



Making Swale a Better Place

LICENSING AUTHORITY: SWALE BOROUGH COUNCIL

Licensing Act 2003 Sub-committee Hearing Procedure

Applications for New Premises Licences/Club Premises Certificates and Variations to existing licences and certificates

1. Introductions

The Chairman will request all those persons participating in the hearing to identify themselves or introduce them.

Members/Officers/Applicant and any representative/Responsible Authorities/any other persons (objectors)

2. Procedural Matters

The Chairman will:

- i) Confirm that all parties are aware of the sub-committee **hearing procedure** and that each party has a copy of the hearing procedure document.
- ii) Confirm that all sub-committee members have **pre-read all the papers** and any other documents contained in the report regarding the hearing.
- iii) Explain that the sub-committee will allow all parties to put their case fully and make full **submissions**, within a reasonable time frame. The procedure will be discussion led by the Sub-Committee and **questions** will usually be permitted.
- iv) Explain that where any person attending the hearing **behaves in a disruptive manner**, the sub-committee may direct that person to leave the hearing (including temporarily). If this happens, the person may give the sub-committee in writing any information which the person would have been entitled to give orally.
- v) Enquire whether any draft **conditions** have been agreed between the applicant and any of the other parties for the sub-committee to consider.
- vi) Enquire whether any parties request to have **any witness** give evidence at the hearing; and if so grant the request unless the request is unreasonable.
- vii) Invite the parties, where appropriate, to appoint a **spokesperson**.

3. The Hearing

- A) The Chairman will ask the legal advisor or licensing officer to briefly outline the application and all representations regarding the application.
- B)
- i) Ask the **Applicant** (or their representative) to put forward their case opening remarks and evidence (including witnesses).
 - ii) **Allow** appropriate **questions** from any Responsible Authority and/or other person/members of the subcommittee
 - iii) Any points of clarification.
- C)
- i) Ask **Responsible Authorities** (where applicable) to put forward their case. Opening remarks and evidence (including witnesses) by the officer representing the responsible authority (or their representative).
 - ii) Allow appropriate **questions** from :
the Applicant/other Responsible Authorities/other persons/member of the Sub-Committee.
 - iii) Any points of clarification.
- D)
- i) Opening remarks and evidence by the **other person/s** (or spokesperson/representative).
 - ii) Allow appropriate **questions** from :
the Applicant, Responsible Authorities, each further other person and sub-committee members.
 - iii) Any points of clarification.
- E) **Closing Summary**
- Responsible Authorities/Other Persons/The Applicant
- F) **End of Hearing**
- i) The Chairman will ask the members of the sub-committee if they have any final questions for any party to the hearing.
 - ii) The Chairman will ask the legal advisor whether there are any further matters to be raised or resolved before the hearing is closed.
 - iii) The Chairman will bring the hearing to a close and shall declare that the sub-committee will retire, to private session, to consider the application.
 - iv) The Chairman will invite the legal advisor to remain with the sub-committee during its deliberations to provide any advice required.

G) **The Decision**

The Chairman shall declare in public session:

- i) The sub-committee's **determination** and indicate that all parties to the hearing will receive a copy of the written Determination Notice regarding the sub-committee's determination; and
- ii) that all parties may **appeal** against the sub-committee's decision within 21 days beginning with the day on which the appellant is notified of the Licensing Authority's written determination. Appeals must be lodged with the Magistrates' Court. Parties should be aware that the Magistrates Court may make an order with respect to costs on any appeal.
- iii) Formally close the meeting.