

## **APPLICATIONS MADE UNDER THE GAMBLING ACT 2005**

### **LICENSING (GAMBLING AND LICENSING) SUB COMMITTEE HEARING PROCEDURE**

- 1) The Chair will introduce Members of the Sub-Committee and Officers present and will explain the procedure to be followed during the hearing
- 2) The Licensing Officer will outline the nature of the matter to be considered by the Sub-Committee.
- 3) In the following paragraphs:
- 4) where the term “party” or “parties” is used in addition to other terms this will mean anyone to whom notice of this meeting has been given.
- 5) Where the term Act is used this will mean the Gambling Act 2005.
- 6) (i) The Applicant/Licence Holder (“the Applicant”), or representative, addresses the Sub-Committee. The Applicant may be asked relevant questions with the Members’ consent.
  - i) (ii) The Applicant, or representative, may call witnesses in support of the application. Each witness may be asked relevant questions by the other parties and the Members with the Members’ consent.
  - ii) (iii) The Applicant, or representative, may be asked to provide further information on, or explanation of, any matter on which the Members may want further clarification.
- 7) (i) Any Interested Parties [defined in s.158 of the Act] making relevant representations, or representative, will take it in turn to address the Sub-Committee. The Interested Parties may be asked relevant questions by the other parties and the Members with the Members’ consent.
  - i) (ii) Any Interested Party, or representative, may call witnesses in support of their representations. Each witness may be asked relevant questions by the other parties and the Members with the Members’ consent.
- 8) (i) Any Responsible Authority [defined in s.157 of the Act] making a representation will address the Committee. The Responsible Authorities may be asked relevant questions by the other parties and the Members with the Members’ consent.
  - i) (ii) Any Responsible Authority may call witnesses in support of their representations. Each witness may be asked relevant questions by the other parties and the Members with the Members consent.
- 9) The Interested Parties will then be invited to briefly summarise their case if they wish.

- 10) The Responsible Authorities will then be invited to briefly summarise their case if they wish.
- 11) The applicant will then be invited to briefly summarise their application.
- 12) The Chair will invite the Sub-Committee to move into private session to enable the Sub-Committee to deliberate in private. The Sub-Committee may reconvene to resolve any points of uncertainty on the evidence already given. During their deliberation the Sub-Committee will be accompanied for advice only by the Legal Advisor and the Committee Administrator. The Sub-Committee may retire to a private room or alternatively require vacation of the meeting room by all other persons.
- 13) When the Sub-Committee resumes, the Chair will announce the decision in public; this will include the reasons (or advise that the decision will be released in writing with reasons within the statutory time limit in this instance 5 working days).

PLEASE NOTE:

- 14) Where the Sub-Committee considers it necessary to do so, it may vary this procedure subject to The Gambling Act (Proceedings of Licensing Committees and Sub Committees) (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007 (“the Regulations”).
- 15) The Sub Committee may proceed in the absence of a party or a party’s representative if that party has:-
  - a) Informed the Sub Committee that he does not intend to attend or be represented at the hearing (and has not subsequently advised the Sub Committee otherwise)
  - b) Failed to inform the Sub Committee whether he intends to attend or be represented at the hearing
  - c) Left the hearing in circumstances enabling the Sub Committee reasonably to conclude that he does not intend to participate further
  - d) Where a party has indicated that he does intend to attend or be represented at the hearing but fails attend or be represented the Sub Committee may decide to adjourn the hearing to a specified date if it considers it to be in the public interest
  - e) If the hearing is adjourned to a specified date the parties will be notified of the date, time and venue as soon as practicably possible
- 16) All notices and representations received from absent parties will be considered.

- 17) The Sub Committee will take into account any additional late documentary or other information produced by an existing party in support of their application/representation before the hearing or at the hearing with the consent of all the other parties attending the hearing. No new representations will be allowed at the hearing.
- 18) The hearing will take the form of a discussion but formal cross examination will not be permitted unless the Sub Committee considers that it is required for it properly to consider the application or representations made by a party.
- 19) The Authority will disregard any information or representation given by a party which is not relevant to the application, the Act, statutory guidance, or the Council's Statement of Principles.
- 20) The Chair will allow the parties an equal maximum period of time in which to make representations. The amount of time will be at the discretion of the Chair, but in the interests of costs and efficiency will not normally exceed twenty minutes. This will include the time taken for the presentation and the summing up, but not the time taken for questions.
  - a) N.B. Where there is more than one party making relevant representations it is advised that a spokesperson is nominated in order to avoid duplication and repetition. It is recommended that they arrive early to discuss the application with the other interested parties.
- 21) The Chair may require any person attending the hearing who is behaving in a disruptive manner to leave the hearing and may refuse to allow that person to return, or only allow them to return subject to certain conditions as the Sub Committee may specify.
- 22) Any such person may be permitted to remain at the hearing under such conditions as the Sub Committee may specify.
- 23) If such a person is required to leave the hearing the Sub Committee will allow them to submit to the Sub-Committee, before the end of the hearing, any information which they would have been entitled to give orally had they not been required to leave. The Sub Committee will take into account that information in determining the application.
- 24) 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 Regulation 8 of the Regulations. On these occasions decisions based on the above framework will be given.