

CHORLEY BOROUGH COUNCIL

LICENSING ACT 2003

SUB-COMMITTEE

GENERAL PROCEDURE POINTS FOR HEARINGS

INTRODUCTION

The Licensing Act 2003 Sub-Committee will conduct hearings in accordance with the following general principles:

- All parties have a right to a fair hearing.
- Decision-making will be conducted in an open, transparent and accountable way.
- Each application will be determined on its own merits and the decision will be based upon:
 - the merits of the application
 - the promotion of the four licensing objectives
 - the Council's Statement of Licensing Policy
 - the Guidance issued by the Secretary of State for Culture, Media and Sport under Section 182 of the Licensing Act 2003
- the Licensing Authority will only permit licensing decisions to be taken by sub-committee consisting of three members. In the event of one member being unable to attend, the Licensing authority will use its best endeavours to substitute another member, taken from the membership of the Licensing Act 2003 Sub-Committee reserve list.
- the Sub-Committee may disallow cross-examination in exceptional circumstances; this decision will be taken on a case by case basis with a presumption to allow. However, parties are advised that the Sub-Committee wishes to discourage hostile cross examination.
- late representations and evidence will usually only be considered with the agreement of all parties present.
- decisions will generally be taken regardless of whether the applicant/other party is present unless the Sub-Committee consider it necessary in the public interest to adjourn the hearing to a specified date. All notices and representations from absent parties will be considered.
- the Sub-Committee will generally allow parties a maximum of 30 minutes per party to make all relevant statements. However, the Sub-Committee recognises that in certain circumstances this may be insufficient due to the complexity of the issues involved. In this situation the Sub-Committee will consider representations from those parties involved in the hearing as to the length required to make all relevant statements. The Licensing Authority respectfully requests that all parties keep points pertinent and the discussion moving in the interests of cost and efficiency.

- the Sub-Committee recognises that Regulation 14 requires all hearings should take place in public but the Licensing Authority may exclude the public from all or part of a hearing where it “considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing taking place in public”. In the absence of any criteria in the Licensing Act 2003, the guidance issued under section 182 of the Act or the Licensing Hearings Regulations, the Licensing Authority has adopted the existing criteria in Schedule 12A of the Local Government Act 1972 for excluding the press and public. The public and press will be excluded when the Sub-Committee is considering an application for a personal licence, where Lancashire Police have lodged an objection notice due to an existing relevant offence(s). Generally, the public and the applicant will be excluded when the Sub-Committee is determining a decision. Once a decision has been made all parties will be readmitted and the Chair will announce the decision and give reasons.
- all parties will be notified of the decision in accordance with any periods set down by the Licensing Act 2003 and Regulations made thereunder or where none are prescribed within 5 working days.
- the Sub-Committee has the right to exclude any parties behaving in a disruptive manner at the hearing at its own discretion.

HEARING PROCEDURE

PREMISES LICENCE/CLUBPREMISES CERTIFICATE APPLICATIONS

1. CHAIR OF SUB-COMMITTEE

- Opens meeting
- Introduces Members and Officers
- Confirms details of all parties in attendance
- Outlines procedure to be followed

2. LICENSING OFFICER OUTLINES APPLICATION AND RELEVANT REPRESENTATIONS

3. QUESTIONS TO LICENSING OFFICER FOR CLARIFICATION FROM:

- Sub Committee
- The Applicant and/or Legal representative

4. THE APPLICANT AND/OR LEGAL REPRESENTATIVE MAKES REPRESENTATIONS REGARDING HIS/HER APPLICATION

5. QUESTIONS TO THE APPLICANT AND/OR LEGAL REPRESENTATIVE FROM:

- Sub Committee
- Other Persons' Representative

6. OTHER PERSONS REPRESENTATIONS

7. QUESTIONS TO OTHER PERSONS FROM:

- Sub Committee
- Applicant/Legal representative

8. OTHER PERSONS INVITED TO BRIEFLY SUMMARISE

9. THE APPLICANT/LEGAL REPRESENTATIVE INVITED TO SUM UP (IF THEY WISH)

10. DECISION MAKING

All parties retire whilst Sub-Committee makes decision

11. NOTICE OF DECISION

Parties re-admitted and Chair announces decision and reasons