



LOCAL LICENSING AUTHORITY

**LICENSING SUB-COMMITTEE PROCEDURE**

**LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005**

The following proceedings will occur at the Licensing Sub-Committee when it has come to order.

1. The Licensing Panel Sub-Committee are to elect a Chair.
2. The Chair will welcome all parties to the hearing, introduce the Sub-Committee Members and officers present.
3. The Chair will confirm no conflict of interests.
4. The Chair will read out a preamble to confirm the location of fire exits, that mobile phones are to be switched off or put on silent and the basic rules of the meeting including specifically highlighting the rules on representations as detailed below at paragraphs 7 to 12.
5. The hearing will then proceed as follows:-
  - The Reporting Officer (as the licensing authority) shall read the licensing report to open Sub-Committee, outline the application and the decision to be taken.
  - Sub-Committee Members to ask questions of the Reporting Officer.
  - Applicant to ask questions of the Reporting Officer.
  - The Applicant to put their case to the Sub-Committee.
  - Sub-Committee Members to ask questions of the Applicant.
  - If applicable, any other persons to make relevant representations that are before the Sub-Committee.
  - If applicable, Sub-Committee Members to ask questions of other persons.
  - If applicable, Applicant to ask questions of other persons.
  - Chair to ask if any parties have any further questions or anything they wish to add.

- Applicant to briefly summarise their position & confirm that they have had every chance to say what they have wished too.
  - Reporting Officer to sum up and restate the options for the Members of the Sub Committee
  - Sub-Committee to retire and communicate their decision within 5 working days.
6. Parties should be aware that the application before the Sub-Committee is heard as a formal quasi-judicial hearing. The procedure is governed by the Licensing Act 2003 (the Act), the revised Guidance under section 182 of the Act and the Licensing Act 2003 Hearing Regulations 2005 (the Regulations). The Sub-Committee and all attending parties should dress appropriately.
  7. Relevant representations to be heard by the Sub-Committee are those which are filed with the Licensing Authority
    - 7.1 on time and
    - 7.2 relate to the likely effect of the application on the promotion of one or more of the Licensing Objectives which are the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.

### **Representations made on time**

8. Section 17(5)(c) of the Act provides that regulations may prescribe the period within which relevant representations can be made. Representations will only be relevant if they are made within this period.
9. The definition of “relevant representations” in section 18(7)(a) of the Act contains a requirement that the representations were made by an interested party or responsible authority “within the period prescribed by section 17(5)(c) and Regulation 22(b) of the Licensing Act (Premises Licence and Club Premises Certificates) Regulations 2005.
10. Regulation 22(1)(b) states that a representation may be made at any time during a period of 28 consecutive days starting on the day after the day on which the application to which it relates was given to the authority by the applicant. This means 28 days consecutive days after the application was given to the authority. Any representations received after the 28-day cut-off period are not relevant for the purposes of the Act even if they relate to one or more of the licensing objectives.
11. Late representation(s)/evidence as a matter of law cannot be placed before the sub-committee UNLESS all parties agree to their inclusion. The Act and Hearing Regulations aim to ensure a fair level playing field with all parties having adequate notice of the evidence before the sub-committee and an ability to respond with no party being taken by surprise.
12. Regulation 16 of the 2005 Regulations allow for clarification or provide further information relating to an existing representation before the Sub-Committee. It does

not allow for new representations to be introduced, even if related to one or more of the four Licensing Objectives. The Chair will be advised by the Legal Adviser to ensure only those representations before the Sub-Committee are heard and will form the basis of the evidence on which the decision will be based.

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