

LICENSING SUB-COMMITTEE PROCEDURE – GAMBLING ACT 2005 – HEARINGS REGULATIONS S.I. 2007 / 173

Each application that comes before this sub-committee will be treated on its own merits, and this licensing authority will take its decision based upon the requirement to aim to permit the use of premises for gambling in so far as this licensing authority think it:

- In accordance with any relevant code of practice
- In accordance with Gambling Commission guidance
- Reasonably consistent with the licensing objectives of the Gambling Act 2005
- In accordance with this licensing authority's Statement of Principles

THE PROCEDURE OF THE SUB-COMMITTEE IS AS FOLLOWS:

1. Chair opens the meeting, introduces members of the sub-committee and officers present and explains the procedure to be followed.
2. Chair asks sub-committee to deal with any preliminary issues e.g. non-attendance of parties, requests for adjournment, admissibility of documents or other evidence/representations.
3. The officer outlines the details of the application, any representations received and / or reasons why the licensing authority proposes to attach / exclude conditions, with relevance to the Gambling Commission's guidance, the licensing objectives, and / or the licensing authority's Statement of Principles, highlighting what the committee should have regard to / take into consideration and drawing attention to any other matters that may require clarification or discussion.
4. Members and the parties/representatives may ask any relevant questions of officer.
5. Chair invites applicant (or representative) to address the sub-committee (includes calling any 'witnesses').
6. Members ask relevant questions of applicant / 'witness'.
7. Parties that made representations to ask relevant questions of applicant / 'witness'.
8. Parties making relevant representations invited to address sub-committee.
9. Members ask relevant questions of party.
10. Applicant / other parties making representations / officer ask relevant questions of party.
11. Officer of the licensing authority to ask relevant questions of applicant / 'witness' (where the licensing authority proposes to attach / exclude conditions or there is some other issue requiring clarification/discussion).
12. Officer of the licensing authority invited to address the sub-committee (where the licensing authority proposes to attach / exclude conditions or there is some other issue requiring clarification/discussion).
13. Members ask relevant questions of officer.
14. Applicant / parties making representations ask relevant questions of officer.
15. All parties invited to summarise (if they so wish).
16. Chair asks all parties if they are satisfied that they have had the opportunity to say everything that they wish to.

17. Members of the sub-committee retire to reach a decision with the Committee Clerk and legal representative.

18. Decision and reasons will be outlined by the Committee Clerk.

PLEASE NOTE

- Changes of sub-committee membership (if any) will be given at the beginning of the meeting.
- Hearings may proceed even if one of the parties is absent. All notices and representations received from absent parties will be considered.
- Documentary evidence produced at the hearing will only be considered with agreement of all parties present.
- In cases where a decision cannot be given at the end of the hearing, the decision will normally be made within 5 working days after the day of the hearing and that the parties will be notified in writing.
- Parties have a right to appeal to the Magistrates Courts, within 21 days of notification of the decision.
- The sub-committee may on occasion find it necessary to exclude members of the press and public based upon the reasons set-out in SI 2007 / 173 article 8 which are if any unfairness to a party is likely to result from a public hearing, or there is a need to protect the commercial or other legitimate interests of a party.
- The hearing is intended to take the form of a discussion led by the sub-committee and cross-examination is not encouraged unless the sub-committee considers that it is required for the application to be properly considered.
- The sub-committee has the right to exclude any parties disrupting the hearing or require him / her to meet certain conditions for him / her to continue to take part in the hearing. Any person excluded in this manner is able to submit information in writing to the sub-committee before it finishes.
- Any part of the procedure may be waived or varied by the Chair if there is good reason to do so.
- This procedure is a summary of the more detailed Haringey Council Local Licensing Procedure Rules for Hearings which is available on request.