

**Hearing Procedure  
For Licensing Sub-Committee  
(for new or variation applications only )  
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 –**

Open Sub Committee and go through the rest of the Committee Agenda as per papers.

**“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 the 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.**

**Can I now ask the Sub Committee for any declaration of  
interests relating to items on this agenda?**

(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 application/s on the  
Agenda and 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

1. Arrangements
<p>The Council operates a particular 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.</p>
2. Advising on attendance
<p>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?</p> <p><i>(Wait to see if anyone says anything).</i></p>
3. Procedure
<p>The Council's Hearing Procedure is as follows:</p> <p>The parties will each be allowed to make their representations/submissions.</p> <p>Would those addressing the Sub Committee, clearly state their full name their address and who they represent when making their representations.</p> <p>No timing restrictions are in force for this Sub Committee nor does it restrict the numbers of speakers from whom it expects to hear.</p> <p>However, please consider carefully, whether you can add anything further to what may already have been said. Those making objections to the application are reminded that the Sub Committee will not attach weight to the volume of oral submissions. The Committee is only able to consider the application in relation to the four licensing objectives, being</p> <p>The prevention of crime and disorder Public safety</p>

The prevention of public nuisance  
The protection of children from harm

and how the application promotes those objectives.

All those present should be aware that the Sub – Committee cannot take into account any documentary or other information produced by any party to support their position, if it has not been previously produced.

It will only do so at the hearing with either the consent of all the parties or in exceptional circumstances determined by the Chairman.

The hearing will take the form of a discussion, led 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 Chairman to put questions directly.

Cross examination will not be allowed. Questions of clarification through the chair will be permitted or where it is necessary to enable consideration of representations made or as to the detail provided in the application.

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 it, 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. Statutory Consultees

3. Applicant

4. Objectors

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 time limits imposed on any part of this procedure may be waived altered or modified by the Sub Committee.

### **Chairman of Committee**

**“Thank you. I hope that is all clear of everyone. Could we start with the Application on the agenda. Could the Licensing Officer present a summary of her report.**

### **Licensing Officer**

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

### **Following end of presentation of the 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 in turn.**

### **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)* Objectors:*(list who)*

Chairman, the Statutory Authorities to will be the first to make their representations. The Order will be ( eg Police, Fire, Environmental Health)

**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 first party 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 wish to ask you some questions.**

**Please note there may be more than one Statutory Authority making a representation so this may be repeated.**

### **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?**

## Licensing Officer

The next speaker is .....

**Repeat process as per \*\* above for each speaker**

***NB There is normally no summing by each Speaker. However, if the Sub Committee would like each party to sum up then the Chairman can invite the parties to do so.***

## **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 parties have spoken – the Committee needs to move to closed session for the deliberations.**

**Chairman of Committee** (Retire to consider)

**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

(The Licensing Sub Committee is reconvened)

### Chairman of Committee

**Thank you.**

**Could I ask the legal officer to confirm what if any legal advice was given in the closed session.**

(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**