

## OXFORD CITY COUNCIL

### LICENSING and REGISTRATION SUB-COMMITTEE

#### HEARING PROCEDURES:

##### **The Meeting**

1. The Licensing Casework Sub-Committee will usually consist of four members of the Council (councillors) who are also members of the Council's General Purposes Licensing Committee. With the consent of the Applicant, or person who is subject of the hearing, the Sub-Committee may consist of fewer than four but no fewer than two councillors. At the start of each Sub-Committee meeting a Chair shall be elected from among the members. The Sub-Committee is responsible for reaching a decision upon the application having heard representations and considering all relevant material presented.

##### **The Paperwork**

2. Officers of the licensing authority (the City Council) will prepare the paperwork for the application that is to be heard by the Sub-Committee. The paperwork will include:-
  - A summary of the application or matter for determination, the representations received and of any other relevant material
  - A copy of the application and any other supporting material supplied by the applicant
  - Any observations on the application or matter made by the Police or other technical advisor to the Sub-Committee
  - Any representations of objection to the application

##### **Introductions**

3. The Chairman will commence the hearing by introducing her or himself and the other Sub-Committee members. The Chair will then ask all of the other parties present to introduce themselves and explain in what capacity they are attending.

## **Conduct of Proceedings**

4. The role of the Chair is to control the proceedings. All questions must be put through the Chair.
5. The Chair will indicate that the members of the Sub-Committee have read and familiarised themselves with the papers and issues. The Chair will stress that the Sub-Committee does not therefore require points to be made or repeated at length.
6. The hearing shall take the form of a discussion. Formal cross-examination shall not be permitted unless the Chairman considers that cross-examination in a particular circumstance would assist. In exercising this discretion to permit cross-examination, the Chairman must have regard to the rules of natural justice and the right to a fair hearing.
7. Members of the Sub-Committee may ask questions to any party to elicit further information. The representative of the licensing authority may also ask questions of any party in order to clarify the evidence and any issues in the case.
8. In considering the application/matter or any representation made by a party the Sub-Committee may take into account documentary or other information relied on by a party in support of their application or representation - provided that copies of the information have been supplied to the Licensing Authority at least seven working days before the hearing or, with the consent of all the other parties, after that time.
9. Where a person attending the hearing is acting in a manner that the Chair considers is disruptive, the Chair may require that the person leave the hearing and may:
  - (a) refuse to permit that person to return; or
  - (b) permit him / her to return only on such conditions as the Sub-Committee may specify.
10. Before the end of the hearing any person who was required to leave the hearing under paragraph 9 may submit in writing any information which they would have been entitled to give orally had they not been required to leave.

## **Order of Proceedings**

11. Any party may be assisted or represented by any person whether or not that person is legally qualified.

### The Licensing Authority

12. The representative of the licensing authority shall present the paperwork relating to the application or matter to be heard by the Sub-Committee. The representative shall say who the applicant is, what the application is for and explain the paperwork before the Sub-Committee.

### Applicant's case

13. The Applicant will outline their application and present their case and may call witnesses if desired.
14. The Sub-Committee may ask questions of the Applicant.
15. Other parties may ask factual questions of the Applicant. Cross-examination will only be permitted with the consent of the Chair.

### Observations of Police and/or Technical advisors

16. Where appropriate the police or technical advisers to the Sub Committee may make their observations.
17. The Sub-Committee may ask questions of the Police and/or technical advisors.
18. Other parties may ask factual questions of the Police and/or technical advisors. Cross-examination will only be permitted with the consent of the Chair.

### Objector's case

19. Where written representations of objection have been received the Sub-Committee will have regard to those representations. Any Objectors attending the hearing may make oral representations in support of their objection and call witnesses if they wish. However, the Sub Committee will not require repetition of points already made in written representations.
20. Where a number of objectors have made representations which are similar in nature the Sub-Committee will expect a spokesperson to be appointed to represent the group.
21. The Sub-Committee may ask questions of any objector.

22. Other parties may ask factual questions of any objector. Cross-examination will only be permitted with the consent of the Chair.

### **Closing submissions**

23. All parties will then be given the opportunity to summarise briefly their key points. The order shall be:-
- Objectors
  - Police and/or technical advisors
  - Applicant

### **Determinations**

24. At the end of the submissions, the Chair will announce that the hearing is adjourned while the Sub-Committee deliberate in private. The Sub-Committee will be accompanied by the Committee Clerk and Legal Advisor during their deliberations.
25. If it is necessary to recall any party for clarification of any point, then all parties should be recalled.
26. The Chair will either:
- Announce the decision of the Sub-Committee and confirm that a written determination with reasons will be sent to the parties by a given date.
- or
- Close the hearing and confirm that once a decision has been made a written determination with reasons will be sent to the parties by a given date.
27. In any event a written determination setting out the reasons for the decision will be sent to the parties within five working days of the hearing.

### **Closed hearing**

28. The hearing shall normally take place in public. However, the Sub-Committee may exclude the press and the public from all or part of a hearing where exempt information (*section 100A(4) Local Government Act 1972*) is concerned and the Sub Committee considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public.