



## North Norfolk District Council

The Licensing Committee (Premises and Gambling) - Procedure to be followed at the Hearing

This Procedure and protocol is governed by; the following legislation:

- The Licensing Act 2003 (Hearings) Regulations 2005 and the Licensing Act 2003 (Hearings) (Amendment) Regulations 2005.
- The Gambling Act (Proceedings of Licensing Committees and Sub Committees) (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007.

### Introductions

1. The **Chair** of the Sub-Committee should read out a statement declaring under which capacity the Committee is sitting.

The **Chair** must outline that this Sub-Committee is sitting to consider matters under the Licensing Act 2003 and/or Gambling Act 2005.

2. The **Chair** will introduce themselves and the Members of the Committee.
3. The **Chair** will then introduce and explain the respective roles of;
  - (i) the Democratic Services Officer;
  - (ii) the Licensing Officer;
  - (iii) the Legal Advisor to the Committee
4. **The Chair** should invite all those present to introduce themselves and ask them to indicate if they wish to speak during the hearing. (Only those persons who have made representations may address the Sub-Committee)
5. Each party will be asked by the **Chair** whether 15 minutes is sufficient for the presentation of his/her/body's case. (Agreement on the length of time given for each speaker is at the discretion of the Chair).
6. The **Legal Advisor** explains the procedure that will be followed at the meeting. All parties to note that any requests or issues should be directed through the Chair.

### The Application

7. The **Licensing Officer** outlines the application to the Committee by presenting their report making proper reference to any relevant Licensing Policy and Statutory Guidance.
8. The Committee may ask questions of the Licensing Officer with regards to their report.

9. The **Licensing Officer** will invite questions from all parties to clarify the content of their report.

### **Presentation of Case / Submissions from Parties**

10. In the order of firstly **Applicant**, secondly **Responsible Authority** and thirdly **Other Persons** (or in the case of a review the relevant person), each party shall be invited to undertake the following:
  - (i) Set out their case;
  - (ii) Call Witnesses in support of their case (provided notification of the witnesses has previously been given to the Council);
  - (iii) Introduce documentary evidence in support of their case (provided notification of the documentary evidence has previously been given to the Council); and
  - (iv) Respond to any questions asked of them by Members of the Licensing Sub-Committee.
11. At the Sub-Committee and Chair's discretion each party may ask questions of other parties by directing them through the Chair. (please note witnesses may not put questions to other parties)
12. The Sub-Committee shall have the absolute discretion to restrict the number of witnesses and documents that any party can introduce, or the time spent on submissions or oral evidence, to ensure the proper running of the hearing. Where there are a number of persons with similar representations, a spokesperson may be chosen to speak.
13. Any witnesses that any party is seeking to call that have not previously been notified to the Council, in advance of the hearing, shall only be allowed with the consent of all other parties at the hearing. The Sub-Committee shall have the sole discretion to refuse to allow any witnesses to be heard, even where the consent of all parties has been given. In reaching the decision the Sub-Committee may consider any circumstances they believe to be relevant, and will have regard to the relevance of the evidence to the matters before the Committee.
14. Any documents that any party is seeking to adduce that have not previously been notified to the Council, in advance of the hearing, shall only be allowed with the consent of all other parties at the hearing. The Sub-Committee shall have the sole discretion to refuse to allow any documents to be adduced, even where the consent of all parties has been given. In reaching the decision the Sub-Committee may consider any circumstances they believe to be relevant, and will have regard to the relevance of the evidence to the matters before the Committee.

### **Closing Submissions**

15. The **Chair** shall invite each of the parties to present a closing submission, of no more than 5 minutes, to the Sub-Committee, in the order of
  - firstly **the Responsible Authority/ or Responsible Authorities;**
  - secondly **Other Persons;**
  - thirdly, the **Licensing Officer**
  - lastly the **Applicant (or their representative)**

Each party may comment upon what has been said but no new evidence should be introduced.

16. At the end of the Closing Submissions the **Chair** may ask the **Legal Advisor** if there is any clarification or points they wish to make or advise the Committee of.

### **Reaching and Making a Decision**

17. The **Chair** will ask the Council's Legal Advisor to address the Committee on any outstanding matters.
18. The **Chair** will then thank all those who have spoken and invite the Committee to retire to consider the application, accompanied by the Legal Advisor and Democratic Services Officer (who will take no part in the decision).
19. The Committee will then consider the case and evidence before them at the hearing and will seek to reach a decision with reasons for the decision.
20. Once a decision has been made, the **Chair** will invite the **Legal Advisor** to announce in public any legal advice they have given in private.
21. The **Chair** will read out the decision and the reasons for the decision, or in some cases, advise that the decision will be notified to parties at a later date. Where appropriate, the **Chair** will ask the Licensing Officer for any comments on their decision prior to any final determination.
22. The **Chair** will explain that all parties will be notified of the outcome of the decision and reasons for the decision in writing.
23. If the Committee is unable to reach a decision on the day, the **Chair** will explain that all parties will be notified as soon as possible (but within 5 working days or other time period as set out in the Licensing Act 2003 or related regulations) of the decision and the reasons for such.

### **NOTE**

A decision may be deferred to:-

1. Receive further documentation referred to in the meeting
  2. Enable a site visit to take place
  3. Invite the Applicant or his representative to appear if they had not done so at the meeting (only once)
- No further debate may be heard on further documentation or at a site visit
  - Adjournments should generally be granted if to refuse would deny applicant a fair hearing.