

**Information to accompany Notice of Hearing under  
Licensing Act 2003 (Hearings) Regulations 2005  
Regulation 7(1)**

**Rights of Parties**

You may attend the hearing and be assisted or represented by any person whether or not that person is legally qualified.

At the hearing you are entitled to –

- give further information in response to a point(s) upon which the authority has requested further information
- question any other party present at the hearing with the permission of the authority
- address the authority

**If you or your representative do not attend the hearing**

If you have informed the authority that you do not intend to attend or be represented at the hearing, the hearing may proceed in your absence.

**If you do not inform the authority that you do not intend to attend or be represented at a hearing the authority may:**

- **adjourn the hearing to specified date**
- **proceed in your absence**

Where the authority holds the hearing in the absence of a party, the authority shall consider at the hearing the application, representations or notice made by that party.

## LICENSING SUB-COMMITTEE PROCEDURE (Summary)

Whilst contested licensing applications are quasi judicial in nature the Sub-Committee will try to keep proceedings as informal as possible. However, some degree of formality is needed to ensure all parties receive a fair hearing.

The hearing shall take the form of a discussion led by the authority and cross examination shall not be permitted unless the authority considers it necessary and at the discretion of the Chair. The procedure set out below is designed to ensure that all parties are able to express their views openly and fairly. Where a large number of interested parties are involved they will be encouraged to appoint a spokesperson or spokespersons so as to avoid duplication of evidence.

The Sub-Committee Members will be assisted, where necessary, by:

- (1) The Committee Administrator
- (2) The Legal Advisor
- (3) The Licensing representative – who is not party to the hearing.

The three officers are there to give advice and technical guidance to the Sub-Committee and do not participate in the hearing other than to clarify legal or technical matters.

The procedure of the Sub-Committee will be:

- 1) The Chairman will open the meeting and ask the Committee Administrator to read out the fire evacuation rules.
- 2) The Chairman will ask the members and the officers present to introduce themselves and declare whether they have any declarations of interest to make.
- 3) The Chairman will ask the applicant, interested parties and the responsible authorities to introduce themselves and any witnesses they wish to call.
- 4) The Chairman explains the procedure to be followed.
- 5) The Licensing Officer outlines the facts (but not the merits) of the application, any relevant representations and relevance to the local authority licensing policy statement and statutory guidance.
- 6) Members may ask any questions of clarification of the facts of the officer.
- 7) The applicant or his/her representative will be asked to present their case calling any witnesses.
- 8) The responsible authorities and interested parties may ask questions of the applicant. Only those who have made a relevant representation can ask questions. However where witnesses are called, each witness will give their evidence and may then be open for questioning once their evidence is finished.

- 9) The order for asking questions will be :-
  - Responsible Authorities
  - Interested Parties
  - Members of the Sub-Committee
- 10) Responsible Authorities and Interested Parties will then be given an opportunity to present their objections.
- 11) The order for asking questions will be: -
  - The Applicant or his/her representative.
  - Responsible Authorities/Interested Parties
  - Members of the Sub-Committee
- 12) All parties may make a final address to the Sub-Committee concluding with the applicant or his/her representative.
- 13) The order for making final statements will be
  - Responsible Authorities
  - Interested Parties
  - Applicant
- 14) Members of the Sub-Committee will retire to discuss and make their decision accompanied by the Council's legal representative.
- 15) The Chairman relays the decision and the reasons given for the decision, and any conditions placed upon the license (if applicable) plus the licensing objective to which they relate. In exceptional cases where the determination can not be given at the conclusion of the hearing the authority will make its determination within the period of five working days beginning with the day or the last day on which the hearing is held.