

Community Councils - Licensing Procedure

1. All parties present and wishing to be heard at the meeting should identify themselves and their reason for being at the meeting.
2. Check all parties have received documentation. Clerk to provide papers to those who have got no documentation.
3. Read purpose of the meeting.
4. The Chair will ask each of the following (and in this order) whether they have anything they wish to add now to their written representations. Each person shall be **allowed to speak for up to 3 minutes**.

(i) Licensing Officer - ask if they have anything to add to their report.

Ask Objectors if they wish to ask Licensing Officer questions.

Ask Applicant if they wish to ask Licensing Officer questions.

Ask the voting Members if they wish to ask Licensing Officer questions.

(ii) Noise Team Enforcement Officer - ask if they have anything to add to their report.

Ask Objectors if they wish to ask the NTEO questions.

Ask Applicant if they wish to ask the NTEO questions.

Ask the voting Members if they wish to ask the NTEO questions.

(iii) Objectors - ask if they have anything to add to their report.

Offer Applicant to cross-examine objectors.

Offer voting Members to cross-examine objectors.

(iv) Applicant - ask if they have anything to add to their report.

Offer Objectors to cross-examine Applicant.

Offer voting Members to cross-examine Applicant.

NB. Officers and witnesses are not invited to ask questions.

5. The Chair will ask for a closing summary of **no longer than 3 minutes each** from:
 - (i) Objector
 - (ii) Applicant
6. Voting Members to retire to closed session with the legal advisor and clerk.
7. Invite everyone back into room and announce decision. Give reasons if the application is refused and announce relevant repeal rights.

Further Rules:

- With regards to item 4. above, once the licensing and pollution officers, objector and applicant have spoken, those people who are allowed, can question them on their representation or on other matters at the discretion of the Chair.
- Speaker should restrict their comments to the licensing aspects of the applications and should avoid repeating what is already on the report.
- This is a Council Committee meeting, not a public meeting: there should be no interruptions from the audience.
- Hearsay
 - (i) If evidence in any form is capable of assisting something that would be relevant for the Committee to consider, the voting Members shall not refuse it only on the grounds that it is hearsay.
 - (ii) If hearsay evidence is received, Members shall not be under any duty to consider that evidence as significant as they would if the evidence had been received in a form that was not hearsay, and, in particular, members shall be entitled to attach some lesser significance to hearsay evidence as seems to them in all circumstances to be appropriate.
- No smoking is allowed at Committee and no recording is permitted without the consent of the meeting on the night, or consent in advance from the Chair.
- **The arrangements at the meeting may be varied at the discretion of the Chair.**

Referrals:

Some Community Councils have referred Licensing decisions up to the main Licensing Committee. This has been for various reasons; for example:

- notification to applicants and objectors not arriving in time due to postal strike,
- the meeting being inquorate for items when relevant ward Councillors declare an interest

Note: As mentioned it is the responsibility of the Licensing department to notify applicants and objectors of the meeting. Consequently, it has happened that due to a postal strike, applicants and objectors have received notification too late – in which case the meeting cannot legally take place.

Probity:

It is important that CC officers are aware of the probity requirements for Members. See separate procedure note.