

PROCEDURE TO BE FOLLOWED AT CONTESTED HEARINGS

In relation to applications for:

- (a) Premises Licences - new applications (s17), variations (s34 & s37) and transfers (s42)
- (b) Club Certificates - new applications (s72) and variations (s84)
- (c) Personal Licences - new applications and renewals (s117)
- (d) Counter Notices following a Temporary Event Notice (s104)

1. The Chairman will introduce himself, other members and officers.
2. The Chair will also ask the Applicant, Interested Persons and the Responsible Authorities to introduce themselves, and any witnesses they may wish to call.
3. The Chair/relevant officer will explain to the parties the procedure to be followed. (See points 4 - 10 inclusive)
4. The proceedings will commence with Licensing Officer outlining the reason(s) for the hearing, and stating whether any representations have been withdrawn.
5. The Applicant will be asked to present their case. The order for asking questions at the end of the Applicant's presentation will be:
 - Responsible Authorities;
 - Interested Parties;
 - Members of the Sub-Committee, either on their own behalf or through the Legal Adviser.
6. Where witnesses are called each witness will give their evidence and then be open to questioning in the order as above.
7. Other parties, i.e. Responsible Authorities and Interested Parties, if applicable, and in that order, will then be given an opportunity to present their representations.
8. Once the representations have been presented and any evidence given, there will be an opportunity for questions to be asked, by;
 - Responsible Authorities to each other (only exceptionally if needed for clarification);
 - Interested Parties;
 - The Applicant;
 - Members of the Sub-Committee, either on their own behalf or through the Legal Adviser;
9. Once all the evidence has been presented the Responsible Authorities and Interested Parties, if applicable, will have the opportunity to sum up their objections in the same order as they presented their case. No new evidence may be presented at this point.
10. Finally the applicant(s) will sum up their case. Again no new evidence may be presented.

11. The Chair will enquire if all parties have said everything they wish to and ask if there are any legal matters that need to be clarified. The Sub-Committee will then withdraw to deliberate in private, and will be accompanied by the Legal Adviser. The decision shall be arrived at by the Sub-Committee alone.
12. In most cases the Sub-Committee will make its determination at the conclusion of the hearing, and the pronouncement of that determination shall be made in public. This will be subsequently notified in writing with reasons in accordance with the Regulations.
13. Where the Sub-Committee is not required to make its decision at the conclusion of the hearing, and it chooses not to do so, it will make its decision within 5 working days of the last day of the hearing, and will notify that decision without unreasonable delay.

NB: There are now only two instances where a decision is required at the conclusion of the hearing; firstly a counter notice in relation to a Temporary Event Notice (s105), and secondly a review following a closure order (s167). In all other cases the Sub-Committee has up to 5 working days to reach its decision, but for practical purposes it will generally be made immediately following the hearing.