

## **LICENSING ACT 2003 PROTOCOL TO BE FOLLOWED IN HEARINGS**

All hearings will be conducted in public by a Licensing Sub-Committee, unless it is necessary to sit in private.

Each application will be considered on its merits, taking the following factors into account

- The four licensing objectives, namely
  - Prevention of crime and disorder
  - Public safety
  - Prevention of public nuisance
  - Protection of children from harm
- The policy of the licensing authority
- Statutory guidance issued by the Secretary of State for Culture, Media and Sport

The proposed procedure will be as follows

- The Chair will introduce the members and officers present, identify the applicant and responsible authorities and interested parties who have submitted representations and explain the purpose of the hearing together with the procedure to be followed.
- The Chair will seek confirmation that the application is complete.
- The Chair will indicate, if appropriate, that the members of the sub-committee have read the papers and that the parties do not need to repeat their written submissions, unless to clarify specific points notified to them by the Authority.
- The Chair will invite the applicant to address the hearing.
- Members may ask questions of the applicant.
- Other parties may ask questions of the applicant if appropriate.
- The Chair will invite the responsible authorities to present their representations.
- Members may ask questions of the responsible authorities.
- Other parties may ask questions of the responsible authorities if appropriate.
- The Chair will invite the interested parties to present their representations. Where a large number of similar written representations have been received, the Chair may request that the parties nominate a spokesperson on their behalf.
- Members may ask questions of the interested parties.

- Other parties may ask questions of the interested parties if appropriate.
- The Chair will invite the applicant and all other parties to summarise their points if they wish to.
- The legal adviser to the Sub-Committee will advise on any points of law.
- The Sub-Committee will make a decision upon the application.
- If the Sub-Committee is minded to grant the licence subject to conditions of a specific nature, it may ask the parties to draft such conditions. Comments will then be invited upon the proposed conditions.
- Once the Sub-Committee has made its determination, the decision and the reasons for the decision may not be provided on the day of the hearing but will be provided in writing within five working days.

### Please note

- Late representations and evidence will only be accepted with the agreement of all parties present.
- All parties will be allowed a reasonable and equal amount of time to present their case as determined by the Chair.
- If the hearing is for a review, the premises licence holder will become a separate party entitled to present his/her case and question other parties as appropriate. Where the review follows a closure order, it is likely that the Police will be treated as the applicant for procedural purposes.
- Cross-examination will not normally be permitted unless the sub-committee considers that it would be necessary in the circumstances of the case.
- The Sub-Committee may exclude any parties from the hearing who are behaving in a disruptive manner.
- The Sub-Committee may adjourn the hearing to a further specified date if it considers such action necessary, giving its reasons for doing so.