

## **NORTH EAST DERBYSHIRE DISTRICT COUNCIL**

### **PROCEDURE FOR HEARINGS UNDER THE LICENSING ACT 2003**

- 1 The Chair of the Sub-Committee will remind elected Members of the Code of Conduct and request them to declare the existence and nature of any disclosable pecuniary interest or significant other interest in any matter arising from the case(s) to be considered and to withdraw from the hearing.
- 2 The Sub-Committee shall comprise five Members appointed from the Licensing Committee of the Council, the Quorum is three Members and one will act as Chair.
- 3 The Chair of the Sub-Committee will:
  - (a) Welcome everyone to the hearing and ask those present to introduce themselves.
  - (b) Indicate that the procedure for the hearing will be as required in the Licensing Act 2003 (Hearing) Regulations 2005 and will take the form of a discussion led by the licensing authority.
  - (c) Indicate that this hearing shall take place in public, except where (as defined in regulations) the Public Interest requires the public exclusion. A party or any person assisting or representing a party may be treated as a member of the public.
  - (d) Indicate that at the hearing a party shall be entitled to:
    - (i) in response to a point which the Council has given notice that it will want clarification under the Regulations, give further information in support of their application, representations or notice;
    - (ii) subject to permission by the Chair of the Panel allow you to question any other party present; and
    - (iii) address the Sub-Committee.
  - (e) Indicate that in considering any representations or notice made by a party, the authority may take into account documentary or other information produced by a party in support of their application, representation or notice (as applicable) either before the hearing or, with the consent of all the other parties at the hearing.
- 4 The Sub-Committee will consider any request made by a party for permission for another person to appear at the hearing, other than the person he/she intends to represent him/her at the hearing. Such permission shall not be unreasonably withheld.

- 5** The order for submissions by each party to the hearing will be:
  - (a) The Licensing Officer
  - (b) The Objectors
  - (c) The Applicants
- 6** After each of the above submissions the Members of the Sub-Committee will be entitled to ask questions of the relevant party.
- 7** Each party will be allowed the equal maximum period of time in which to exercise their rights.
- 8** The authority may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing.
- 9**
  - (a) Regarding failure of parties to attend the hearing; if the authority has not been notified then it may, where it considers it to be necessary in the public interest, adjourn the hearing to a specified date or continue to hold the hearing in their absence.
  - (b) Where the authority holds a hearing in a party's absence it will consider the application, representations or any notice made.
  - (c) Where the authority adjourns the hearing to a specified date it will notify each party of the date, time and place, to which the hearing has been adjourned.
- 10** The parties will be entitled to make closing submissions. The closing submission of any applicant for a licence will follow the closing submissions of the representatives of any objectors.
- 11** The Licensing Sub-Committee may, after hearing the representations ask all parties, except the legal adviser and the Democratic Services representative to withdraw to enable the Sub-Committee to deliberate in private (or in certain cases the Sub-Committee itself may withdraw).
- 12** In most cases the authority will make its determination at the conclusion of the hearing. The pronouncement of the determination is made in public. In all cases specified in the Hearing Regulations, the authority will make its written determination within a period of five or ten working days as appropriate.