

LICENSING COMMITTEE AND SUB COMMITTEE – PROTOCOL FOR PUBLIC SPEAKING

1. Introduction

- 1.1. The following protocol for public speaking shall apply in respect of in person hearings under the Licensing Act 2003, the Gambling Act 2005, and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009).
- 1.2. This includes applications relating to the licensing of alcohol, regulated entertainment, late night refreshment, gambling, and sex establishments, Hackney Carriage and Private Hire vehicles, which are the responsibility of the Licensing Committee/Sub Committee to determine as set out in Part 3(A)-3 of the Council's Constitution.
 1. The Chair welcomes everyone to the hearing, identifies all parties present and makes introductions.
 2. Matters of general housekeeping are dealt with, eg location of fire exits and toilets, fire alarms, notification that the hearing may be recorded, reminder to switch mobile phones to silent.
 3. All persons who have given notice of their intention to speak are identified.
 4. Identify if any person who wishes to withdraw a representation or wishes not to speak
 5. Chair explains proposed procedure and order of speaking for hearing as set out in Appendix A. All parties confirm agreement or make representations on procedure proposed.
 6. Licensing Officer's report is presented.
 7. Parties present their representations in the order agreed.
 8. Parties who are speaking should not repeat the information which they have already given in writing in their representation. They will be able to expand on the written information given, provided the information remains relevant. Any addition information should be limited to the grounds of their representation(s). For example, if they are objecting on the grounds of Public Nuisance, then they should confine their comments to matters relating to Public Nuisance.
 9. Members of the Licensing Committee or Sub Committee may ask questions after each representation and at the end of all representations. Parties, will be allowed to ask questions through the Chair.
 10. Following representations, the parties will be given the opportunity to sum up. Party who spoke first to go last.

11. Members will deliberate in private with the clerk and legal representative as appropriate present.
12. The decision will be taken by the Committee and that decision delivered by the Chair to all parties at the conclusion of the hearing as appropriate. A written decision notice will be issued following the hearing in accordance with the regulations.
13. The Legal Adviser will advise the parties of any right of appeal as appropriate.

2. General points

- The hearing may be adjourned at any time at the discretion of the Members
 - Members may amend the procedure at any time if they consider it to be in the public interest or in the interest of a fair hearing
 - Licensing Hearings are held in public. However, the Chair may exclude members of the public (including a party to the Hearing) from all or part of a Hearing where it considers the public interest in doing so, outweighs the public interest in the Hearing.
 - The Chair may exclude any person from a hearing for being disruptive.
 - Meetings of the Licensing Committee in public session are recorded by the Council for live and subsequent broadcast on its website. The meeting may also be audio recorded and/or filmed for live or subsequent broadcast by members of the public and media representatives.
 - The hearing will take the form of a discussion.
 - Only persons (or their representatives) who have made an application, are subject to an application or have submitted a written representation to the Licensing Authority under the relevant Act are permitted to speak at the hearing.
 - Any further information to support an application, representation or notice (as applicable) can be submitted before the hearing. It may only be submitted at the hearing with the consent of all parties. The Licensing Act 2003 (Hearings) Regulations 2005 shall apply. Whereever possible the Licensing Authority encourages parties to submit information at the earliest opportunity to allow sufficient time for this to be considered before the hearing and avoid the need for adjournment.
 - If a party has informed the Authority that they do not intend to attend, or be represented at the hearing, or has failed to advise whether they intend to attend or not, the hearing may proceed in their absence
- 2.2. For other matters in Part 3(A)-3 of the Council's Constitution which are the responsibility of the Licensing Committee and not included in this protocol or the protocol for virtual hearings, the procedures set out in Part 4D of the

Council's Constitution in relation to public questions, statements and petitions shall apply.

- 2.3. This includes such matters as making recommendations on relevant policies, approving the level of fees charged by the Council, and making decisions on tariffs charged by the Public Carriage Trade.
- 2.4. The Council's Constitution can be accessed using the following link:
<https://democracy.bcpccouncil.gov.uk/ieListMeetings.aspx?CommitteeID=151&Info=1&bcr=1>
- 2.5. For further information please contact democraticservices@bcpccouncil.gov.uk

Proposed procedure and order of speaking for Licensing Act 2003 hearings

- The Licensing Officer/Other Council Officer presents report
- Applicant will make their Application
- Questions of the Applicant by all parties, Members of the Committee/Sub-Committee to go first
- Responsible Authorities and Other Persons will make their representations.
- Questions of the Responsible Authorities and Other Persons. Members of the Committee/Sub-Committee to go first.
- All parties will be given an opportunity to sum up (with the party who spoke last to go first).
- Sub-Committee will deliberate in private with Legal Adviser and Clerk present. Councillors new to Licensing may observe but will not take part in the decision making)
- Sub-Committee will return, and the Chair will announce the decision if appropriate (a written decision notice will be issued following the hearing in accordance with the regulations).
- The Legal Adviser will advise parties of any right of appeal as appropriate.