

THE VIRTUAL COUNCIL

LICENSING SUB-COMMITTEE PROCEDURE

LA 2003 APPLICATIONS

## PROCEDURE BEFORE THE HEARING FOR REMOTE HEARINGS

1. 7 Days before the Hearing is due to take place the Council will write to the parties with a list of issues they would like any party to specifically address them on or clarify at the hearing.
2. If in light of the Council's list of issues any party wishes to produce any further documentary evidence they should submit this to the Council 3 days before the hearing.
3. Any documentary evidence that is not submitted to the Council 3 days before the hearing will not be admitted without the agreement of all parties. If it is essential to a party's case that the material be admitted, then the Sub-Committee will consider adjourning the hearing to allow all parties a fair opportunity to consider it.
4. Should any party wish to rely on any points of law, specific references in the s.182 Guidance, specific references in the Council's Policy or any other external resources, these should be set down in an electronic document and submitted to the Council 3 days before the hearing.

## ORDER OF PROCEEDINGS AT THE HEARING Licensing Sub-Committee

The procedure outlined in this booklet and which was enclosed with the notice of hearing sent to each party will be followed.

Each party will have the same amount of time in which to address the Sub-Committee. A time limit has not been set, however, in circumstances where there is pressure on the Sub-Committee to hear numerous applications in a short period of time, or for any other valid reason, the Sub-Committee may impose a time limit on presentations.

Any person behaving in a disruptive manner will be asked to leave the hearing, however, if this occurs, that person will be entitled to submit in writing any information they would have been entitled to give orally.

The Authority will provide a record of the hearing in a permanent and intelligible form and keep it for 6 years from the date of determination or disposal of any Appeal.

The Hearing will be recorded and the recording placed on the Council's website.

## **1. CHAIR'S INTRODUCTION AND OPENING COMMENTS**

The Chair to welcome those present, introduce those in attendance at the hearing, to outline the procedure to be followed.

## **2. LICENSING MANAGER**

2.1 To outline the application.

## **3. THE APPLICATION**

3.1 The Applicant and/or their representative to address the Sub-Committee, present information in support of the application, and to call any witnesses in support of the application, one witness at a time.

3.2 The Applicant and each of their witnesses may be questioned by: -

- Members of the Sub-Committee
- The Sub-Committee's legal adviser

## **4. THE REPRESENTATIONS**

4.1 Any Party making representations and/or their representative to address the Members of the Sub-Committee, providing any information in support of their representation, and to call any witnesses in support of their representation.

4.2 These representations will be taken in the following order: -

- Police Representation
- Fire Service Representation
- Environmental Health Representation
- Social Services Representation
- Public Representation
- Other interested parties

4.3 The party and any of their witnesses may be questioned by: -

- Members of the Sub-Committee
- The Sub-Committee's legal adviser

This will be repeated for each person making representations.

4.4 Where there are groups of individuals with a common interest, for example Local Residents, presentation through an appointed spokesperson is preferred but not mandated.

## **5. CROSS EXAMINATION**

5.1 Cross-examination of another party is not normally permitted. However, the Sub-Committee will consider any application for permission to cross examine another party should any party wish to make such an application.

## **6. SUMMARISATION .**

Those making representations will be given two minutes to summarise their representation.

The Applicant will be given two minutes to summarise their application.

The Legal Officer will carry out a briefing for members of the Sub-Committee as appropriate.

## **7. DETERMINATION**

The Sub-Committee will withdraw to consider their decision with the Legal Officer.

The Chair of the Sub-Committee will announce the determination of the application and the reasons for that determination, and it will then be confirmed in writing within 5 working days of the hearing.

## **NOTES**

Members are advised that they are making decisions in a quasi-judicial manner. As such, they have a duty to view all evidence presented before them impartially. The Sub-Committee is not bound by the formal rules of evidence. Nevertheless, Members must carry out their duty placing what weight they feel is appropriate

given the nature of the evidence and the manner in which it was obtained, and communicated.