



Procedure for all hearings before Licensing Panel to determine applications made under the Licensing Act 2003

### **Preliminary Points**

It has been agreed by Licensing Committee that, in addition to the Declaration of any personal or prejudicial interest (in accordance with the Local Government Act 2000):-

- Any member in whose ward an application premises is situated will declare this and will not take any further part in the hearing of the application
- Any member of a Licensing Panel who wishes to either support or oppose the granting of a licence either personally or on behalf of their constituents, must attend either as a supporter of the application or as an objector and sit in the public gallery. The panel on which that member serves may not hear the application
- Subject to section 100A of the Local Government Act 1972, the panel may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in public. This will include, at the discretion of the panel the exclusion of the public during its deliberations and its decision making.

### **Hearing Process**

- 1) General Introduction by Chairman.
- 2) In accordance with the Regulation 23 of The Licensing Act 2003 (Hearings) Regulations 2005 the Chairman of the panel will lead the discussion.
- 3) A Licensing Officer will briefly outline the application for the licence and the procedure to be followed in the hearing.

#### 4) Applicant(s) Case

The objector(s) and/or their representatives and the panel may ask questions of the applicant and/or their representatives.

#### 5) Objector(s) Case(s)

The applicant and/or their representatives and the panel may ask questions of the objector(s) and/or their representatives.

- 6) The Chairman will then ask the applicant if, in light of the representations, they wish to amend the application. The panel will only consider the application laid before it during the decision making.

- 7) Summing up;
  - i) Objector(s) Case(s)
  - ii) Applicant(s) Case

- 8) Conclusion

The Chairman will ask the Licensing Authority Legal Representative whether there are any other matters to be raised or resolved before the hearing is closed for deliberations.

- 9) Deliberations

Generally speaking the public and the applicant will be excluded when the panel is determining the hearing decision. Once a decision has been reached all parties will be readmitted to the hearing. At this stage the chairman will announce the panel's decision and will give reasons for the decision.

- 10) Notice of Decision

All parties will be notified of the decision at the earliest possible opportunity.