

5. The Gambling Act 2005 (Proceedings of Licensing Committees and Sub-committees) (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007

5.1 Hearings shall be conducted in accordance with this Procedure Note which the Sub-Committee may vary at their discretion if considered in the public interest subject to The Gambling Act 2005 (Proceedings of Licensing Committees and Sub-committees) (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007.

(Application for a premises licence under section 159; Application to vary a premises licence under section 187; Application for a premises licence to be transferred under sections 188 and 189; Application for a licence to be reinstated under sections 195 and 196; Application for a provisional statement under section 204; Review of a premises licence under section 201)

5.2 The agenda will be published 10 working days before the date of the hearing

5.3 The quorum for a Sub-Committee shall be two members.

5.4 At the commencement of each hearing the Sub-Committee shall elect one of its members as Chairman.

5.5 The order of business at hearings shall be:

(a) Election of Chairman.

(b) Declarations of interests.

(c) Chairman explains the procedure to be followed at the hearing, including the setting of equal time limits for all parties and the granting of adjournments.

(d) Chairman ascertains who is present, including all parties, representatives and witnesses.

(e) Presentation of report by Licensing Officer

(f) In turn, beginning with the applicant, each party (or their representative) may

- a. address the Sub-Committee and call witnesses on any matter relevant to the application/review;
- b. receive questions from the Sub-Committee; and
- c. receive questions from other parties, where this is considered appropriate by the Sub-Committee.

(Cross examination will not usually be permitted unless the Sub-Committee considered that it is required to properly consider the issue.)

- (g) All parties may use witnesses and supporting documentation, so long as these have been detailed to the Sub-Committee prior to the hearing.
 - (h) Sub-Committee may offer the parties a short adjournment to discuss in the absence of the Sub-Committee whether a solution acceptable to all the parties can be put to the Sub-Committee. The parties may not speak to members regarding the application during adjournments.
 - (i) Applicant (or his/her representative) makes closing address.
 - (j) Sub-Committee may grant a short adjournment to deliberate. The parties may not speak to Members regarding the application during adjournments.
 - (k) The Sub-Committee considers the application/review and motions put to accept or reject the application in the terms requested or to grant the application subject to specified conditions. Reasons are to be given for motions.
 - (l) The parties will usually be informed of the decision at the Hearing with a decision notice issued before the end of 5 working days starting the day after the last day of the hearing in accordance with Regulation 13 of the 2007 Regulations along with details of any applicable appeals process.
6. Town Police Clauses Act 1847, Public Health Act 1875 and Local Government (Miscellaneous Provisions) Act 1976
- 6.1 Hearings shall be conducted in accordance with this Procedure Note which the Sub-Committee may vary at their discretion if considered in the public interest.
 - 6.2 The agenda will be published 5 working days before the date of the hearing
 - 6.3 The quorum for a Sub-Committee shall be two members.

- 6.4 At the commencement of each hearing the Sub-Committee shall elect one of its members as Chairman.
- 6.5 The order of business at hearings shall be:
- (a) Election of Chairman.
 - (b) Declarations of interests.
 - (c) Chairman explains the procedure to be followed at the hearing including, if necessary, limiting the time given to the parties and witnesses (to allow all parties to have a fair hearing but preventing any one person dominating the proceedings) for all parties and the granting of adjournments.
 - (d) Chairman ascertains who is present, including all parties, representatives and witnesses.
 - (e) Presentation of report by Licensing Officer
 - (f) The Sub-Committee will hear from:
 - a. those opposed to granting the license / those seeking the review (or their representative(s)) together with their witnesses; and
 - b. the Applicant (or their representative(s)) together with their witnesses.
 - (g) All parties may use witnesses and supporting documentation, so long as these have been detailed to the Sub-Committee prior to the hearing. New information shall only be accepted at the Hearing if agreed by the Sub-Committee, if it would not cause significant undue prejudice to the other parties and if the other parties are given an appropriate opportunity to consider it and produce any response.
 - (h) It is expected that witnesses will not be present for any part of the hearing until they have addressed the Sub-Committee and responded to any questions. This shall not apply if the witness is:
 - the Applicant; or
 - attending on behalf of a Public or Statutory Body.

Appendix B

- (i) Members will ask questions of each party (including their representative or witness) after they have spoken. The Applicant will be entitled to ask questions of the other parties or their witnesses after they have spoken. At the discretion of the Sub-Committee the other parties will be entitled to ask questions of the Applicant or their witnesses after they have spoken.
- (j) Sub-Committee may offer the parties a short adjournment to discuss in the absence of the Sub-Committee whether a solution acceptable to all the parties can be put to the Sub-Committee.
- (k) Those opposed to granting the licences / those seeking the review (or their representative(s)) make closing address.
- (l) The Applicant (or his/her representative) makes closing address.
- (m) Sub-Committee may grant a short adjournment to deliberate. The parties may not speak to Members regarding the application during adjournments.
- (n) The Sub-Committee considers the application and motions put to accept or reject the application in the terms requested or to grant the application subject to specified conditions. Reasons are to be given for motions.
- (o) The parties will usually be informed of the decision at the Hearing with a decision notice issued in due course along with details of any applicable appeals process.