

Licensing Sub-Committee Procedure

Each application that comes before the Sub-Committee will be treated on its own merits, and this Licensing Authority will make its decision based upon:

- The merits of the application, and
- The promotion of the four licensing objectives which are:
 - The prevention of crime and disorder
 - Public safety
 - The prevention public nuisance; and
 - The protection of children from harm
- The policy of the licensing authority, a copy of which can be viewed on <http://www.harrogate.gov.uk/pdf/policy.pdf> or obtained from Licensing, Safer Communities PO Box 787, Harrogate, HG1 9RW
- The guidance issued by the Home Office in April 2017 under Section 182 of the Licensing Act 2003.

This Council is committed to making decisions, in an honest, accountable and transparent fashion.

Hearings will be held in public but the Sub-Committee may decide to exclude the public from all or part of a hearing where it considers the public interest in doing so outweighs the public interest in the hearing taking place in public. In this context “public” includes any party to the hearing or any representative of a party.

Proceedings

1. The Clerk to the meeting will begin by asking the Sub-Committee to appoint a Chair.
2. The Chair will open the meeting by explaining the procedure for the Sub-Committee.
3. Item 2 on the agenda will be introductions. The Chair will ask all parties to introduce themselves and will confirm as to the names of any witnesses they will be calling. **Councillors** will state their name and the ward they represent. **Officers** will state their name and job title. **All other participants** will state their name and the reason for their attendance at the Sub-Committee (e.g. applicant, licence holder, other persons etc.) At this point, the Sub-Committee will satisfy itself as to whether a representative has been appointed on behalf of those raising a representation and if not will establish who wishes to speak. The Chair may determine whether it is possible to appoint one representative to represent the view of all those raising a representation to present the views of all present and will indicate an equal period of time to each of the parties present who wishes to speak to present their case. This Sub-Committee recommends a maximum of 20 minutes is allowed to each party to make all relevant statements and respectfully requests that all parties keep points pertinent and the discussion moving in the interests of cost and efficiency.
4. Item 3 on the agenda will be declarations of interest. The Chair will ask if any Member of the Sub-Committee has an interest they wish to declare.

5. The procedure for the hearing will be agreed at agenda item 4.
6. At agenda item 5 the Solicitor to the Sub-Committee will advise of any exempt information items. If there is exempt information the Sub-Committee could resolve to go into exempt session. This means that the public would no longer be able to observe the Sub-Committee meeting.
7. Agenda item 6 is the substantive matter for decision. The Chair will ask the representative from the Licensing Authority to outline their report.
8. Members to ask any relevant questions of the representative of the Licensing Team.
9. The Chair will invite the Applicant/Licence Holder, (or their representative) to address the Sub-Committee and present their case including clarification of any information arising from the officers' outline, if necessary.
10. If necessary, the Sub-Committee will consider requests to allow other parties invited by the Applicant/Licence Holder to address the Sub-Committee.
11. Members of the Sub-Committee may ask any relevant questions of the Applicant/Licence Holder or their representative.
12. Parties that made representations may wish to ask any relevant questions of the Applicant/Licence Holder or their representative. The Chair will invite them to ask their questions.
13. The Chair will invite those that have made representations (police, environmental health, other persons etc) to address the Sub-Committee. Questions from Members and the Applicant/Licence Holder or their representative will be taken after each party has addressed the Sub-Committee.
14. Members of the Sub-Committee may wish to ask any relevant questions of those making representations. The Chair will invite Members to ask their questions.
15. The Applicant/Licence Holder or their representative may wish to ask any relevant questions of those making representations. The Chair will invite them to ask their questions.
16. Steps 13-15 will be repeated until all parties making representations have addressed the Sub-Committee.
17. The Chair will invite the Applicant/Licence Holder or their representative, and any parties making representations, to briefly summarise their points if they wish.
18. The Chair will ask all parties if they are satisfied that they have said all they wish to.
19. The Chair will then announce that the Sub-Committee will retire to discuss and make their decision.
20. The Chair will relay the decision and the reasons given for the decision, and any conditions placed upon the licence (if granted) and the licensing objective that they relate to.

21. The Chair will announce that the meeting has ended.

Please note:

- a. Any changes to the agenda will be given at the beginning of the meeting.
- b. The Sub-Committee will disregard any information given by a party, or any other person appearing at the hearing which is not relevant to:
 - Their application, representation or notice; and
 - The promotion of the licensing objectives or the crime prevention objective where the Police has given notice.
- c. If a party has informed the Licensing Authority that they will not be attending or be represented at the hearing it may proceed in their absence. Persons making representations may choose to rely on their written representation.
- d. If a party fails to respond to the Notice, does not attend the hearing and is not otherwise represented the sub-committee may either:
 - Adjourn the hearing if it considers it both necessary in the public interest, or
 - Hold the hearing in the party's absence
- e. If the Sub-Committee holds the hearing in the absence of a party it will consider at the hearing the application, representation or notice given by the party.
- f. If the Sub-Committee adjourns the hearing to a specified date it must further notify the parties but please note that when arranging adjournments transitional hearings cannot be adjourned to a date beyond the two months from the date the applicant's application was received.
- g. Similarly, this authority generally will allow all parties to ask questions of another party present, but this decision will be taken on a case by case basis and in some exceptional circumstances (a reason will be given) cross examination may be prohibited.
- h. The Licensing Authority has the right to exclude any parties disrupting this hearing, at its discretion. Any person so excluded may, before the end of the hearing, submit to the Authority in writing, any information which they would have been entitled to give orally had they not been requested to leave.
- i. In cases where a decision cannot be given at the end of the hearing, the Clerk will inform the Applicant when they will be notified of the decision within 5 working days.
- j. Proceeding will not be rendered void only as a result of failure to comply with any provisions of the Hearings Regulations.
- k. Where an Authority considers that any person may have been prejudiced as the result of an irregularity relating to the Hearings Regulations, it may take such steps, as it thinks fit to resolve the irregularity, before reaching its determination.
- l. The authority may correct clerical mistakes in any document recording a determination of the Authority, or errors arising in such a document as the result of an accidental slip or omission.

Appeals

1. Either those who have made an application or those who have made representations on an application may appeal to the Magistrates Court.
2. An appeal must be commenced within twenty-one days beginning with the day on which the appellant was notified by the Licensing Authority of their decision. Notice of Appeal must be given to Harrogate Magistrates Court.