

Part 6.6.1

Council Bodies

Appendix: Licensing Sub-Committee

1 Preamble

- 1.1 Part 3 (Meeting Procedure Rules) sets out the rules and procedures that apply to all of the Council's Bodies and Sub-Bodies.
- 1.2 If there is any conflict between the wording of Part 3 and this Appendix, this Appendix will prevail.
- 1.3 Any reference to a 'hearing' in this Appendix shall also be taken to mean Meeting.

2 Establishment

- 2.1 Licensing Sub-Committees consist of three Members of the Licensing Committee. They need not be politically balanced and Members of the Sub-Committee are chosen on the basis of availability.
- 2.2 Sub-Committees may have one Substitute Member, but a Substitute Member must be drawn from the Licensing Committee and is chosen on the basis of availability.
- 2.3 Before serving on any Sub-Committee, each Licensing Committee Member must receive such formal training and subsequently refresher training in the licensing system as determined by the Council.
- 2.4 Members of the Licensing Committee may not sit on a Sub-Committee in relation to a matter concerning a premises, activity or event which is within their Ward.
- 2.5 If the Chairman or Vice-Chairman of the Licensing Committee is sitting on the Sub-Committee they will be Meeting Chairman unless they decline. If neither are present or they decline, the first item of business of the Sub-Committee will be to elect a Chairman.

3 Scope of Role

- 3.1 Generally Sub-Committees will be established where a duty arises for a hearing to be held to make determinations pursuant to Licensing Committee functions. This Appendix sets out the procedure to be followed for Licensing Sub-Committee hearings. If a Sub-Committee or other Sub-Body is established to exercise another function, the Licensing Committee may specify the procedure or terms of reference of that Sub-Committee or Sub-Body is to follow upon delegating that function to it.
- 3.2 The procedure in this Appendix is subject to legislative requirements. The hearing procedures that may be prescribed by legislation will depend on the matter to be determined. For example, certain procedures are set out in:
 - 3.2.1 the Licensing Act 2003 (Hearings) Regulations 2005; and,
 - 3.2.2 the Gambling Act 2005 (Proceedings of Licensing Committees and Sub-committees) (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007.
- 3.3 The relevant procedural information will be provided to those entitled to speak at a hearing when notice of the hearing is given. The Sub-Committee will be assisted by a Legal Advisor.

4 Hearing Procedure – Speakers

- 4.1 The parties entitled to speak at a hearing will generally include:

- 4.1.1 the Applicant;
- 4.1.2 persons who have made relevant representations, as defined by the relevant legislation;
- 4.1.3 Responsible Authorities, as defined by the relevant legislation, who have made relevant representations;
- 4.1.4 the Chief of Police, where a statutory notice has been given under the relevant legislation; and
- 4.1.5 the (proposed or actual) holder of the licence, certificate or permit affected, where they are not the Applicant.
- 4.2 The Sub-Committee shall also ask and permit to speak, where appropriate and where they attend:
 - 4.2.1 Responsible Authorities who have not made relevant representations; and
 - 4.2.2 the relevant Ward Councillor(s).
- 4.3 Any reference to a party/parties in this Appendix shall also include that party's/parties' representative or agent.
- 4.4 Parties, excluding Responsible Authorities and Ward Councillors, who have made relevant representations will be grouped together as 'Supporters' or 'Objectors' as appropriate.
- 4.5 Prior to a hearing, the parties will be notified of the hearing and will be asked to confirm whether they intend to attend and to register to speak. Any failure to confirm attendance or register to speak may affect speaking rights at the hearing.
- 4.6 Any person or body not referred to above, who attends the hearing, shall only be permitted to speak with the agreement of the Sub-Committee, or as otherwise permitted in legislation.

5 Meeting Procedure – Order of Representations etc

- 5.1 The Meeting Chairman, on behalf of the Sub-Committee, shall explain the procedure being followed at the beginning of a hearing.
- 5.2 The following procedure shall apply in respect of each item as relevant in the circumstances (but the Meeting Chairman may change the order at their discretion, or invite any speaker or other person appearing at the hearing to clarify a factual issue at any time):
 - 5.2.1 introduction of item by Officer(s);
 - 5.2.2 questions to Officer(s);
 - 5.2.3 representations by Applicant;
 - 5.2.4 questions to Applicant;
 - 5.2.5 representations by party responding to the application, where applicable (ie (proposed or actual) holder of the licence, certificate or permit affected);
 - 5.2.6 questions to Respondent, where applicable;
 - 5.2.7 representations by Objector(s);
 - 5.2.8 questions to Objector(s);
 - 5.2.9 representations by Supporter(s);
 - 5.2.10 questions to Supporter(s);
 - 5.2.11 representations by Responsible Authorities;
 - 5.2.12 questions to Responsible Authorities;
 - 5.2.13 representations by Ward Councillor(s);

- 5.2.14 questions to Ward Councillor(s);
- 5.2.15 summing up by the Applicant;
- 5.2.16 summing up by the party responding to the application, where applicable;
- 5.2.17 closing of the hearing by the Chairman.
- 5.3 The total time allowed for representations in respect of each of the groups of speakers shall not exceed ten minutes or such longer period as the Chairman may allow with the consent of the Sub-Committee.
- 5.4 Each individual Responsible Authority shall be treated as an individual group for the purposes of speaking rights.
- 5.5 Where more than one person is entitled or has registered to speak in any of the groups of speakers, the ten minute period shall be shared between them. In such circumstances, speakers are encouraged to appoint a spokesperson, but if no spokesperson is nominated, the speaker will be heard in the order in which they have registered until the ten minute period has elapsed.
- 5.6 Where there is more than one Ward Councillor speaking, but requiring a fundamentally different outcome, the speakers will be allowed ten minutes each; where the outcome required is fundamentally the same, the ten minutes will be shared by the speakers.
- 5.7 Any questions to each group shall be from the Sub-Committee first, followed in turn by each group listed in the order of speakers above unless otherwise directed by the Chairman and shall be through the Chairman.
- 5.8 Questions raised as part of the above process may only seek to clarify a statement made and not to introduce new business.
- 5.9 The total time allowed for summing up (to respond to any of the representations made), in respect of each of the groups of speakers identified above shall not exceed ten minutes, and shall only take place after all representations and questions are dealt with.

6 Determination following hearing

- 6.1 Once the hearing is closed the Members of the Sub-Committee will retire to deliberate in private.
- 6.2 Determinations will be made within the timescales set out in legislation, which depends on the type of hearing. For most hearings the Sub-Committee must make its determination within the period of five working days beginning with the day or the last day on which the hearing was held.

7 Signing Minutes

- 7.1 Due to the nature of Meetings, the Sub-Committee Minutes (Record of Proceedings) will be circulated after the meeting to the three Members of the Sub-Committee for them to approve as a true and correct record. Once approved, the Chairman's signature will be applied to the minutes.