

Procedure for Conduct of Hearings

Protocol for Hearings conducted by Licensing Sub-Committees

Each application that comes before a Sub-Committee will be considered individually, and this Licensing Authority will take its decision based upon:-

- The merits of the application.
- The promotion of the four licensing objectives (see below).
- The Policy Statement of the Licensing Authority, a copy of which can be obtained from www.barnsley.gov or the Licensing Office, 18 Regent Street, Barnsley.
- The guidance issued by the Secretary of State for Culture, Media and Sport on 7th July, 2004 under Section 182 of the Licensing Act 2003.

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; and
- the protection of children from harm.

The procedure for Licensing Sub-Committees is as follows:-

- Chair opens the meeting, introducing Members of the Sub-Committee and officers present to the applicant and members of the public, explains the nature of the decision to be taken, and the procedure to be followed.
- The Licensing Officer presents his report outlining the application, any relevant representations and relevancies to the Local Authority Licensing Policy Statement and Statutory Guidance.
- Members to ask any relevant questions of the officer (if any).
- Licensing Officer introduces applicant (if present) and invites him or her, or person representing them, to address the Sub-Committee to clarify any information arising from the Officers' outline, if necessary.
- Licensing Officer to invite those parties making representations to address the Sub-Committee.
- Members to ask any relevant questions of those parties making representations.
- [With the consent of the Sub-Committee (only) applicant or person representing them to ask any relevant questions of those parties making representations.]¹
- If necessary, the Sub-Committee will consider requests to allow other parties invited by the applicant to address it.
- Applicant or person representing them addresses the Sub-Committee.
- Members may ask any relevant questions of the applicant or person representing them.
- [With the consent of the Sub-Committee (only) parties that made representations to ask any relevant questions of the applicant or person representing them.]¹
- Chair to invite applicant or those representing them, and any parties making representations, to briefly² summarise their points if they wish.

¹ This Authority operates a presumption against cross-examination. If a party wishes to cross-examine another he must apply for the consent of the Sub-Committee, giving the reasons why he considers cross-examination to be necessary. If one party in a hearing is permitted to cross-examine, that right will be extended to all other parties.

² This Licensing Authority grants a maximum 20 minutes per party to make all relevant statements, but respectfully request that all parties keep points pertinent and the discussion moving in the interests of cost and efficiency.

- Chair asks all parties that they are satisfied they have said all they wish to.
- Members of the Sub-Committee discuss and make their decision.³
- Chair relays the decision and the reasons given for the decision, and any conditions placed upon the license (if granted) and the licensing objective that they relate to.

Please Note

- Any changes to the Membership of the Sub-Committee to that stated on the agenda will be given at the beginning of the meeting.
- Decisions will generally be taken regardless of whether the applicant is present. All notices and representations received from absent parties will be considered.
- Late representations and evidence will only be considered with agreement of all parties present.
- In cases where a decision cannot be given at the end of the hearing, the licensing officer will inform the applicant. They will then be notified of the decision within 5 working days.
- Parties have a right to appeal, details of which can be obtained via the licensing officer.
- This Council is committed to taking decisions in a honest, accountable and transparent fashion but on occasion may find it necessary to exclude members of the press and public based upon the legal framework given in the Local Government Act 1972 Schedule 12a and/or local policy. On these occasions decisions based on the above framework will be given.

³ The Sub-Committee will normally resolve to go into private session to consider its decision. Where it does so only the legal adviser will remain with the Sub-Committee and any legal advice which is given in private will be repeated in public.