



Licensing Sub-Committee Hearings

The four **licensing objectives**, as given by the Licensing Act 2003 are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

Each application that comes before this committee will be treated on its own merits, and this licensing authority will take its decision based upon:

- The merits of the application
- The promotion of the four licensing objectives
- The policy of the licensing authority, a copy of which can be obtained from our website www.sstaffs.gov.uk.
- The amended guidance issued by the Home Office in June 2013 under Section 182 of the Licensing Act 2003

Rights of Parties

All parties have the following rights:

- To attend the hearing
- To have their representations considered by the Sub-Committee, even if unable or unwilling to attend the hearing
- To be assisted or represented by any person, whether legally qualified or not
- To give further information in support of their application, representation or notice, in response to a point on which the authority has given notice to a party that it will want clarification
- To address the Sub-Committee
- To exercise their rights within the hearing for an equal maximum time in which to make their representation

Hearing Procedure

- **The Chairman** opens the meeting, introducing Members of the committee and council officers present to the applicant and members of the public, explains the nature of the decision to be taken, and the procedure to be followed.
- **The Chairman** will then ask the council's officer to present the report on the application.
- **Members** to ask any relevant questions of the officer.
- **The Chairman** will invite the applicant or their representative to clarify any information arising from the officers' outline, if necessary.
- **The Chairman** to invite those parties making representations to address the sub- committee.
- **Members** to ask any relevant questions of those parties making representations.
- **The Chairman** will then invite the applicant or person representing them to ask any relevant questions of those parties making representations.
- If necessary, the committee will consider requests to allow other parties invited by the applicant to address the committee.
- **The Chairman** will request the applicant or person representing them addresses the committee.
- **Members** may ask any relevant questions of the applicant or person representing them.
- **The Chairman** will invite parties that made representations to ask any relevant questions of the applicant or person representing them.

Summing up

- **The Chairman** to invite applicant or those representing them, and any parties making representations, to briefly summarise their points if they wish.
- **The Chairman** asks all parties that they are satisfied they have said all they wish to.

Consideration of Decision – Confidential Session

- **The Chairman** asks the applicant/ applicant's representative and interested parties to leave the room.
- **Members** of the committee discuss and make their decision.

Announcement of Decision

- **The Chairman** relays the decision and the reasons for the decision, and any conditions placed upon the licence (if granted) and the licensing objective they relate to.
- **The Chairman** will advise all parties of their right to appeal if they are not happy with the decision made (*see following important notes*).

Important Notes

- 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 officer will inform the applicant when they will be notified of the decision within 5 working days.
- Applicants have a right to appeal, details of which can be obtained via the licensing officer.
- This Council is committed to taking decisions in a honest, accountable and transparent fashion but on occasion may find it necessary to exclude members of the press and public based upon the legal framework given in the Local Government Act 1972 sch 12a and/or local policy. In these occasions decisions based on the above framework will be given. 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.
- The authority has the right to exclude any parties disrupting this hearing, at its discretion.