



South Ribble Licensing Service
A Guide to Licensing Hearings

Appendix B

Notice of Hearing

Parties to a hearing will receive a "Notice of Hearing", which will state the date, time and place at which the hearing is to be held.

Action required following receipt of notice of hearing

All parties are required to complete the response to notice of hearing which is enclosed with this leaflet. In this form you are asked to confirm:

- Whether you intend to attend or be represented at the hearing;
- Whether you consider a hearing to be unnecessary;
- A request for permission to call any witness at the hearing, and if so the name of that witness.

This form should be returned to the Licensing Service together with any documentary or other evidence to support your application, representation or notice.

Please note that documentary or supporting information produced on the day of hearing may only be taken into consideration if all parties involved consent. To ensure the information can be considered by the panel, parties should make sure that documentary and other evidence is submitted to the Licensing Service at least two working days before the hearing.

The Rights of Parties

- a) A party may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified.
- b) A party shall be entitled to:
 - Give further information in support of their application, representation or notice (where the licensing authority has given notice that it wants clarification)
 - If given permission by the authority, question any other party; and
 - Address the panel

The consequences of not attending or not being represented at a Hearing

If a party has informed the authority that he or she does not intend to attend or be represented at the hearing, the hearing may proceed in that party's absence.

If the party has not indicated their intentions and then fails to attend or be represented at the hearing, the authority may –

- Where it considers it to be necessary in the public interest, adjourn the hearing to another specified date, or
- Hold the hearing in the party's absence.

If a hearing is held in a party's absence then the authority will consider any written representations that had been provided by that party.

If a hearing is adjourned, the authority will notify all parties to the hearing of the date, time and place to which the hearing is adjourned.

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Right to dispense with a hearing if all parties agree

The Council may dispense with a hearing if all parties have given notice to the Council that they consider that no hearing is necessary. If the Council agrees that no hearing is necessary it will send a notice confirming that the need for a hearing has been dispensed with.

Withdrawal of Representations

Any party who wishes to withdraw their representation may do so by giving notice to the Licensing Service no later than 24 hours before the day of the hearing.

If a representation is to be withdrawn less than 24 hours before the hearing, this must be done orally at the hearing.

Power to Extend Time Limits

The Council may extend a time limit where it considers this to be necessary in the public interest. Where a time limit is extended, notice will be given to all parties stating the period of the extension and the reasons for it.

Adjournments

Applications for adjournments will only be granted where absolutely necessary. You should not automatically assume that a request for an adjournment will be granted. If it is not possible for a party or their witness to attend a hearing, the authority would normally expect to consider their representation in their absence – written material can be submitted for consideration.

If a party does seek to make an application for an adjournment, they should seek the consent of the other parties involved before submitting a request to the Licensing Service

The Council may also adjourn a hearing where it considers it necessary in order for it to consider any representations or notice made by a party or where it considers it to be in the interests of justice. If a hearing is adjourned all parties will be notified of the date, time and place at which the hearing is to be held.

The Procedure that will be followed at the Hearing

The Chair will welcome those present and provide a general introduction. The Chair of the panel will lead the discussion.

The other Panel members and officers present will introduce themselves. The Chair will also ask the parties to introduce themselves.

An equal maximum amount of time will be set by each panel at the beginning of each hearing, for a party to address the Panel, give any further information or call any witnesses for the hearing. The Chairman will announce this allocated time at the beginning of the hearing.

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A Licensing Officer will outline the procedure to be followed (as set out below) and will outline the application before the Panel.

The procedure for the meeting will be outlined

The applicant and/or their representative will address the panel, present information in support of the application, and will call any witnesses in support of the application, one witness at a time.

The applicant and each of their witnesses may be questioned by:

- Any other party at the hearing (making representations), and
- Any member of the panel

The party making the representation and/or their representative will address the members of the panel, providing any information in support of their representation, and to call any witnesses in support of their representation.

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

- Any other party at the hearing (making representations), and
- Any member of the panel

This will be repeated for each person making representations.

The hearing will take the form of a discussion. Questions may be asked but cross examination is not permitted unless the authority considers that it is required to consider application, representation or notice.

Summing up

- The objector(s) will sum up their case
- The Applicant(s) will sum up their case

Once all of the evidence has been given the panel members will consider their decision in private, and it will then be confirmed in writing within five working days of the hearing.

General points to note

The hearing will normally take place in public. The licensing authority may exclude the public from all or part of the hearing where it considers that doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in public. (A member of the public may include a party or a person assisting or representing a party)

The licensing authority may also require any person who behaves in a disruptive manner to leave a hearing and may refuse to permit that person to return to the hearing, or to permit that person to return only under conditions specified by the Authority.

Anyone who is asked to leave a hearing may before the end of the meeting, make a written submission of information, which they would otherwise have given orally had they not been required to leave.

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The hearing will be inquisitorial rather than adversarial and its aim is to collect as much information as possible to enable a decision to be made.

Parties and witnesses should avoid matters that are irrelevant, unsupported by fact or evidence, or outside the jurisdiction of the licensing panel.

Multiple questions should be avoided as they can cause confusion, may only receive a partial answer and may fail to secure an adequate answer.

The authority may take into account documentary or other evidence produced by a party to the hearing, which has been disclosed to other parties prior to the hearing. Additional material produced at the hearing will only be considered with the consent of all the other parties to the hearing and this material must be in support of information already submitted and must not raise new areas unconnected with the representations previously submitted.

The authority will disregard any evidence that is not relevant to the matter being considered and the promotion of the licensing objectives.

Determination and Notification of Applications

Those determinations that are made other than immediately following the representations will be notified forthwith in writing to all parties.

In all cases:

- I. The written decision of the licensing panel will be accompanied by information regarding the right to appeal.
- II. The decision will be notified to the Police Authority whether or not they have been a party to the hearing.
- III. Notwithstanding the provision of a written notice, the decision will also be available by electronic means to any party to the hearing and the Police Authority.

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Further Information

Please do not hesitate to contact the Licensing Service. The Act and Regulations can be viewed on Her Majesty's Stationery Office website: www.legislation.gov.uk and the Guidance to Local Authorities can be viewed on www.homeoffice.gov.uk. The South Ribble Council Licensing Policy and our advisory leaflets are all available on the Council website www.southribble.gov.uk or at the Civic Centre, the full address details are found below.

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