

APPENDIX A - PROCEDURE

Staffordshire Moorlands District Council Licensing Sub Committee Rules of Procedure

The following order of proceedings will apply at the hearing:-

1. The Chairman will lead the hearing procedure. The Chairman will introduce the Subcommittee members and ask parties to introduce themselves. S/he will explain that this is the procedure the Sub-Committee will be following and check that all parties have a copy of the papers.
2. Members of the Sub-Committee will indicate if they have any interests to declare in accordance with the Localism Act 2011.
3. The Licensing Officer/Manager, will inform members of any new matters, if any, arising since the report was finalised.
4. The applicant/licensee may then ask the Officer questions relating to the report or new matters arising, followed by the Objector(s) and then Sub-Committee members.
5. Any objector(s) to the application or to retention of the licence may make a statement in support of their objection
6. The applicant/licensee may then ask the objector(s) questions, followed by the Licensing Officer/Manager and then Sub-Committee members.
7. The applicant/licensee may make a statement in support of their application or addressing the objection to their licence.
8. The objector(s) may then ask the applicant/licensee questions, followed by the Licensing Officer/Manager and then Sub-Committee members.
9. The Licensing Officer/Manager may make a final statement. ⁽¹⁾
10. The objector(s) may make a final statement. ⁽¹⁾
11. The applicant/licensee may make a final statement. ⁽¹⁾
12. The legal officer present will give any legal advice required if not already contained within the committee report.
13. The Sub-Committee will retire with the legal officer or the parties will be asked to wait outside while the Sub-committee consider their decision. If the decision is likely to take some time to determine parties will be discharged and informed of the decision by e-mail or post.
14. Reasons for the decision will be given and provided to the parties in writing as soon as practicable together with any rights of appeal against the decision.

⁽¹⁾ Note: no new matters or evidence may be introduced in final statements

Notes:

This procedure note is designed for all Licensing Sub-Committee hearings relating to licensing matters save those under the Licensing Act 2003.

Hearings will take place for all applications where objection has been made to an application, this may be in relation to a grant or a renewal. This person is referred to as an applicant. Hearings will also take place for objections to retention of a licence if the licensee has breached their licence conditions or for any other relevant reason. This person is referred to as a licensee. Reference to an applicant, licensee or objector includes their representative if they have one. This person may or may not be legally qualified.

Hearings will be open to the public unless they are considered to be exempt under Schedule 12A to the Local Government Act 1972. The Agenda will indicate whether this is the case in advance however, the Sub-Committee may exclude the public if confidential or exempt information needs to be disclosed at the meeting.

All parties must read all the papers before the hearing takes place.

Parties may have a representative at the hearing who may or may not be legally qualified.

All parties must give the Council at least 5 working days notice in writing of whether:

- they or their representative intends to come to the hearing
- they are making a request for permission to bring any other person to speak at the hearing, or
- they consider that a hearing is unnecessary.

Any additional material, evidence or papers, to be introduced by any party must be sent to the licensing section in advance of the hearing. Material produced at the hearing will only be allowed with the consent of all the parties.

Parties should present themselves to reception at the designated meeting place at least 15 minutes before the hearing and ask for the licensing officer. If there is more than one hearing parties may have to wait to be heard and are thanked for their patience in advance.

Although there are no rules on how long any party can speak for, parties will be stopped from speaking if they are being repetitive or raising matters irrelevant to the matter at hand.

A point is best made if it is made concisely and directly.

The Sub-Committee may proceed in the absence of any party on a failure to attend unless it is in the public interest to adjourn to another date but will take into account any written information that has already been presented.

In order to ensure that all parties receive a fair hearing, this procedure may be waived, altered or modified by the Sub-Committee.

If any party has any special needs regarding access, hearing or vision, this should be brought to the Licensing Officers attention prior to the hearing in order that appropriate provision may be made in advance if required.