

## **LICENSING HEARING PROCEDURE NEW AND VARIATION APPLICATIONS**

### **OVERVIEW OF HEARINGS AND PROCEDURE PRIOR TO HEARINGS**

Licensing hearings shall be conducted in accordance with the requirements of the Licensing Act 2003, the Licensing Act 2003 (Hearings) Regulations 2005 and all associated legislation and guidance.

1. The parties at the hearing will be:
  - a. The Panel made up of three ward councillors from the Council's Community Services and Licensing Committee
  - b. A Legal Officer who will advise the panel on legal points
  - c. A Licensing Officer who will present the hearing report
  - d. The Applicant
  - e. Any responsible authority that has made representation and has given notification at least 5 working days prior to the meeting that they wish to address the panel (and/or any nominated person that they have requested in advance to give evidence or speak on their behalf)
  - f. Any other person such as local residents or town/parish Councillors that has made representation and has given notification at least 5 working days prior to the meeting that they wish to address the panel (and/or any nominated person that they have requested in advance to give evidence or to speak on their behalf)
2. All of the above parties will be notified at least 10 working days in advance of the date, time and location of the hearing.
3. All of the above parties will be provided with the hearing papers electronically which will include the Licensing Officer's report and the application. This will be at least 5 clear days before the hearing.
4. Where a party wishes to provide documentary or other information in support of their application, representations or notice, they should provide this by email to [licensing@stroud.gov.uk](mailto:licensing@stroud.gov.uk) at least 3 working days before the hearing. Evidence submitted after this time will only be allowed in accordance with section 8 of the *Procedure at Hearings* listed below.
5. Licensing hearings are public meetings. The public (except those that have made representations) are not permitted to speak at the hearing. The meeting may be recorded and then be available to the public through the Council's [YouTube channel](#).
6. Prior to the hearing the hearing papers will be available the [Council's website](#) and after the hearing the decision notice will also be available.

## PROCEDURE AT HEARINGS

1. The hearing will follow the Council's order of proceedings at licensing hearings detailed at the end of this document.
2. It is recommended that all parties attending the hearing arrive at least 10 minutes before the hearing start time.
3. Parties attending the hearing should ensure that their mobile phones are switched on
4. The hearing will not be able to proceed if there are not 3 members of the Panel at the meeting.
5. If any other party who has given notification that they are attending does not arrive the Chair will make the final decision whether the hearing will go ahead without a party present, or if it is considered necessary in the public interest, adjourn the hearing to another date and forthwith notify the parties of the date, time and place to which the hearing has been adjourned. Where the hearing proceeds in the absence of a party, the Panel must still consider the written representations or notice submitted by that party and follow the same principles of decision-making.
6. The parties are allowed an equal maximum period of time in which to address the Panel, question any other party and provide further information in support of their application, representations or notice to the Panel.
7. Cross-examination of any party will not be permitted unless the Panel considers it beneficial for the consideration of representations or the application.
8. Further evidence produced by a party in support of their application, representation or notice not submitted in advance of the hearing will only be accepted at the discretion of the Panel or with the agreement of all the other parties.
9. If during the hearing a party wishes to consult privately with their representative such as their solicitor, the Chair has the discretion to allow a short period of time for them to do so.
10. If the proceedings are, in the opinion of the Chair, being disrupted by the behaviour of any party attending the hearing, the Chair may (as an alternative to adjourning the hearing) request that party leaves the hearing.
11. After the Panel has heard from all parties attending, the hearing meeting will end and the Panel will retire to a private meeting to deliberate and make a decision. The Legal Officer will be in attendance to provide legal advice however no other parties are entitled to be present during the deliberation.
12. If during deliberation the Panel need to ask any further questions of any person, they will email that party direct. Any further information resulting from that query will be included in the decision notice for public information.
13. The Panel have up to 5 working days to make a decision. All parties attending the hearing will be notified by email of the decision and their right of appeal. The decision will be published on the Council's website.

## LICENSING HEARINGS –ORDER OF PROCEEDINGS

<b>1. Introductions</b>	
<b>2. Hearing Report</b> a. The Licensing Officer presents the Hearing Report	
<b>3. Responsible Authorities</b> a. Responsible Authorities address the Panel about their representations b. Questions to the Responsible Authorities	
<b>4. Other Persons (this may be local residents, businesses or Parish/Town Councils)</b> a. Other Persons address the Panel about their representations b. Questions to the Other Persons	
<b>5. Applicant</b> a. The Applicant addresses the Panel about the application b. Questions to the Applicant	
<b>6. Summing Up</b> a. Responsible Authorities sum up b. Other Persons sum up c. Applicants sum up.	
<b>7. Panel Retire</b> The Panel will retire to a private meeting to consider the application and make their decision.	
<b>8. Decision</b> A summary of the decision will be notified to all attendees by email as soon as possible but no later than 5 working days.	
<b>9. Decision Notice</b> A Decision Notice containing the full decision, any conditions imposed and the reasons, will be forwarded to applicant and all those persons that have made representation within 5 working days.	