

Attending a licensing hearing

What to expect



Introduction

You are invited to attend a hearing of our Licensing Sub-Committee because either you have made representations about an application; you have made an application that has attracted representations; or there is another matter being determined about a licence you hold.

The hearing will give you the opportunity to address the Licensing Sub-Committee. The sub-committee may ask you questions about your representation/application. At the discretion of the sub-committee, you may also be allowed to ask questions of other parties.

You are entitled to give more information about the issues raised in the representations and where appropriate, any information to support your application/licence.

If you want to provide additional information, please make sure the licensing officer has it at least two working days before the hearing so that we can circulate it to all parties. If you produce documentation for the first time at the hearing, we will only consider it if **all parties** agree to accept it.

The sub-committee cannot consider any information that is not relevant to the representations that have been made or to your application/licence. We also cannot consider any information that is not relevant to the promotion of the relevant licensing objectives.

This guide contains some information about hearings at Rushmoor Borough Council which you may find useful.

Confirming attendance

On the last page of this guide is a slip for you to confirm if you will be attending the hearing, and who will be representing you (where appropriate). Please complete this form and return it to:

The Licensing Team
Rushmoor Borough Council
Council Offices
Farnborough Road
Farnborough
Hampshire, GU14 7JU

If you prefer, you can email us at licensing@rushmoor.gov.uk with the information requested on the form.

Emergency arrangements

There is a fire alarm test every Wednesday at 10.30am. If there is an emergency, or a fire alarm at any other time, please leave the building by the nearest available exit and/or follow the instructions of your hosts.

Our fire wardens will make sure that no-one is left in the building. Our fire marshals and the fire co-ordinator will be on hand to help and can be easily identified by a reflective tabard that (s)he will be wearing.

Do not use lifts or stop to collect personal belongings. Do not re-enter the building until you have been told it is safe to do so. Please do not put yourself at risk.

The fire exits and assembly point are shown on the plan of the council offices on page 5.

Comfort breaks/lunch

Hearings may continue throughout the day. Comfort breaks and/or recess (e.g. for lunch) will be at the chairman's discretion.

There are no public canteen facilities available at the council offices, so you may want to bring refreshments with you. If there is a break for lunch, the town centre has a number of food outlets and is within walking distance. Its location is shown on the plan.

Interruptions of proceedings

If there is an emergency or other interruption, we would ask you not to discuss any aspect of the hearing until it has been formally resumed.

Once a hearing has started, officers and members of the council will not discuss aspects of the hearing outside the formal proceedings.

Please note that in some circumstances, the sub-committee may decide to adjourn a hearing, for example, where it needs additional information to be able to reach a decision.

Mobile phones

Please make sure that during the hearing, you turn off mobile phones, pagers and any other equipment which may sound an alarm, ringtone or cause similar disruptions.

Special needs

Please contact our licensing team on **01252 398 855** before the hearing to tell us about any special needs or requirements, such as a hearing loop.

Timings of hearing

If your hearing is scheduled to start in the afternoon, there may be another hearing before it. If the first hearing takes longer than expected, we may have to delay the start time of your hearing.

Parking

The Pinehurst pay and display car park (shown on the plan on page 5) is a short walk away, and is where you should park on the day of the hearing. There is limited free disabled parking at the Council Offices.

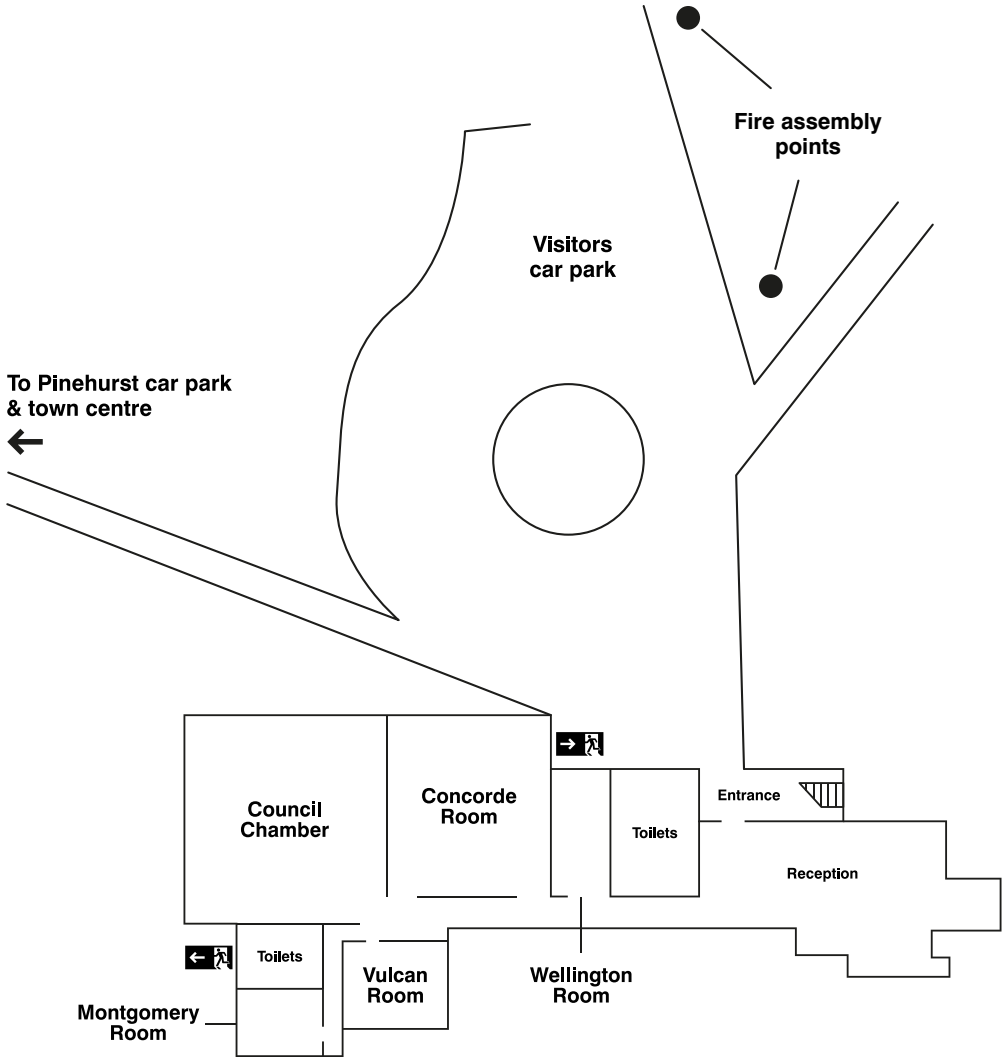
Attendance at hearings

Apart from in specific circumstances, hearings are open to the public, so members of the public, other authorities and the press may attend.

Documents referred to at the hearing

It is likely that during the hearing, the members of the sub-committee, council officers and some parties will refer to the council's statement of licensing policy and the secretary of state's guidance on the relevant legislation. There will be copies of these available for you to refer to on the day, but if you want to look at them before the hearing, they are available on our website, www.rushmoor.gov.uk

The offices



What happens at the hearing

1. Introductory and preliminary remarks

- All parties are invited to join the meeting and the chairman will introduce the sub-committee members and council officers.
- The chairman will take details of those appearing who want to speak. Typically, and subject to any ruling by the chairman, the sub-committee will hear the views of the parties in the order set out below.
- Some applications may involve extra parties, such as a premises supervisor and/or an existing licence holder. If so, the chairman will advise the parties at the start of the hearing, the order in which each is to present their case.
- Each party, or nominated spokesperson, will have an equal maximum period of time to present their case to the sub-committee. The chairman will decide the length of time allowed at the beginning of the meeting; it will usually be ten minutes.
- After each presentation, there will be an opportunity for questions and answers.
- Please note: So that we can make efficient use of time at the hearing, you can assume that the sub-committee members will have read all papers and statements, which have been circulated in advance and form part of the agenda for the meeting. Therefore you do not need to read them aloud as part of your presentation unless you want to do so.
- The chairman will deal with any preliminary matters raised and remind all of the issues specifically to be addressed.
- The chairman will draw attention to general housekeeping matters.

2. Statement by licensing officer

- The licensing officer will summarise the main points of the report on the agenda.
- Each party, in order, (if the chairman allows it), will have an opportunity to ask the licensing officer any questions on their statement.
- The sub-committee members will then ask the licensing officer any questions.
- The licensing officer may respond to any new issues raised.

3. Case for applicant

- The applicant will present the case in support of the application.
- Each other party, in order, (if the chairman allows it), will have an opportunity to ask the applicant any questions on their statement.
- The sub-committee members will ask the applicant any questions.
- The applicant may respond to any new issues raised.

4. Case for the responsible authorities (police, fire authority, etc)

- The sub-committee will invite the representative of each responsible authority to present the views of their organisation, in turn.
- Each other party, in order, (if the chairman allows it) will have an opportunity to ask the representative any questions on their statement.
- The sub-committee members will ask the representative any questions.
- The representative may respond to any new issues raised.

5. Case for the other parties (residents and businesses)

- Anyone who has made representations will be invited to present their views and answer questions in turn.
- Please note: If a spokesperson has agreed to speak on behalf of several parties, all those he/she represents will be allowed to answer questions when the representative has finished presenting their views, and to add any further points.
- Each party who wants to speak, will present his or her views.
- Each other party, in order, (if the chairman allows it), will have an opportunity to ask the presenting party any questions on their statement.
- The sub-committee members will ask the presenting party or representative any questions.
- The presenting party or representative may respond to any new issues raised.

6. Discussion about conditions or technical issues

- If the licensing officer or any party thinks that one or more issues raised during the hearing could be dealt with by a condition attached to the licence, they can put forward suggestions to the chairman at this stage. Everyone else then has the opportunity to express a view on any proposed condition.
- At this point, any legal, technical or other point that has arisen will be discussed.

7. Summary

- Any party that wants to summarise his or her views may do so. This will be in the reverse order to the one in which cases were presented.

8. The decision

- The members of the sub-committee will retire to reach a decision in private.
- They will be accompanied by the sub-committee administrative officer and the council's legal representative.
- Members of the sub-committee then return. Any legal advice given in the absence of the parties will be repeated in public and all parties will have the chance to respond before a decision is announced.
- The chairman will announce the sub-committee's decision, giving its reasons.
- The council's legal representative will advise of the next steps, including arrangements for confirming decision.

Hearings protocol

The role of the Licensing Sub-Committee (Alcohol & Entertainments) is to determine applications in an impartial manner, in accordance with the relevant provisions of the Licensing Act 2003, Gambling Act 2005, national guidance and the council's policies.

1. Hearings to be held in public

- Licensing hearings will take place in public. However, the Licensing Sub-Committee may exclude the public (including a party to the hearing) from all, or part, of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in public.
- For hearings under Part 8 of the Gambling Act, the sub-committee may exclude the public if it considers that there may be any unfairness to a party if the hearing is held in public, or if there is a need to protect the commercial interests of a party.

2. Time of hearings

- Hearings of the Licensing Sub-Committee are usually held at the council offices during the day.

3. Notice of hearing

- In the case of a hearing under:
 - (i) *section 48(3)(a) of the Licensing Act (cancellation of interim authority notice following police objection); or*
 - (ii) *section 105(2)(a) of the Licensing Act (counter notice following police objection to temporary event notice)*

We will give notice of the hearing no later than two clear working days before the day of the hearing.

- In the case of a hearing under:
 - (i) *section 167(5)(a) of the Licensing Act (review of premises licence following closure order);*
 - (ii) *paragraph 4(3)(a) of Schedule 8 of the Licensing Act (determination of application for conversion of existing licence);*
 - (iii) *paragraph 16(3)(a) of Schedule 8 of the Licensing Act (determination of application for conversion of existing club certificate), or*
 - (iv) *paragraph 26(3)(a) of Schedule 8 of the Licensing Act (determination of application by holder of justices licence for grant of personal licence)*

We will give notice of the hearing no later than five clear working days before the day of the hearing.

- In any other case, we will give notice of a hearing no later than ten clear working days before the day of the hearing.

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- The information we give to accompany the notice of a hearing is set out in the licensing regulations. This includes the date, the place and the time of the hearing.

4. Hearings held on more than one day

- Where we are to hold a hearing on more than one day, we must arrange it to take place on consecutive working days.

5. Right to dispense with a hearing

- If all parties agree that a hearing is unnecessary, then with our agreement, we do not have to hold a hearing. Instead, we will decide on the application or review as soon as we can and notify all parties of the decision.

6. Right to postpone or adjourn a hearing

- The sub-committee may postpone or adjourn a hearing where it considers it is necessary to consider any representations or notice made. It may also postpone a hearing to allow someone to attend the hearing.

7. Documentation available at the hearing

- The administrative officer for the sub-committee will make sure that copies of the relevant policies and a reasonable supply of documentation is available for the public at the meeting.

8. Substitutions

- If a member of the Licensing Sub-Committee is unable to attend, or has an interest in, a hearing, he/she should tell the Head of Democratic Services as soon as possible.
- In line with arrangements approved by the Licensing and General Purposes Committee, the Head of Democratic Services will appoint a nominated substitute member, who will have full voting rights.

9. Absence of the appointed chairman at a hearing

- If the chairman is absent at a hearing, the sub-committee members will agree a chairman for that meeting as its first item of business.

10. Quorum

- The quorum for the Licensing Sub-Committee is three.

11. Procedure at a hearing

- For a detailed description of the procedure for hearings, see page 6.
- At the beginning of the hearing, the chairman will identify who is present, and outline the procedure to be followed. If applicable, the sub-committee will consider requests for any other person to appear at the hearing.
- The hearing will take the form of a discussion, led by the Licensing Sub-Committee. The sub-committee will not normally allow cross-questioning unless it considers that this is required to be able to consider the matter before it.
- Anyone who has received notice of the hearing has the right to address the sub-committee on any matter that is relevant to the application or review. In cases where a number of parties want to make the same or similar representations, we would encourage – and normally expect – one person to be nominated as a spokesperson.
- Anyone attending the hearing can call witnesses to give evidence on any matter that is relevant to the application or review, or any representations made on the application or review. For hearings under the Licensing Act 2003, you must give notice and have the consent of the sub-committee.
- Anyone attending the hearing can be helped or represented by another person, whether or not that person is legally qualified.
- Except for hearings under Part 8 of the Gambling Act 2005, each party or nominated spokesperson, will have an equal maximum time to address the sub-committee.
- Members of the Licensing Sub-Committee may ask any question of any party or other person appearing at the hearing.

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- In considering any representations or notice made, the sub-committee can take into account documentary or other information that a party produces either before the hearing or, with the consent of all other parties, at the hearing.
 - The Licensing Sub-Committee will disregard any information that is not relevant to the application or representations made.

12. Withdrawal of representation

- A party may withdraw any representations they have made orally at the meeting.

13. Failure to attend the hearing

- If a party has told us that he or she does not intend to attend or be represented at a hearing, it can still go ahead. The hearing may also go ahead if a party has failed to tell us if he or she intends to attend or be represented, or leaves the hearing in such a way that the sub-committee could reasonably conclude that he or she does not intend to take part any more.
- If a party fails to attend or be represented at a hearing, the sub-committee may:
 - adjourn the hearing to a specified date, where it is considered to be in the public interest to do so; or
 - hold the hearing in the party's absence
- A party may withdraw any representations they have made orally at the meeting.

14. Disturbance during the hearing

- If a member of the public, or party attending the hearing, is disruptive, the chairman may ask that person(s) to leave.
- The licensing sub-committee may refuse to allow that person to return or may set conditions under which he or she can return.
- If this happens, the person can, before the end of the hearing, submit in writing to the sub-committee any information which he or she would have been entitled to give if he or she hadn't been asked to leave. The sub-committee will take into account that information when making a decision on the application or review.

15. Deciding the application

- Unless the matter the sub-committee is considering falls into one of the categories below, it has five working days to make a decision, beginning with the day of the hearing. Once a decision has been made, we will notify all parties straightaway, including information on how to appeal.
- The time limit may be extended for a specified period, where the regulations allow this and it is in the public interest. If this is the case, we will tell all parties why we are doing this and how long the extension will be for.
- Under Licensing Act 2003, the Licensing Sub-Committee must make its decision at the end of the hearing where the case is being heard under:
 - (i) *section 105(2)(a) (counter notice following police objection to temporary event notice)*
 - (ii) *section 167(5)(a) (review of premises licence following closure order)*

16. Record of proceeding

- We will make a record of the hearing and keep it for six years from the date of the decision or, where our decision is appealed, the disposal of the appeal. We may also make a video or audio recording of the proceeding.

17. Ruling of the chairman to be final

- The ruling of the chairman in any procedural matter at the hearing will not be open to discussion.

Attendance reply slip

Please complete the form on the next page and return it to:

**The Licensing Team
Rushmoor Borough Council
Council Offices
Farnborough Road
Farnborough
Hampshire, GU14 7JU**

Name

Address

Case reference

I give notice that I **will/will not** be attending the hearing scheduled for the case reference above.

I give notice that I **will/will not** be represented at the hearing scheduled for the case reference above.

Please delete the parts in **bold** as appropriate.

If you are being represented, please complete the parts below.

Name of representative(s)

Capacity of representative(s)

If you would like any other individuals to attend and speak at the hearing, please request permission by completing the form overleaf, and give brief details on the points on which they may be able to help.



Request permission to speak (please tick)	Name of person you wish to appear at hearing	Description of how they may be able to assist
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		

If you do **not** consider the hearing to be necessary, please let us know why

Complete on separate sheet if necessary

Signed

Name

Date




Council Offices,
Farnborough Road,
Farnborough,
Hants, GU14 7JU

www.rushmoor.gov.uk

01252 398 399

customerservices@rushmoor.gov.uk

 @rushmoorcouncil

 Rushmoor Borough Council

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