

## Part 8: Licensing Committee Sub-Committee Procedure Rules

(December 2020)

### 10.1 Licensing Sub Committee

### 10.2 Licensing Hearing Procedure

#### 10.2.1 Licensing Objectives

#### 10.2.2 Procedure

### 10.3 Licensing Review Hearing Procedure

#### 10.3.1 Licensing Objectives

#### 10.3.2 Procedure

#### 10.3.3 Note

### 10.4 Gambling Hearing Procedure

#### 10.4.1 Licensing Objectives

#### 10.4.2 Procedure

### 10.5 Gambling Review Hearing Procedure

#### 10.5.1 Licensing Objectives

#### 10.5.2 Procedure

### 10.6 Hackney Carriage and Private Hire Vehicle Appeals Procedure

### 10.1 Licensing Sub Committee

The Licensing Subcommittee will be made up of any 3 Members to be drawn from the membership of the parent Committee.

Members will not be selected from the ward in which a premise subject to the hearing is located and will not have an interest or pre-determined position in the matter under consideration which could prejudice their judgement.

Members must have received appropriate training and must have taken a non-committal approach to any lobbying in respect of the matter to be heard, otherwise they may not participate in the hearing.

The procedures followed for Licensing and Gambling matters are determined by the Licensing Act 2003 and the Gambling Act 2005.

The Sub-committee will follow the procedures set out in statute when determining these matters.

In all other cases the sub-committee will follow council meeting procedural rules as set out in the Local Government Act 1972.

### 10.2 Licensing Hearing Procedure

#### 10.2.1 Licensing Objectives

In making their decision the members of the hearing must consider the four

Licensing Objectives:

- the Prevention of Crime and Disorder;
- Public Safety
- the Prevention of Public Nuisance; and
- the Protection of Children from Harm

**10.2.2 Procedure**

- The Democratic Support Officer opens the meeting and asks for nominations for Chairman for the meeting.
- Once appointed, the Chairman, Members of the Sub Committee, Officers and all parties present introduce themselves.
- The Chairman confirms that all parties have received all of the necessary papers from the Council.
- The Chairman outlines the procedures to be followed.
- The Chairman will ask the parties if they have any questions on the procedure.
- Members consider any request by any party for permission for another person to appear at the hearing.
- The Chairman confirms with the parties that they are ready to proceed with the Hearing.
- The Chairman invites the Licensing Officer to outline the application and the representations that have been received. The applicant or their representative is given the opportunity to seek clarification from the Licensing Officer on any matters included in their report
- Through the Chairman, Members clarify any points with the Licensing Officer regarding the report.
- The Chairman asks the applicant if they wish to address the Committee on any issues arising from what the Licensing Officer said.
- The Chairman invites the applicant or their representative to address the Sub-Committee.
- The Chairman asks the Licensing Officer and any parties making representations if they wish to put questions to the applicant.
- Through the Chairman, Members put questions to the applicant.
- The Chairman invites the parties making representations or their representative to address the Sub-Committee.
- The Chairman asks the Applicant or their representative and the Licensing Officer if they wish to put questions to the parties making representations.

- Through the Chairman, Members put questions to the parties making representations.
- The Chairman asks the parties making representations to clarify anything arising during the presentation of their representations.
- The Chairman invites each party to make their closing addresses.
- The Chairman asks all parties to confirm that they are satisfied that they have said all they wish to say.
- The Chairman will inform everyone attending the Hearing that the Sub-Committee will retire with the Democratic Support Officer and the Legal Officer in order to deliberate, seek any necessary legal advice and make their decision in private session.
- The Chairman will confirm whether parties should wait whilst a decision is reached or confirm that a letter will be sent confirming the outcome.
- When the decision has been reached, the Sub-Committee may readmit all parties to give their decision.
- A formal letter will be sent to all parties to communicate the determination of the application and the reasons for that determination.

### **10.3 Licensing Review Hearing Procedure**

#### **10.3.1 Licensing Objectives**

In making their decision the members of the hearing must consider the four Licensing Objectives

- the Prevention of Crime and Disorder;
- Public Safety
- the Prevention Public Nuisance; and
- the Protection of Children from Harm

#### **10.3.2 Procedure**

- The Democratic Support Officer opens the meeting and asks for nominations for Chairman for the meeting.
- Once appointed, the Chairman, Members of the Sub Committee, Officers and all parties present introduce themselves.
- The Chairman confirms that all parties have received all of the necessary papers from the Council.
- The Chairman outlines the procedures to be followed.
- The Chairman will ask the parties if they have any questions on the procedure.

- Members consider any request by any party for permission for another person to appear at the hearing.
- The Chairman confirms with the parties that they are ready to proceed with the Review Hearing.
- The Chairman invites the Licensing Officer to outline the application for review of the Premises Licence and the representations that have been received. The applicant for review and the Premises Licence Holder or their representative(s) are given the opportunity to seek clarification on matters included by the Licensing Officer in their report.
- Through the Chairman, Members clarify any points with the Licensing Officer regarding the report.
- The Chairman invites the applicant for review or their representative to address the Sub-Committee
- The Chairman asks the Premises Licence Holder or their representative and the Licensing Officer if they wish to put questions to the applicant for review.
- The Chairman asks the parties making representations (if any) if they wish to put questions to the applicant for review.
- Through the Chairman, Members put questions to the applicant for review
- The Chairman asks the applicant for review to clarify anything arising during the presentation of their representations.
- The Chairman invites the parties making representations or their representative(s) to address the Sub-Committee
- The Chairman asks the Premises Licence Holder or their representative if they wish to put questions to the parties making representations.
- The Chairman asks the applicant for review or their representative and the Licensing Officer if they wish to put questions to the parties making representations.
- Through the Chairman, Members put questions to the parties making representations.
- The Chairman asks the parties making representations to clarify anything arising during the presentation of their representations.
- The Chairman invites the Premises Licence Holder or their representative to address the Sub-Committee in response to the application for review.
- The Chairman asks the applicant for review or their representative if they wish to put questions to the Premises Licence Holder.
- The Chairman asks the parties making representations (if any) and the

Licensing Officer if they wish to put questions to the Premises Licence Holder.

- Through the Chairman, Members put questions to the Premises Licence Holder.
- The Chairman asks the Premises Licence Holder to clarify anything arising during the presentation of their response.
- The Chairman invites each party to make their closing addresses
- The Chairman asks all parties to confirm that they are satisfied that they have said all they wish to say.
- The Chairman will inform everyone attending the Review Hearing that the Sub-Committee will retire with the Democratic Support Officer and the Legal Officer in order to deliberate, seek any necessary legal advice and make their decision in private session.
- The Chairman will confirm whether parties should wait whilst a decision is reached or confirm that a letter will be sent confirming the outcome.
- When the decision has been reached, the Sub-Committee may readmit all parties to give their decision.
- A formal letter will be sent to all parties to communicate the determination of the application and the reasons for that determination.

### **10.3.3 Note**

- Where a statement from a proposed witness is served on the licensing authority and all other relevant parties at least 14 days prior to the date notified for the hearing of the review, that witness statement will be taken as fact unless written notice requiring the attendance of that witness is given to the party putting forward the witness and to the licensing authority at least five working days prior to the hearing.
- When a written statement from a witness has previously been circulated to the Sub-Committee and all other parties that statement will be taken as read at the hearing. The party putting forward the witness may ask questions of the witness to bring out the salient points in the statement.

## **10.4 Gambling Hearing Procedure**

### **10.4.1 Licensing Objectives**

In making their decision the members of the hearing must consider the three Gambling Licensing Objectives

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way; and
- Protecting children and other vulnerable persons from being harmed or

exploited by gambling.

#### **10.4.2 Procedure**

- The Democratic Support Officer opens the meeting and asks for nominations for Chairman for the meeting.
- Once appointed, the Chairman, Members of the Sub Committee, Officers and all parties present introduce themselves.
- The Chairman confirms that all parties have received all of the necessary papers from the Council.
- The Chairman outlines the procedures to be followed.
- The Chairman will ask the parties if they have any questions on the procedure.
- Members consider any request by any party for permission for another person to appear at the hearing.
- The Chairman confirms with the parties that they are ready to proceed with the Hearing.
- The Chairman invites the Licensing Officer to outline the application and the representations that have been received. The applicant or their representative is given the opportunity to seek clarification on any matters raised by the Licensing Officer in their report
- Through the Chairman, Members clarify any points with the Licensing Officer regarding the report.
- The Chairman asks the applicant or their representative if they wish to address the Committee on any issues arising from what the Licensing Officer said.
- The Chairman invites the applicant or their representative to address the Sub-Committee.
- The Chairman asks the parties making representations or their representative and the Licensing Officer if they wish to put questions to the applicant.
- Through the Chairman, Members put questions to the applicant.
- The Chairman invites the parties making representations or their representative to address the Sub-Committee.
- The Chairman asks the applicant or their representative and the Licensing Officer if they wish to put questions to the parties making representations.
- Through the Chairman, Members put questions to the parties making representations.
- The Chairman asks the parties making representations to clarify anything arising during the presentation of their representations.

- The Chairman invites each party to make their closing addresses.
- The Chairman asks all parties to confirm that they are satisfied that they have said all they wish to say.
- The Chairman will inform everyone attending the Hearing that the Sub Committee will retire with the Democratic Support Officer and the Legal Officer in order to deliberate, seek any necessary legal advice and make their decision in private session.
- The Chairman will confirm whether parties should wait whilst a decision is reached or confirm that a letter will be sent confirming the outcome.
- When the decision has been reached, the Sub-Committee may readmit all parties to give their decision.
- A formal letter will be sent to all parties to communicate the determination of the application and the reasons for that determination.

## **10.5 Gambling Review Hearing Procedure**

### **10.5.1 Licensing Objectives**

In making their decision the members of the hearing must consider the three Gambling Licensing Objectives

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

### **10.5.2 Procedure**

- The Democratic Support Officer opens the meeting and asks for nominations for Chairman for the meeting.
- Once appointed, the Chairman, Members of the Sub Committee, Officers and all parties present introduce themselves.
- The Chairman confirms that all parties have received all of the necessary papers from the Council.
- The Chairman outlines the procedures to be followed.
- The Chairman will ask the parties if they have any questions on the procedure.
- Members consider any request by any party for permission for another person to appear at the hearing.
- The Chairman confirms with the parties that they are ready to proceed with the Review Hearing.

- The Chairman invites the Licensing Officer to outline the application for review of the Premises Licence and the representations that have been received. The applicant for review and the Premises Licence Holder or their representative(s) are given the opportunity to seek clarification on matters included by the Licensing Officer in their report.
- Through the Chairman, Members clarify any points with the Licensing Officer regarding the report.
- The Chairman invites the applicant for review or their representative to address the Sub-Committee.
- The Chairman asks the Premises Licence Holder or their representative and the Licensing Officer if they wish to put questions to the applicant for review.
- The Chairman asks the parties making representations (if any) or their representative(s) if they wish to put questions to the applicant for review.
- Through the Chairman, Members put questions to the applicant for review
- The Chairman asks the applicant for review to clarify anything arising during the presentation of their representations.
- The Chairman invites the parties making representations or their representative to address the Sub-Committee
- The Chairman asks the Premises Licence Holder or their representative if they wish to put questions to the parties making representations.
- The Chairman asks the applicant for review or their representative and the Licensing Officer if they wish to put questions to the parties making representations.
- Through the Chairman, Members put questions to the parties making representations.
- The Chairman asks the parties making representations to clarify anything arising during the presentation of their representations.
- The Chairman invites the Premises Licence Holder or their representative to address the Sub-Committee in response to the application for review.
- The Chairman asks the applicant for review or their representative if they wish to put questions to the Premises Licence Holder.
- The Chairman asks the parties making representations (if any) or their representative(s) and the Licensing Officer if they wish to put questions to the Premises Licence Holder.
- Through the Chairman, Members put questions to the Premises Licence Holder.



- The Chairman asks the Premises Licence Holder to clarify anything arising during the presentation of their response.
- The Chairman invites each party to make their closing addresses
- The Chairman asks all parties to confirm that they are satisfied that they have said all they wish to say.
- The Chairman will inform everyone attending the Review Hearing that the Sub-Committee will retire with the Democratic Support Officer and the Legal Officer in order to deliberate, seek any necessary legal advice and make their decision in private session.
- The Chairman will confirm whether parties should wait whilst a decision is reached or confirm that a letter will be sent confirming the outcome.
- When the decision has been reached, the Sub-Committee may readmit all parties to give their decision.
- A formal letter will be sent to all parties to communicate the determination of the application and the reasons for that determination.

#### **10.6 Hackney Carriage and Private Hire Vehicle Appeals Procedure**

- The Democratic Support Officer opens the meeting and asks for nominations for Chairman for the meeting.
- Once appointed, the Chairman, Members of the Sub Committee, Officers and all parties present introduce themselves.
- The Chairman confirms that all parties have received all of the necessary papers from the Council.
- The Chairman outlines the procedures to be followed.
- The Chairman confirms the appellant has received all of the necessary papers from the Council.
- The Chairman will ask the appellant if they have any questions on the procedure.
- The Chairman will confirm with the appellant that they are ready to proceed with the hearing.
- The Chairman will invite the Licensing Officer to outline the reasons for refusal, revocation or suspension of the Hackney Carriage/Private Hire Drivers Licence to the appellant.
- The appellant or their representative are given the opportunity to seek clarification on matters included by the Licensing Officer in their report.
- Through the Chairman, Members of the Committee may clarify any points with the Licensing Officer regarding the refusal.

- The Chairman asks the appellant or their representative if they wish to address the Committee. The Chairman asks the Licensing Officer if they wish to put any questions to the appellant.
- Through the Chairman, Members put any questions to the appellant.
- The Chairman asks the appellant or their representative if they wish to clarify any points and briefly summarise their appeal.
- The Chairman will confirm with everyone that they have said everything they wish to say.
- The Chairman will inform everyone attending the appeal that the Committee will retire with the Democratic Support Officer and the Legal Officer in order to deliberate, seek any necessary legal advice and make their decision in private session.
- The options open to the Sub-Committee are, in broad terms:
  - Uphold the decision of the Assistant Director: Regulatory Services in their capacity as Licensing Officer and refuse, revoke or suspend the grant of a Hackney Carriage/Private Hire Drivers Licence.
  - Rescind the decision of the Assistant Director: Regulatory Services in their capacity as Licensing Officer and grant the Hackney Carriage/Private Hire Drivers Licence.
- When the decision has been reached the Chairman will address the appeal and outline the process thereafter concerning written confirmation.