



**GUIDANCE NOTES ON THE CONDUCT OF  
HEARINGS BEFORE THE  
LICENSING/APPEALS COMMITTEE IN  
RELATION TO THE LICENSING ACT 2003**

1. Brentwood Borough Council, as the Licensing Authority, wishes to ensure all parties receive a fair hearing. The purpose of the Committee hearing is to enable those with a right to appear to put forward their views and assist the Committee to gather evidence and to understand the relevant issues.
2. The hearing will normally be held in public. Exceptionally, the Committee may exclude the public (including a party to the hearing and any person assisting or representing a party) from all or part of hearing where it considers that this is in the public interest.
3. The hearing will take the form of a structured discussion, led by the Members of the Committee. All parties will be given an opportunity to make a statement.
4. All parties and other persons present may be asked questions by Members of the Committee. At the discretion of the Chairman, parties may be allowed to ask questions of the other parties.
5. The Committee will allow parties an equal period of time, if they so wish, in which to make representation, give supporting information or ask questions. The Chairman of the Committee will be able to determine the maximum period of time available to the parties.
6. Any party may be represented by another person, whether legally qualified or not.

7. Legal advice to the Committee will either be given in open session or, where given to Councillors when they have withdrawn to make their decision, will be repeated afterwards in open session to those in attendance.
8. If a party has informed the licensing authority that they do not intend to attend or be represented at the hearing, the hearing may proceed in their absence.
9. Similarly, if any party fails to attend, the Committee may hold the hearing in that party's absence. If the Committee considers it necessary in the public interest to adjourn the hearing to a specified date it may do so.
10. Where multiple representations have been received from individual members of the public, the Committee would encourage such groups to nominate a spokesperson or spokespersons to make oral submissions on behalf of the group. Although this means each person who has raised a representation may not be heard individually, those representations will be taken into account. After hearing the submission of the spokesperson, the Chairman will normally give an opportunity for individuals to add points that the spokesperson has not already covered.
11. 'Responsible authorities' and 'interested parties' are reminded that their submission may only relate to the original grounds of representation and new grounds cannot be introduced at the hearing.
12. The Committee may take into account documentary or other information produced by a party in support of their application, representation or notice either before the hearing or, with the consent of all other parties, at the hearing.

13. However, the Committee will disregard any information given by a party or any other person that is not relevant to the application, representation and the promotion of the licensing objectives.

The licensing objectives are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

14. Hearsay evidence is admissible. However, the weight the Committee attaches to such evidence may be less than hearing from the party or person first-hand.

15. The Chairman may require any person attending the hearing who, in their opinion, is behaving in a disruptive manner, to leave the hearing and may refuse to permit that person to return or permit them to return only on certain conditions. If an individual is required to leave the hearing they may, before the end of the hearing, make a written submission of any information that they would have been entitled to give orally.

16. Members of the Committee will not determine matters relating to premises situated in the Borough Council ward that they are elected to represent.

#### Committee Hearing Procedure

- i) The Committee deals with the appointment of the Chairman of the meeting.
- ii) The procedure and who is present will be explained at the beginning of the hearing by the legal advisor to the Committee.

- iii) Before proceeding further, the Committee will consider any requests from parties for permission for other persons to address the hearing.
- iv) The Licensing Officer will introduce the matter before the Committee.
- v) The Chairman will then invite any 'responsible authorities' and/or 'interested parties' making representation to address the Committee in turn.
- vi) Members may ask questions of each party after they have addressed the Committee.
- vii) At the discretion of the Chairman, the applicant and other parties may then be permitted to ask questions of those addressing the Committee.
- viii) The Chairman will then invite the applicant to address the Committee.
- ix) Members may ask questions of the applicant and any other person who has been given permission to address the Committee.
- x) At the discretion of the Chairman, the other parties may then be permitted to ask questions of the applicant.
- xi) In order to deliberate on the matter, the Committee will retire. The Committee may request the presence of their Legal Adviser to give them legal advice. The Committee Co-ordinator will join the Members to record their decision.
- xii) Once a decision has been reached, the Committee will return and give that decision, together with the reasons for that decision, orally.
- xiii) The decision will be confirmed in writing following the meeting.

## Definitions

For the purpose of this document, the phrase 'Committee' will include both the Licensing Committee and Sub-Committee of the Licensing Authority.

For the purposes of this document, the term 'Party' means a person whom the notice of hearing was given and parties shall be construed accordingly.

For the purposes of this document, the term 'Responsible Authority' means any of the following:

- An officer representing Essex Police
- An officer representing Essex Fire and Rescue Service
- A planning, health and safety and/or environmental protection officer representing the Council
- An officer representing the Health and Safety Executive
- An officer representing the Child Protection and/or weights and measures functions of Essex County Council
- An officer of any other body detailed in the Licensing Act 2003, section 13(4) or 69(4)

For the purposes of this document, the term 'Interested Party' means any of the following:

- A person living in the vicinity of the premises
- A body representing persons who lives in the vicinity of the premises
- A person involved in a business in that vicinity
- A body representing persons involved in such businesses
- A local councillor in the following capacity
  - On behalf of an interested party, such as a resident or local business if specifically requested to do so.
  - In their own right if they live, or are involved in a business, in the vicinity of the premises in question
  - As elected members they can also make representations in their own right if they have any concerns regardless of whether they live or run a business in the vicinity.