

Licensing Sub-Committee Protocol

The procedure of the Sub-Committee is as follows:

- Chair opens the meeting, introducing Members of the Sub-Committee and officers present to the applicant and representees, explains the nature of the decision to be taken and the procedure to be followed.
- Licensing and Land Charges Officer outlines the application, any relevant representations and relevancies to the local authority licensing policy statement and statutory guidance (optional).
- Members may ask any relevant questions of the Licensing and Land Charges Officer.
- In the order listed below, each party will present their application/ representations to the Sub-Committee, including, with the permission of the Sub-Committee, presenting evidence from any witness they have brought with them.

Hearings of an application for a review of a premises licence or club premises certificate	All other Hearings
<p style="text-align: center;">1. The Applicant for the review</p> <p><i>Members may ask relevant questions of the applicant or person representing them.</i></p>	<p style="text-align: center;">1. The Applicant</p> <p><i>Members may ask relevant questions of the applicant or person representing them.</i></p>
<p style="text-align: center;">2. Those who have made a relevant representation in respect of the application, in this order:</p> <p style="padding-left: 40px;">a. Any responsible authorities (as defined in the Act) other than the Applicant. If more than one, in the order determined between themselves, or as decided by the Sub-Committee in the absence of an agreement.</p> <p><i>Members may ask relevant questions of the representees or person representing them.</i></p> <p style="padding-left: 40px;">b. Any other person. If more than one, in the order determined between themselves, or as decided by the Sub-Committee in the absence of an agreement.</p> <p><i>Members may ask relevant questions of the representees or person representing them.</i></p>	<p style="text-align: center;">2. Those who have made a relevant representation in respect of the application, in this order:</p> <p style="padding-left: 40px;">a. Any responsible authorities (as defined in the Act) other than the Applicant. If more than one, in the order determined between themselves, or as decided by the Sub-Committee in the absence of an agreement.</p> <p><i>Members may ask relevant questions of the representees or person representing them.</i></p> <p style="padding-left: 40px;">b. Any other person. If more than one, in the order determined between themselves, or as decided by the Sub-Committee in the absence of an agreement.</p> <p><i>Members may ask relevant questions of the representees or person representing them.</i></p>
<p style="text-align: center;">3. The licence/ certificate holder</p> <p><i>Members may ask relevant questions of the licence/ certificate or person representing them.</i></p>	

- Chair will invite any parties making representations to briefly* sum up their points if they wish in the same order as the table above.
- Chair will invite the applicant or those representing them to briefly* sum up their points if they wish.
- If deemed necessary, the Sub-Committee will pass the appropriate resolution to exclude the press and public in order to allow the Sub-Committee to fully deliberate in private and to take advice from Council Officers. In the event of any matter requiring clarification all parties may be re-invited to the meeting.
- All parties will be invited back into the meeting.
- Chair relays the decision, a summary of the reasons for the decision, any conditions placed upon the licence/certificate (if granted) and the licensing objective that they relate to. A decision letter setting out the full grounds of the decision will be sent to all parties within 5 working days.

Please Note:

The four licensing objectives, as given by the Licensing Act 2003 are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

Each application that comes before this Sub-Committee will be treated on its own merits, and this licensing authority will take its decision based upon:

- The merits of the application;
- The promotion of the four licensing objectives;
- The policy of the licensing authority, a copy of which can be obtained from www.sthelens.gov.uk or the Licensing and Land Charges Section by telephoning 01744 676770; and
- The guidance issued by the Home Office under section 182 of the Licensing Act 2003.

General information:

- Representees will be expected to appoint a spokesperson in order to avoid duplication in respect of objections.
- Hearings will take place in public unless the Sub-Committee excludes the public where it considers that the public interest in so doing outweighs the public interest in the hearing taking place in public.
- A hearing shall take the form of a discussion led by the Sub-Committee and cross-examination shall not be permitted unless the authority considers that
- cross-examination is required for it to consider the representations, application or notice as the case may require.
- Changes of Membership will be given at the beginning of the meeting.
- Decisions will generally be taken regardless of whether the applicant is present.
- All notices and representations received before the hearing from absent parties will be considered.

- Late representations and evidence submitted at the hearing will only be considered with the agreement of all parties present.
- In cases where a decision cannot be given at the end of the hearing, the Licensing and Land Charges Officer will inform the applicant when they will be notified of the decision within 5 working days.
- Applicants and representees have a right to appeal, details of which can be obtained via the Licensing and Land Charges Unit and will be confirmed in the decision letter.
- This Council is committed to taking decisions in a honest, accountable and transparent fashion but on occasion may find it necessary to exclude members of the press and public based upon the legal framework given in the Local Government Act 1972 Schedule 12A as amended and/or local policy. On these occasions decisions based on the above framework will be given.
- The Sub-Committee has the discretion to exclude any person who in its opinion is behaving in a disruptive manner to leave the hearing.

***This Licensing Authority grants a maximum 20 minutes per party to make all relevant statements, but respectfully request that all parties keep points pertinent and the discussion moving in the interests of cost and efficiency.**