

LICENSING ACT 2003



Licensing Sub-Committee

Notification Requirements

Under Regulation 8 of the Licensing Act 2003 (Hearings) Regulations 2005:

- (1) A party shall give to the authority within the period of time provided for in the following provisions of this regulation a notice stating -
 - (a) whether he intends to attend or be represented at the hearing;
 - (b) whether he considers a hearing to be unnecessary.
- (2) In a case where a party wishes any other person (other than the person he intends to represent him at the hearing) to appear at the hearing, the notice referred to in paragraph (1) shall contain a request for permission for such other person to appear at the hearing accompanied by details of the name of that person and a brief description of the point or points on which that person may be able to assist the authority in relation to the application, representations or notice of the party making the request.
- (3) In the case of a hearing under -
 - (a) section 48(3)(a) (cancellation of interim authority notice following police objection), or
 - (b) section 105(2)(a) (counter notice following police objection to temporary event notice),

the party shall give the notice no later than one working day before the day or the first day on which the hearing is to be held.

- (4) In the case of a hearing under -
 - (a) section 167(5)(a) (review of premises licence following closure order),
 - (b) paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence),
 - (c) paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate), or
 - (d) paragraph 26(3)(a) of Schedule 8 (determination of application by holder of justices' licence for grant of personal licence),

the party shall give the notice no later than two working days before the day or the first day on which the hearing is to be held.

- (5) In any other case, the party shall give the notice no later than five working days before the day or the first day on which the hearing is to be held.

A form for you to complete and return to the authority is attached.

Conduct of Hearings.

Rights of Attendance and Representation

Any party to the hearing may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified.

Representations and Supporting Information

At the hearing a party to the hearing may be entitled to

- (a) provide further information to a point upon which the authority has given notice to a party that it will want clarification on, in support of their application, representations or notice.
- (b) if given permission by the Chairperson, question any other party or witness, and
- (c) address the authority

Failure of Parties to Attend the Hearing

If a party has informed the authority that they do not intend to attend or be represented at a hearing, the hearing may proceed in their absence.

If a party who has not so indicated fails to attend or be represented at a hearing the authority may

- (a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or
- (b) hold the hearing in the party's absence.

Where the authority holds the hearing in the absence of a party, the authority shall consider at the hearing the application, representations or notice made by that party.

Where the authority adjourns the hearing to a specified date it will forthwith notify the parties of the date, time and place to which the hearing has been adjourned.

Procedure at Hearing

The conduct for the meeting will be a matter for the Chairperson, however the procedure normally adopted is outlined below for the information of applicants.

1. The Chairperson will start the meeting and introduce the members of the Sub-Committee and the officers present.
2. The Chairperson will outline the nature of the application being made and the procedure that will be followed. The Chairperson will emphasise that:
 - 2.1 only matters which are relevant to the licensing objectives will be taken into account;

- 2.2 the Sub-Committee will consider requests to allow other persons invited by the parties (i.e. witnesses) to address the Sub-Committee and that such permission will not be unreasonably withheld;
 - 2.3 the meeting will be held as a discussion rather than as an adversarial contest; and
 - 2.4 should any party wish to raise questions of another party and/or their witness(es), the permission of the Sub-Committee must first be obtained.
3. Copies of the application form and written objections or representations received will be circulated. A representative of the licensing authority will provide details of the matter under consideration.
4. Copies of all written representations will have been circulated to members of the Sub-Committee and the applicant or licence holder. The Sub Committee may only take into account any additional documentary evidence produced at the hearing with the consent of all other parties at the hearing.
5. Where it is necessary to set time limits to ensure the effective conduct of the business, both parties will be allowed an equal maximum time in which to exercise their rights.
6. The Sub Committee will hear parties who have made representations. The order in which objections will be heard is:
 - 6.1 objections by a responsible authority;
 - 6.2 representatives of local residents' organisations;
 - 6.3 individual objectors who may wish to address issues over and above anything that may already have been said.
7. If necessary, the Sub-Committee will consider requests to allow other persons invited by any party that raised a representation to appear at the hearing in support of the representation (such permission shall not be unreasonably withheld). Any such witnesses may then address the Sub-Committee.
8. Members of the Sub-Committee to ask the relevant questions of those parties making a representation and/or their witness(es).
9. If the applicant wishes to raise any questions of those parties making representations and/or their witness(es), the applicant must seek the Sub-Committee's permission to do so. If such permission is forthcoming, questions may then be raised.
10. The applicant or licence holder will then be given the opportunity to address the Sub-Committee. If necessary, the Sub-Committee will consider a request by the applicant or licence holder to allow other persons (i.e. witnesses) to appear at the hearing in support of the application (any such permission shall not be unreasonably withheld). Any such witnesses may then address the Sub-Committee.

11. Members of the Sub-Committee may ask any relevant questions of the applicant or their witness(es).
12. If any other party wishes to raise questions of the applicant and/or their witness(es) a request should be made for permission to do so and, if such permission is forthcoming, questions may then be raised.
13. The objectors are given the opportunity to sum up.
14. The applicant or licence holder is given the opportunity to sum up.
15. The Chairperson will ask all parties that they are satisfied that they have said all they wish to.
16. The Sub-Committee will then request the public, responsible authorities and applicant or licence holder to clear the room while it deliberates on its decision.
17. All parties will then be invited back and the Chairperson will relay the decision and the reasons given for the decision, and any conditions placed upon the licence (if granted) in public.
18. The formal written notification of the decision of the Sub Committee will be sent by a licensing officer to the applicant and other relevant parties within two days of the determination of the Sub-Committee.

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