

LICENSING SUB COMMITTEE PROCEDURE

Procedure for Hearings under the Licensing Act 2003 (Hearings) Regulations 2005

1. The Chair will advise those present of the procedure which will be followed.
2. The Chair will request that those persons present introduce themselves.
3. The Legal Clerk will ask those present whether there are any applications to be considered in respect of requests for adjournment, the representation of any of the parties by another, the introduction of new material, or the cross examination of the applicant, the representative of a responsible authority or a party by any attendee at the hearing (see note A).
4. The Committee or Sub Committee will deal with any such applications made.
5. The Legal Clerk will advise whether the Sub Committee had requested a briefing prior to the meeting and will indicate whether the Committee or Sub Committee Members have previously asked for clarification of any aspect of the application or the representations received from any party.
6. A report will be presented by Crawley Borough Council's Licensing Officer. The report will contain details of the application and relevant written representations.
7. The Sub Committee will ask the Licensing Officer any questions in relation to the report.
8. The applicant will make an oral presentation of their application, in person or by their representative (subject to the Committee or Sub Committee having given permission for such representation). The Legal Clerk will ensure that matters on which clarification has been sought from the applicant are addressed to the satisfaction of the Committee or Sub Committee Members.
9. The Sub Committee will ask the applicant any questions or for points of clarification in relation to their application.
10. The representatives of permitted responsible authorities present will make oral presentations of their previously submitted representations (see Note B). The Legal Clerk will ensure that matters on which clarification has been sought from the responsible authorities are addressed to the satisfaction of the Committee or Sub Committee Members.
11. The Sub Committee will ask the representatives of permitted responsible authorities any questions or for points of clarification in relation to their representation.
12. Other permitted parties will make oral presentations of their previously submitted representations, in person or by their representatives (subject to the Committee or Sub Committee having given permission for such representation) (see Notes B and C). The Legal Clerk will ensure that matters on which clarification has been sought from the parties are addressed to the satisfaction of the Committee or Sub Committee Members.
13. The Sub Committee will ask the other permitted parties any questions or for points of clarification in relation to their representation.

14. With the permission of the Chair, all parties will be able to ask questions of each other.
15. The applicant will be given the opportunity to provide any closing statements in relation to their application.
16. The responsible authorities will be given the opportunity to provide any closing statements in relation to their representation.
17. Other permitted parties will be given the opportunity to provide any closing statements in relation to their representation.
18. The Committee or Sub Committee shall retire to consider the application and other written and oral representations made to them. The Committee or Sub Committee shall ask the Committee Clerk to retire with the Committee or Sub Committee and shall take minutes of the discussion. The Committee or Sub Committee Members shall also ask the Legal Clerk to retire with them or to join them at any time during the period of retirement if they wish to take legal advice. Legal advice given shall be repeated in summary form before all the parties and the applicant when the Committee or Sub Committee returns.
19. The decision shall be given within the time limit (see Note D). The Committee or Sub Committee may ask the Legal Clerk to give the decision and the reasons on its behalf.

NOTES

Specific

- A** Applications for permission to cross examine any attendee at the hearing may also be made at a later stage in the hearing if the need to cross examine only becomes apparent during the hearing. Such late applications will be considered by the Committee or Sub Committee at the time at which they are made, or at some other suitable point in the hearing, as determined by the Legal Clerk. No cross examination of any attendee will be allowed without the permission of the Committee or Sub Committee.
- B** The responsible authorities are defined in the Licensing Act. Whether they are permitted to make representations is prescribed by the Licensing Act 2003 (Hearings) Regulations 2005.
- C** Parties who are permitted to give representations are prescribed by the Licensing Act 2003 (Hearings) Regulations 2005.
- D** The time by which the decision must be given is prescribed by the Licensing Act 2003 (Hearings) Regulations 2005.

General

- 1.** Parties may not address in their oral presentations to the Committee or Sub Committee any material or matters not previously included in their written representations, without the express permission of the Committee/Sub Committee and, if present, the applicant, other interested parties and the representatives of the responsible authorities. Such permission will only be given in exceptional circumstances.

2. An equal amount of time will be given for parties to make representations. The amount of time, therefore, will be at the Chair's discretion, dependent on the number of representations requested.
3. By virtue of Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005, the Committee or Sub Committee may exclude from all or part of the hearing any member of the public and/or any other person present at the hearing, including applicants, permitted responsible authorities, parties and their representatives, if the Committee or Sub Committee believes that the public interest in doing so outweighs the public interest in allowing the person(s) in question to remain.