

# **LICENSING ACT 2003 SUB COMMITTEE**

## **Summary Procedure – Vehicles not complying with standard criteria**

- 1. All parties introduce themselves**
- 2. Licensing Officer presents report**
- 3. Applicant makes opening statement**
- 4. Questions to Applicant by others present**
- 5. Committee Members consider/inspect vehicle accompanied by others present**
- 6. Licensing Officer and Applicant sum up in that order**
- 7. Members retire to make decision accompanied by Legal Adviser if required**
- 8. Members return and Chairman announces decision**
- 9. Hearing ends.**

## LICENSING ACT 2003 SUB-COMMITTEE

### PROCEDURE FOR HEARING LICENSING APPLICATIONS Vehicles not complying with standard criteria

#### 1. GENERAL INFORMATION

Members of the Licensing Sub-Committee will not hear any application where they live within the proximity of the applicant or where they know the applicant.

**In the interests of timely, efficient and cost-effective decision making the Licensing Authority strongly urges all parties involved in any hearing to ensure that there is full advance disclosure between the parties of information to be put before the Licensing Sub-Committee hearing.** Failure to so disclose will unduly delay the proceedings due to arguments as to the admissibility of the information and may result in the information not being admitted.

A party will be entitled to supply additional information at the hearing in response to a point upon which the Licensing Authority has sought clarification, without the need for advance disclosure or permission of the Sub-Committee.

The hearing will be held in public unless the Sub-Committee feel it is necessary to hear all or part of the hearing in private. In considering this, the Sub-Committee will have regard to any unfairness to a party by holding the hearing in public and the need to protect, as far as possible, the commercial or other legitimate interests of the party.

The Sub-Committee may exclude anyone person from the hearing, or allow them to remain under conditions specified by the Sub-Committee, if their behaviour is deemed to be disruptive. If the party is refused permission to return to the hearing, the Sub-Committee will allow the party to submit written representation before the end of the hearing, summarising their intended oral representation. This information, if relevant to the licensing objectives, will be taken into consideration in the Sub-Committee's determination.

#### **Time limit on Presentations**

All parties will be allowed the same amount of time. Please take the general information outlined below as notification of the maximum time to be allowed.

On the basis that there will normally have been full disclosure of the information to be presented at the hearing the Licensing authority is of the opinion that open statements should be brief.

For guidance only the maximum time normally applicable is as set out below:

- i. opening statement (10 minutes)
- ii. clarification of points raised by Licensing Authority before hearing (5 Minutes)
- iii. calling any witness in support of their application, representation or notice (10 minutes each)
- iv. question any other party or witness. (5 minutes)
- v. summing up (10 minutes)

### **Failure of parties to attend**

If the party has informed the Licensing Authority that he does not intend to attend or be represented at a hearing, the hearing may proceed in his absence.

Where a hearing is held in the absence of a party the Licensing Sub-Committee will consider the application/representation/ or notice made by the party.

Where the hearing is adjourned to a specified date the Licensing Authority will notify forthwith the parties of the date, time and place to which the hearing has been adjourned.

### **Cross Examination**

There is a presumption given by the Sub-Committee to allow cross-examination of all parties by all parties within the structure of the hearing process. The Sub-Committee will only exercise its discretion to stop or not allow cross-examination if the questioning is felt unnecessary for it to consider the application or representation. The sub-Committee will not permit hostile or repetitive questioning.

## **2. THE HEARING**

- a) **The Chairman/Chairperson** will open the proceedings in the following order.
  - (i) He will introduce the application to be heard and invite the Chair to introduce himself and the other members of the Sub-Committee. The Legal Adviser will

introduce himself and the Licensing Officer and outline all party's roles within the hearing.

- (ii) He will ask if there are apologies for absence
- (iii) He will ask if there are any declarations of interest
- (iv) He will confirm the parties in attendance including Applicants (or representative).
- (v) The following will be read out:
  - a. **As all parties will have had the opportunity to make detailed written submissions so it is expected that any opening statement by the parties to be brief.**
  - b. **The hearing will take the form of a discussion led by the Licensing Sub-Committee and cross-examination shall not be permitted unless the Sub-Committee considers the cross-examination is required for it to consider the submission.**
  - c. **Additional information produced at the hearing without prior disclosure between the parties may not be heard if following objections to its submission by any other party the Sub-**
  - d. **Committee so determine.**
- (vi) He will draw attention to the procedure for the hearing as set out in b) to h) below.
- (vii) After the Sub-Committee has considered any preliminary issues applicant is invited to make his opening statement.

b) **The Licensing Officer** will present his report

c) **Applicant** (or representative) to make an opening statement

d) **Questions** to the Applicant by Sub-Committee Members/ Legal Adviser of the Sub-Committee.

e) **The Sub Committee**, accompanied by the other parties will normally inspect the vehicle.

**Summing up** – The Licensing Officer and Applicant in that order will then sum up (but not introduce new evidence).

### **3. DECISION MAKING PROCESS**

The Sub-Committee will retire to deliberate its decision in private. The Sub-Committee may invite the Legal Adviser to retire with them if legal advice is required.

The Sub-Committee will return to the hearing. The Legal Adviser will inform all parties of any legal advice given to the Sub-Committee. The Sub-Committee will normally announce its decision and the reasons for it and that the decision will be confirmed in writing to the parties at the earliest opportunity.

In some cases the Licensing Authority will inform the applicant of the Sub-Committee's decision and reasons for it within 5 days.