

LICENSING SUB COMMITTEE – FOR MATTERS UNDER THE LICENSING ACT 2003

GUIDANCE AND PROTOCOL FOR ATTENDEES

Who will be there?

- Councillors: The sub-committee is made up of three Councillors who are drawn from the Licensing Committee. At the beginning of the meeting one of the Councillors will be elected as Chairman
- Legal Advisor: who will provide legal advice to the sub-committee and ensure that the hearing is carried out lawfully
- Democratic Services Officer: who is there to record the minutes and ensure the meeting is procedurally correct
- Licensing Officer: who has written the agenda report and will introduce it at the Hearing
- Speakers: This may include an applicant, statutory bodies (such as the Police or Environmental Health) and objectors as well as any representatives.

What happens at the meeting?

1. At the start of the meeting, the sub-committee will elect the person who will chair the meeting.
2. After dealing with any other matters, such as asking for any declarations of interest, they will turn to the application which is first on the agenda.
3. They will address everyone to set out how the meeting will run, and they may ask who is in attendance before starting the application.

At this stage they will just be seeking to confirm who the interested parties are, this will not be the time to state your opinion on the application, other than to confirm, if asked, whether you are attending to support or oppose it.

They may also decide, depending on how many are in attendance, to impose a time limit on speaking which should be fair to all parties.

4. The Chairman will invite the Licensing Officer to introduce their report.
5. The Chairman will then invite the applicant to speak first to summarise their application and make their case as to why the application should be granted. The sub-committee may ask questions. They may allow other parties to ask questions of the applicant.
6. The sub-committee will then move on to hear from the other parties present, each in turn, and may ask questions. Only those who have submitted a valid representation are permitted to speak. (They can elect a representative to speak for them, but that person would be limited to speaking to the original comments and cannot introduce

anything which would be their own views/evidence). They may allow the applicant to ask question of any of the parties.

7. The sub-committee will then usually retire into another room to make their decision and may give an indication of how long that may be. Upon their return they will usually announce the decision to those present, though they have the right to not announce there and then but to issue within 5 days.

Licensing Objectives

The final decision of the sub-committee must be based on the four licensing objectives of:

- the Prevention of Crime and Disorder
- the Promotion of Public Safety
- the Prevention of Public Nuisance
- the Protection of Children from Harm

Speaking at the Hearing

People who have made a representation on a licensing application are asked only to address the issues they raised during the consultation period. They may not raise new concerns and the sub-committee would not be entitled to consider them.

The sub-committee will consider the concerns raised and how they relate to the four Licensing Objectives. If another person has raised the same concern as you then there is no need for you to repeat them, although you may briefly choose to say that you agree with them.

If a few of you would like to express similar concerns about an application then you may decide it is best to select one spokesperson who can speak for you all as a group.

Asking Questions

During the Hearing the sub-committee may check whether you would like to ask questions to the applicant or another speaker. This can be a helpful opportunity to clarify concerns that you have.

We encourage the Hearing to be constructive and more of a discussion than a court room. Questions must not be used as a chance just to repeat your comments or to criticise.

New Documents

New documents cannot be made available at the Hearing unless this has been agreed by both the sub-committee and the other side.

Disruption

The sub-committee ask that all those present at the Hearing are respectful of the other people when they speak.

Although all sides may have strong opinions about an application this does not excuse any rude or disruptive behaviour. You should not make audible remarks when others are speaking, or disrupt the meeting by any form of heckling or angry behaviour. If such

behaviour is observed, the chairman may ask that person to leave and, if necessary, may stop the hearing.

Anyone removed from the Hearing may be invited only to submit their comments in writing.