Licensing Committee/Subcommittee : Procedure for Determining Licensing Act 2003 Cases/Applications Made Under The Gambling Act 2005

Regulatory Committee/Subcommittee: Procedure for Determining Applications for Tables and Chairs/Applications For Sex Establishments Made Under The Local Government (Miscellaneous Provisions) Act 1982

Time limits on Representations

1. In normal circumstances, the committee/subcommittee will expect each party (applicant v objectors) to present their case within a maximum of 15 minutes, although this time limit may be varied by the committee/subcommittee, either on the application of a party to the hearing or at the sub-committee's own instigation. Should this need arise then all parties will be afforded the same allotted time to speak.

2. Where there are several interested parties whose representations reveal similar grounds of concern, the interested parties are strongly urged to appoint a spokesperson to avoid repetition of the same points.

Cross Examination

3. Regulation 23 states that the authority generally leads the hearing, and that cross-examination cannot take place unless specified by the local authority.

4. A decision to allow cross-examination will be taken on a case-by-case basis, with a presumption to allow.

Behaviour during the Hearing

5. Any person attending the hearing who is deemed by the sub-committee to be behaving in a disruptive manner will be asked to leave the hearing.

Late papers

6. If documentation is produced for the first time at the hearing, it can only be considered if all parties agree to accept it. Information must be relevant to the representations already made and to the promotion of the licensing objectives.

Step 1 Introduction

At the start of the hearing the chair should read out a statement declaring under which capacity the committee/subcommittee is sitting, ie

This subcommittee is sitting to consider matters under the Licensing Act 2003.

The chair will introduce themselves and the members of the committee / subcommittee.

The chair will then introduce and explain the respective roles of:

(a) the licensing officer;
(b) the legal adviser to the committee/subcommittee;
(c) the committee officer (where applicable).

The chair invites all those present to introduce themselves and ask them to indicate if they wish to speak during the hearing. (Only those persons who have made representations may address the committee/subcommittee.)

Each party (the applicant and the objectors) will be asked by the chair whether 15 minutes is sufficient for the presentation of their case. (Agreement on the length of time given for each speaker is at the discretion of the chair. If there are a large number of relevant objections to a particular application the licensing authority (council) may ask an appropriate number of representatives or a spokesperson to put forward their views.)

Please note that at any time during the hearing the legal adviser or the licensing officer may be asked or may offer advice to the committee/subcommittee or other parties or ask questions of any party.

The legal adviser outlines the order of business.

Step 2: Presentation by Licensing Officer

The licensing officer outlines the application; confirms the application details with the applicant or applicant's representative, introduces the report and provides an update on any recent changes.

The chair will invite questions from all parties to clarify the content of the licensing officer's report.

Step 3: Applicant's Evidence

The applicant or their representative presents their case and brings forward any supporters or witnesses, after which the chair will invite questions to the applicant and their representatives from:

(1) Members of the committee/subcommittee
(2) The Responsible Authorities (or their representative);
(3) Interested parties[1] (e.g. objectors);

[1] An ***interested party*** is defined an interested party is anyone who has made a relevant representation as defined in the Licensing Act 2003 or Gambling Act 2005, and may include:

1. A person living in the vicinity of the premises in question.

(4) the licensing officer.

The chair will also invite questions to any witnesses where present from all parties.

Questions should be relevant to the application and repetition will be discouraged.

Step 4: Responsible Authorities who are objecting present their case

Responsible authorities present their case and are questioned (if necessary) in turn by:

(1) Members of the committee/subcommittee
(2) The applicant;
(3) Interested parties (e.g. objectors);
(4) the licensing officer.

The chair will also invite questions to any witnesses where present from all parties listed above.

Questions should be relevant to the application and repetition will be discouraged.

Step 5: Interested Parties introduce their case

Each of the interested parties or their representatives wishing to address the committee/subcommittee may do so in order determined by the chair. They too must be willing to be questioned by other parties as listed above. Interested parties may not however question each other.

Questions should be relevant to the application and repetition will be discouraged.

Interested parties present their case and bring forward any witnesses, who are questioned (if necessary) in turn by:

(1) Members of the committee/subcommittee
(2) The Applicant;
(3) Responsible authorities;
(4) Licensing officer.

Step 6: Closing Statements

The chair will invite closing statements from the Responsible Authorities/Interested

2. A body representing persons living in the vicinity of the premises in question e.g. a Residents' Association.
3. A person involved in a business in the vicinity of the premises in question
4. A body representing persons involved in such business e.g. a Trade Association.

Parties and the applicant. Each party will be given a maximum of 5 minutes to sum up their representation(s).

Step 7: Members of the committee/subcommittee seek clarifications on any outstanding points

Members of the committee/subcommittee have a final opportunity to seek clarification on any points raised.

Step 8: Members of the committee/subcommittee retire to deliberate

The committee/subcommittee accompanied only by their legal adviser (and committee officer) will retire to make its decision in private.

Step 9: Decision notification

The committee/subcommittee usually readmits the applicant and other parties and the chair announces the decision. The legal adviser will provide the reasons for the decision and advises the parties that the decision will also be sent to them in writing and the rights of appeal. There can be no further questions or statements.

If the committee/subcommittee is unable to reach a decision, the chair will explain that all parties will be notified as soon as possible (but within 5 working days) of the decision and the reasons for such.