

## Part D7: Licensing Sub-Committee (Licensing Act 2003 matters) – Procedure for determining application

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
- the protection of children from harm.

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

- the merits of the application;
  - the promotion of the four licensing objectives;
  - the Council's Statement of Licensing Policy, a copy of which can be obtained from the Licensing Team
  - the amended guidance issued by the Home Office in April 2018 under Section 182 of the Licensing Act 2003.
1. Following election, the Chair opens the Meeting, introducing the Members of the Sub-Committee and Officers to the Applicant(s) and members of the public, explains the nature of the decision to be taken, and the procedure to be followed.
  2. The Licensing Officer outlines the application, any relevant representations and relevance to the Council's Statement of Licensing Policy and statutory guidance.
  3. Members may ask any relevant questions of the Licensing Officer.
  4. The Licensing Officer introduces the Applicant(s) (if present) and the Chair invites them, or the person representing the Applicant, to present their application to the Sub-Committee and to clarify any information arising from the Officer's outline, if necessary.
  5. Members may ask relevant questions of the Applicant(s) regarding the application.
  6. The Chair invites those parties, including any interested parties and/or responsible authorities, making representations to address the Sub-Committee in turn.
  7. Members may ask any relevant questions of those parties making representations.
  8. The Applicant(s) may ask any relevant questions of those parties making representations.
  9. If necessary, the Sub-Committee will consider requests to allow other parties invited by the Applicant(s) to address the Committee.
  10. Members may ask any relevant questions of any person invited by the Applicant(s) who addresses the Sub-Committee.

11. Any parties who have made representations may ask any relevant questions of any person invited by the Applicant(s) who addresses the Sub-Committee.
12. The Chair invites the Applicant(s) and any parties making representations, to briefly summarise their points if they wish.
13. The Chair ascertains that all parties are satisfied they have said all they wish to say.
14. The Sub-Committee debates the application and makes its decision; it may retire to do so, if appropriate.
15. Where a decision is made at the Meeting, the Chair notifies the Applicant(s):-
  - of the decision;
  - the reasons for the decision;
  - any Conditions placed on the licence (if granted), and the licensing objectives they relate to;
  - the rights of appeal, and that the decision will be confirmed in writing as soon as practicable following the Meeting, and within the statutory timescales.

#### NOTES

- a) All references to the Sub-Committee relate to any three Member Sub-Committees of the Planning and Licensing Committee. However, a Sub-Committee could decide not to exercise its delegated authority and refer an application to the Planning and Licensing Committee for determination, or to the Council (as the Licensing Authority). In such cases, references to 'the Sub-Committee' shall relate to the Committee or the Council, as appropriate.
- b) All references to the Licensing Officer refer to the Public Protection Manager or other appropriate Licensing Officers.
- c) All references to the Applicant(s) refer to the Applicant(s), the licensee or their representative.
- d) Hearings will take the form of a discussion led by the Sub-Committee throughout which Members, the Applicant(s) and, if appropriate, Officers and other parties, may ask questions.
- e) Parties who have made representations will be invited to address the Sub-Committee in the following order, where applicable:-
  - Gloucestershire Constabulary;
  - Gloucestershire Fire & Rescue Service;
  - the Health & Safety Executive;
  - Trading Standards Officer;
  - Child Protection Team;
  - Officers of the Council in capacity as Responsible Authorities (health and safety, planning and pollution);
  - Health Body;
  - Interested Parties;
  - Ward Member(s).
- f) Each party is allowed a maximum period of 15 minutes to make all of their relevant statements unless the Chair expressly approves otherwise, but the Sub-Committee

respectfully requests that all parties keep points pertinent and the discussion moving, in the interests of cost and efficiency.

- g) In order to avoid repetition, parties are requested to appoint a spokesperson to address the Sub-Committee where a number of the same, or similar representations, are being made.
- h) Decisions will generally be taken regardless of whether the Applicant(s) is present. All notices and representations received from absent parties will be considered.
- i) Where the decision is not made at the Meeting, it will be made within five working days of the date of that Meeting.
- j) Information which has not been produced prior to a Meeting will not be considered unless with the agreement of the Sub-Committee and all relevant parties present.
- k) Any changes in the membership of the Sub-Committee will be announced by the Chair at the start of the Meeting.
- l) The Council is committed to taking decisions in an honest, accountable and transparent fashion but, on occasion, may find it necessary to exclude members of the public and Press in accordance with the legal framework given in Schedule 12A of the Local Government Act 1972 and/or local policy. On those occasions, decisions based on the above framework will be given. Similarly, the Council generally will allow all parties to ask questions of another party present, but this decision will be taken on a case-by-case basis. Cross examination of parties is prohibited except in exceptional circumstances, when a reason will be given.
- m) The Council has the right to exclude parties disrupting this Meeting, at its discretion.

#### **Housekeeping Matters**

- Mobiles phones must be switched off or set to silent;
- No smoking throughout the building or anywhere on the site;
- In the event of the fire alarm sounding, Officers will direct you to the meeting point
- If it is a virtual meeting, please ensure that you mute whilst not speaking and raise your hand if you wish to speak. The meeting will follow the procedures closely so please ensure that you have read this.