

## **LICENSING ACT PANEL**

### **PROCEDURE FOR ALL HEARINGS BEFORE THE LICENSING PANEL TO DETERMINE ANY APPLICATIONS OR COMPLAINTS MADE UNDER THE LICENSING ACT 2003.**

#### **PRELIMINARY POINTS**

It has been agreed by Licensing and Public Safety 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 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. That member may not sit on a Licensing Panel hearing for the application.
- Subject to Section 100A of the Local Government Act 1972, the Panel may exclude the public from all or part of the hearing where it considers that the public interest in doing so outweighs public interest in the hearing, or that part of the hearing, taking place in public. This will include, the exclusion of the public during its deliberations and its decision making.

#### **HEARING PROCESS**

Please note that the applicant in a review hearing is a person who has applied to review the licence. This could be a responsible authority or a member of the public. In this case the applicant is not the licence holder.

#### **APPLICATION PROCESS PROCEDURE**

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

- 4) Applicant(s) Case:  
(Responsible authority if for a Review):
  - a) The applicant(s) will be invited to put forward any information in support of their application including the calling of witnesses.
  - b) The objector(s) and/or representatives, the Panel and any other Responsible Authority may ask questions of the applicant, witnesses and/or their representatives.
- 5) Responsible Authorities:
  - a) Any other Responsible Authority (who has made representations) will be invited to put forward any information in support of their representation including the calling of witnesses.
  - b) The objector(s) and/or representatives, the Panel and applicant(s) may ask questions of the Responsible Authority, witnesses and/or their representatives.
- 6) The Objector(s) Cases(s):
  - a) The objector(s) will be invited to put forward any information in support of their objection including the calling of witnesses.
  - b) The applicant(s) and/or their representatives, the panel and any other Responsible Authority may ask questions of the objector(s), witnesses and/or their representatives.
- 7) The Chair 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 decision making.**
- 8) Summing up:
  - a) Objector(s) Case(s)
  - b) Applicant(s) Case
- 9) Conclusion  
The Chair 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.

#### 10) Deliberations

Generally the public and the applicant will be excluded when the Panel is determining the hearing decision.

#### 11) Notice of Decision

The decision will be issued to the applicant and any interested parties five working days after the Hearing meeting.