

**LICENSING AND REGULATORY COMMITTEE**

**PROCEDURE RULES**

**Licensing and Regulatory Committee Procedure Rules**

**1 Application of Rules**

1.1 The following procedure rules apply when the Licensing and Regulatory Committee is dealing with the matters specified.

1.2 The quorum for Licensing and Regulatory Committee will be 5 Members.

1.3 Decisions of the Licensing and Regulatory Committee are not subject to call-in.

1.4 In order to vote on an application, a member of the Committee must be present throughout the entire debate on an individual application.

**2 Hackney Carriage/Private Hire Licensing Committee Hearing (General) Procedure Rules**

2.1 The applicant/licensee is invited into the meeting.

2.2 The Chair will introduce those present and ask the applicant/licensee:

- (a) if s/he has been advised of their right to have legal representation; and
- (b) if not represented whether s/he is happy to proceed; and
- (c) that s/he has received a copy of the Licensing Officer's report and understands the procedure that the Committee will follow?

2.3 The Licensing Officer will present his/her report.

2.4 The Licensing Officer will invite the applicant/licensee to explain the circumstances of any conviction or other matter mentioned in the report.

2.5 The Licensing Officer may ask the applicant/licensee further questions.

2.6 The Chair will ask the applicant/licensee if s/he has any questions for the Licensing Officer.

2.7 The members of the Committee are invited by the Chair to ask the applicant/licensee or the Licensing Officer questions.

2.8 The Chair will invite the applicant/licensee to make a final statement summing up his/her case, or referring the Committee to points s/he feels it should consider, or adding any points s/he has not previously covered.

- 2.9 The Chair will ask the applicant/licensee together with any Licensing or Police officers present to leave the room whilst the Committee makes its decision.\*
- 2.10 The Chair will invite those who left the room back in and inform the meeting of the Committee's decision. Where the decision is to refuse a licence or to take action against an existing licence, the Chair will inform the meeting of the facts the committee relied on in making its decision and the reasons for that decision.
- 2.11 The Chair will inform the applicant/licensee that the Committee's decision will be confirmed in writing within 7 working days and that the letter will advise of any right of appeal, if relevant.

\* The Chair may invite both the applicant/licensee and the Employees back into the room in order to clarify any points that may arise during its deliberations. Neither the applicant/licensee nor the employees will be invited back alone without the other party being present.

### **3 Hackney Carriage/Private Hire Licensing Committee Hearing (Complaint) Procedure Rules**

- 3.1 The licensee is invited into the meeting.
- 3.2 The Chair will introduce those present and ask the licensee:
- (a) if s/he has been advised of their right to have legal representation; and
  - (b) if not represented, whether s/he is happy to proceed; and
  - (c) that s/he has received a copy of the Licensing Officer's report and understands the procedure that the Committee will follow?
- 3.3 The Licensing Officer will present his/her report.
- 3.4 The complainant is invited into the meeting and is asked to give his/her evidence to the Committee.
- 3.5 The Licensing Officer may ask the complainant questions.
- 3.6 The licensee may ask the complainant questions.
- 3.7 The Councillors of the Committee may ask the complainant questions.
- 3.8 The licensee is invited to comment on the employee's report and on what the complainant has said.
- 3.9 The Licensing Officer may ask the licensee questions.
- 3.10 The members of the Committee may ask the licensee questions.

- 3.11 The Chair asks the complainant if s/he has any further comments on what has been said? The Chair will then thank the complainant for attending and tell him/her that they are free to go.
- 3.12 The licensee is invited by the Chair to make a final statement summing up his/her case, or referring the Committee to points s/he feels it should consider, or adding any points s/he has not previously made.
- 3.13 The Chair will ask the licensee and the Employees to leave the room whilst the Committee makes its decision.
- 3.14 The Chair will invite the licensee and employees back into the room and announce the Committee's decision. Where the Committee has decided to uphold the complaint and take formal action against the licensee, the Chair will inform the meeting of the facts the Committee relied upon in making its decision and the reasons for that decision.
- 3.15 The Chair will inform the licensee that the Committee's decision will be confirmed in writing within 7 working days and that the letter will advise of any right of appeal, if relevant.

#### **4 Licensing Act 2003 - Hearing Procedure Rules**

- 4.1 The members of the Sub-Committee will enter the hearing room.
- 4.2 The Chair will introduce the Members of the Sub-Committee and its supporting officers and will ask each of the parties (and their representatives) to identify themselves.
- 4.3 The Chair will ask if the parties have received and understood the procedure note and whether anyone present would like the procedure explained further.
- 4.4 The Chair will confirm any relevant documents the Sub-Committee has received and will be considering and will ask the parties whether there are any further documents they wish to present and their reasons for doing so.
- 4.5 The Chair will ask if any party wishes to call witnesses in support of their case and their reasons for doing so.
- 4.6 The Licensing Officer will give a brief description of the application, confirm whether all relevant application formalities have been complied with and whether the authority has notified any of the parties of any points the authority wanted clarification on at the hearing.
- 4.7 The Chair will invite the applicant/licensee (or representative) to present their case (maximum 20 minutes).

- 4.8 The Chair will invite Members of the Sub-Committee to ask the applicant/licensee (or representative) questions.
- 4.9 The Chair will invite each objector/review respondent (or representative) to present their case (maximum 20 minutes each).
- 4.10 The Chair will invite Members of the Sub-Committee to ask each objector/review applicant (or representative) questions.
- 4.11 The Chair will invite each objector/review applicant (or representative) to sum up their case (maximum 10 minutes).
- 4.12 The Chair will invite the applicant/licensee to sum up their case (maximum 10 minutes).\*
- 4.13 The Members of the Sub-Committee will retire with their supporting officers to make their decision.
- 4.14 The Members of the Sub-Committee and their supporting officers will return to the hearing room and the Chair will invite the Committee Solicitor to inform the meeting of the decision made, the facts relied on, the reasons for the decision and any legal advice given).

\* Where permitted by the Act, the Chair may close the meeting at this point and re-convene the meeting in private at a later date for the Sub-Committee to make its decision.

## **5 The Gambling Act 2005, Gambling Sub-Committee - Hearing Procedure**

- 5.1 The members of the Sub-Committee will enter the hearing room.
- 5.2 The Chair will open the meeting, introduce the Members of the Sub-Committee and its supporting officers and will ask each of the parties (and their representatives) to identify themselves.
- 5.3 The Chair will ask if the parties have received and understood the procedure note (and in particular that cross-examination by the parties is not normally allowed) and whether anyone present would like the procedure explained further?
- 5.4 The Chair will confirm any relevant documents the licensing authority has received before the hearing and will be considering, and will ask the parties whether there are any other documents they now wish to present (subject to the other parties consent) and their reasons for doing so.
- 5.5 The Chair will ask if any party wishes to call witnesses in support of their case and their reasons for doing so.

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- 5.6 The Licensing Officer will give a brief description of the application, confirm whether all relevant application formalities have been complied with and where relevant, that the authority proposes to attach/exclude conditions.
- 5.7 The Chair will invite the Members of the Sub-Committee to ask the Licensing Officer questions.
- 5.8 The Chair will invite the applicant (or representative) and the other parties making representations to comment on what the Licensing Officer has said.
- 5.9 The Chair will invite the applicant (or representative) to present their case (maximum 20 minutes).
- 5.10 The Chair will invite Members of the Sub-Committee to ask the applicant (or representative) questions.
- 5.11 The Chair will invite the Licensing Officer/other parties making representations to comment on what the applicant has said.
- 5.12 The Chair will invite each party making representations (or representative) to present their case (maximum 20 minutes each).
- 5.13 The Chair will invite Members of the Sub-Committee to ask each party making representations (or representative) questions.
- 5.14 The Chair will invite the Licensing Officer/applicant (or their representative) to comment on what each party making representations has said.
- 5.15 The Chair will invite each party making representations (or representative) to sum up their case and if they wish, to comment on anything said by any other party (maximum 10 minutes).
- 5.16 The Chair will invite the applicant (or representative) to sum up their case (maximum 10 minutes).
- 5.17 The Chair will invite the Licensing Officer to sum up any reasons why conditions should be attached or excluded, and highlight anything that the Sub-Committee should take into consideration.
- 5.18 The Chair will ask all parties if they are satisfied that they have had the opportunity to say everything that they wish to. \*(The Members of the Sub-Committee will then retire with their supporting officers to make their decision).
- 5.19 The Members of the Sub-Committee and their supporting officers will return to the hearing room and the Chair will invite the Sub-Committee Solicitor to inform the meeting of the decision made, any facts relied on, the reasons for the decision and any specific legal advice given.

- 5.20 The Sub-Committee's decision will be confirmed in a written Notice of Determination that will be issued to all parties within 10 working days of the hearing.

**Please note**

- Changes of Sub-Committee membership will be given at the beginning of the meeting
- Decisions will generally be taken regardless of whether the applicant is present.
- All notices and representations received from absent parties will be considered.
- Late representations and evidence will only be considered with agreement of all parties present.
- In cases where a decision cannot be given at the end of the hearing, the decision will be made within 5 working days after the day of the hearing and the parties will be notified in writing.
- Parties have a right to appeal to the Magistrates Court, within 21 days of notification of the decision.
- The Sub-Committee may on occasion find it necessary to exclude members of the press and public where they are satisfied that is necessary in all the circumstances of the case, eg. any unfairness to a party that is likely to result from a hearing in public; or/and the need to protect as far as possible, the commercial or other legitimate interests of a party.
- The hearing is intended to take the form of the discussion lead by the Sub-Committee.
- The Sub-Committee has the right to exclude any parties disrupting the hearing or require him/her to meet certain conditions for him/her to continue to take part in the hearing.
- Any persons excluded in this manner is able to submit information in writing to the Sub-Committee before it finishes, that s/he would have been entitled to state orally had they not been required to leave.

- \* The Chair may close the meeting at this point and reconvene the meeting in private for the Sub-Committee to make its decision before the end of the period of 5 working days, starting with the day after the last day of the hearing.

**6. Sexual Entertainment Venues—Committee Hearing Procedure Note**

- 6.1 The Parties are invited into the meeting.

- 6.2 The Chair will introduce him/herself, the other members of the Committee and any officers assisting the Committee. The Chair will invite each of the parties present and any representatives to identify themselves.

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- 6.3 The Chair will ask the parties if they have received a copy of the Licensing Officer's report and understand the hearing procedure.
- 6.4 The Chair will ask if any party wishes to submit any documents in addition to their application/representation. If the other parties have not previously seen the document, the Chair will request that it first be passed to them, so that they can decide whether they object to it being submitted to the Committee\*. Any further documents being put forward must relate to application and/or the statutory grounds for objecting. The final decision on whether any further documents are admitted will rest with the Chair.
- 6.5 The Chair will remind the parties that the purpose of the hearing is to consider arguments in favour of the application and arguments against it. The hearing is not a court of law where the truth of what is said has to be tested and proved and therefore cross-examination between the parties will not normally be allowed.
- 6.6 The Licensing Officer will present his/her report.
- 6.7 The applicant will address the Committee to present the application and may call evidence in support.
- 6.8 If the Police have lodged an objection, they may address the Committee to present their objection and may call evidence in support.
- 6.9 If any council officer (other than the Licensing Officer) has lodged an objection, they may address the Committee to present their objection and may call evidence in support.
- 6.10 All other objectors may address the Committee to present their objection and may call evidence in support. Where several objectors have submitted similar objections, the Chair may invite those objectors to nominate a spokesperson to speak on their collective behalf.
- 6.11 The Chair will invite the members of the Committee to ask the parties questions.
- 6.12 Objectors will be asked if they wish to make a closing statement.

- 6.13 The applicant will be asked if he/she/they wish to make a closing statement.
- 6.14 The Chair will ask if any members of the Committee have any points they want clarified by any of the parties before the parties leave the room.
- 6.15 The Chair will invite the parties to leave the room whilst it debates the application in private\*\*. Relevant supporting officers (e.g. legal adviser, minute taker) will remain with the Committee in order to provide professional advice and to record the deliberations.
- 6.16 The Parties will be invited back into the room and the Chair will announce the Committee's decision. Written confirmation of the decision will be issued to the Parties within 10 working days.

\* The Chair may adjourn the hearing to another date where it is appropriate to do so, for example to consider further documentation submitted or to allow a formal site visit to take place.

\*\* If a point arises during the adjournment that requires clarification, then all of the parties will be invited back into the room so that the appropriate questioning can take place with everyone present.

\*\*\* The Chair may alter or depart from this procedure where it is appropriate in the circumstances to do so.

