

## **LICENSING SUB-COMMITTEE (Premises)**

### **HEARING PROCEDURE**

1. **The Chairman will open the hearing and introduce members of the Sub-Committee and officers present.**
2. **The Chairman will ask parties to the proceedings to introduce themselves.**
3. **In the event the Applicant is not represented, the Chairman will remind the Applicant that he/she can be represented by a legal representative at his/her own expense.**
4. **The Licensing Officer, Worcestershire Regulatory Service will present the report.**
5. **The Chairman will invite Members of the Sub-Committee and all parties to the proceedings to put any relevant questions to the Licensing Officer.**
6. **The Chairman will invite the Applicant and/or his/her representative to present his/her case and call any witnesses. The Applicant will be allowed a maximum of 10 minutes to present the case.**
7. **The Chairman will invite Members of the Sub-Committee and all parties to the proceedings to put any relevant questions to the Applicant and/or his/her representative.**
8. **The Chairman will invite the Responsible Authorities to present their representations. New representations must not be raised. The Responsible Authorities will be allowed a total of 10 minutes to present their case(s). If two or more Responsible Authorities wish to address the Sub-Committee the 10 minutes will be divided between them.**
9. **The Chairman will invite Members of the Sub-Committee and all parties to the proceedings to put any relevant questions to the Responsible Authorities.**
10. **All other Parties to the proceedings will be invited to present their representations or elect a spokesperson to speak on their behalf. New representations must not be raised. A maximum of 10 minutes will be allowed for the Parties to present their case(s). If two or more Parties wish to address the Sub-Committee the 10 minutes will be divided between them.**

- 11. The Chairman will invite Members of the Sub-Committee, the applicant / applicant's representative and the Responsible Authorities to put any relevant questions to the other Parties**
- 12. The other Parties will be invited to sum up. A maximum of 5 minutes will be allowed.**
- 13. The Responsible Authorities will be invited to sum up. A maximum of 5 minutes will be allowed.**
- 14. The Applicant and/or his/her representative will be invited to sum up. A maximum of 5 minutes will be allowed.**
- 15. The Chairman will ask the Legal Advisor if there is any legal advice to be given.**
- 16. At the conclusion of the hearing Members of the Sub-Committee, the Legal Advisor and the Democratic Services Officer will withdraw from the meeting room so that the Sub-Committee can reach its decision in private.**
- 17. Once the Sub-Committee has reached its decision, all parties will return and the meeting will reconvene. The Sub-Committee's decision, together with the reasons for the decision, will be announced by the Chairman.**
- 18. The Sub-Committee's decision will be confirmed in writing to the Applicant and those parties who made representations.**

**Please Note:**

1. ***Each application coming before the Licensing Sub-Committee will be treated on its own merits, and the Sub-Committee will take its decision based upon:***
  - a) ***the promotion of the four licensing objectives, as given by the Licensing Act 2003, namely:***
    - ***the prevention of crime and disorder;***
    - ***public safety;***
    - ***the prevention of public nuisance; and***
    - ***the protection of children from harm;***
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  - b) ***Bromsgrove District Council's Statement of Licensing Policy;***
  - c) ***guidance issued under section 182 of the Licensing Act 2003; and***
  - d) ***the Licensing Act 2003.***
2. ***The Chairman may require any person who in his/her opinion is behaving in a disruptive manner to leave the meeting, and may refuse to permit that person to return, or permit him/her to return only on such conditions as the Chairman may specify. However, such person may, before the end of the hearing, submit in writing any information which he/she would have been entitled to have given orally at the meeting had he/she not been required to leave.***
3. ***Decisions may be taken in the absence of the Applicant or any other party. All notices and representations received from absent parties will be considered.***
4. ***Questioning must not be hostile or intended to unfairly undermine the position of any party.***
5. ***Late evidence will only be considered with the agreement of all parties present.***
6. ***In cases where a decision cannot be given at the end of the hearing, the decision will be made within 5 working days.***
7. ***An appeal to the Magistrates' Court against the Sub-Committee's decision must be lodged within 21 days of the date on which all parties were notified in writing of the decision of the Licensing Sub-Committee.***