Licensing Hearings Sub-Committee Procedure

Introduction

The hearing of matters will be less formal than hearings before, for instance, a Magistrates’ Court. In particular, strict rules of evidence are not adhered to and information is not provided under oath. Nevertheless, proceedings before the Appeals Committee will observe basic rules of natural justice, which are:

- All parties should have an adequate opportunity to make representations and an equal opportunity to respond to those against them;
- Decision makers should be free from bias; and
- Any decisions must be based on evidence and not on speculation.

Procedure

1. The first item of business will be to appoint a Chairman for the duration of the meeting. Nominations will be sought from the Committee.

2. At the beginning of the hearing the Chairman shall:

   (a) explain the procedure to be followed, introduce the Sub-Committee to those present and explain the role of any Officers of the Council who are present (explaining that the Membership of the Sub-Committee does not include Ward Members).

   (b) invite the Parties and Representatives present to introduce themselves and provide the names of any witnesses they wish to call.

   (c) confirm that the Sub Committee’s decision will be made on the merits of the case and that the Members of the Sub-Committee will not be subject to political party whips.

   (d) ask the parties whether there is any reason why the hearing should not take place in public.

   (e) ask the parties whether they wish to seek permission for another person to appear at the hearing. Such permission will not be unreasonably withheld.

   (f) Remind the parties that representations should be relevant to the licensing objectives and that nothing new may be introduced at the hearing.

3. The Committee will consider whether the public should be excluded from all or any part of the hearing. This will only be done if the Committee considers that the public interest in so doing outweighs the public interest in the hearing taking place in public.

4. The Chairman will ask the Licensing Officer to outline the background to the case. The Licensing Officer’s role will be to provide factual information to the Sub-Committee.

5. The Chairman will ask each party to confirm that the summary given by the Licensing Officer is correct.
6. The hearing will take the form of a discussion led by the Sub-Committee (through the Chairman). Generally cross-examination will not be allowed. However in exceptional circumstances, the Sub-Committee has a discretion to permit cross examination. At any time during the hearing the Chairman may ask the Licensing Officer to clarify factual matters as and when they arise.

7. The Chairman will:

| (a) | Invite the **applicant/licence holder/notice giver** (including any other persons who have been given permission to participate) to address the Sub-Committee and call any witnesses. |
| (b) | Ask all other parties if they wish to clarify any points made, through the chair. |
| (c) | Invite members to seek clarification on any points, if necessary |
| (d) | Invite **Responsible Authorities** to address the Sub-Committee and call any witnesses. |
| (e) | Ask all other parties if they wish to clarify any points, through the chair. |
| (f) | Invite members to seek clarification of any points if necessary. |
| (g) | Invite **Representees** to address the Sub-Committee and call any witnesses. |
| (h) | Ask all other parties if they wish to clarify any points, through the chair. |
| (i) | Invite members to seek clarification of any points if necessary. |

8. Each party will be given on opportunity to sum up their case.

9. The applicant/licence holder/notice giver will be given the final opportunity to address the Sub-Committee.

10. Each party will be given a fair period of time by the Sub-Committee in which to put forward any additional information requested by the Council and address the Sub-Committee.

11. The Sub-Committee may exclude disruptive persons if necessary.

12. The Sub-Committee may adjourn the hearing if necessary.

13. The Sub-Committee may withdraw or ask the parties to withdraw so that it can consider its determination. The Sub-Committee may ask its Legal Advisor to provide it with legal and procedural advice. The nature of this advice will be notified to the parties. The Sub-Committee may also ask the Democratic Services Officer to be present during their deliberations in order to record the Sub-Committee deliberations.

14. The Committee will make its determination and at the end of the hearing and this will be confirmed in writing within 5 working days of the hearing.

*Approved at Licensing Committee – 16 June 2015*