

If an appeal fails to proceed or is otherwise unsuccessful, the Licensing Authority may seek an order from the court that the appellant pays the Licensing Authority's costs incurred in the appeal.

Licensing Act 2003 Order of Evidence and Questioning

A: Police present their case

This will be followed by an opportunity for questions, if necessary, by:

- 1st Sub-committee members and (where so required) officer of the Licensing Authority
- 2nd The Personal Licence applicant

B: Officer of the Licensing Authority presents his report

Questioned by:

- 1st The Police
- 2nd The Personal Licence applicant
- 3rd Sub-Committee members

C: The Personal Licence Applicant

Questioned by:

- 1st Sub-committee members and (where so required) officer of the Licensing Authority
- 2nd The Police

Conclusion of evidence.

No further evidence will be introduced or considered.

The officer of the Licensing Authority is asked whether he wishes to address the sub-Committee.

The Police are invited to address the sub-Committee.

The Personal Licence applicant is invited to address the sub-Committee.

Licensing Act 2003



Consideration of Applications for Personal Licences (following Police Objection)



Procedure to be Followed at Hearings

This procedure concerns hearings by the Council in its role as Licensing Authority. Such hearing will generally be undertaken by a Licensing Sub-Committee, but may in certain circumstances be undertaken by the Licensing Committee.

Presence of the Public

Hearings before the Sub-Committee will generally take place in public. The public may be excluded from all or any part of the hearing where a Sub-Committee considers the public interest in doing so, outweighs the public interest in the hearing (or part of the hearing) taking place in public.

The Sub-Committee will withdraw to consider the application in private. When it does so, it will be accompanied by its legal advisor and Committee officer only. Where the Licensing Authority's solicitor provides legal advice to the Sub-Committee during the private consideration of the application, that advice will be repeated in public so that parties may make representations on it.

Introductions

The Chairman of the Sub-Committee will introduce himself or herself, and state the purpose of the hearing.

Members of the Sub-Committee, officers of the Council and officers of any relevant Responsible Authorities will be identified.

The applicant will be asked to identify himself or herself, together with any additional witnesses they

propose to call, and their formal representative.

Conduct of the Hearing

The Chairman of the Sub-Committee will, at the commencement of the proceedings, explain to all parties the procedure to be followed.

The Chairman will lead the proceedings, inviting each party to present its evidence, which will normally be in the sequence set out in **Consideration of Evidence**

All parties are requested to co-operate by presenting their evidence as briefly and succinctly as possible. In a situation where a number of parties wish to present evidence covering similar concerns they are asked to consider whether they could appoint a spokesman from amongst their number to present the evidence on behalf of all of them.

A report will normally be prepared by the Licensing Authority and an officer of that Service will be asked to present the report.

The Sub-Committee Members will have received copies of the application, the officer's report and all relevant written representations prior to the hearing.

Consideration of Evidence

Where an application has drawn a Police representation it will be decided solely in accordance with the licensing objectives of "The prevention of crime and disorder" as specified by the Licensing Act 2003

Where written representations have been made, and the party making them is absent, the Sub-Committee will consider those representations attaching such weight to them as is deemed appropriate.

Where a party fails to attend a hearing, the Sub-Committee may adjourn the hearing to a specified date, or hold the hearing in the party's absence.

Determination of Application

The Sub-Committee will make its determination at the conclusion of the hearing. In making its determination, the Sub-Committee will give its reasons. All parties to the hearing will subsequently be notified in writing of the outcome.

A record of the hearing will be taken and maintained as required by the legislation.

Appeals

The decisions of the Sub-Committee may give rise to the right of appeal by either party. In giving written notification of the Sub-Committee's decision, rights of appeal will be set out. In the event that a party wishes to appeal against the decision of the Sub-Committee a Notice of Appeal must be given by that party to the **Clerk to the Justices (Rochford and Southend-on-Sea Magistrates' Court) Essex Magistrates' Courts, Osprey House, Hedgerows Business Park, Colchester Road, Springfield, Chelmsford Essex CM2 5PF** within a period of **21 days** beginning with the date on which that party was notified by the Licensing Authority of the decision to be appealed against.