

GOSPORT BOROUGH COUNCIL

PROCEDURE FOR HEARINGS OF APPLICATIONS UNDER THE LICENSING ACT 2003

1.0 GENERAL

1.1 The four licensing objectives, set out in the Licensing Act 2003 are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

1.2 Each application that comes before the Licensing Authority will be treated on its own merits, and this licensing authority will take its decision based upon:

- the representations (including supporting information) made by all parties;
- the guidance issued by the Secretary of State for Culture, Media and Sport on 7 July 2004 under Section 182 of the Licensing Act 2003;
- its own statement of licensing policy;
- the steps that are necessary to promote the Licensing objectives;

2.0 PROCEDURE FOR HEARINGS

2.1 The procedure for the hearing is as follows:

- Chairman opens the meeting, introducing members of the Sub Board and officers, explains the nature of the decision to be taken and the procedure to be followed;
- Chairman deals with the business set out on the agenda;
- For each application to be heard by the Sub Board, the Chairman will ask each of the parties or anyone representing them to introduce those present at the hearing.
- The Chairman will then ask the licensing officer to outline the application and the relevant representations, relevant provisions of the Authority's licensing policy and statutory guidance by reference to the report which has already been sent to the parties, the members of the Sub Board and made public ally available;
- Members to ask any relevant questions of the licensing officer;
- Chairman invites the applicant (if present) or the person representing them, to address the Sub Board or clarify any information arising from the officers outline and report, if necessary;

- Members may ask any relevant questions of the applicant (directly or through the person representing them);
- With the permission of the Sub Board the parties making representations or persons representing them to ask relevant questions of the applicant.
- Chairman to invite those parties making representations or the persons representing them to address the Sub Board;
- Members to ask any relevant questions of those parties making representations (directly or through the persons representing them);
- with the permission of the Sub Board applicant or person representing them to ask any relevant questions of those parties making representations;
- If necessary, the Sub Board will consider requests to allow other parties invited by the applicant to address the Sub Board;
- Chairman to invite applicant or those representing them, and any parties making representations, to briefly summarise their points if they wish (any summary by or on behalf of the applicant will be presented last);
- Chairman asks all parties that they are satisfied they have said all they wish to;
- Members of the Sub Board to discuss and make their decision and may retire in private to do this. If the Sub Board requires any legal advice they will ask the Legal Officer to advise them during their discussions (which may be in private) and the Legal Officer will advise all parties of the advice that was given to the Sub Board when the hearing resumes in public session;
- Chairman relays the decision and the reasons for the decision, and any conditions placed upon the licence (if granted) and the licensing objective that they relate to; and
- The written notice of determination of the Sub Board will be prepared by the officer from Legal and Democratic Support in consultation with members of the Sub Board and will be signed by the Chairman of the Sub Board.

PLEASE NOTE

- Changes of Membership will be given at the beginning of the meeting;
- All notices and representations received from absent parties will be considered; and
- Late representations and evidence will only be considered with the agreement of all parties present;

- In cases where a decision cannot be given at the end of the hearing, the licensing officer will inform the applicant when they will be notified of the decision within five working days from the last day of the hearing;
- Applicant and other have a right to appeal, details of which are at Schedule 5 of the Licensing Act 2003;
- This Council is committed to take decisions in an honest, accountable and transparent fashion but on occasion may find it necessary to exclude members of the press and public based upon the criteria set out in paragraph 6.1 of the Council's Procedures for Dealing with Applications under the Licensing Act 2003.
- The Council will generally allow parties to ask questions of another party present at the hearing but this decision will be taken on a case by case basis and in some exceptional circumstances (a reason will be given) cross examination may be prohibited;
- The Sub Board has the right to exclude any parties disrupting the hearing, at its discretion. Such persons may also not be allowed to return or to return to the hearing on conditions specified by the Sub Board. Any person excluded will be allowed to submit in writing to the Sub Board before the end of the hearing any information they would have been entitled to give orally
- **This licensing authority grants a maximum 20 minutes per party to make all relevant statements, but respectfully request that all parties keep points pertinent and the discussion moving in the interests of cost and efficiency.**

Gosport Borough Council
June 2005