

APPENDIX A4

HEARING PROCEDURE: NEW / VARIATION OF PREMISES

Pre-Hearing Matters

Democratic Services to seek nominations for the Appointment of Chairman.

1. Chairman to welcome everyone and read Fire Evacuation Procedure.
2. Apologies / Substitutes.

Chairman to read:

There is a substitute present at today's hearing. The reason for a substitute is that if anything happens to a member of the Sub-Committee before the hearing commences, the substitute can take their place. The substitute is remaining for the hearing and will retire with the Sub-Committee, to observe the discussion when it is arriving to its decision, for training purposes. Are there any objections to the substitute retiring with the Sub-Committee?

(If there are objections, the Chairman will explain that the substitute will NOT therefore retire with the Sub-Committee)

3. Declarations of interest and lobbying.
4. Chairman will introduce members of the hearing Sub-Committee.
5. Chairman will ask those present to introduce themselves:
 - The Legal Adviser to the Sub-Committee.
 - The officer from Democratic Services.
 - The Licensing Officer.
 - Applicant and any person representing or assisting them.
 - Responsible authorities that have made a relevant representation.
 - Interested parties who have made a relevant representation. (Interested parties should confirm whether a spokesman or spokesmen have been nominated and, if so identify them)
6. Confirm that all parties have received the papers for the hearing.
7. Ask all parties to the hearing whether they wish to withdraw their application or representation.
8. Ask the officer of the Licensing Officer to report:
 - Any requests for the appearance of any witnesses.
 - Any documentary or other information that a party to the hearing wishes to present.

Such additional material should only be admitted with other parties' consent. If they agree, the material will be distributed.

9. Ask Applicant and other parties who will be addressing the Sub-Committee for a time estimate. (This may not be absolutely necessary in all cases and time estimates are intended to be a broad guideline rather than a rigid allowance of time).
10. Resolve to go into Exempt Session (if required).

The Hearing

Immediately after the pre-hearing matters have been dealt with the hearing will commence:

1. The Chairman will clarify with everyone present that they are clear about the procedure to be followed.
[The Legal Adviser to explain if necessary]
2. The Chairman will ask the Licensing Officer to summarise the matter under consideration.
3. The Members, Applicant and those making representations (with Chairman's permission) may ask questions of the Licensing Officer.
4. The Applicant will present their case including calling any witnesses;
5. Members, the Licensing Officer and any person making representations (with Chairman's permission) may ask questions of the Applicant;
6. Each person making representations will present their case including calling any witnesses.
7. Members, the Applicant and the Licensing Officer (with Chairman's permission) may ask questions;
8. All parties will be asked to sum up their case.
9. The Sub-Committee, its legal adviser and the officer from Democratic Services, will leave the room to consider their decision.
10. After adjournment, the hearing resumes so that the Chairman can announce the decision including rights of appeal.