



THE LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005

Rights of a Party

1. A party has the right to attend the hearing and may be represented by any person.
2. A party is entitled to give further information where the authority has asked for clarification.
3. A party can question another party, and/or address the authority, with consent of the authority.

Failure to Attend

4. If the authority is informed a party does not wish to attend, the hearing may proceed in their absence.
5. If a party has not indicated their attendance and fails to attend, the hearing may be adjourned if it's considered to be in the public interest, or the hearing may go ahead ensuring the party's representation is considered.
6. Where the authority adjourns the hearing it shall notify the parties of the new hearing date, time and place.

Procedural Information

7. At the start of the hearing, the authority shall explain the procedure which it proposes to follow and shall consider any request for permission for another person to appear at the hearing.
8. A hearing shall take the form of a discussion led by the authority and cross-examination shall not be permitted unless the authority considers that it is required.
9. The authority will allow the parties an equal maximum period of time in which to speak.
10. The authority may require any person behaving disruptively to leave, and may not permit that person to return, but such a person may, before the end of the hearing, submit in writing information they would have been entitled to give orally had they not been required to leave.

FOOTNOTE:

In relation to all other matters governed by the Licensing Act 2003 (Hearings) Regulations 2005 any party or their representative may contact the Licensing Services at Dorset Council, and they will be provided with a full copy of the regulations on request.

LICENSING SUB-COMMITTEE PROCEDURE

1. At the start of the meeting the Chair will introduce:
 - the members of the Sub-Committee
 - the Council officers present
 - the parties and their representatives
2. The Chair will then deal with any appropriate agenda items.
3. The Licensing Officer will be asked to outline the details of the application, including details of any withdrawn representations.
4. The person/body seeking the review or their representative will be invited to present their case.
5. The premises licence/certificate holder will be invited to present their case
6. Where appropriate the Responsible Bodies e.g. representatives of Police, Fire Services, Environmental Services or Trading Standards will be invited to address the sub-committee on any relevant representations they may have.
7. The Chair will ask any person who has made representations, who have already expressed a wish to do so, to address the Sub-Committee. The sub-committee will have read all the papers before them, including any letters of representation. Members of the public are asked to keep their comments concise and to the point.
8. The Sub-Committee and the other parties will have the opportunity to ask questions of each of the party presenting their case once that party has presented their case.
9. All parties will be given the opportunity to “sum up” their case (In reverse order):
 - 9.1 People who have made reps
 - 9.2 Responsible Authorities (if any)
 - 9.3 Premises Licence Holder
 - 9.4 Person/body seeking the Review
 - 9.5 Licensing Officer
10. The Chair will ask the Legal Advisor if all relevant points have been addressed before advising all parties present that the Sub-Committee will

withdraw from the meeting to consider its decision in private. The Sub-Committee will be accompanied by the Democratic Services Officer, and the Legal Advisor can be called upon to offer legal guidance.

11. The Chair will:

- advise when the Sub-Committee's decision will be confirmed in writing.
- Inform those present of their right to appeal to the Magistrates' Court.

NOTE

The Chair may vary this procedure, as circumstances require but will have regard to the rules of natural justice and the Licensing Act 2003 (Hearings) Regulations 2005.

The meeting will take place in public. However, the public can be excluded from all or part of the meeting where the Sub-Committee considers that the public interest in so doing outweighs the public interest in the meeting or that part of the meeting, taking place in public.

Under no circumstances must the parties or their witnesses offer the sub-committee information in the absence of the other parties.

The Chair and the Sub-Committee have discretion whether to allow new information or documents to be submitted and read at the meeting.