

Licensing Act 2003 Committee

Hearing Procedure - Contested Applications

1. The Chair will introduce the Committee, introduce Officers present, explain the procedure to be followed and ensure those present understand that procedure.
2. The Licensing Officer will outline the nature of the matter to be considered by the Committee.
3. The Applicant and or their representative address the Committee and may call witnesses.
4. The Committee may ask the Applicant and/or their witnesses questions.
5. The Respondent and/or their representative addresses the Committee and may call witnesses.
6. The Committee may ask the Respondent and/or their witnesses questions.
7. The Respondent will be invited to summarise the application, respond to any points raised during the hearing and make a closing statement.
8. The Applicant will be invited to summarise the application, respond to any points raised during the hearing and make a closing statement.
9. The Committee will ask the parties and any witnesses to leave the Committee room whilst the Committee consider their decision. The Committee will however be accompanied for advice only by the Legal Advisor and Committee Administrator. The Committee may reconvene the meeting at any time to resolve points of uncertainty on matters already raised.
10. The Committee will invite the parties and their witnesses to return to the meeting room whereupon the Chair may announce the Committee's decision with reasons and advise that the decision will be released in writing in due course, or advise that the Committee's decision with reasons will be released within five working days of the hearing.

PLEASE NOTE:

- Where the Committee considers it necessary the procedure may be varied.
- In circumstances where any party fails to attend the Committee will consider whether to proceed in that party's absence or defer to the next meeting on notice to all parties that the matter may proceed in a party's absence. In deciding whether to proceed all notices and representations will be considered.
- Only in **exceptional circumstances** will the Committee take account of late documents, information or applications from a party which will be at the discretion of the Committee. No new representations will be allowed at the hearing.
- The Committee will disregard any information or representation presented by a party which is considered irrelevant.
- The hearing will take the form of a discussion and there will be no opportunity for Applicants to question or cross examine each other.
- If any person has special needs regarding access, hearing or vision, this should be brought to the Licensing Authority's attention prior to the hearing in order that reasonable adjustments can be made.
- Parties will be allowed an equal maximum period of time to make representations. Although time limits will be at the discretion of the Chair, in the interests of costs and efficiency, this will not normally exceed **thirty minutes** to include presenting and summarising the Application. The time limit will not include the time taken for questions.

N.B.

- The Chair may require any person attending the hearing who is behaving in a disruptive manner to leave the hearing and refuse to allow that person to return, or only allow them to return subject to certain conditions. Any person so excluded will however be entitled to submit to the Committee any information which they would have been entitled to give orally had they not been required to leave.
- Bath & North East Somerset Council is committed to taking decisions in an honest, accountable and transparent fashion, but on occasion may find it necessary to exclude members of the press and public based upon the legal framework given in the Local Government Act 1972 Schedule 12 (a). On these occasions reasons for decisions based on the above framework will be given.