

## LICENSING SUB-COMMITTEE

### ITEM 3 – PROCEDURE FOR THE MEETING

#### PERSONAL LICENCE REVIEW – RELEVANT OFFENCE

Procedure to be followed:

- This hearing will be a closed (private) hearing by virtue of Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005.
- This is not a court and strict rules of procedure and evidence therefore do not apply.
- Evidence will not be given under oath, however all parties are reminded that the deliberate telling of untrue statements is a criminal offence under section 158 of the Licensing Act.
- All evidence will be given so far as possible by parties seated in their current positions. There is no need for anyone to stand.
- Any statement, comment or question must be addressed through the Chair. There will be no direct cross-examination by any person of any other person.
- The Chair has and will exercise the right to intervene and interrupt any person if that person is providing evidence that is not relevant to the proceedings or to the four licensing objectives.
- As a reminder to all parties attending, the four licensing objectives are:
  - The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm
- If any person behaves in an unruly, abusive, or disruptive manner, the Chair shall exercise his/her right as Chair to adjourn the hearing in order to have that person removed from the meeting.
- The order in which evidence is to be given to the Licensing Sub-committee is as follows:
  1. The Licensing Manager will present her report.

2. Leicestershire Police as a responsible authority will make their submission in respect of the matter.
  3. The Licence Holder or their representative will make their submission in respect of the matter.
  4. Finally, Leicestershire Police as a responsible authority and then the Licence Holder or their representative can make a closing speech summing up their submissions.
- With the consent of the Sub-committee, parties will be given the opportunity to ask questions following the presentation of evidence in 1-3 above.
  - Any person may be represented by another person of his/her choosing whether that person is legally qualified or not.
  - Any person may withdraw their submission in regard to this application at this Hearing.
  - The Chair and the other two Licensing Sub-committee members may ask questions at any time of any person in order to clarify any matter, or to clarify any condition proposed to be put onto the Premises Licence should it be granted.
  - Requests from any of the parties for permission for another person to appear at the hearing as a witness will be considered by the Sub-committee.
  - At the end of the hearing, the Licensing Sub-committee will withdraw from the hearing and will privately deliberate in order to consider all the evidence before returning to give a final determination of this application. During deliberations, the Licensing Sub-committee will be accompanied by the Sub-committee's Legal Advisor who will advise on the law. The Legal Advisor will not make any recommendation as to the determination to be given.
  - Any advice given to the Sub-committee will also be given to all other parties here today.
  - The Sub-committee will endeavour to make a final determination today.
  - The determination will be sent in writing to all the parties at this hearing and all other persons who have made representations previously.