

## **Procedure to be followed when considering Licensing Applications under the Licensing Act 2003**

### **Procedure at the hearing**

1. The Chair will open the Hearing and introduce the Sub-Committee and Officers. They will then ask each Party to introduce themselves.
2. The Chair will confirm that if a Party is not present their representation / application will be read and taken into account in reaching the decision.
3. The Chair will address any registerable interest arising under the Code of Conduct.
4. The Chair will consider any submitted requests from a Party for permission for another person to appear at the Hearing. If necessary, the Sub-Committee will retire to deliberate before making a decision.
5. The Chair will confirm that the Hearing will take the form of a round-the-table discussion led by the Sub-Committee in accordance with this procedure. If all Parties present confirm that they have seen and understood the procedure to be followed at the Hearing and agree that they are ready to proceed then the Hearing shall commence.
6. The Chair will remind everyone that the purpose of the Hearing should be borne in mind at all times i.e. To enable those with a right to appear, to amplify their written application or representation. It is also to assist the Sub-Committee to gather evidence and understand the relevant issues.
7. The Chair will confirm what advance papers have been received and that these have been read.
8. The Chair will make clear that all Parties should only address the Sub-Committee in relation to matters they have raised in their application / representation. Any Party wishing to submit late evidence at the Hearing will only be able to do so with the consent of all Parties present and with the consent of the Sub-Committee.
9. The Chair will confirm whether all Parties have seen and understood the procedure to be followed and are ready to proceed with the Hearing.

10. The Chair will ask the Applicant whether they wish to make any amendments to their application with a view to addressing any issues raised by representations.

11. Order of Oral Presentation

(a) The Licensing Officer will present their report outlining the details of the application/notice/representations received.

(b) Any Party may question the Licensing Officer.

(c) The Members may question the Licensing Officer.

(d) The Applicant/Licence Holder will present their case and call any witnesses.

(e) Any Party may question the Applicant/Licence Holder and any witnesses.

(f) Members may question the Applicant/Licence Holder and any witnesses.

(g) Responsible Authorities will present their case and call any witnesses.

(h) Any Party may question the Responsible Authorities and any witnesses.

(i) Members may question the Responsible Authorities and any witnesses.

(j) Other Person(s) will present their case in turn and call any witnesses.

(k) Any Party may question the Other Person(s).

(l) Members may question the Other Person(s).

The Chair at their discretion, may change the order of oral presentation at any stage, if it is considered to be beneficial to the flow of the hearing.

12. Before moving on to the next Party, the Chair will check there are no further points the current Party wishes to make or any further questions that need to be put to that Party.

13. The Licensing Officer may present any further information such as proposed nonmandatory Conditions deriving from the Operating Schedule or suggested

by any Party. However, it will remain for the Sub-Committee to determine what conditions will apply, if any, should the application be successful.

14. Each Party will be invited to make closing submissions in the following order –
  - a. Responsible Authorities
  - b. Other Persons
  - c. The Applicant
  - d. Licensing Officer
  
15. The Chair will then close the Hearing and the Sub-Committee will retire to determine the matter. The Legal Advisor will retire with the Sub-Committee to answer any points of law.
  
16. The Sub-Committee will come to a decision which will be sent to the Applicant and all other relevant Parties together with the details of the right to appeal.

**NOTE:**

In producing this procedure the following has been considered: -

The relevant legislation and statutory guidance together with local policies and procedures.