



## Licensing Sub-Committee Hearings

The four **licensing objectives**, as given by the Licensing Act 2003 are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

Each application that comes before this committee will be treated on its own merits, and this licensing authority will take its decision based upon:

- The merits of the application
- The promotion of the four licensing objectives
- The policy of the licensing authority, a copy of which can be obtained from [www.mendip.gov.uk](http://www.mendip.gov.uk) or 01749 648999
- The guidance issued by the Secretary of State for Culture, Media and Sport on 7 July 2004 under Section 182 of the Licensing Act 2003

### **Rights of Parties**

All parties have the following rights:

- To attend the hearing
- To have their representations considered by the Sub-Committee, even if unable or unwilling to attend the hearing
- To be assisted or represented by any person, whether legally qualified or not
- To give further information in support of their application, representation or notice, in response to a point on which the authority has given notice to a party that it will want clarification
- To address the Sub-Committee
- To exercise their rights within the hearing for an equal maximum time in which to make their representation

**Your attention is drawn to the Glossary and Notes at the end of this leaflet.**

## Appendix I (1) - Procedures for Licensing Sub Committee Hearings

# Hearing Procedure

Subject to the right of the Sub-Committee to amend its procedures at any given hearing, the following procedures are to be followed at all hearings under the Licensing Act 2003.

There are three Members of the Licensing Sub-Committee. These Councillors are all trained Members of the Licensing Board. They will each have received the papers relating to the hearing prior to the hearing.

Other people at the hearing will include a Clerk who will take minutes of the meeting and a Legal Advisor [from the Law and Governance Group \(Legal Advisor\)](#) who will advise the Sub-Committee where necessary.

### Introduction

- The Chairman will open the meeting, introduce Members of the Sub-Committee and officers present, and explain the procedure to be followed.
- The Chairman will ask the parties to the hearing and their representatives and any persons, who have been granted permission to appear under Regulation 8 of the Hearing Regulations, to introduce themselves.
- If the Applicant is not present the Sub-Committee may either:
  - Where it considers it necessary in the public interest, adjourn the hearing to another date;  
or
  - Proceed with the hearing in the absence of the Applicant

### The Hearing

- The Chairman will ask the Licensing Officer to present his report on the application.
- The Chairman will invite the representatives of the Responsible Authorities that have made representations or objections to address the Sub-Committee and submit relevant evidence.
- The Chairman will invite the Applicant or his / her representative to address the Sub-Committee and submit relevant evidence.
- The Chairman will invite Interested Parties who have made representations to address the Sub-Committee and submit relevant evidence.
- The Sub-Committee will consider any admissible representations lodged by Responsible Authorities or Interested Parties not present at the hearing.

## Summing up

- The Chairman will invite:
  - the Responsible Authorities present who have made representations or objections;
  - the Applicant
  - those Interested Parties present who have made representations;

to sum up their case.

- The Chairman will ask each party to confirm that they are satisfied with the conduct of the hearing.

## Consideration of Decision – Confidential Session

- Members of the Sub-Committee will retire to consider the submissions and make its decision, or all parties and the public will be asked to leave the room.
- The Legal Advisor and the Clerk will retire with them, but take no part in the discussion of the merits of the case or what the decision should be.
- Should the Solicitor to the Sub-Committee be required to clarify any points of law, these will be repeated in the public session.

## Announcement of Decision

- Sub-Committee Members will return and the Chairman will relay the decision and the reasons for it in public session, detailing any conditions placed upon the licence (if granted) and the licensing objective to which they relate.

## Glossary

Hearing Regulations: The Licensing Act 2003 (Hearings) Regulations 2005 (as amended)

A party: Anyone who has submitted an application or made a relevant representation or served a notice.

Interested party: Local residents and businesses

Responsible Authorities: Police, Fire Authority, Health & Safety Authority, Planning Authority, Environmental Health, Child Protection Department, Weights and Measures Authority

## Please Note:

- Decisions will generally be taken regardless of whether the applicant is present. All notices and representations received from absent parties will be considered.
- The Sub-Committee will decide whether to grant any written request by any party for permission to call a party other than their representative to appear at a hearing.
- Late representation and evidence from any party will only be considered with agreement of all parties present.
- So as to make efficient use of time at the hearing, parties can assume that the Sub-Committee Members have read all papers and statements which have been circulated in advance. Therefore parties need not read them aloud as part of their presentation unless they wish to do so.
- The Chairman may require any party to leave the hearing if that party is behaving in a disruptive manner. The Chairman may refuse to readmit the party or readmit upon conditions, but the party can submit before the end of the hearing in writing any information they would have been entitled to submit orally.
- The hearing will take place in public. However the public can be excluded from all or part of a hearing where the Sub-Committee 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.
- The Applicant has rights of appeal, details of which can be obtained from the Licensing Officer.