

LICENSING HEARING PROCEDURE

1. The chair shall explain to the parties the procedure which shall be followed. The procedure shall as closely follow that as set out in Appendix 1 attached.
2. A party may be assisted or represented by any other person.
3. The hearing shall take place in public unless the Committee considers that it should exclude the public [which may include a party and their representative] from all or part of the hearing on the basis that the public interest in so doing outweighs the public interest in the hearing or that part of the hearing taking place in public.
4. The Committee shall consider any request made by a party further to a valid notice to that effect for permission for another person to appear at the hearing and shall not unreasonably withhold permission.
5. Any party who wishes to withdraw any representations they have made may do so at the hearing.
6. The Committee may only take into account additional information produced by a party at the hearing with the consent of all the other parties.
7. The Committee will disregard any information which is not relevant to:
 - Information provided in accordance with the pre-hearing procedure and
 - The promotion of the licensing objectives
8. The hearing shall take the form of a discussion led by the Committee.
9. Committee members may ask any question of anyone appearing at the hearing.
10. Cross-examination will not be allowed unless the Committee considers it is required for it to consider the documentation before it.
11. Each party will be allowed an equal maximum period of time in which to give information to the Committee further to a notice to that effect, any cross examination allowed by the Committee and to address the Committee.
12. The Committee may require any person attending the hearing who in its opinion is behaving in a disruptive manner to leave the hearing and may:
 - Refuse to allow the person to return, or
 - Permit such person to return on such conditions as the Committee may specifyBut nothing shall prevent such person before the end of the hearing submitting to the Committee in writing any information which they would have been entitled to give orally had they not been required to leave.
13. If a party has informed the Council that he will not be attending or be represented at

the hearing it may still proceed and will consider at the hearing the information given by that party. Otherwise the Committee may where it considers it to be necessary in the public interest adjourn the hearing to a specified date.

14. The Committee shall make its determination at the conclusion of the hearing or within 5 working days thereafter according to the nature of the application heard.
15. The Committee shall provide for a record to be taken of the hearing in a permanent form. It shall contain the particulars as set out in Appendix 2 attached.
16. The Committee has no power to award costs.

Appendix 1

Procedure

1. Appointment of Chair.
2. Introduction by Chair. Introductions and explanation of procedure.
3. Consideration of any requests further to notices for appearance.
4. Consideration of any withdrawals of representations.
5. Consideration of any requests to produce additional information.
6. Provision of information requested by the council.
7. Presentation of application.
8. Cross examination if allowed by Committee.
9. Members questions.
10. Representations by responsible authorities.
11. Cross examination if allowed by Committee.
12. Members questions.
13. Representations by interested parties.
14. Cross examination if allowed by Committee.
15. Members questions.
16. Representations by those permitted to do so further to 2. above.
17. Cross examination if allowed by Committee.
18. Members questions.
19. Summing up by permitted representees.
20. Summing up by interested parties.
21. Summing up by responsible authorities.
22. Summing up by applicant.
23. Consideration of application by Members.

Time allowed

1. The total time allowed for each party to the hearing namely the Applicant, Responsible Authorities, Interested Parties [including where applicable any of their supporters permitted to make representations further to 2. above] shall not exceed 10 minutes or such longer period as the Chair may allow with the consent of the Committee.
2. Where more than one person from a particular group wishes to speak the Chair may require that a spokesperson be appointed to represent the views of that group.

Determination of application

1. When the Committee is ready to consider the application it shall, together with any lawyer advising it and the Clerk to the Committee, at the discretion of the Chair, either

retire to a separate room or require all parties to withdraw from the meeting room.

2. Prior to the Chair making any announcement under 2 or 3 below the lawyer advising Committee shall give a summary of any legal advice given to the Committee in connection with its private deliberations.

2. In the case of a hearing under:

- section 105[2][a] - counter notice following police objection to temporary event notice
- section 167[5][a] - review of licence following closure order
- para 4[3][a] of Schedule 8 - application for conversion of existing licence
- para 16[3][a] of Schedule 8 - application for conversion of existing club certificate
- para 26[3][a] of Schedule 8 - application by holder of a justices licence for a personal licence

a determination will be made at the conclusion of the hearing. The Chair will announce the decision of the Committee on the Committee or the parties returning to the meeting room as the case may be.

3. In all other cases not covered by 2. above a determination will be made not later than within 5 working days of the day the hearing ended. The Chair will announce the decision of the Committee, or that the Committee will provide its decision within 5 working days, as appropriate, on the Committee or the parties returning to the meeting room as the case may be.

4. The Committee may reach any decision on a unanimous or on a majority basis.

Appendix 2

1. Date of hearing
2. Place of hearing
3. Applicant
4. Council's representative
5. Members of Committee
6. Also present
7. Decision
8. Findings of fact
9. Reasons for decision
10. Signature of Chair