

Item 6

**Licensing Procedure Rules -
Licensing Sub-Committee**

Application

These Procedure Rules shall apply to all hearings of applications and other matters pursuant to the Licensing Act 2003 and subordinate legislation and any amendments thereto.

Terms of Reference of the Licensing Sub-Committee:

1. Ward Councillors will have no involvement in the decision making process.

Procedure for hearing licensing applications:

1. The Council's scheme of public participation will not apply.
2. At the commencement of the hearing the Chairman will explain the procedure to all those present.
3. The Hearing shall take place in public. The Sub-Committee may exclude the public from all or part of the hearing where it considers that the public interest in so doing outweighs the public interest in the hearing or that part of the hearing, taking place in public .
4. A party to whom notice has been given may attend the hearing and may be assisted or represented by a person whether or not that person is legally qualified.
5. The hearing shall take the form of a discussion led by the Sub-Committee.
6. Cross-examination will not be permitted unless the Sub-Committee considers it is required for it to consider the representations, application or notice as the case may require.
7. The Sub-Committee may impose a maximum period of time for each party to address the Sub-Committee.

8. To facilitate the discussion the following procedure will be followed:
 - (i) The Licensing Manager of the Council or his representative will present the facts of the application and action taken, to the Sub-Committee.
 - (ii) The Applicant or his representative may address the Sub-Committee
 - (iii) Other parties may address the Sub-Committee in the following order
 - Responsible authorities
 - Interested parties
9. The Sub-Committee may permit the applicant or any party to question any other party.
10. The Members of the Sub-Committee may ask any questions of the Licensing Manager or his representative, or of any party or other person appearing at the hearing.
11. Documentary or other evidence may be produced at the hearing with the consent of all the parties.
12. Where a party fails to attend or be represented and the Sub-Committee considers it necessary in the public interest it may adjourn the hearing to a specified date or hold the hearing in a party's absence.
13. The Sub-Committee may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and refuse to permit that person to return or permit him to return only on such conditions as the Sub-Committee may specify. Any such person may submit to the Sub-Committee in writing before the end of the hearing any information which he would have been entitled to give orally had he not been required to leave.
14. The Sub-Committee may ask questions of its legal adviser.
15. The Sub-Committee will deliberate in private.
16. The Sub-Committee may request advice in private of its legal adviser regarding the drafting of reasons.

17. In the case of a hearing under the sections and circumstances set out in Regulation 26(1) of the Licensing Act 2003 (Hearings) Regulations 2005 (or any amending legislation) the Sub-Committee will make its determination at the conclusion of the hearing.

In any other case the Sub-Committee will make its determination either at the conclusion of the hearing or within the period of five working days beginning with the day or the last day on which the hearing was held.

18. A record of the hearing will be taken in a permanent and intelligible form.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
No of Annexes:	None		
Author:	Michael White	Ext:	8013
File Ref:			
Report to:	Licensing Sub Committee	Date:	11 th May 2006