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## **PROCEDURE FOR LICENSING HEARING**

It is important that the hearing follows a particular order to ensure that all parties have a chance to be heard.

The Licensing & Appeals Sub-Committee is not a court and as such cross-examination will not be permitted unless the Sub-Committee agrees.

Any Applicant, Interested Party or Responsible Authority, or their respective representative who has given notice, should make themselves known to the Democratic Services Officer before the hearing commences.

### **1. Chairman's Introduction**

- 1.1 The Chairman will briefly announce the application and the purpose of the hearing.
- 1.2 The Chairman will introduce the Sub-Committee and the Council's Legal Adviser.
- 1.3 The Chairman will request that the following persons identify themselves (including their representative if applicable) and state whether they wish to call any witnesses (and the witnesses names if applicable):-
  - (a) The Applicant – Cllr M G Wilkinson
  - (b) The Council's Licensing Officer
  - (c) The premises licence holder
  - (d) Any Responsible Authorities
  - (e) Any Interested Parties (and any representatives) that have made representations and have indicated in advance that they wish to address the Sub-Committee – it is recommended that a single spokesperson (where possible) is appointed.
- 1.4 The Chairman shall announce that this procedure is to be followed at the hearing (reference – item 3 of the agenda for the hearing) and draw particular attention to the following time limits (which includes the examination of any witnesses):-

- 15 minutes permitted for the Premises Licence Holder to present their submissions.
- 15 minutes permitted for any Responsible Authority to present their submissions.
- 15 minutes permitted for all Interested Party submissions in total. For the avoidance of doubt if more than one Interested Party is speaking the 15 minutes will apportioned evenly.
- 15 minutes for the Applicant to present their case.
- All Parties that make submissions at the hearing will also be given 2 minutes at the end of the hearing to make a closing statement.
- These time limits may only be extended with the permission of the Sub-Committee.

**2. Summary of the Application from the Licensing Officer**

- 2.1 The Council's Licensing Officer will be asked to introduce the application and present their report. The Licensing Officer will not normally go through the report in full as it is anticipated that the Sub-Committee, and the Parties have read it.
- 2.2 The Sub-Committee and the Parties may seek clarification from the Licensing Officer on matters raised in the report.

**3. Premises Licence Holder's Submissions**

- 3.1 The Premises Licence Holder will have an opportunity to present their submissions (15 minutes only).
- 3.2 Members of the Sub-Committee may then ask questions of the Premises Licence Holder *for clarification purposes only*. Other Parties may only ask questions of the Premises Licence Holder if given permission by the Sub-Committee and any such questions must be *for clarification purposes only*.

**4. Responsible Authority's Submissions [if applicable]**

- 4.1 If appropriate, each Responsible Authority will have an opportunity to present their submissions (15 minutes only).

- 4.2 Members of the Sub-Committee may then ask questions of the Responsible Authority *for clarification purposes only*. Other Parties may only ask questions of the Responsible Authority if given permission by the Sub-Committee and any such questions must be *for clarification purposes only*.

**5. Interested Parties' Submissions [if applicable]**

- 5.1 If appropriate, the Interested Parties will have an opportunity to present their submissions (15 minutes collectively in total, apportioned evenly if more than one Interested Party).
- 5.2 Members of the Sub-Committee may then ask questions of the Interested Parties *for clarification purposes only*. Other Parties may only ask questions of the Interested Parties if given permission by the Sub-Committee and any such questions must be *for clarification purposes only*.

**6. Applicant's Submissions**

- 6.1 The Applicant will have an opportunity to present their submissions (15 minutes only).
- 6.2 Members of the Sub-Committee may then ask questions of the Applicant *for clarification purposes only*. Other Parties may only ask questions of the Applicant if given permission by the Sub-Committee and any such questions must be *for clarification purposes only*.

**7. Closing Statements**

- 7.1 Any Party is permitted to make a short closing statement (not exceeding 2 minutes). The order of closing statements will be Premises Licence Holder, Responsible Authority, Interested Parties and then Applicant.

**8. Adjournment/Deliberation**

- 8.1 The Sub-Committee will not deliberate in public. The Chairman will adjourn the hearing so that the Sub-Committee may retire to consider its decision. The Sub-Committee may request the presence of the Legal Adviser to provide legal advice.
- 8.2 The Sub-Committee will disregard any information given or evidence produced by a Party or a witness, which is not relevant to their application, representations or notice (as applicable), and/or the promotion of the licensing objectives.

- 8.3 No Party has an obligation to wait for the outcome following the adjournment of proceedings – it should be noted that the Decision will be sent in writing to all Parties following the hearing in any instance.

**9. Decision**

- 9.1 The Sub-Committee will re-convene and the Chairman will announce the Sub-Committee's decision. Where possible, the decision will be in full; however, it will often be the case that it will be a summary, with the full decision being confirmed in writing after the hearing (decision will be sent to all Parties).
- 9.2 The Sub-Committee also reserves the right to make no decision on the day of the hearing and to issue its decision in writing following the hearing (in compliance with the statutory time limits).

**10. Close**

- 10.1 The Chairman will then close proceedings.