

## **CANNOCK CHASE COUNCIL**

### **LICENSING SUB-COMMITTEE**

#### **PROCEDURE FOR DEALING WITH LICENSING APPLICATIONS AND OTHER MATTERS SUBMITTED UNDER THE LICENSING ACT 2003**

##### **General Points**

1. The relevant parties shall be given notice in advance of the time, date and place of the meeting, together with a copy of the procedure for the hearing and a copy of the report relating to the application. The applicant and other parties should assume that the Sub-Committee has read all the written material submitted to it.
2. The applicant/licensee and any of the other parties shall have the right to be represented by a legal representative or some other person of their choice and shall be entitled to call witnesses subject to the permission of the Sub-Committee under Regulation 8(2) of the Licensing Act (Hearing) Regulations 2003.
3. The Regulations require that the hearing should take the form of a discussion. Therefore, cross-examination of a legal nature of the parties shall only be permitted where the Sub-Committee consider such cross-examination is required in order to consider the representations of the application.

##### **Procedure For The Hearing**

1. The Chairman of the Sub-Committee shall introduce the Members of the Sub-Committee and supporting staff.
2. The Chairman shall ask for the applicant/licensee (or their representative), together with any objectors to the application to introduce themselves. If any of the parties have requested permission to call witnesses the Sub-Committee will determine whether these witnesses should be called to make representations.
3. The Chairman shall outline the procedure to be followed at the hearing and ask all parties to confirm their understanding of the procedure. The Chairman shall also make reference to the fact that each party has an equal amount of time within which to present their case and may set down limits for this.
4. The officer representing the Licensing Authority shall present a report on the matter in the presence of the applicant/licensee (or their representative) and any objectors.
5. Any objectors to the application shall have the opportunity to ask questions of the officer from the Licensing Authority.
6. The applicant/licensee (or their representative) shall have the opportunity to ask questions

of the officer from the Licensing Authority.

7. Members of the Sub-Committee may ask questions of the officer from the Licensing Authority.
8. Where the officer of the Licensing Authority is legally represented, the legal representative may ask questions of clarification of the officer of the Licensing Authority.
9. The applicant/licensee (or their representative) shall put the case in respect of the matter in the presence of the officer of the Licensing Authority and any objectors and may call witnesses.
10. Any objectors to the application shall have the opportunity to ask questions of the applicant/licensee (or their representative) and any witnesses called.
11. Members of the Sub-Committee may ask questions of clarification of the applicant/licensee (or their representative).
12. Any objectors to the application shall put their case in respect of the matter in the presence of the officer representing the Licensing Authority and the applicant/licensee (or their representative) and may call witnesses.
13. The applicant/licensee (or their representative) may ask questions of clarification of any objectors/witnesses.
14. Members of the Sub-Committee may ask questions of clarification of any objectors/witnesses.
15. The officer of the Licensing Authority shall have the opportunity to sum up their case if they so wish.
16. The applicant/licensee (or their representative) shall have an opportunity to sum up their case if they so wish.
17. Any objectors to the application shall have an opportunity to sum up their respective cases if they so wish.
18. Members of the Sub-Committee shall deliberate in private, accompanied by the Council's Legal Advisor and Secretary to the Sub-Committee, only recalling the other parties or their representatives to clarify points of uncertainty on evidence or submissions already given. If it is necessary to recall any party, all parties are to return, notwithstanding that only one party may be concerned with the points giving rise to doubt.
19. At the conclusion of their deliberations, the Chairman of the Sub Committee may inform the applicant/licensee (or their representative) of the decision of the Sub-Committee, briefly explaining the reasons for the decision.

20. The Council's Legal Advisor shall write within seven working days (or as soon as practicable if this cannot be completed) to the applicant/licensee confirming the Sub Committee's decision and giving reasons for that decision.