

SOUTH LAKELAND DISTRICT COUNCIL

PUBLIC PARTICIPATION AT LICENSING HEARINGS

How can the public participate in decisions about licensing applications?

The District Council's Licensing Sub-Committee holds hearings to decide applications for certain types of licences. A procedure has been set up which allows the applicants and interested parties to attend the hearings and to address the Sub-Committee about the application.

Premises Licences Hearings

What is a premises licence?

A licence issued under the Licensing Act 2003 that permits licensable activities to take place. Such activities may include the sale and supply of alcohol, the provision of regulated entertainment and late night refreshment.

What sort of premises licence applications are heard by the Sub-Committee?

A hearing is normally necessary when an application is made for a licence to be granted or varied where relevant representations are made by either interested parties (e.g. local residents who live within the vicinity of the subject premises) or responsible authorities (eg, Police, Environmental Health Officers etc). A hearing will also be held in the event of an interested party or responsible authority requesting a review of a particular premises licence.

How do the public play a part?

Hearings are held by the District Council's Licensing Sub-Committee for applications for premises licences. A procedure has been set up which allows the applicants, responsible authorities and interested parties to attend these hearings and to address the Sub-Committee about the application.

Who is an "interested party"?

An "interested party" is a person or organisation who is entitled to comment on the application. This would usually include –

- A person who lives near the premises in question
- An organisation which represents people who live near the premises in question (e.g. a residents' association or parish council)
- Someone who is in business close to the premises in question (this does not necessarily mean trading or commercial businesses but could also include businesses such as partnerships, charities, churches and medical practices, for example)
- An organisation which represents people in business close to the premises in questions (e.g. a trade association).

What is a responsible authority?

These are statutory bodies that have to be consulted on an application. (e.g. Police, Fire Service, Environmental Health officers)

I am an interested party. Can I ask someone to represent me at the Hearing?

Yes. An interested party can ask a representative to act on their behalf. Examples of a representative could include –

- A legal representative
- A friend
- A Member of Parliament

- A local Ward Councillor.

How do I apply to speak at the Hearing?

If you have made a relevant representation on an application, you will be served with a copy of the Notice of Hearing inviting you to attend on a specified date. You will be asked to return a form to the Licensing Manager (contact details below) confirming whether you intend to attend the hearing to make representations to the Licensing Sub-Committee in respect of the application.

What information do I need to give you in my application to speak?

Your name and address, and reference to the particular application that concerns you.

I want to speak on behalf of a group of people who share my views. Can I do this?

Yes, provided you can show that you have been nominated to represent the views of others.

Is there a deadline and what happens if I miss it?

You must inform the Licensing Manager of your wish to attend and speak at a hearing before the date of the meeting.

How do I get permission for someone to attend the Hearing so that I can call them in support of my case?

Prior to the hearing you should notify the Licensing Manager of your request to be accompanied at that hearing.

Is there a time limit on how long I can speak?

No, there is no prescribed time limit on how long you are allowed to speak although you will be expected to keep to the relevant issues.

Where will the Hearing be held?

Hearings are usually held in the Council Chamber at South Lakeland House, Kendal. The public entrance to the building is opposite Woolworths on Highgate.

People who are attending the Hearing to speak and the disabled are able to sit in the lower public gallery. As seating in the lower gallery is limited, anyone wishing to attend to observe the meeting will be directed to the upper public gallery.

What can I expect to happen at the Hearing?

There is a set procedure for Hearing premises licensing applications. This is read out by the Chairman before the Hearing starts. The procedure is –

- The Licensing Manager (or an officer acting on his/her behalf) will set out the background and details of the application. They will explain why the Hearing has been called and the documentation that the Sub-Committee will take into consideration when coming to a decision.
- Those people who have requested to speak on the application will be allowed to address the Hearing in turn. They will be able to call other people in support provided they have been given permission to do so beforehand.
- The applicant (or licence holder) will then present their case and will be allowed to call other persons on their behalf provided they have been given permission to do so beforehand.
- The individual Members hearing the application will then be able to put questions to those who have participated in the Hearing.
- Unless cross-examination has been permitted by the Chairman, all questions must be directed to him/her.
- All the speakers will be allowed to make a closing statement.
- The applicant (or licence holder) will then be allowed to make a closing statement.
- The Sub-Committee will then withdraw to make a decision on the application. Only the Council's legal advisor and the Committee Clerk will be allowed to join them during this process.

- When the Sub-Committee returns the Chairman will announce the decision that has been made. The decision will be confirmed in writing. In certain circumstances, but not often, it may not be possible for the decision to be made on the same day as the Hearing. The Chairman will inform those present at the Hearing if the Sub-Committee has asked for clarification on a point from the legal advisor and of the advice received.

Can I produce documents, photographs or models at the Hearing?

This is not normally allowed. But, in exceptional circumstances and only with the prior approval of the other party, this can be permitted. However, due to the cost and staffing implications, it is not possible to provide photocopying facilities. You should bear in mind that it is unreasonable to expect Members to be able to give careful consideration to large amounts of written or other material whilst listening to a presentation from a speaker. Because of this, the circulation of lengthy handouts and other materials at the Hearing will not be acceptable.

What happens if I have applied to speak at the Hearing but then find I am unable to attend?

The hearing will still proceed in your absence, and any written representation you may have submitted in advance will be taken into consideration by the Licensing Sub-Committee.

Taxi/ Hackney Carriage Licence Hearings

The Council also has a procedure for hearing applications for taxi licences. When an application for a taxi or hackney carriage licence is being referred to a Hearing, the applicant will automatically be notified of their right to be present and make representations. **Public participation does not apply to these Hearings.**

My question is not in this leaflet – what should I do?

Contact the Licensing Manager if you have any further questions not covered here.

Points to Note

Public participants are not subject to the privilege rule and, therefore, each individual who makes a presentation should make themselves aware of the laws of defamation and slander.

Disruptive behaviour may result in the Hearing being adjourned and/or the individual being asked to leave the meeting/ building.

The use of video, tape recorders and cameras are not permitted during Hearings unless the express permission of the Chairman has been obtained before the Hearing starts.

All mobile phones must be switched off during meetings.

CONTACT DETAILS

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