

**PROTOCOL/PROCEDURE FOR SUB-COMMITTEE HEARINGS
(LICENSING ACT 2003)**

1. Hearings will be held in public (but see Para. 10).
2. The Chair will introduce all those present and explain to the parties the procedure which will be followed at the hearing, including consideration of any requests by a party for permission for another person to appear at the hearing.
3. The Chair will inform the Hearing of the Order of Presentation which will usually be in the following order, but may be varied depending on the nature of the Hearing:-

The Licensing Officer

Questions by members and any of the parties present

The Applicant

Questions by members and any of the parties present

Other parties making representations

Questions by members and any of the parties present

Following presentations by the various parties present, the Hearing will take the form of a discussion led by the Chair, and cross-examination will not normally be permitted unless the Chair considers that cross examination is required for the Sub-Committee to consider the representations, application or notice as the case may require. (However, if cross examination is permitted by the Chair then this will be offered to all interested parties, if requested). Representatives may ask any question of any party concerned, with the permission of the Chair.

All parties will be given the opportunity for closing statements (if required).

4. All parties will be given a reasonable and equal amount of time to present their case as advised (The Chair may impose a maximum amount of time which will be made clear at the start and will be available to all parties+) and that, in the case of a large number of representations which are the same, the Chair may request a spokesperson to be nominated to put their case. If the Hearing is held in the absence of a party the Sub-Committee will consider the application or representations made by that party.
- 5.(a) No evidence will be accepted on the day of the hearing, without the consent of all the other parties at the hearing, which has not been set out in the written submissions.
5. (b) No evidence made available after the circulation of the written submissions but prior to the day of the Hearing will be accepted without the consent of the Sub-Committee of members.
6. No new objections/representations or any received after the closing date for objections/representations will be accepted at the hearing.

7. At the beginning of the hearing the Chair will indicate that all members of the Sub-Committee have read and familiarised themselves with the papers and, therefore, the parties are not required to repeat their written submissions or evidence, unless for clarification/amendment or correction as notified by the Authority.
8. During the hearing the fair treatment of witnesses will be ensured by the Chair and each application that comes before the Sub-Committee will be treated on its own merits and the Licensing Authority will take its decision based upon:-
 - the merits of the application;
 - the four licensing objectives as given by the Licensing Act 2003, viz:-
 - the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm
 - the policy of the Licensing Authority, a copy of which can be obtained from the Licensing Section or at www.bolton.gov.uk
9. The Sub-Committee may ask the parties to draft conditions for use if the Sub-Committee is minded to grant the application. Comments will then be invited on the proposed conditions by the parties present.
10. If the Sub-Committee considers it appropriate to do so, having regard to the public interest, it will retire to make its decision, along with the Democratic Services Officer and the Sub-Committee's legal adviser.
11. While the Sub-Committee has retired, any of the parties and their representatives may be invited back before the Sub-Committee to enable any specific points to be clarified, in the presence of all parties.
12. Once a decision has been agreed by the Sub-Committee, the Chair will inform the parties of the Sub-Committee's decision, the reasons for such decision, any new conditions attached to the application and the timescale for informing the applicant in writing.
13. The Sub-Committee may adjourn its hearing to a specific date where it considers this to be necessary for its consideration of any representations or notice made by a party, subject to the statutory timescales relating to granting/rejecting/determining applications.