

**Review Hearing Procedure
For Licensing Sub-Committee**

(FOR MEMBERS ONLY)



Legal Officer to start the Sub Committee.

If necessary, the Legal Officer reads out fire instructions located in the Chamber (not required if trained fire warden attending). Opens the Sub Committee and goes through the agenda. The first item is the election of the Chairman for the meeting. Nominations are sought and confirmation of the Chairman is made

Legal Officer

The first item is the election of a Chairman.

Can I have a nomination..... (wait for nomination)thank you ...can I have seconder..... (wait for seconder) thank you.

I therefore confirm the Chairman for this meeting will be Cllr.....

Then the Chairmanship of the Sub Committee is handed over to the elected Chairman.

Chairman of Committee –

Go through remainder of Committee Agenda.

**“Good morning/afternoon, I am Cllr.....
of.....Ward, Chairman of today’s Licensing Sub-
Committee. I would like to introduce the other members of the
Sub Committee,**

Cllr.....of Ward, Cllr..... of Ward

The Reserve Member for the Sub Committee is

**Cllr of Ward and therefore will not
be involved in the determination of this matter unless called
upon to be a reserve for a member of the Sub Committee.**

**There is an agenda before the Licensing Sub Committee and
the Committee needs to go through that agenda before
dealing with the Application before it.**

**The second item on the agenda is declarations of interest.
Could I ask Members for any declarations of interest?**

(members must confirm the nature of their interest. Legal Officer
to check that interests are acceptable to allow the member to
continue.)

**We are here today to deal with the one application on the
Agenda. The application is for the Review of the Premises
Licence for**

.....

**I will now ask Legal Officer to set out the procedure and order
for applications. Please could all parties listen carefully so as**

to ensure that they are aware of the how matters will proceed.”

Legal Officer sets out

1. Arrangements

The Council operates a seating arrangement for its Licensing Sub Committees. If you are a speaker you should have a microphone in front of you. When asked to speak, please press the microphone on. Once you have finished please turn your microphone off.

2. Advising on attendance

All parties should have registered themselves with the Council's Committee Clerk, to confirm their right to address the Sub Committee. If any party has not done so could you identify yourselves now?

(Wait to see if anyone says anything).

3. Procedure

The Council's Hearing Procedure is as follows:

The Applicant is the person or body seeking the review. In the present case it is the *(Police or alternative)*. There may be interested parties and those that represent the Premises that may wish to be heard.

Would those speaking, clearly state their full name and their address and who they represent when making their representations circumstances. The Licensing Sub Committee does not operate

timing restrictions for this Sub Committee nor does it restrict the numbers of speakers from whom it expects to hear.

The Applicant and any interested parties are reminded that the Committee will not attach weight to the volume of oral submissions and that the Committee is only able to consider the effect on the four licensing objectives which are:

The prevention of crime and disorder
Public safety
The prevention of public nuisance
The protection of children from harm

Today's hearing will take the form of a discussion lead by the Authority. If parties have questions of other parties, they should be put through the Chairman or permission will need to be sought from the Committee to put questions directly.

The Committee will not generally permit cross examination unless it considers that such is required for it to consider the representations, application or notice. Any such request for permission should be considered very carefully and made once all parties have made their representations.

Once all the parties have finished, the Committee may invite closing statements from the parties if the Committee feels that to do so would assist them, otherwise, closing statements will not be required.

The Order for the application will be

1. Licensing Officer introduces her report

Then any parties wishing to speak will be able to do so in the following order

2. Applicant for the Review
3. Statutory Consultees
4. Other interested parties
5. Premises Licence Holder

The Sub Committee may ask questions of any party throughout as may the Legal Officer. Finally, in order to ensure all parties receive a fair hearing the any part of this procedure may be waived altered or modified by this Sub Committee.

Chairman of Committee

Thank you. I hope is all clear of everyone. Could the Licensing Officer to present a summary of her report.

Licensing Officer

Thank you Chairman.....(Licensing Officer presents her report)

Chairman of Committee

Do members of the Committee have any questions of the Licensing Officer?

(After all questions asked)

Could I now ask the Licensing Officer to confirm who the speakers are today and then to introduce each speaker to the Sub Committee as their turn arises.

Licensing Officer

(The Licensing Officer will then list all those parties intending/wanting to speak)

I would confirm that the following people and parties with a right to speak have confirmed that they wish to do so today:

The Statutory Consultees: Fire/Police/etc

The Applicant : *(list who)* (and if calling witness) who is calling the following witnesses: *(list who)*

Ward Parish Cllrs: *(list who)*

Objectors:*(list who)*

(The Licensing Officer will then introduce all the speakers in turn)

Chairman, could I now ask the Statutory Authorities to make their representations

Chairman of Committee

Please could the Applicant for the Review present their

Application.

(After all applicant has finished)

Chairman of Committee

Do members of the Committee or the Legal Advisor have any questions of this party?

If none move on to next representation –

Licensing Officer who is next?

The following procedure is repeated for each speaker

1. Licensing officer to say who is next
2. Chairman to ask the party to introduce themselves
3. speaker finishes
4. Sub Committee and Legal Advisor asks questions of the speaker.

****Chairman of Committee**

Thank you. Could the next speaker introduce themselves by confirming their name and who they represent and then make their submission. Please confirm when you have finished as once you have, the Sub Committee and the Legal Advisor may ask you some questions they wish to ask you.

Speaker Finishes

Chairman of Committee

Do members of the Committee have any questions of this party?

If none move on to next representation –

Licensing Officer who is next?

Licensing Officer

The next speaker is

Repeat process as per ** above for each speaker

Chairman of Committee

(after they have finished)

Do members of the Committee have any questions

All objectors finished

Licensing Officer

Chairman could I now ask for those that represent the Premises to make their representations . (name)..... represents the premises.

Chairman of Committee

Thank you. Could the representatives of the Premises introduce themselves by confirming their name and who they represent and then make their submission. Please confirm when you have finished as once you have, the Sub Committee and the Legal Advisor may ask you some questions, they

wish to ask you.

Chairman of Committee

Do members of the Committee or the Legal Advisor have any questions

NB There is no summing up process for the speakers unless the Sub Committee through the Chairman has invited parties to sum up

Chairman of Committee

Thank you to all those that have made representations and submission to the Sub Committee.

As this case has heard a lot of parties the Sub Committee would like to afford the parties an opportunity to sum up their case if they would like to. The order for summing up will be the same as the order of those making representations.

Can I now ask the first speaker to sum up.....

(repeat for all parties wishing to speak)

Once All objectors have spoken – the Committee needs to move to closed session for the deliberations.

Matter fully heard - (Retire to consider)

Chairman of Committee

I now invite the Sub Committee to move to private session by passing a formal resolution to enable the Licensing Sub Committee to deliberate in private and to take legal advice. Any legal advice given will be repeated in open session upon our return and will be provisional until confirmed in open session.

On return

Chairman of Committee

**Please could I ask the parties to be seated. Thank you.
Could I ask the Legal Officer to confirm what if any legal
advice was given.**

(if any legal advice given - needs to be confirmed in open session and all parties should be allowed to comment)

Legal Officer sets out

I confirm that (either) no advice was given
Or
The following advice was given (set out)
And I confirm this now in open session.
Chairman, since I have given the advice I would now invite you to
ask the parties for any comments if they do not agree with the
advice
(or if the advice calls for no comment say so)

Chairman of Committee

**Thank you, do any of the parties have any direct comment to
make on the advice given to this Sub Committee?**

(consider any comments and ask the legal officer to reply and then
make a decision on whose advice/comments are preferred)

(then deliver the Decision as per pro forma)

**READ OUT THE DECISION
OF THE SUB COMMITTEE
AS PER THE PRO FORMA AND THEN THE
RIGHTS OF APPEAL STATEMENT**

Situation 2 : If adjournment requested:

Chairman of Committee

“Thank you. I hope that is all clear of everyone. Could we start with the application on the agenda.

Could the Legal Officer confirm the current position on this application?

Legal Officer

Thank you Chairman. A request for an adjournment has been made by the Premises Licence Holder and perhaps we could hear from them first.

Premises Licence Holder makes his application for an adjournment

Chairman of Committee

Do members of the Committee have any questions

Legal Officer

In light of the request that has been put to you, if you are minded to grant the adjournment I would recommend as follows:

examples

- 1. An adjournment for 6 weeks to enable completion of the sale of the premises. The date to fixed and we will advise the parties*
- 2. the premises to remain closed to the public until the Review application has been disposed of either through a*

determination or through its withdrawal by Surrey Police.

Members to discuss adjournment.

Chairman of Committee

I confirm that the application for review of the premises licence at the is

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adjourned for 6 six weeks, to a date to be advised and that the premises will remain closed to the public until the Review Application has either been determined or withdrawn by Surrey Police.