Hearing Procedure for Licensing (Statutory) Sub-Committees

1. Introduction

1.1 These Procedures describe the way in which hearings will be conducted under the Licensing Act 2003 and Gambling Act 2025.

1.2 Proceedings will not be rendered void as the result of failure to comply with any provision of the controlling Regulations, save that in any case of such an irregularity, the Licensing Committee shall, if it considers that any person may have been prejudiced as a result of the irregularity, take such steps as it thinks fit to cure the irregularity before reaching its determination.

1.3 Clerical mistakes in any document recording a determination of the authority or errors arising in such document from an accidental slip or omission may be corrected by the authority.

2. Composition of Sub-Committee

2.1 The Sub-Committee when determining any matter, will consist of three (3) Members, and no business shall be transacted unless three (3) members are present and able to form a properly constituted Licensing Sub-Committee. The Chair shall have a second or casting vote.

3. Procedure

1.	Any hearing required under the legislation is to take the form of a discussion led by the Council. Hearings will be held in public unless the Members of the hearing consider that the public interest in excluding the public outweighs the public interest in the hearing or that part of it, taking place in public. For these purposes, a party to the hearing and any person assisting or representing a party may be treated as a member of the public. Any person attending the hearing who in the opinion of the Members hearing the matter is behaving in a disruptive matter may be required to leave the hearing and may: • be refused permission to return; or • be permitted to return only on the conditions as may be specified by the Members and the hearing PROVIDED THAT such person may, before the end of the hearing, submit to the hearing in writing any information which they would have been entitled to give orally had they not been required to leave.
2.	If any party has failed to attend or be represented at the hearing, the Sub-Committee may: • where it considers it necessary and in the public interest, adjourn the hearing to a specified date(s); or • hold the hearing in that party's absence.
3.	Where a hearing is held in the absence of a party, any representations or notice made by that party shall be considered at the hearing.

4.	Where a hearing is adjourned to a specified date(s), all parties will be notified forthwith of the date(s), time and place to which the hearing has been adjourned.

Opening section	
5.	The Chair will introduce the Members and participants and explain the procedure to be followed.
6.	The Chair will advise all parties that they must make their submissions succinctly, and that all parties will be afforded the same time which should generally not exceed 10 minutes.

Licensing Officer	
7.	The Chair will invite the Licensing Officer to present: • a summary of the application/case • a summary of the representations made • a summary of any agreements reached • a summary of how the application/case and any relevant representations relate to the provision of the Licensing Policy Statement, any guidance from the Secretary of State and the relevant legislation.
8.	Members will be able to ask questions of the Licensing Officer.

Applicant	
9.	The Chair will invite the applicant or their representative(s) to present their application.
10.	Members and the Legal Officer will be able to ask questions of the applicant. The Chair will invite any other party to the hearing to ask questions of the applicant through the Chair.

Parties supporting application	
11.	The Chair will invite any person present (or their representative), who has submitted comments in support of the application to submit their evidence.
12.	Members and the Legal Officer will be able to ask questions of any person supporting the application. The Chair will invite any other party to the hearing to ask questions of the supporting party through the Chair.

Responsible Authorities	
13.	The Chair will invite Representatives of the Responsible Authorities and/or Statutory Consultees to submit their evidence.
14.	Members and the Legal Officer will be able to ask questions of any Responsible Authorities and/or Statutory Consultees. The Chair will invite any other party to the hearing to ask questions of the Responsible Authorities and/or Statutory Consultees through the Chair.

Parties opposing application	
15.	The Chair will invite any person present (or their representative), who has submitted comments in opposition of the application to submit their evidence.
16.	Members and the Legal Officer will be able to ask questions of any person objecting to the application. The Chair will invite any other party to the hearing to ask questions of any objector through the Chair.

Review hearings only – Licence Holder	
16a.	The Chair will invite the licence holder (or their representative) to submit their evidence
16b.	Members and the Legal Officer will be able to ask questions of the licence holder (or their representative). The Chair will invite any other party to the hearing to ask questions of the licence holder through the Chair.

Closing section	
17.	The Chair, where they consider that it is appropriate to do so, invites a closing statement from the parties to the hearing. Such statements will be made in the following order: responsible authorities, others person and the applicant. In the case of a review the order for summing up will be that the applicant for review will go first and will be followed by any responsible authority, other persons and finish with the licence holder. The Chair makes any closing remark.
18.	The Members of the hearing will usually retire into closed session to make a decision and record their reasons for this.
19.	The authority will normally make its determination on the day and this will be recorded in the minutes of the meeting. The Chair will advise that the decision and the reasons for it will be communicated to all parties within 5 working days, except where the Regulations require the decision and reasons to be communicated immediately.