

LICENSING SUB-COMMITTEE REVIEW HEARINGS PROCEDURE SUMMARY

INTRODUCTION

1. The Chair introduces himself and invites other Members, Council officers, the Premises Licence Holder, representatives of responsible authorities, interested parties and the Review Applicant to do the same.
2. The Chair invites Members to disclose any prior contacts (before the hearing) with the parties or representations received by them
3. The Chair explains the procedure to be followed by reference to this summary which will be distributed.

NON-ATTENDANCE BY PARTY OR PARTIES

4. If one or both of the parties fails to attend, the Chair decides whether to:
 - (i) grant an adjournment to another date, or
 - (ii) proceed in the absence of the non-attending party.
 Normally, an absent party will be given one further chance to attend.

TOPIC HEADINGS

5. The Chair suggests the “topic headings” for the hearing. In the case of the majority of applications for variation of hours, or other terms and conditions, the main topic is:

Whether the extensions of hours etc. applied for would conflict with the four licensing objectives i.e.

 - (i) the prevention of crime and disorder,
 - (ii) public safety,
 - (iii) the prevention of public nuisance, and
 - (iv) the protection of children from harm.
6. The Chair invites comments from the parties on the suggested topic headings and decides whether to confirm or vary them.

WITNESSES

7. The Chair asks whether there are any requests by a party to call a witness and decides any such request.
8. Only if a witness is to be called, the Chair then asks if there is a request by an opposing party to “cross-examine” the witness. The Chair then decides any such request.

DOCUMENTARY EVIDENCE

9. The Chair asks whether there are any requests by any party to introduce late documentary evidence.
10. If so, the Chair will ask the other party if they object to the admission of the late documents.
11. If the other party do object to the admission of documents which have only been produced by the first party at the hearing, then the documents shall not be admitted.

| | | |
|---|--|--|
| 12. | If the other party object to documents produced late but before the hearing, the following criteria shall be taken into account when the Chair decides whether or not to admit the late documents: | |
| (i) | What is the reason for the documents being late? | |
| (ii) | Will the other party be unfairly taken by surprise by the late documents? | |
| (iii) | Will the party seeking to admit late documents be put at a major disadvantage if admission of the documents is refused? | |
| (iv) | Is the late evidence really important? | |
| (v) | Would it be better and fairer to adjourn to a later date? | |
| THE LICENSING OFFICER'S INTRODUCTION | | |
| 13. | The Licensing Officer introduces the report explaining, for example, the existing hours, the hours sought to be varied and the comments of the other Council Services or outside official bodies. This should be as "neutral" as possible between the parties. | |
| 14. | The Licensing Officer can be questioned by Members and then by the parties. | |
| THE HEARING | | |
| 15. | This takes the form of a discussion led by the Chair. The Chair can vary the order as appropriate but it should include: | |
| (i) | an introduction by the Review Applicant's main representative | |
| (ii) | an introduction by the Premises Licence Holder or representative | |
| (iii) | questions put by Members to the Review Applicant | |
| (iv) | questions put by Members to the Premises Licence Holder | |
| (v) | questions put by the Review Applicant to the Premises Licence Holder | |
| (vi) | questions put by the Premises Licence Holder to the Review Applicant | |
| CLOSING ADRESSES | | |
| 16. | The Chair asks each party how much time is needed for their closing address, if they need to make one. | |
| 17. | Generally, the Review Applicant makes their closing address before the Premises Licence Holder, who has the right to the final closing address. | |
| THE DECISION | | |
| 18. | Members retire with the Committee Clerk and legal representative to consider their decision including the imposition of conditions. | |
| 19. | The decision is put in writing and read out in public by the Committee Clerk once Members have returned to the meeting. | |