



PUBLIC PARTICIPATION FOR LICENSING MATTERS

Public Participation is limited when the Licensing Sub-Committee is dealing with individual licensing applications. There are three different types of application that the Sub Committees can consider as set out below.

1. APPLICATIONS AND REVIEWS RELATING TO PREMISES LICENCES – LICENSING ACT 2003

1.1 The Licensing Act 2003 prescribes how representations can be made for or against applications for a premises licence or club premises. You can read about more these procedures in detail [here](#).

1.2 In summary, this explains that applications for a premises licence or club premises certificate are advertised by the applicant for a 28 day period after the application has been received by the Council. If, during that period, an “Interested Party” or “Responsible Authority” submits a relevant representation based on one or more of the four licensing objectives (the definitions of these are set out in the above link), the application has to be determined by elected Councillors, rather than officers. Therefore the application will heard by a specially convened meeting of the Licensing Sub-Committee.

1.3 The exception to the above is in the case of a ‘minor variation application’ where there is no provision to refer the decision to a Licensing Sub-Committee. Officers must decide whether to grant or refuse the application.

1.4 Only those Responsible Authorities or Interested Parties who have submitted a relevant representation within the 28 day period will be invited by the Licensing Team to attend and speak at the meeting. These Parties will be sent a Notice of Hearing and should confirm to the Licensing Team (no later than 5 working days before the start of the hearing) their intension to attend the meeting. Those persons then have a right to address the Sub Committee.

1.5 Regardless of these restrictions on who can speak at the meeting, members of the public are very welcome to attend and listen to the debate, unless the meeting has gone into an exempt session. However, it would be helpful if you could contact the Democratic Services Team if you intend to come to the meeting, to ensure there is sufficient seating in the room.

- 1.6 The debate will follow a set order, which will be explained by the Chairman at the start of the meeting. In summary, the Licensing Team will introduce the application, after which, the applicant will speak, followed by (where relevant) representatives of the Responsible Authorities and then the Interested Parties. After each of the parties has spoken, the applicant and Committee have an opportunity to ask questions.
- 1.7 Only the points contained in the written representations can be raised by speakers at the meeting. No new documents can be considered except with the agreement of ALL parties.
- 1.8 Each party will be allowed equal maximum time to exercise their rights at the Hearing. The Chairman will exercise their discretion to allow an appropriate period of time to permit each party to present their case, taking into account the requirement to allow all parties equal maximum time. As a guide, it would be expected that in most cases, five minutes should be sufficient, although this should not be seen as a target or a limit.
- 1.9 The above procedure also applies to Reviews of Licences.

2 GAMBLING APPLICATIONS

- 2.1 The rules for dealing with applications under the Gambling Act 2005 are similar (although not identical) to that for the Licensing Act 2003, as set out in 1. above, and therefore the same rules on public participation will apply.

3 HACKNEY CARRIAGE AND PRIVATE HIRE APPLICATIONS AND REVIEWS

- 3.1 The Licensing Team also deal with the applications and reviews of licences for Hackney Carriages (taxis) and Private Hire vehicles.
- 3.2 These are referred to the Licensing Sub-Committee where an application falls outside of the Council's adopted policy and it is considered that the Sub-Committee should determine the application, for reviews relating to complaints or non-compliance of the Regulations and conditions. These cases usually contain private information. Therefore these meetings are usually held in "exempt session" and the public will not be permitted to attend the meeting. As such, the only public speaking at the meeting, beyond the applicant, would be by prior arrangement with the Licensing Team.
- 3.3 If you wish to address the Committee on general policy issues relating to hackney carriage or private hire matters, this should be made to a meeting of the full Licensing and Regulation Committee.