

Pembrokeshire County Council



Guide for persons (other than Responsible Authorities) attending a Licensing Sub-Committee hearing regarding Licensing Act 2003 matters

Updated: November 2015

As you have made a relevant written representation in connection with a Licensing Act 2003 matter such as an application or variation for a Premises Licence, you have carried out an important role in helping the Licensing Sub-Committee understand your concerns in connection with that matter.

Before the Licensing Sub-Committee can make its decision, it needs to hear and consider the evidence from all parties – and you can assist in providing this evidence.

You may not know what to expect next – or you may find it very different from what you expected.

This leaflet will help you prepare for what will happen next. It explains:

- why it can be helpful for you to attend a Licensing Sub-Committee hearing
- where the hearing will take place
- what happens before the hearing
- what you should do before attending the hearing
- who can attend the hearing
- attending the hearing
- what will happen at the hearing
- what happens after the hearing

Why attend a Licensing Sub-Committee hearing?

Although you have made a relevant written representation in connection with a Licensing Act 2003 matter which will be considered by the Licensing Sub-Committee in any event, it can be helpful to the Licensing Sub-Committee members to hear your representations in person and to have the opportunity to ask you any questions concerning your representations.

Where will the hearing take place?

The Notice of Hearing states the room in which the hearing will take place.

Licensing Sub-Committee hearings normally take place in either Committee Room 1 or 2 in County Hall, Haverfordwest.

Although this location has the feel of formality, the hearing itself is a form of discussion led by the Chairman of the Licensing Sub-Committee.

What happens before the hearing?

Hearings have to be arranged within fairly tight timescales set down in legislation. The Licensing Authority will give you Notice of the Hearing within the relevant legislative timescales, together with accompanying information as required by legislation. The Notice of Hearing will state the date, place and time at which the hearing will start.

More than one matter can be listed on the same day therefore hearings can last for 3-4 hours or sometimes longer. If there are other matters listed, there may be a waiting period before the matter with which you are concerned with is heard by the Licensing Sub-Committee.

The papers for each Committee hearing will be available on the Council's website approximately 5 days before the Committee date.

What should you do before attending the hearing?

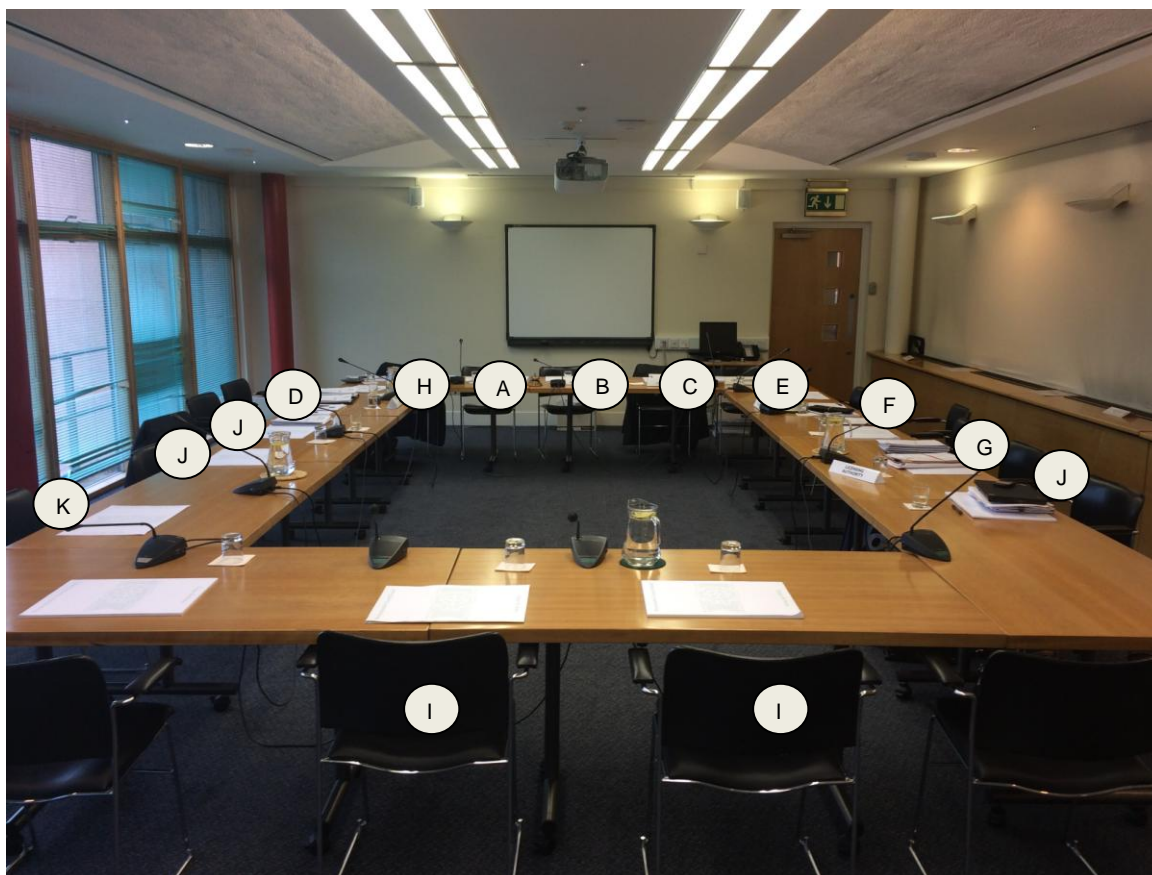
- Please notify the Licensing Authority within the timescale specified in the Notice of Hearing as to whether you intend to attend the hearing, whether you intend to be assisted or represented by another person at the hearing and whether you consider a hearing is necessary. The contact details for the Licensing Authority will be provided with the Notice of Hearing.
- If you decide to attend the hearing, please note that you will only be allowed to speak on relevant representations that you have previously raised in your written comments. With the permission of the Licensing Sub-Committee you may question any other party and you can address the Licensing Sub-Committee concerning your relevant written representations.

However, whilst you may expand on what you have said in your relevant written representations, you may not add further representations to those disclosed prior to the hearing.

- If you wish to call any other person (i.e. a witness) to appear at the hearing on your behalf, you must make a written request to the Licensing Authority for permission for this in advance of the hearing. Such a request shall be accompanied by details of the name of that person and a brief description of the point/s on which that person may be able to assist in relation to your relevant written representations. This request would then be considered by the Sub-Committee at the start of the hearing.

- Please note that in considering your representations, the Licensing Sub-Committee may take into account documentary or other information produced by you in support of your representations either before the hearing, or with the consent of all the other parties, at the hearing.
- If you inform the Licensing Authority that you do not intend to attend or be represented at the hearing, or having not so indicated you fail to attend or be represented at the hearing; the hearing may proceed in your absence.
- If you wish to speak at the hearing in Welsh please notify the Licensing Team prior to the hearing date.

Who can attend the hearing?



This picture shows the layout at a typical Licensing Sub-Committee hearing in the Committee Room.

The Licensing Sub-Committee (A, B, C) Reserve Member (D)

Three sitting members (A, B, C) from the Council's Licensing Committee will form the Licensing Sub-Committee and they will hear, and make a decision on, the matter. One of those members acts as Chairman and runs the hearing. Another member from the Council's Licensing Committee will be present during the hearing as a Reserve Member. The reasoning for this is that if one of the sitting members should declare an interest, the

Reserve Member can then step in to sit on the Licensing Sub-Committee in that member's place.

The Legal Adviser (E)

A legal adviser from the Council's Legal Services Section attends to provide legal advice to the Sub-Committee Members. This can include advising the Members as to what they can have regard to when making their decision, the types of decision the Members may make; and on any other legal/procedural matters arising during the hearing.

The Committee Clerk (F)

A Committee Clerk attends to take the minutes of the meeting and records the Sub-Committee's decision after it has been made.

The Licensing Authority Representative (G)

An officer from the Council Licensing Authority will be in attendance to assist with any issues/queries relating to the administrative process concerning the matter prior to the Licensing Sub-Committee hearing.

The Head of Service (H)

The Head of Public Protection (who covers the licensing function within the Authority) normally presents the report on the matter.

The Applicant/Person who has given notice/Premises Licence Holder/Club Premises Certificate Holder (I)

The applicant/person who has given notice/Premises Licence holder/Club Premises Certificate Holder and, if they have one, their representative/person assisting them, can be in attendance at the hearing, although this will depend on the type of matter being heard.

Responsible Authorities (J)

Any responsible authorities, such as the Police or Pollution Control, who have made a relevant written representation may attend and speak at the hearing.

Other persons (K)

All other persons who have made relevant written representations (including you) may attend and speak at the hearing.

The Public/Press

Any member of the public who is interested in watching what happens at the hearing may sit in the public gallery.

The Press may also be present reporting on the hearing.

Attending the Hearing

- Please aim to arrive at County Hall about 15 minutes before the start of the hearing.
- When you arrive, inform the receptionist that you have come to attend a Licensing Sub-Committee hearing. The receptionist will tell you where to wait.
- In the Committee Rooms, there are microphones in front of the seats and you will be asked to turn these on and off with a button in front of the microphone, whenever you wish to speak.
- It is not necessary to stand when the Sub-Committee Members enter or leave the room or when you speak at the meeting.
- Please note the County Council's proceedings may be filmed or audio recorded in accordance with the Council's Protocol for Filming and Audio Recording at public Council Meetings. Copies of the Protocol will be displayed in the meeting room. Generally, the public seating area is not filmed. However, by entering the public gallery area, you are consenting to be filmed and to possible use of those images and sound recordings for webcasting and/or training purposes.

What will happen at the hearing?

The information enclosed with the Notice of Hearing outlines the hearing procedure; however this can vary depending on the type of matter being heard.

A generic example outline of a hearing of a Licensing Act application would be that the applicant presents their application, the responsible authorities and other persons who have made relevant representations present their representations; Sub-Committee Members may ask questions of any party or other persons appearing at the hearing; a party may ask questions of another party with the permission of the Licensing Sub-Committee; and the applicant is given the opportunity to sum up.

Evidence will be given in public unless evidence/documentation relating to a matter is considered to be confidential and contain exempt information under legislation and the Sub-Committee decide to hear that evidence in private session. If so, the press and public will be excluded from the hearing during that time. Photographic, taped or video recorded evidence included with a party's written representations submitted pursuant to the legislation, can be presented at the hearing; however those parties who wish to play the same at the hearing, should provide advance notification of this to the Council's Licensing Authority to ensure that the appropriate facilities are in place to facilitate this at the hearing.

The Sub-Committee decides on the matter and in doing so considers the documentation submitted pursuant to legislation and the verbal representations heard in that regard. The Sub-Committee can leave the room to retire into private session to make its decision. The Sub-Committee is accompanied by the legal adviser only at that time. On its return to the Committee Room, the Sub-Committee may either give its decision with full reasons; or

where permitted by legislation can announce that its decision with reasons will be provided within a period of five working days.

What happens after the hearing?

The Licensing Authority will send out written notification of the Licensing Sub-Committee's decision and its reasons to all parties, which will be accompanied by information regarding any rights of appeal.

Further information:

Licensing Act 2003 in respect of premises:

http://www.pembrokeshire.gov.uk/content.asp?nav=1626,2380,178,187&parent_directory_id=646

Licensing Committee and Sub Committee Agendas and Documents:

<http://mgenglish.pembrokeshire.gov.uk/ieDocHome.aspx?bcr=1&LLL=0>

Contact can be made to the:

Licensing Team

Public Protection Division

County Hall

Haverfordwest

Pembrokeshire

SA61 1TP

Tel: 01437 764551

Email: licensing@pembrokeshire.gov.uk

Website: www.pembrokeshire.gov.uk

This document can also be made available in Welsh or large print on request to the Licensing Team.