOSE

- 1.1 The purpose of the hearing is to assist the Licensing 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 Chair may exclude the public from all or part of the proceedings where this is in the public interest.
- 2.2 The public can view the live meeting by joining the link published with the LSC agenda.
- 2.3 The quorum will be three members of the Licensing Committee.
- 2.4 The Chair will deal with introductions and explain the hearings procedure.
- 2.5 The applicant and Responsible Authorities must provide: their full name; private or business address and the name of the body they represent, if applicable.
- 2.6 Other Parties must state their IP reference number, applied to their relevant representation in the licensing report. Other Parties are not required to give their name and address at the hearing.
- 2.7 Where necessary, the Chair may require spokespersons to be nominated to represent groups or other large numbers of Other Parties.
- 2.8 The Sub-Committee may seek clarification of any procedural, technical, legal or factual matter at any time during the proceedings from the Legal Adviser or Principal Licensing Officer.
- 2.9 Any party wishing to withdraw a representation may do so orally at the hearing.
- 2.10 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.
- 2.11 All parties will be given the opportunity to submit written representations ahead of the hearing, if they are unable to attend, which the Principal Licensing Officer will read out during the hearing.

3. EVIDENCE

- 3.1 The strict rules of evidence do not 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 may be given less weight than direct evidence.
- 3.2 The Sub-Committee will receive a copy of the application 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 Chair, less than 5 working days before the hearing. Section 100B of the Local Government Act 1972 requires the Chair to provide in writing reasons for allowing this; or
 - (c) with the consent of all parties, at the hearing.

- 3.4 Copies should be provided to the Principal Licensing Officer 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 Licensing Objectives.

4. ORDER OF PROCEEDINGS FOR A NEW OR VARIATION APPLICATION

- 4.1 Introduction by the Chairperson;
- 4.2 Opening statement by the Council's Principal Licensing Officer or representative;
- 4.3 Representations from the licence holder or applicant and their witnesses;
- 4.4 Questions from the Licensing Sub-Committee;
- 4.5 Questions from the other parties, which should be directed through the Chair;
- 4.6 Representations by Responsible Authorities and their witnesses;
- 4.7 Questions from the Licensing Sub-Committee;
- 4.8 Questions from the other parties, which should be directed through the Chair;
- 4.9 Representations from Other Parties and their witnesses;
- 4.10 Questions from the Licensing Sub-Committee;
- 4.11 Questions from the other parties, which should be directed through the Chair;
- 4.12 Closing statement of the Council's Principal Licensing Officer;
- 4.13 Closing statement of Responsible Authorities;
- 4.14 Closing statement of Other Parties;
- 4.15 Closing statement of the licence holder or applicant.

5. ORDER OF PROCEEDINGS FOR A REVIEW

- 5.1 Introduction by the Chairperson;
- 5.2 Opening statement by the Council's Principal Licensing Officer or representative;
- 5.3 Representations from the review applicant and their witnesses;
- 5.4 Questions from the Licensing Sub-Committee;
- 5.5 Questions from the other parties, which should be directed through the Chair;
- 5.6 Representations by Responsible Authorities and their witnesses;
- 5.7 Questions from the Licensing Sub-Committee;
- 5.8 Questions from the other parties, which should be directed through the Chair;
- 5.9 Representations from Other Parties and their witnesses;
- 5.10 Questions from the Licensing Sub-Committee;
- 5.11 Questions from the other parties, which should be directed through the Chair;
- 5.12 Representations from the licence holder and their witnesses;
- 5.13 Questions from the Licensing Sub-Committee;
- 5.14 Questions from the other parties, which should be directed through the Chair;
- 5.15 Closing statement of the Council's Principal Licensing Officer;
- 5.16 Closing statement of review applicant;
- 5.17 Closing statement of Responsible Authorities;
- 5.18 Closing statement of Other Parties;
- 5.19 Closing statement of licence holder.

6. DETERMINATION OF THE APPLICATION

- 6.1 This will be made at the end of the hearing. The Chair will adjourn the hearing to enable the Licensing Sub-Committee to reach its decision.
- 6.2 Only the Licensing Authority's Democratic Services Officer and the legal adviser may be present during the Licensing Sub-Committee's deliberations at this stage. This is for the purposes of providing legal advice to the Licensing Sub-Committee and to assist in

recording the decision and the reasons. Neither of these officers participates in the actual decision making itself.

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

7. GENERAL

7.1 The Chair may require any person who is acting in a disruptive manner to leave the hearing.

7.2 If it is not your turn to ask questions or present, attendees' microphones will be muted. This does not apply to the Legal Officer.

13 May 2020