

## **LICENSING ACT 2003**

### **LICENSING COMMITTEE HEARING PROCEDURE ALCOHOL, LATE NIGHT REFRESHMENT AND ENTERTAINMENT REVIEW OF PREMISES LICENCE / CLUB PREMISES CERTIFICATE**

- 1 The Chair will introduce Members of the Sub Committee and Officers present and explain the procedure to be followed.
- 2 The Licensing Officer will outline the nature of the matter to be considered by the Sub Committee.

*In the following paragraphs 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.*

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  - (i) The Applicant for Review (“the Applicant”), or representative, addresses the Sub Committee. The Applicant may be asked relevant questions about the matters before the Sub Committee by the other parties, the Licence Holder and the Members.
  - (ii) The Applicant or representative, may call witnesses in support of the application and each witness may be asked relevant questions by the other parties and the Members
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  - (i) Any interested parties [defined in s.69(3)] making relevant representations (or their representative) will take it in turn to address the Sub Committee and may be asked relevant questions by the other parties, the Applicant, the Licence Holder and the Members.
  - (ii) Any interested party (or their representative) may call witnesses in support of their representations and each witness may be asked relevant questions by the other parties, the Applicant, the Licence Holder and the Members.
- 5 Any Responsible Authority [defined in s.69(4)] making a representation will address the Sub Committee. The Responsible Authorities may be asked relevant questions by the other parties, the Applicant, the Licence Holder and the Members.
- 6 The Licence Holder (or their representative) will address the Sub Committee. The Licence Holder may be asked relevant questions by the other parties, the Applicant and the Members.
- 7 The Applicant will then be invited to briefly summarise the application.
- 8 The other parties will then be invited in turn to briefly summarise their points if they wish in the same order as before.
- 9 The Chair will invite the Sub Committee to move into private session to enable the Sub Committee to deliberate in private in accordance with Paragraph 14(2) of the Hearings Regulations 2005. The Sub Committee will only 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 Adviser 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.
- 10 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:**

- Where the Sub Committee considers it necessary to do so, it may vary this procedure.
- Decisions will generally be taken regardless of whether the Applicant is present. All notices and representations received from absent parties will be considered.
- Only in **exceptional circumstances** will the Sub Committee take into account any additional late documentary or other information produced by an existing party in support of their application/representation. This will be at the discretion of the Chair and with the agreement of all the other parties. No new representations will be allowed at the hearing.
- The hearing will take the form of a discussion. However, the Sub Committee will allow all parties to ask questions of another party present, as set out above, but formal cross examination will be discouraged.
- The Sub Committee will disregard any information or representation given by a party which is not relevant to the Application and the Licensing Act 2003.
- 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.

NB Where there is more than one party making relevant representations the time will be split between those parties. It is recommended that they arrive early to discuss the application with the other interested parties.

- 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 Sub 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 decisions based on the above framework will be given.