

**HEARING BEFORE THE LICENSING SUB-COMMITTEE OF STAFFORDSHIRE  
MOORLANDS DISTRICT COUNCIL**

**APPLICATION FOR A REVIEW OF A LICENCE UNDER THE LICENSING ACT 2003**

**ORDER OF PROCEEDINGS**

1. The Chairman will lead the hearing procedure. The Chairman will introduce the Sub-committee 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 Sub-Committee will consider any request made by any party for permission for another person to speak at the hearing.
4. The Licensing Officer/Manager, will inform members of any new matters, if any, arising.
5. The applicant may then ask the Officer questions relating to the report or new matters arising, followed by the Objector(s) and then Sub-Committee members.<sup>(1)</sup>
6. The applicant for review may make a statement explaining their application.
7. The Licensee may then ask the applicant for review questions, followed by the Licensing Officer/Manager and then Sub-Committee members.
8. The Licensee may make a statement regarding their licence.
9. The applicant for review may then ask the Licensee questions, followed by the Licensing Officer/Manager and then Sub-Committee members.
10. The Licensing Officer/Manager may make a final statement; the applicant for review makes a final statement and the Licensee makes a final statement. <sup>(2)</sup>
11. The legal officer present will give any legal advice required if not already contained within the committee report.
12. 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.
13. Reasons for the decision will be given and provided to the parties together with information regarding any rights of appeal against the decision.

(1) Questions must be limited to questions relevant to the application and the four licensing objectives.

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

## **OTHER IMPORTANT INFORMATION:**

This procedure note is designed for Licensing Sub-Committee hearings relating to reviews and summary reviews made under the Licensing Act 2003.

The person who makes the application for review is referred to as the applicant for review or applicant. Reference to an applicant or Licensee includes their representative if they have one.

Parties may have assistance from another person or 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<sup>(3)</sup>:

- 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.

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

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.

The Sub-Committee may proceed in the absence of any party on a failure to attend unless it considers it to be in the public interest to adjourn to a specified date and if it does proceed will take into account any written information that has already been presented.

Adjournments may not be possible in the case of applications for review under sections 167 and 53A or where an adjournment would result in an application being either automatically granted or rejected as a result.

Hearings will be open to the public unless they are considered to be exempt in accord with regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005. .

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. The sub-committee will only be interested in hearing about the matters which the applicant for review has made representation about (as set out in the report to the Sub-Committee) and they will not consider matters which are not brought forward as part of the review.

Equally the Sub-Committee can only hear representations which are relevant to the licensing objectives – i.e. issues related to crime and disorder, public safety, public nuisance and the protection of children, a point is best made if made concisely and directly.

(3) Note that in the case of hearings under s.48 (3) and s.105(2)(a) the notice period is 1 working day. Applications under sections 167(5)(a), 53C and paragraphs 4(3)(a), 16(3)(a) and 26(3)(a) of Schedule 8 require 2 working days

If any party has been given notice under Regulation 7(1)(d) of the Licensing Act 2003 (Hearings) Regulations by the Council that clarification on any particular point is wanted then that party may give that further information in support of their application, representations or notice (as applicable).

In order to ensure that all parties receive a fair hearing, this procedure may be waived, altered or modified by the Sub-Committee only provided the Licensing Act 2003 (Hearings) Regulations 2005 can still be complied with.

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.