Statutory Licensing Sub-Committee

Procedure

Introduction

1. The Sub-Committee will conduct its hearings fairly, observing the basic rules of natural justice.

2. Each hearing will take the form of a discussion led by the Chair and cross examination will not be permitted unless the Sub-Committee considers that cross examination is necessary.

3. 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.

Procedure

4. At the beginning of the meeting the Chair shall:-

    a) ask those present to introduce themselves;
    b) explain the procedure;
    c) ask the parties whether they wish permission for another person to appear at the hearing.

5. The Sub-Committee will consider requests from the parties for permission for other persons to appear at the meeting. Such permission will not be unreasonably withheld.

6. The Chair will conduct the hearing taking representations from the parties in the following order:

    a) the Licensing Officer who will outline the background to the case. The Licensing Officer's role is to provide factual information to the Sub-Committee.

    b) the applicant/licence holder (including any person appointed to represent the party or any other persons who have been given permission to assist the party).

    c) any party making representations (including any person appointed to represent the party or any persons who have been given permission to assist the party).

7. Before determination, the applicant/licence holder will be given the final opportunity to address the Sub-Committee.

8. Each party will be given an equal maximum period of time in which to put forward any additional information requested by the Council, to question other persons (if given permission by the Sub-Committee) and address the Sub-Committee.

9. The Sub-Committee may exclude disruptive persons in certain circumstances.

10. The Sub-Committee may adjourn the hearing in certain circumstances.

11. The Sub-Committee will ask the parties to withdraw so that it can consider its determination. In considering its determination, the Sub-Committee may ask its Legal Advisor to provide it with legal and procedural advice. The nature of this advice will be notified to the parties.

12. The Sub-Committee will make its determination at the end of the meeting and this will be confirmed in writing.

Failure of Parties to Attend a Hearing

13. If a party has informed the Council that they do not intend to attend or be represented at a hearing, the hearing may proceed in their absence.

14. Where a party has not so indicated fails to attend or be represented at a hearing the Sub-Committee may:

    a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date; or

    b) hold the hearing in the party's absence.

15. Where the hearing is held in the absence of a party, the authority shall consider at the hearing of the application, representation or notice made by that party.

16. Where a hearing is adjourned to a specified date the Council will notify the parties of the date, time and place to which the hearing has been adjourned.

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