

PUBLIC HEARINGS

1. Licensing Sub Committee

The Licensing Sub Committee comprises three Members of the Licensing Committee with the proviso that Members do not serve on the Sub Committee if the application to be considered relates to premises within the Ward they represent.

2. Prior to the Hearing

- (1) Objections to licensing applications are admissible from any individual, body or businesses that has grounds to do so.
- (2) Common Councilmen may submit objections to licensing applications where they have grounds to do so.
- (3) When a licensing application is opposed, the Corporation will, if practicable, try to assist the applicant and the objector(s) to reach agreement in order to avoid the need for the Licensing Sub Committee to decide the issues between the parties.
- (4) If an objection is pursued, the application will be determined by the Licensing Sub Committee at a public hearing.
- (5) Licensing Sub Committee will deal with an opposed application without a hearing if all the parties agree.
- (6) Site visits may be arranged to premises which are the subject of licence applications to enable Sub Committee Members to become familiar with the issues to be considered. During the visits, Members will be accompanied by a licensing officer(s) and they should only enquire about and discuss factual matters, avoiding the temptation to put forward their own opinions. They should not, under any circumstances, accept refreshments on the premises or any other gift or offer of hospitality.
- (7) Applications must be heard within 20 working days of the closing date for the receipt of representations. For the purpose of calculating the 20 days, the day following the date for the receipt of representations counts as day one.
- (8) The applicant, objector(s) and Members of the Sub Committee are informed of the date and time of the public hearing well in advance of the meeting (normally 10 working days). All parties are sent copies of the agenda and supporting papers at least five working days before the meeting and the applicant and objectors are given times to attend.
- (9) In considering applications, Members are required to sit in a quasi-judicial manner. The hearing has a degree of formality, although the strict rules of evidence do not apply and evidence is not given on oath.

- (10) The Licensing Sub Committee is required to consider applications in the context of the licensing objectives set out in the legislation as follows:-
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm

3. The Hearing

- (1) Hearings are held in public and normally finish on the same day. Both the applicant and the objectors can call witnesses. Objectors and witnesses may leave, if they wish, once they have given evidence.
- (2) The Procedure adopted at licensing hearings is set out in the Appendix .
- (3) Copies of this Protocol and the Procedure for the hearing will be supplied to the applicant and the objectors.
- (4) The decision of the Licensing Sub Committee will be communicated in writing to the applicant and the objector(s), or their legal representatives as appropriate, as soon as practicable following the hearing.

4. Common Councilmen who are not Members of the Licensing Sub Committee

- (1) A Common Councilman who is not a Member of the Licensing Committee may speak at a hearing in any of the following capacities:-
- as an applicant or an objector
 - as an advocate for either the applicant or the objector(s)
- (2) A Common Councilman attending a licensing hearing in a personal capacity to support or object to an application should consider whether they have a prejudicial interest. A Member must regard themselves as having a prejudicial interest if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest.
- (3) The applicant automatically has the right to see, in advance, the nature of the objection or representation and the right to reply. Members should disclose any interest they may have, including the fact that they have been in contact with objectors, the applicant, an interested party or a relevant authority if this is the case and whether they are speaking on behalf of such persons or any particular interest.
- (4) A Common Councilman who is not a Member of the Licensing Sub Committee but who is attending one of its meetings should not communicate with Members of the Sub Committee or pass papers or documents to them before or during the meeting. He/she may not attend briefings or accompany the Sub Committee when it retires to deliberate in private.

5. Appeals

Applicants and/or objectors aggrieved by a decision of the Licensing Sub Committee have a right of appeal to the Magistrates' Court. The appeal must be lodged within 21 days of the date on which the decision letter was despatched to the applicant and the objector(s), or their legal representatives.

APPENDIX

LICENSING SUB COMMITTEE PROCEDURE FOR PUBLIC HEARINGS

1. At the commencement of the hearing the Chairman of the Sub Committee will introduce himself and other members of the Sub Committee. Those parties making representations will then be asked to introduce themselves along with any persons accompanying them. The applicant will then do likewise.
2. The Chairman will then explain the purpose of the hearing and the procedure to be followed at the hearing. The Sub Committee will then make any rulings necessary in respect of requests for witnesses to heard in support of any of the parties making representations or the applicant.
3. Those making representations will then be invited to present their case. Repetition will not be permitted. Where there is more than one party making representations and/or calling witnesses in support consideration should be given to having one spokesperson on behalf of all parties so as to avoid repetition. Although the use of a spokesperson will be encouraged by the Sub Committee the decision rests with those parties making representations.
4. The party(s) making representations and any witnesses giving evidence in support will answer any questions put to them by members of the Sub Committee. In the event that the Sub Committee has decided that cross-examination will be permitted, the applicant will be invited to ask questions of the party(s) making representations and their witnesses (if any).
5. The applicant will then be invited to present his case and call any witnesses in support of his application. The applicant will be entitled to the same period of time to present his case as those making representations were afforded.
6. Following completion of the applicant's submissions Members of the Sub Committee will then ask questions of the applicant and any witnesses called in support of the application. If permitted by the Sub Committee, those making representations will then ask questions of the applicant and/or witnesses called in support.
7. The Chairman will then ask all parties if there is anything else they would like to add in support of their respective cases.
8. Those making representations will then be invited to make closing submissions followed by the Applicant.
9. The Sub Committee will then retire with the Town Clerk to consider their decision.
10. In due course, the Sub Committee will return to announce their decision.

