

LICENSING ACT 2003 – HEARING PROCEDURE

Pre-Hearing Matters

1. Welcome and the Reason for the Hearing
2. The procedure to be followed
3. Election of a Chairman for the Hearing
4. Welcome by the Chairman including any domestic arrangements/recording
5. Apologies for absence/substitutions
6. Declarations of interest by Members (if any)
7. The Chairman will introduce the Members of the Sub-Committee

The Chairman will introduce the Officer of the Licensing Authority, the Committee Officer and the Legal Advisor to the Sub-Committee;

Chairman will ask the Applicant and any person representing or assisting them to introduce themselves. (Confirmation also should be given that copies of the relevant representations to be considered at the hearing have been received);

The Chairman will then ask those present which have been deemed by the Licensing Authority to have made a valid representation to introduce themselves in the following order:

- (a) Responsible Authorities;
 - (b) Other Persons (Other Persons should confirm whether a spokesman or spokesmen have been nominated and, if so identify them).
8. The Chairman will ask all parties to the Hearing whether they wish to withdraw their application or representation.
 9. The Chairman will ask the Officer of the Licensing Authority to report:
 - (a) Whether any requests from a party for the Hearing has asked for permission for a witness to appear in support of their representation/application. (The Hearing Sub-Committee will determine any request.)
 - (b) Whether any documentary or other information that a party to the Hearing wishes to present. If there is any such material, the Chairman will ask all the other parties to the Hearing whether they consent to it being presented. If they agree, the material will be distributed.

10. The Chairman will invite the Applicant or his representative to estimate the time required to present their case and ask questions of other parties to the Hearing. He/She will then ask the other parties to the hearing whether they will require a longer period to present their representation and question the applicant. The Hearing Sub-Committee will determine the maximum period of time allowed for each party to put their case.

The Hearing

Immediately the Pre-Hearing Matters have been dealt with the Hearing will commence.

11. The Chairman will ask the Officer of the Licensing Authority to summarise the matter under consideration.

The Sub-Committee, Applicant, and those making representations may ask questions of the Licensing Authority Officer.

Starting with the Applicant, each party will exercise their rights within the identified maximum time, as follows:

- (a) Each party will present their case, including responding to any points of which the Licensing Authority has previously given notice, and call any approved witness in support of their case.
- (b) If given permission by the Chairman, and only through the Chairman of the hearing, each party may raise questions for any other party or witness.

The Applicant or his representative will be asked to give a closing statement.

12. The Chairman will put forward a motion to exclude the public to enable the Sub-Committee to deliberate in private session (if appropriate).
13. Members of the Hearing Sub-Committee and the Legal Advisor will leave the meeting/ask all other parties to leave the meeting to allow the Sub-Committee to deliberate in private session.
14. Members of the Hearing Sub-Committee return and the Chairman or Legal Advisor will announce the decision, together with the reasons for it or (alternatively) may announce that judgement is reserved and written reasons for decision will be provided at a later time.
15. The Legal Advisor will confirm that the decision and rights of appeal will be confirmed in writing.
16. The Chairman will close the meeting.