

COMMITTEE PROTOCOL – LICENSING SUB-COMMITTEE

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 Sub-Committee will be treated on its own merits. This licensing authority will make its decision based on the merits of the application and the promotion of the four licensing objectives, and will also have regard to the Guidance issued under Section 182 of the Licensing Act 2003 and the Worcester City Council Statement of Licensing Policy.

Members of the Sub-Committee will meet prior to the hearing to note matters to be presented and read all written submissions, assisted by the legal and administrative clerks only. The actual application will not be discussed. The Democratic Services Manager will have drawn up a list of persons appearing at the hearing.

LICENSING HEARING PROCEDURE

The Hearing

1. The Chair will open the meeting, identify all persons present, and read the following statement:

“Presentations to this Sub-Committee are not given under oath. However I should like to remind all parties that the highest standards are expected and any deviation from these high standards could possibly influence any decision of the Sub-Committee.”
2. The Chair will remind each representor and applicants/licence holders that they can be represented by a legal representative at their own expense or by a Councillor. He/she shall seek confirmation that all parties are satisfied with the procedure.
3. All parties are to be limited to a maximum time of ten minutes in which to make representations to the Sub-Committee. This period may be extended at the discretion of the Chair, where prior representation has been made to the Licensing Authority. If an extension is agreed, all parties are to be allowed the same time to make representations. Where appropriate, if several parties wish to make the same representation, a spokesperson may by consent be appointed, in which case the spokesperson is to be allowed the same period of time as other representatives. If a spokesperson is not appointed, the amount of time must be shared between the persons wishing to make the same representation.
4. The Licensing Officer will present the report, outlining any relevant representations and relevancies to the Worcester City Council Statement of Licensing Policy and Guidance issued under Section 182 of the Licensing Act 2003.
5. The Licensing Officer may be questioned by Members of the Sub-Committee, the Applicant, and other parties to the hearing if given permission by the Chair.

6. The Applicant/Licence Holder and/or his/her representative will speak in support of the application.
7. The Applicant/Licence Holder may be questioned by Members of the Sub-Committee and other parties to the hearing if given permission by the Chair.
8. Any witnesses in support of the application will then make representations to the Sub-Committee.
9. The witnesses may be questioned by Members of the Sub-Committee and other parties to the hearing if given permission by the Chair.
10. Any Representor will be invited to make representations to the Sub-Committee, having stated the nature of his/her interest in the matter.
 - (i) In the case of any Representor who has made representations but fails to attend, the hearing will normally proceed, taking into consideration the written representations, but ensuring appropriate weight is given to the representations.
 - (ii) No Representor may raise any ground or objection at the hearing not previously referred to in the written submission, unless the Sub-Committee considers there to be good reasons for doing so.
 - (iii) The Applicant/Licence Holder or his/her representative may make representations to the Sub-Committee as to why any request to introduce a new ground should or should not be granted.
11. At the conclusion of the Representor's case he/she may be questioned by the Members of the Sub-Committee, the Applicant, and other parties to the hearing if given permission by the Chair.
12. Any Councillor representing the area in which the subject premises are located, who wishes to make representations on his/her own behalf, on behalf of constituents or any other relevant party will be invited to make such representations to the Sub-Committee.
 - (i) Where a Councillor wishes to make representations to the Sub-Committee, he/she may not sit on any Sub-Committee deciding such matter. Prior to a Councillor making any representations to the Sub-Committee he/she shall publicly declare that there has been no prior discussion on the matter with any Members of the Sub-Committee.
13. The Chair will give all Representors an opportunity to give any further information considered to be appropriate to the case.
14. The Licensing Officer is invited to make a closing statement.
15. The Applicant/Licence Holder or his/her representative is invited to make a closing statement.
16. The Officer representing the Legal Services Manager may provide any relevant legal advice.

17. The Chair will announce an adjournment of the hearing to enable the Sub-Committee to deliberate in private.

All parties, with the exception of the Members of the Sub-Committee, the legal adviser and the committee administrator will leave the room.

18. The Sub-Committee may recall all parties to seek clarification on any point. The parties will then withdraw again.
19. The Chair may depart from the above procedure if he/she considers it is in the interests of justice to do so, either of his/her own volition or upon application by any party. Before doing so he/she shall invite the views of the parties present and consider any representations that may be made.

Decision

- 19 The hearing will reconvene, all parties being recalled.
20. The Chair will announce the decision, together with reasons for it in public at the conclusion of the hearing, together with any conditions placed upon the licence and the licensing objective they relate to.
21. The Decision will be confirmed in writing to the Applicant/Licence Holder and his/her representative (if appropriate), and to the other parties to the hearing, and also to the Chief Officer of Police, within 7 working days of the conclusion of the hearing.

NOTES

1. *The procedure to be adopted by anyone aggrieved at the decision will be explained by the Chair if requested.*
2. *Late representations and evidence will only be considered with the agreement of all parties present.*
3. *It is not the general policy of the Council to enter into discussions or correspondence on matters relating to the hearing or any decision made at the hearing.*
4. *The Sub-Committee may require any person attending the hearing, who in its opinion is behaving in a disruptive manner, to leave the hearing and may*
 - *refuse to permit that person to return, or*
 - *permit that person to return only on such conditions as the Sub-Committee specify,**but such person may, before the end of the hearing, submit in writing any such information which they would have given orally had they not been required to leave.*
5. *Any irregularity resulting from any failure to comply with any provision of the relevant Regulations before the Sub-Committee has made a determination shall not of itself render the proceedings void. In the case of such irregularity, the Sub-Committee shall, if it considers that any person may have been prejudiced as a result of such irregularity, take such steps as it thinks fit to cure the irregularity prior to determination.*
6. *Clerical errors in any document recording a determination of the Committee or errors arising in such document from accidental slip or omission may be corrected by the Sub-Committee.*