

THE PROCEDURE FOR HEARINGS OF THE LICENSING PANEL

ORDER OF THE HEARING

Licensing Sub-Committee hearings shall be conducted as follows:

- 1) A Chairman will be elected for the duration of the Sub-Committee hearing.
- 2) The Chairman will open the proceedings by stating the nature of the matter which is to be considered and will welcome the parties, introduce them and confirm the roles of those present.
- 3) The Chairman shall first call upon the Licensing Authority's representative to put forward their case. This will include confirmation of whether or not the formal requirements in respect of the matter to be considered have been complied with.
- 4) If satisfied as to the formal requirements, the Sub-Committee will consider the merits of the application or proposed suspension/revocation and the report of the officer. The Panel may ask the Licensing Authority's representative for clarification of any points.
- 5) The applicant shall have an opportunity to put questions to the Licensing Authority's representative.
- 6) The Chairman will then invite (if any) Responsible Bodies who have made representations to speak. The Sub-Committee may ask Responsible Bodies interested parties questions and points of clarification.
- 7) The Chairman will then invite (if any) interested parties who have made representations to speak. The Sub-Committee may ask interested parties questions and points of clarification.
- 8) The Chairman will then invite the applicant or licence holder to make any representations.
- 9) The Chairman, members of the Sub-Committee and the Licensing Authority's representative may ask the applicant questions and points of clarification. Having heard the applicant's statement, any Responsible Authorities in attendance will be given the opportunity to respond.
- 10) An opportunity shall be given to the Licensing Authority's representative and the applicant, in that order, to sum up their case (but not to add any new facts).
- 11) The Sub-Committee members, the representative from Legal Services and Clerk to the Sub-Committee shall withdraw. Officers present do not take part in the decision making but will provide legal and procedural advice and record the decision.
- 12) The members of the Sub-Committee consider their decision. The applicant or his/her representative (if any) and any officer present is asked to remain in attendance and if any further clarification or information is required from the applicant or licence holder or any officer, this will be sought by the clerk.
- 13) The decision of the Sub-Committee shall be notified to the applicant and her/his representative (if any) within five working days following the meeting. In most cases, a verbal decision will be given on the day of the hearing.

ROLES OF THOSE AT THE HEARING

- 1) The Licensing Authority's representative is present at the hearing to present the professional officer's case for refusal, suspension or revocation of licences. They are also present to challenge points put forward by the applicant.
- 2) Members of the Sub-Committee are present to consider and determine an application or to consider if a licence should be suspended or revoked. In doing so they will follow the above procedure.
- 3) The Reserve Committee Member will be present throughout the hearing up until the Sub-Committee retires to deliberate the application in private. The Reserve member will not take part in either the public discussions or the private deliberations unless they are required to substitute for one of the Sub-Committee members for any reason.
- 4) The Legal representative is present to provide legal advice to the members of the Sub-Committee and to assist in the clarification of any issues which might arise.
- 5) The representative from Democratic Services is present to provide procedural advice to members of the Sub-Committee and to record the decision.