



## North Norfolk District Council

The Licensing Regulatory Committee - Procedure to be followed at the Hearing

The purpose of the Licensing Regulatory Committee is to discharge the Council's functions in relation to a wide variety of regulatory licensing matters connected to public protection, such as considering applications by persons wishing to drive taxis (which, where personal information is involved, may be heard in a private session); those involved in horse riding establishments; zoos; sex establishments and tattoo parlours etc. The Licensing Regulatory Committee **does not** hear matters relating to the licensing of premises and gambling establishments.

Consequences if the Party does not attend Hearing:

- 1) If a party has informed the Authority that he does not intend to attend or be represented at a Hearing, the Hearing may proceed in his absence.
- 2) If a party who has not so indicated fails to attend or be represented at a Hearing the Authority may –
  - a) Where it considers it to be necessary in the public interest, adjourn the Hearing to a specified date, or
  - b) Hold the Hearing in the party's absence.
- 3) Where the Authority holds the Hearing in the absence of a party, the Authority shall consider at the Hearing the application, representations or notice made by that party
- 4) Where the Authority adjourns the Hearing to a specified date it must forthwith notify the parties of the date, time and place to which the Hearing has been adjourned.

The procedure is outlined as follows:

### Introduction

1. The Chair of the Sub-Committee should introduce and explain the role of;
  - (i) The Committee
  - (ii) The Legal Advisor
  - (iii) The Licensing Officer
  - (iv) Democratic Services Officer
2. The Chair should invite the applicant or the person subject to consideration to introduce themselves and any representative they may have.
3. Those present to be made aware that all questions and comments should be directed through the Chair.
4. The Chair should invite the Legal Advisor to outline the procedure and address any preliminary matters or requests.

5. (Where the hearing is being heard in a private session) The Chair will make a statement excluding the press and public from the meeting pursuant to Schedule 12A of the Local Government Act 1972

### **The Application/Subject of Consideration**

6. The Chair will invite the Licensing Officer to present their report, outlining the case, the background, and provide any new information, having regard to existing policy and conditions.
7. The Licensing Officer may call witnesses to support the Council's case.
8. The Licensing Officer invites questions on the report from all parties.  
(The Applicant, the Objectors, the Board Members and the Legal Advisor)
9. Questions must be relevant to the matter in hand.

### **The Applicant's Case/Person Subject of Consideration**

10. The Chair then invites the Applicant/person under consideration or their representative to present their case. They can make statements and can call witnesses (the applicant/person subject of consideration may be 'a witness' if represented).
11. Any witness called must be open to questioning, firstly by the Licensing Representative and then the Sub-Committee.
12. Questions must be relevant to the matter in hand.

### **Objectors**

13. The Chair invites the Objectors to put forward their case.
14. The Chair invites questions to the Objectors from the Applicant, the Sub-Committee and the Legal Advisor. Any party may call witnesses or ask questions of the witnesses.

### **Closing Statements**

15. The Chair then invites any objectors to make a closing statement. They may comment on what has been said but no new evidence should be introduced.
16. The Chair then invites the Council's Licensing Representative to sum up their case. They may comment on what has been said but no new evidence should be introduced.
17. The Chair then invites the Applicant/person under consideration or their representative to sum up their case and make a closing statement. They may comment on what has been said but no new evidence should be introduced.
18. The Chair will ask the Legal Advisor if there is any advice before the Sub-Committee retires.

### **Reaching a Decision**

19. The Chair will then thank all those who have spoken and invite the Sub-Committee to retire to consider the case in private, accompanied by the Legal Advisor. The Chair will explain that the Legal Advisor will take no part in the decision making.

20. The Sub-Committee will then consider the case presented to them at the hearing and will seek to reach a decision and reasons for their decision.
21. Once a decision has been made, the Sub-Committee and Legal Advisor will return back in to the room and the Legal Advisor will announce in public any legal advice they have given in private.
22. The Chair will read out the decision and the reasons for the decision (save where paragraph 23, below applies).
23. The Chair will explain that notification of the outcome of the decision and reasons for the decision will be made in writing.
24. If the Sub-Committee are unable to reach a determination at that time, the Chair will explain that all parties will be notified as soon as possible (but within 5 working days, or such other period as permitted under legislation) of the decision and the reasons for such.