

## APPENDIX A7

### HEARING PROCEDURE – SUMMARY REVIEW 2<sup>nd</sup> Hearing S.53C

#### 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 Advisor to the Sub-Committee.
  - The officer from Democratic Services.
  - Licensing Officer(s).
  - The Applicant for review (police) (who will in turn identify his/her colleagues and any others who will give evidence).
  - The holder of the premises licence or his/her representative (who will in turn introduce the rest of his or her team, including witnesses).
  - Interested parties who have made relevant representations (e.g. local residents) (Interested parties should confirm whether a spokesman or spokesmen have been nominated and, if so identify them).
6. Legal Adviser will explain that the hearing will be a public hearing which means that members of the public as well as members of the press are able to attend the hearing and that the minutes of the meeting will be published on the Council's website. If any party does not wish for the hearing to be public, they should let the Sub-Committee know the reason for this now - for example, because personal details will be discussed during the hearing.
7. The Sub-Committee will then consider, as appropriate and in accordance with regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005, whether the public interest in excluding the public from the hearing outweighs the public interest in the hearing taking place in public.

8. Ask if parties have received the papers for the hearing.
9. Ask if the Applicant for review or any other interested party wishes to withdraw its application/representation (this could arise if pre-hearing discussions have led to a resolution of outstanding issues).
10. Ask Licensing Officer if there have been any requests for the appearance of any witnesses and whether any party wishes to introduce any extra document or other information.

Such additional material should be admitted only with other parties' consent, since it should have been submitted prior to the hearing.

11. Ask Applicant, premises licence holder and any others who will be addressing the Sub-Committee for time estimates (this may not be absolutely necessary in all cases and when required time estimates are intended to be a broad guideline rather than a rigid allowance of time).

## **The Hearing**

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

1. Chairman invites Licensing Officer to summarise the matter before the Sub-Committee (with reference to the written report which will have been prepared and circulated).
2. Members of the Sub-Committee and other parties may ask the Licensing Officer questions.
3. The Applicant for review or his/her representative introduces the reasons for seeking the review, and presents evidence in support.
4. Chairman to allow questioning of Applicant's witnesses, from Sub-Committee members and other parties.
5. Chairman invites premises licence holder or representative to present his/her response to the review application (with witnesses if applicable).
6. Chairman to allow questioning of licence holder's witnesses, from Sub-Committee members and other parties.
7. Other interested parties address the hearing – the chairman may allow them to be questioned.
8. The licence holder and then the review Applicant's representative sum up, if they wish. The review Applicant's representative normally has the last word.
9. The Sub-Committee will leave the room (or ask all others present to leave) to consider their decision. The Sub-Committee will be accompanied by its legal adviser and the officer from Democratic Services.
10. The hearing resumes so that the Chairman can announce the decision including rights of appeal.