

Agenda Item 5

The Licensing Sub-Committee's rules of procedure which are set out in full in the Council's Constitution (pages 399 - 404), are summarised below:

1. The procedure for the conduct of business, is as set out below. It is at the discretion of the Sub-Committee to alter the order of business, if appropriate and the Chairman will grant permission to those parties to be present where necessary.
2. The Authorised Officer's report shall be presented by the Senior Licensing Officer.
3. The Sub-Committee will take the form of a discussion between the Members, the Applicants, Responsible Authorities, and Other Persons present who made a representation, or persons nominated to speak on their behalf, in an orderly manner.
4. Each party will be invited to state their case followed by an opportunity for the other parties present to ask questions; in the case of an application for a variation of a premises licence this will usually be the Applicant first (or their representative), followed by Responsible Authorities and Other Persons (if present).
5. The Chairman will invite Members of the Sub-Committee to ask questions of any party or other person appearing at the hearing and all parties shall be entitled to give further information in support of their application, representations or notice, as appropriate and ask questions of other parties present and address the Sub-Committee if given permission to do so.
6. All parties present (applicant, responsible authorities etc) will be given an equal amount of time to state their case (10 minutes).
7. Each party will be invited to make a closing submission if they wish; the applicant being the last to make their submission, following other persons and the responsible authorities. All parties will be invited by the Chairman before they make their closing submission to advise the Sub-Committee if they wish to take the opportunity to 'adjourn' the meeting briefly to consult their representative in private before doing so. All parties present (applicant, responsible authorities etc) will be given an equal amount of time to make their closing submissions (10 minutes).
8. Where resolved to do so, the Sub-Committee will then retire to deliberate in private.
9. The Chairman will then close the public meeting and all parties attending, those listening and not part of the Hearing panel will be advised that the decision of the Sub-Committee will be emailed a summary and brief outline of the decision within 5 working days. The formal decision of the Sub-Committee will be issued in due course.
10. If an Applicant or other party to the hearing is unhappy with the decision of the Sub-Committee in relation to the licence or conditions placed upon it, on the grounds of lawfulness or bias, they have a right of appeal to the Magistrates' Court within 21 days of the date that the licence holder is notified of the decision.

NOTES Human Rights The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way which is incompatible with a convention right. The Sub-Committee will have regard to the Human

Rights Act when exercising its licensing functions, with particular reference to the following provisions:

- Article 6 - in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law
- Article 8 - everyone has the right to respect for his/her home, private and family life and correspondence.
- Article 1 of the first protocol - every person is entitled to the peaceful enjoyment of his/her possessions.