

LICENSING COMMITTEE PROCEDURE

Whilst contested licensing applications are quasi judicial in nature the committee will try to keep proceedings as informal as possible. However, some degree of formality is needed to ensure all parties receive a fair hearing. The hearing shall take the form of a discussion led by the authority and cross-examination shall not be permitted unless the authority considers it necessary and at the discretion of the Chair. The procedure set out below is designed to ensure that all parties are able to express their views openly and fairly. Where a large number of interested parties are involved they will be encouraged to appoint a spokesperson or spokespersons so as to avoid duplication of evidence.

The procedure of the committee will be:

- 1) The chair will open the meeting and ask the Members and the officers present to introduce themselves.
- 2) The chair will ask the applicant, interested parties and the responsible authorities to introduce themselves and any witnesses they wish to call.
- 3) The chair explains the procedure to be followed.
- 4) The Licensing Officer outlines the facts (but not the merits) of the application, any relevant representations and relevance to the local authority licensing policy statement and statutory guidance.
- 5) The applicant or his/her representative may ask any relevant questions to the officer.
- 6) Those parties making representations may ask any relevant questions of the officer. The responsible authorities will be invited first, followed by interested parties.
- 7) Members may ask any relevant questions of the officer.
- 8) The applicant or his/her representative will be asked to present their case calling any witnesses.
- 9) The responsible authorities and interested parties may ask questions of the applicant. Only those who have made a relevant representation can ask questions. However where witnesses are called, each witness will give their evidence and may then be open for questioning once their evidence is finished.

10) The order for asking questions will be :-

- Responsible Authorities
- Interested Parties
- Members of the Committee
- Council Officers

11) Responsible Authorities and Interested Parties will then be given an opportunity to present their objections.

12) The order for asking questions will be: -

- The Applicant or his/her representative.
- Members of the Committee
- Council Officers

13) All parties may make a final address to the committee concluding with the applicant or his/her representative.

14) Members of the committee will retire to discuss and make their decision accompanied by the Council's legal representative.

15) Chair relays the decision and the reasons given for the decision, and any conditions placed upon the licence (if applicable) plus the licensing objective to which they relate. In exceptional cases where the determination can not be given at the conclusion of the hearing the authority will make its determination within the period of five working days beginning with the day or the last day on which the hearing is held.