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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 Clerk before the hearing commences.

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

- 1.1 Fire drill announcement
- 1.2 The Chairman will briefly announce the details of the application and the purpose of the hearing.
- 1.3 The Chairman will introduce the Sub-Committee and the Council's Legal Adviser and the Clerk.
- 1.4 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) and confirm who intends to present their case:-
  - a. The Council's Licensing Officer
  - d. The Applicant
  - e. Any Relevant Responsible Authorities
  - f. 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.

### **2 Case summary by the Licensing Officer (Agenda Item 4)**

- 2.1 The Council's Licensing Officer will be asked by the Chairman to introduce the application and present their report.

### **3 The Applicant's Submission**

- 3.1 The applicant or their representative will submit their case (to include consideration of any written representations). Witnesses may be called.

- 3.2 Opportunity for relevant responsible authority, followed by interested parties (if any) to question the applicant and any witnesses on their submission(s).
- 3.3 Opportunity for the Sub-Committee to question the applicant and any of their witnesses on their submission(s).

**4 The Relevant Responsible Authority(s) Submissions (if applicable)**

- 4.1 The Relevant Responsible Authority(s) and any witnesses will have an opportunity to present their submissions.
- 4.2 Opportunity for the applicant or representative to question the relevant responsible authority(s) and witnesses on their submissions (note: this is an opportunity to ask questions arising from the submissions – not to make statements – an opportunity comes later when summing up).
- 4.3 Opportunity for the Sub-Committee Members to question the Relevant Responsible Authority(s) and witnesses on their submissions.

**5 Interested Parties Submission (if applicable)**

- 5.1 Any interested parties will submit to the Sub-Committee the reasons for the hearing in the case before them.
- 5.2 Opportunity for the applicant and the relevant responsible authority(s) to question the interested parties on their submissions. (note: this is an opportunity to ask questions arising from the submissions – not to make statements – an opportunity comes later when summing up).
- 5.3 Opportunity for Sub-Committee Members to question the interested parties and witnesses on their submissions.

**6 Closing Statements**

- 6.1 Any Party is permitted to make a short closing statement (not exceeding 2 minutes). The order of closing statements will be:
  - (a) Licensing Officer
  - (b) Applicant
  - (c) Responsible Authorities
  - (d) Interested Parties

**7 Adjournment**

- 7.1 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. During this time the Clerk will accompany the Sub-Committee to record the decision. The Sub-Committee may request the presence of the Legal Adviser to give them legal advice.

- 7.2 The Sub-Committee will disregard any information given or evidence produced by a party or a witness, which is not relevant to the application, representations or notice (as applicable) and/or the promotion of the licensing objectives.
- 7.3 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.

## **8 Decision**

- 8.1 The Sub-Committee will reconvene 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 (the decision will be sent to all parties).
- 8.2 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).

## **9 Conclusion**

The Chairman will close the proceedings.