

## Licensing Subcommittee

### Contested applications and hearings - Procedure (Licensing Act 2003)

#### Purpose of the Procedure

- To enable those with a right to appear to advance their point of view and to test the case of their opponents;
- To assist the Subcommittee<sup>1</sup> to gather evidence and understand the relevant issues.

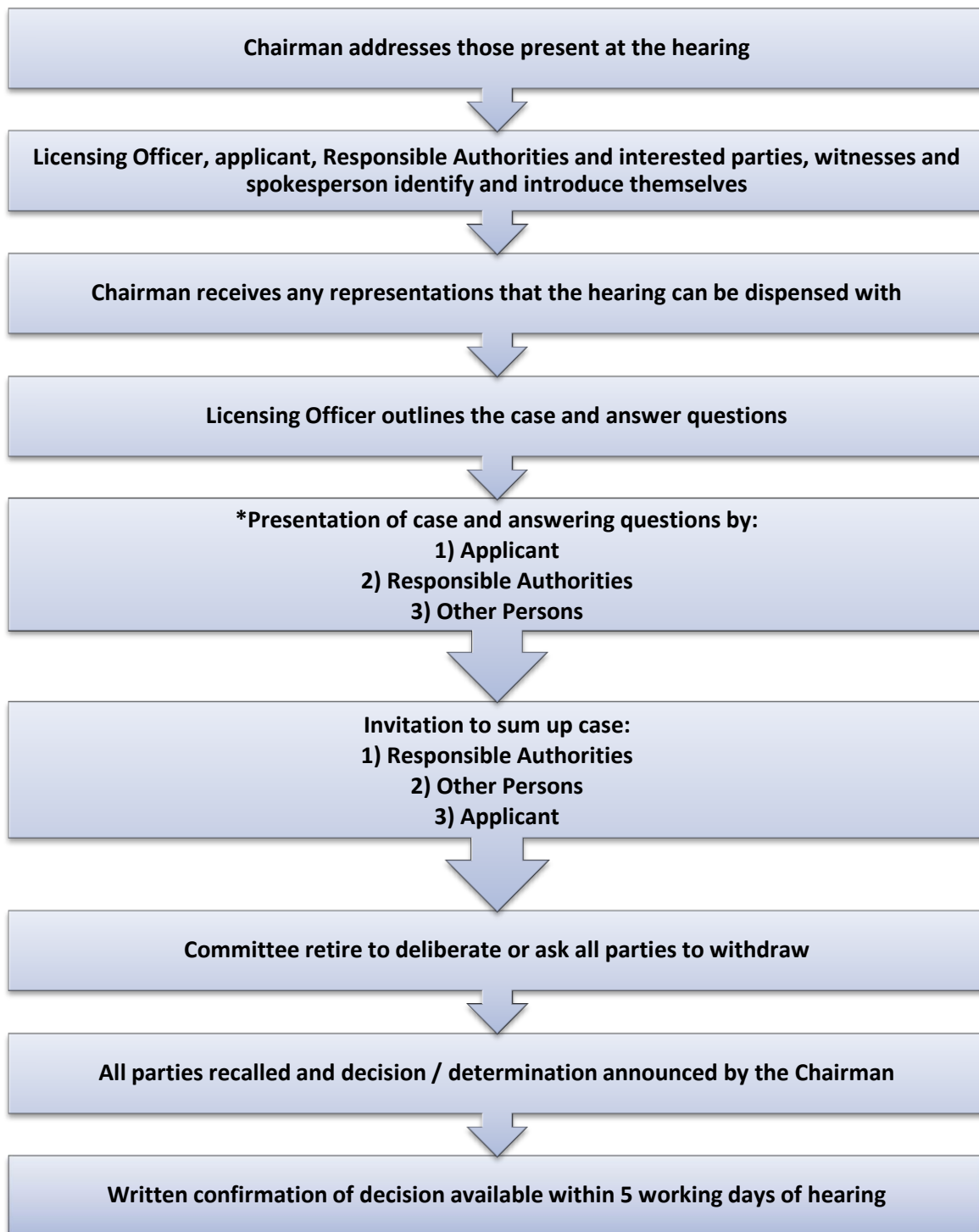
#### The Committees Guiding principles

- a) The Committee is entitled to **accept hearsay evidence** but may attach less weight to such evidence as it cannot be tested;
- b) The Committee may **accept petitions** (provided they are relevant to one or more of the four licensing objectives). However, it should be noted that only limited weight can be attached to petitions as the individual views will not have been tested;
- c) Where a **large number of interested parties** are involved the Committee will **encourage the appointment of a spokesperson(s)** to avoid duplication of evidence;
- d) The Committee **should not allow objectors to raise wholly new objections** at the hearing;
- e) The Committee **should ensure fair treatment of witnesses** and protect them from interruptions and aggressive advocacy. They should **discourage leading questions** and **encourage the witness to answer the actual question** to prevent them from straying from the point;
- f) If submissions are invited on a particular point by one party, **all parties must be allowed to make submissions on that point**. If the Committee has some questions of its own, the participants should be offered a chance to ask further questions arising from the Committees questions;
- g) The Committee **may cut through issues** by asking whether a certain point is really contested or indicate that they have heard and understood the point. They may ask a witness whether they wish to add to anything a previous witness has said;
- h) The Committee **may ask parties to collaborate and produce draft conditions** but reassure the parties that this exercise is to save time and not because the Committee has formed a view on the issue;
- i) The Committee **will not express its view as to the merits of the application or objections before giving its decision**. This also applies to any comments to the press or residents in the weeks or days leading up to the hearing. The Committee must behave and be seen to be behaving impartially;
- j) The Committee **will draft thorough reasons for their decision**. Each and every relevant representation should be addressed in the decision. The extent of guidance and policy taken into account should be stated. Refusals in whole or in part and / or the attachment of conditions should be stated in terms of the appropriateness to do so in order to promote one or more of the licensing objectives and why this is so.
- k) The **Committee members are selected** on the basis that they come from wards in a different part of the Council's area such that they will not be a member of the ward to which the application pertains. Neither have they taken part in the Development Control Committee process that determined any associated planning permission relating to the premises in question.

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<sup>1</sup> The Subcommittee is a committee and so the title committee is used throughout this document

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**\*NOTE - Order of questioning:**

- 1) Members of the Licensing Committee
  - 2) Licensing Officer(s)
  - 3) Responsible Authorities
  - 4) Other Persons
  - 5) Applicant
  - 7) Re-examination by Members of the Licensing Committee and Council Officers
- (Where witnesses are called questioning is at the end of each witness giving their evidence)