

Licensing Act 2003

Guidance on Licensing Hearings

General Information

You have made a representation, either for or against an application for a premises licence and have been invited to attend a hearing to determine the application.

The following information is provided to assist with how a licensing hearing takes place and is intended for guidance purposes only, all those involved are advised to seek their own independent legal advice to ensure compliance with the Act and Regulations.

Relevance of a representation

The Licensing Sub-Committee will determine the relevance of the representations received. In order for a representation to be classed as relevant it must refer to one or more of the following licensing objectives:

- The Prevention of Crime and Disorder;
- The Promotion of Public Safety;
- The Prevention of Public Nuisance;
- The Protection of Children from Harm

If your representation is not deemed relevant it will not be considered and you will not be entitled to address the Committee.

Prior to the hearing

Discussions between those making representations, the applicant and the Council's Licensing Authority will often take place before the hearing. The Council's Legal Advisor will impartially help with these discussions which can often be helpful to all parties.

Members of the Sub-Committee will not take part in any of these discussions and will refer applicants, and any parties to the hearing, to an officer of the Authority for guidance.

Procedure of the Hearing

Hearings are to be held in public, however the Sub-Committee may decide to exclude the public from all or part of the hearing where it considers that in the public interest it should be held in private.

Those who made relevant representations will be allowed an equal maximum time of up to ten minutes to speak to the Members of the Sub-Committee,

subject to any variation, approved by the Chair person (Chair), and all discussion and any questions must be addressed through the Chair.

Members of the Sub-Committee may, at any time during the hearing, ask any questions or seek clarification from any person present.

Introductions

The Chair will lead the hearing, the following sequence of events is intended for guidance but each individual hearing may differ.

- The Licensing Officer will advise that the meeting is being recorded and ask that everyone introduces themselves
- The Licensing Officer will then outline the application and representations received;
- The Sub-Committee will determine the relevance of any representations (objections), as detailed above, along with any other preliminary matters.
- The applicant or their representative will present their application;
- If representation have been made by any of the Responsible Authorities such as Police, Environmental Protection, Fire and Rescue Service will present their representation;
- Individuals such as residents who have made representations which were classed as relevant may present their representations, i.e. reasons for their objection. *Where there are a number of other people making similar representations the chair may invite them to appoint a spokesperson to present their objections. This does not mean that the other objections will not be taken into account. **The sub-Committee will not allow any new representations to be raised.***
- All parties including those who have made representations that were deemed relevant will be allowed to ask questions and be given time to sum up at the end of the hearing should they so wish.
- On completion of the hearing, the Chair asks everyone to leave the room while the panel reaches a decision – the Council's legal advisor and committee note taker remain.

Decision of the Sub-Committee

Once a decision has been made, everyone is invited to come back in and the decision will be announced, all parties to the hearing will also be notified of the decision in writing.

If a decision is not reached the sub-committee will make its decision within the next five working days and notify all parties in writing.

Appeals

Only the applicant or those whose representations were deemed relevant by the sub-committee may appeal against the decision of the Licensing Authority.

Applications for an appeal have to be made to the Clerk of Hull Magistrates Court on Telephone 328914 within 21 days of the decision.

More Information

For more information on hearing procedures or any other information regarding the provisions of the Licensing Act 2003 please contact the Licensing Section at the following:

Licensing Section
Hull City Council
33 Witham
Hull
HU9 1DB

Tel 01482 615462

Email: liquor@hullcc.gov.uk