

Milton Keynes City Council

Procedure for the Determination of Licensing Applications by the Licensing Committee

PROCEDURE FOR THE DETERMINATION OF LICENSING APPLICATIONS BY THE LICENSING COMMITTEE

- (a) Application for, or a review of, permissions under the Licensing Act 2003 will be considered by a Sub-Committee of the main Licensing Committee consisting of three Councillors.
- (b) All Sub-Committees will be conducted in accordance with the Council procedure rules, the requirements in the Licensing Act 2003 and any subordinate legislation or policy made under that Act. Any contradiction between the Council procedure rules and legislation, the legislation takes precedent.
- (c) A Sub-Committee will only be convened if the Council receives relevant representations against the grant of a permission, as applied for, or a request for a review of a current license has been received.
- (d) Licensing Officers, Applicants and their witnesses may speak at hearings of the Licensing Sub-Committee when it considers licensing applications or reviews.
- (e) Authorised Persons, Responsible Authorities or other persons under the legislation (including members of the public may only speak at the hearing if they have submitted a relevant representation or are representing someone who has. Representations or additional information needs to have been submitted within the time limits set by legislation. Representations must be made to the Council's licensing department.
- (f) Any party may ask a representative to speak on their behalf. If a party intends to ask a representative to speak on their behalf, they waive the right to address the sub-committee directly unless given permission by the Chair or responding to direct questions.
- (g) If a party intends to appoint a representative to speak on their behalf they must notify the Council's democratic services department not less than 24 hours before the hearing of the name of their representative.
- (h) No elected member, whether MP, local ward Councillor, town or parish Councillor may address a licensing sub-committee unless they have made a relevant representation or have agreed to speak as a representative by a party entitled to address the Sub-Committee.
- (i) A hearing shall take the form of a discussion led by the authority and cross-examination shall not be permitted unless the Chair considers that cross-examination is required for it to consider the representations, application or notice as the case may require.
- (j) When the Licensing Sub-Committee is considering an application for a new permission the following procedure will be followed.
 - "1. At the start of the hearing the Chair will introduce the Sub-Committee Councillors and colleagues and explain their roles for the purpose of the hearing.
 - 2. The Chair will explain the procedure to be followed by the Sub-Committee, which will normally take the form of:

- (a) The Licensing Officer(s) will present the relevant details, but make no recommendations regarding a decision on the application to the Sub-Committee, together with information regarding any details relevant to the application, which may have come to light since the report was written.
 - (b) The applicant (licensee) or his/her representative can present his/her case, including calling any witnesses. Questions may then be put to the applicant, through and with the consent of the Chair, by the other parties and the Sub-Committee.
 - (c) The other parties will present their case, but only where representations are unresolved. Responsible authorities (within the meaning of the legislation) will present their cases before interested parties. Questions may then be put to those persons, through and with the consent of the Chair, by the other parties and the Sub-Committee.
 - (d) The Licensing Officer(s) will be invited to sum up their case.
 - (e) The other parties will be invited to sum up their case.
 - (f) The applicant or his/her representative will be invited to sum up his/her case.
 - (g) The Sub-Committee will be invited to adjourn to come to its decision. Upon adjournment, all parties will withdraw, directly or through retirement of the Sub-Committee. The only colleagues who may remain with the Sub-Committee during its adjournment shall be the legal advisor and the Democratic Services officer.
 - (h) Where the Sub-Committee has to make a decision at the end of the hearing, all parties will be called back and informed orally of the decision of the Sub-Committee and any conditions made, with the reasons for those conditions.
3. The Sub-Committee will be permitted to retire to deliberate in private on any matter it chooses. The Sub-Committee may seek legal advice on a point of law at any point but the substance of any advice given in private must be repeated in open session.”
- (k) When the Licensing Sub-Committee is considering an application for the review of an existing permission the following procedure will be followed.
 - “1. At the start of the hearing the Chair will introduce the Committee Members and Officers and explain their roles for the purpose of the hearing.
 - 2. The Chair will explain the procedure to be followed by the Sub-Committee, which will normally take the form of:

- (a) The Licensing Officer will introduce the Review Application, but make no recommendations regarding a decision on the application to the Sub-Committee.
 - (b) The Review Applicant can present his/her case, including calling any witnesses. Questions may then be put to the applicant, through and with the consent of the Chair, by the other parties and the Sub-Committee.
 - (c) The current Licence Holder will then present their case against the review application. The Licence holder is permitted to call any witnesses or present any information in support of their case.
 - (d) Parties will be invited to sum up their case in the following order:
 - (i) Summary from the Licensing Officer.
 - (ii) The review applicant.
 - (iii) Finally the Licence Holder
 - (e) The Sub-Committee will be invited to adjourn to come to its decision. Upon adjournment, all parties will withdraw, directly or through retirement of the Sub-Committee. The only colleagues who may remain with the Sub-Committee during its adjournment shall be the legal advisor and the Democratic Services officer.
 - (f) Where the Sub-Committee has to make a decision at the end of the hearing, all parties will be called back and informed orally of the decision of the Sub-Committee and any conditions made, with the reasons for those conditions.
3. The Sub-Committee will be permitted to retire to deliberate in private on any matter it chooses. The Sub-Committee may seek legal advice on a point of law at any point but the substance of any advice given in private must be repeated in open session.