

Nozstock Application

The Licensing Authority has been contacted by a number of representees concerning the production of supplements by the applicant prior to the hearing. The Licensing Authority has decided to provide clarity concerning these, to explain the role of the licensing authority and the committee, and clarity concerning the guidance and legislation.

The Licensing Authority are required to follow the legislation, the hearing regulations, it's policy and the guidance issued by the Secretary of State (but may deviate from it if it has good reason for doing so), in arriving at its decision.

The Section 182 Guidance states:

As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits.

The guidance says that 'All parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively'. This is exactly what the applicant is doing, by producing the letter, which has been sent to the representees, as well serving the papers on the Committee, by way of a supplement, so they are available, in public, prior to the hearing.

In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- the Section 182 Guidance;
- its own statement of licensing policy.

The Hearing is a discussion led by the Licensing Authority, it is not a court of law and cross examination of any party is not permitted without permission of the committee. The Committee have the right to ask any question of any party in relation to the application.

The procedure in relation to the hearing is shown on the rear sheet.

The hearing regulations state:

In considering any representations or notice made by a party the authority may take into account **documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing** or, with the consent of all the other parties, at the hearing.

The authority shall disregard any information given by a party or any person to whom permission to appear at the hearing is given by the authority which is not relevant to—

- (a) their application, representations or notice (as applicable) or in the case of another person, the application representations or notice of the party requesting their appearance, and
- (b) the promotion of the licensing objectives or, in relation to a hearing to consider a notice given by a chief officer of police, the crime prevention objective.

The regulations allow any party to the hearing to produce any evidence in support of their application providing that it only expands on the original representation or application.

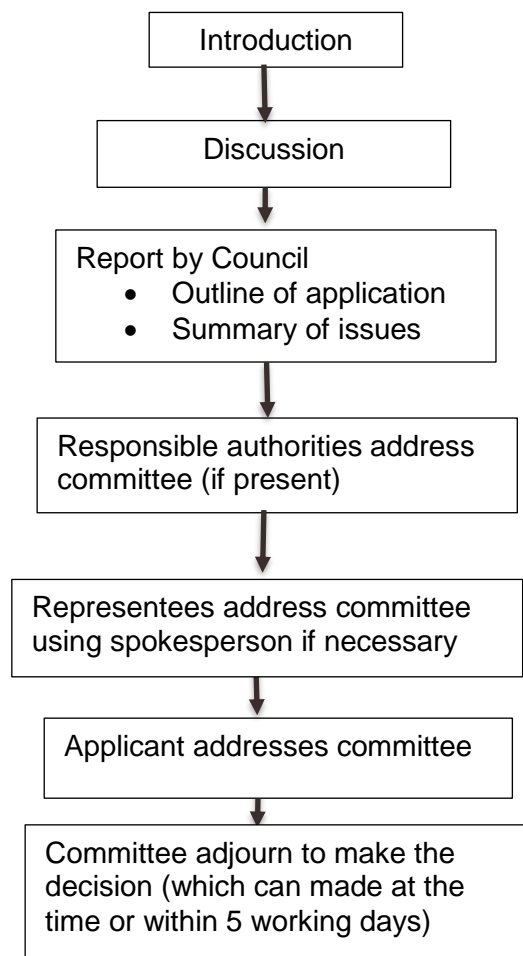
We note that a considerable number of questions have been asked of the licensing authority concerning the letter produced by the applicant. The Licensing Authority is not required to answer

these questions. It is only the committee who have the right to ask these questions, if they so wish or to decide on the weight they give to the letter.

It is also noted that reference has been made of a data breach, but the authority is unable to identify any such breach. The letter was sent by email, yet all applicants were blind copied in and therefore would have been unable to see anyone else's email address.

The Licensing Authority hopes that this provides some clarity to the members of the public, who are experiencing the process for the first time

Licensing Hearing Flowchart



Notes

Cross examination generally not permitted

All parties to have equal maximum time

Hearing may be adjourned or heard in parties absence