

LICENSING COMMITTEE

CONSTITUTION

15 Members of the Council. 11 nominated by the Majority party and 4 nominated by the Minority party.

TERMS OF REFERENCE

1. All matters relating to the discharge by the Authority of its licensing functions as required by Section 7(1) of the Licensing Act 2003.
2. To receive reports on Licensing Act 2003 matters, as required by the Council's Policy Statement on Licensing.
3. To agree procedures for operation by the Licensing Committee and the Licensing Sub-Committees when conducting hearings and other functions within their terms of reference.
4. To establish Licensing Sub-Committees and approve their terms of reference.
5. To be responsible for those matters more fully set out in the terms of reference of the Licensing Sub-Committee and to determine any matter referred to it by a Licensing Sub-Committee.
6. To consider any reports which are required by Statute to be submitted to the Licensing Committee.
7. To be responsible for the delegation to Officers of licensing functions as defined by the Licensing Act 2003 and the other functions included within these Terms of Reference.
8. Procedures for the conduct of business at the Officer Panel and the Licensing Sub-Committees, including all matters in respect of the processing of applications.
9. Non-executive matters in respect of the Council's Street Markets and all other non-executive Street Trading matters.
10. Non-executive matters in respect of licensing functions within these terms of reference and those of the Licensing Sub-Committees.
11. The grant, approval, review, refusal, revocation, renewal, transfer of variation of any licence, registration, certificate, consent, permit, approval of permission, except where such function is within the terms of reference of a Cabinet Member or such specific matter is being discharged by a Licensing Sub-Committee.
12. All non-executive functions relating to the Gambling Act 2005.

LICENSING SUB-COMMITTEE NOS 1 TO 5

1. CONSTITUTION

3 Members of the Licensing Committee

2. TERMS OF REFERENCE

LICENSING ACT 2003

Personal Licences

1. To consider applications for a personal licence, where a representation has been made and the Cabinet Member for Public Protection and Licensing has asked that the application be referred to a Licensing Sub-Committee for determination.
2. To consider applications for a personal licence in cases where the applicant has unspent criminal convictions.

PREMISES LICENCES AND CLUB PREMISES CERTIFICATES

3. To consider applications for premises licences/club premises certificates where a representation has been made.
4. To consider applications for provisional statement where a representation has been made.
5. To consider applications for the transfer of a premises licence where a representation by the Police has been made.
6. To consider applications for interim authorities where a representation by the Police has been made.
7. To consider reviews to premises licences/club premises certificates where these have been requested by the relevant authority in accordance with the relevant regulations.

GAMBLING ACT 2005

To consider applications, submitted in accordance with the Gambling Act 2005.

TEMPORARY EVENT NOTICES

8. To determine a Police representation in respect of a temporary event notice.

LICENSING SUB-COMMITTEE NO 6

1. CONSTITUTION

3 Members of the Licensing Committee. Two Majority Party Members and one Minority Party Member.

2. TERMS OF REFERENCE

LICENSING ACT 2003

Personal Licences

1. To consider applications for a personal licence, where a representation has been made and the Cabinet Member for Public Protection and Licensing has asked that the application be referred to a Licensing Sub-Committee for determination.
2. To consider applications for a personal licence in cases where the applicant has unspent criminal convictions.

PREMISES LICENCES AND CLUB PREMISES CERTIFICATES

3. To consider applications for premises licences/club premises certificates where a representation has been made.
4. To consider applications for provisional statement where a representation has been made.
5. To consider applications for the transfer of a premises licence where a representation by the Police has been made.
6. To consider applications for interim authorities where a representation by the Police has been made.
7. To consider reviews to premises licences/club premises certificates where these have been requested by the relevant authority in accordance with the relevant regulations.

GAMBLING ACT 2005

To consider applications, submitted in accordance with the Gambling Act 2005.

TEMPORARY EVENT NOTICES

8. To determine a Police representation in respect of a temporary event notice.

OTHER LICENSING FUNCTIONS

9. The grant, approval, review, refusal, revocation, renewal, transfer or variation of any licence, registration, certificate, consent, permit, approval or permission, except where such function is within the terms of reference of another committee or sub-committee; body;
10. Without prejudice to the powers delegated to officers, and to the Licensing Officers' Panels, to hear and determine applications and appeals where there is a right to be heard;
11. Procedures for the conduct of business at the Officer Panel and the Licensing Sub-Committee, including all matters in respect of processing applications.
12. Operational matters in respect of licensing functions within the terms of reference of the Sub-Committee;
13. The approval of commodity guidelines in markets;
14. The designation, de-designation and variations to designations of street trading pitches;
15. The amendment of rules of management and standard conditions;
16. To consider and hear representations in respect of fees and charges and to determine the amounts thereof;
17. The consideration of all matters applications in respect of the minor licensing functions eg Pedlars Act and Nurseries Act; which have not been the subject of delegations to Officers;
18. To authorise a later hour in substitution for 12 midnight in Bylaw 3(2) of the Pleasure Fairs (Amusement Premises) Bylaws.

LICENSING URGENCY SUB-COMMITTEE

CONSTITUTION

3 Members of the Licensing Committee

TERMS OF REFERENCE

All matters within the terms of reference of the Licensing Committee and its Sub-Committees provided that the Urgency Sub-Committee is satisfied that the matter is urgent and cannot wait until the next relevant meeting.

City of Westminster

Rules of procedure governing applications and other permissions under the Licensing Act 2003 and Gambling Act 2005

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These rules are effective from 12th March 2014.

1. Interpretation

1.1 These Procedures describe the way in which hearings will be conducted by the City of Westminster under the Licensing Act 2003, as set out in the Licensing Act 2003 (Hearings) Regulations 2005 (as amended) [see SI 2005 No. 78] (hereafter referred to as the LA03 Hearings Regulations) and the Gambling Act 2005, as set out in the Gambling Act 2005 (Proceedings of Licensing Committees and Sub-Committees) (Premises Licences and Provisional Statements (England and Wales) Regulations 2007 [see SI 2007 No 173] (hereafter referred to as the GA05 Hearing Regulations).

1.2 In these procedures-

“the 2003 Act” means the Licensing Act 2003;

“the 2005 Act” means the Gambling Act 2005;

“the Authority” means Westminster City Council as Licensing Authority

“applicant” means a person who makes an application under the 2003 or 2005

Acts;

“Chairman” means a Member of the Licensing Committee appointed by that Committee to be the presiding Member of that Committee or Sub-Committee;

“Committee” means a licensing committee established under Section 6(1) of the Licensing Act 2003;

“hearing” means the hearing referred to in column 1 of the table in Annex A and Annex D;

“interested party” means a party prescribed in Section 13(3) of the 2003 Act and Section 158 of the 2005 Act;

“notice of hearing” means a notice given to a party in accordance with Regulation 6(1) LA03 Hearing Regulations and Regulation 5 GA05 Hearing Regulations;

“party” means those to whom a notice of hearing is to be given in accordance with the 2003 and 2005 Acts Regulations;

“responsible authority” means an authority named or described within Section 13(4) of the 2003 Act and Section 157 of the 2005 Act, (as amended); such as police, fire authority, licensing authority etc.

“Sub-Committee” means a Licensing Sub-Committee established under Section 9(1) of the Licensing Act 2003.

2. Introduction

- 2.1 These Procedures take into account the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 and the Gambling Act 2005 (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007. The Procedures also include the 2003 Act time limits within which a hearing must commence (see Annex A) and will be used by the Licensing Committee and Licensing Sub-Committee when conducting hearings.
- 2.2 The LA03 Hearings Regulations (Regulation 21) and GA05 Hearing Regulations (Regulation 3(2)) provide that a Licensing Authority shall, subject to the provisions of those Regulations, determine for itself the procedure to be followed at a hearing.
- 2.3 These Procedures, therefore, set out the way in which the City of Westminster Licensing Sub-Committee Meetings will be conducted under the 2003 and 2005 Acts, following the requirements of the Hearings Regulations. Wherever appropriate they have included the procedures followed successfully over a number of years in Westminster for conducting hearings to determine similar licences under previous legislation.
- 2.4 Proceedings will not be rendered void only as the result of failure to comply with any provision of the LA03 Hearings Regulations (Regulation 31) and GA05 Hearing Regulations (Regulation 16(1)).

3. Composition of Sub-Committee

- 3.1 The Sub-Committee will, usually consist of three members appointed from members of the Authority's Licensing Committee by the Director of Legal and Administrative Services in accordance with his delegated powers. No business shall be transacted unless at least two members of the Sub-Committee are present and able to form a properly constituted Sub-Committee. In cases of equality of votes, the chairman shall have a second or casting vote. A Councillor for the ward in which the applicant's premises are situated, or where either the applicant or the objector resides, shall not normally sit to consider that item on the agenda.

4. Timescales

- 4.1 Most hearings under the 2003 Act must take place within 20 working days from the last date in which representations can be made.
- 4.2 Exceptions under the 2003 Act:

Within 10 working days from the day after the day the Authority receives the notice for a review of the premises licence following a closure order.
within 7 working days from the day after the end of the period within which the police can object to:

- a temporary event notice (note; the police must give notice of their objection within 48 hours of being given a copy of the notice); and

within 5 working days beginning with the day after the end of the last date for the police to object to:

- an interim authority notice (note: the police must give notice of their objection within 48 hours of being given a copy of the notice).

4.3 For applications made under the 2005 Act the Authority must commence a hearing as soon as reasonably practicable after the expiry of the statutory period where representations can be received.

4.4 These matters are more fully set out in LA03 Hearings Regulations (Regulation 5 and Schedule 1 to those Regulations (attached as Annex A)) and GA05 Hearing Regulations (Regulation 4(1)).

Note: Where a hearing will take more than one day the authority must arrange for the hearing to take place on consecutive days (Regulation 5 of the LA03 Hearing regulations and Regulation 4(2) of the GA05 Hearing Regulations).

4.5 Timescale for notice of hearings to be given
In most cases, the Authority shall give notice of a hearing no later than 10 working days before the first day on which the hearing is to be held (Regulation 2 of the Amendment to Regulation 6 of the LA03 Hearing Regulations (SI 78 2005) and Regulation 5(c) of the GA05 Hearing Regulations) (SI 173 2007).

4.6 Exceptions under the 2003 Act:

- review of a premises licence following a closure order

At least two days notice must be given to the parties to a hearing for determination of:

- police objection to a interim authority notice

- police objection to a temporary event notice

5. Persons who must be notified of a hearing

5.1 The persons who must be notified of a hearing are set out below as a summary (See Schedule 2 of the LA03 Hearings Regulations attached as Annex B and Schedule 1 of the GA05 Hearing Regulations attached as Annex D):

- any applicant for any licence, provisional statement or review made under the provisions of the 2003 and 2005 Acts

- the premises user who submitted the temporary event notice under the 2003

Act.

- any person who has made relevant representations about an application for a licence or provisional statement or review (note, for any representations deemed frivolous, vexatious or repetitious under Section 18(7)(c), 31(6) & 51(4) of the 2003 Act or, any representation deemed frivolous, vexatious or will certainly not influence the authority's determination of the application under Sections 162(3) of the 2005 Act, the objector must be notified of the Authority's decision as soon as possible and in any event before any hearing).
- Any police officer who has given notice of objection under the 2003 Act to:
 - a person specified as a Designated Premises Supervisor
 - an interim authority
 - transfer of a premises licence
 - transfer of a club premises certificate
 - a temporary event notice
 - a personal licence
- Any holder of a premises licence or club premises certificate where:
 - application is made for review

6. Information to be provided in a notice of hearing

6.1 The information that must be included in a notice of hearing relating to an application or notice under the 2003 Act includes (Regulation 7 of the LA03 Hearing Regulations):

- The procedure to be followed at the hearing;
 - The right of the party to attend and to be assisted or represented by any person whether legally qualified or not;
 - The ability to give further information in support of their application where the Authority has sought clarification;
 - The right to question any other party – if given permission by the Authority;
 - The right to address the Authority; (see 4.1)
 - Notice of any particular on which the Authority will want clarification at the hearing;
 - The consequences if a party does not attend or is not represented at the hearing;
 - For certain hearings particular documents must accompany the notice which is sent to parties informing them of the hearing. Reference must be made to Schedule 3 of the Hearings Regulations for this purpose.
(See also Schedule 3 attached as Annex C for documents that must accompany notice of a hearing)
- Note: Regulation 8 of the LA03 Hearing Regulations sets out the action to be taken following receipt of a notice (attached as Annex E).

6.2 The information and documentation that must accompany the notice of hearing relating to an application under the 2005 Act includes (Regulation 6 of the GA05 Hearing Regulations):

- the consequences where a party informs the Sub-Committee that he/she do not wish to attend or be represented at the hearing, or fails to inform the Sub-Committee whether he/she will attend or be represented at the hearing;
- the requirements imposed on the Sub-Committee in conducting a hearing as set out in Regulations 8 and 9 of the GA05 Hearing Regulations;

- the consequences where a party has indicated that he/she wishes to attend or be represented at the hearing, but fails to attend or be represented at the hearing;
- the procedure to be followed at the hearing;
- the time limit and method by which a party should inform the Sub-Committee that he/she wishes to attend or address the hearing or that he/she wishes to be assisted or represented by another person;
- the time limit and method by which a party should inform the Licensing Authority that he/she will want to call a witness to give evidence at the hearing, and the matters in relation to which he/she wishes that witness to give evidence;
- the time limit and method by which a party should inform the Sub-Committee that he/she wishes to withdraw their representations;
- the time limit and method by which a party should inform the Sub-Committee that he/she is willing to consent to the application being determined without a hearing;
- the matters on which the Sub-Committee considers at the time that it will want clarification at the hearing from a party.

7. Failure of Parties to Attend the Hearing

- 7.1 If a party has informed the Authority that they will not be attending or be represented at the hearing it may proceed in their absence. (Regulations 20 of the LA03 and 10(1) of the GA05 Hearing Regulations)
- 7.2 If a party does not give notice that they will not be attending but fails to attend and is not represented the Authority may either:
- (a) adjourn the hearing if it considers it to be necessary in the public interest or
 - (b) hold the hearing in the party's absence
- 7.3 If the Authority holds the hearing in the absence of a party, it will consider at the hearing the application, representation or notice given by the party.
- 7.4 If the Authority adjourns the hearing to a specified date it must forthwith (as soon as reasonably practicable under the GA05 regulations) notify the parties of the date, time and place to which the hearing has been adjourned.

8. Procedure at the Hearing

- 8.1 The usual order of proceedings will be as set out in sub-paragraphs (i) to (v) below. The Sub-Committee will allow, at its discretion, the parties an equal maximum time period in which to give further information in support of their application, representation or response, where the Authority has given notice that it will seek clarification on that point at the hearing (or, where permission has been given to call any further persons, to give supporting evidence – see paragraph 8.4(b) below).
- 8.2 The Sub-Committee may allow the parties to question any other party (if permission is given – see paragraph 8.4(c) below) and, to address the

relevant committee, but will seek in all cases to avoid repetition of matters (whether included in written material or otherwise), irrelevancy or any abuse of procedure.

8.3 At the beginning of the hearing the procedure that will be followed will be explained to the parties. The hearing will, so far as is possible, take the form of a discussion, led by the Sub-Committee. Cross-examination will not be permitted unless the Sub-Committee considers it necessary.

(i) The Chairman will begin by explaining how the proceedings will be conducted, and any time limits that will apply to the parties to the application.

(ii) Introduction by an Officer of the Licensing Service including a summary of the application.

(iii) The Sub-Committee will then consider any requests by a party for any other person to appear at the hearing. Such permission will not be unreasonably withheld provided a proper notice has been given

(iv) A summary of the nature and extent of the application by the applicant or their representative. It should be brief, avoid repetition of material already made available to the Sub-Committee in the Officer's report or otherwise, and include any reasons why an exception should be made to the Council's 2003 Act Licensing Policy or 2005 Act Statement of Principles, where appropriate. That will be followed by the evidence of any person who has been given permission by the Sub-Committee to give supporting evidence on behalf of the applicant.

(v) A summary of the reasons for making representations about the application by any interested party. This should be brief and avoid any repetition of information already made available to the Sub-Committee either in the Officer's report or otherwise. That will be followed by the evidence of any person who has been given permission by the Sub-Committee to give supporting evidence on behalf of the objectors.

(vi) A summary of the reasons for making representations by or on behalf of any responsible authority. This should be brief and avoid any repetition of information already made available to the Sub-Committee either in the Officer's report or otherwise. That will be followed by the evidence of any person who has been given permission by the Sub-Committee to give supporting evidence on behalf of the responsible authority.

(vii) Members of the Sub-Committee may ask any questions of any party or other person appearing at the hearing.

8.4 The following requirements of the LA03 and GA05 Hearing Regulations will also be followed by the relevant committee:

(a) The Sub-Committee will be guided by legal principles in determining whether evidence is relevant and fairly admissible. In particular, hearsay evidence may be admitted before the Sub-Committee but consideration will always be given to the degree of weight, if any, to be attached to such evidence in all the relevant circumstances.

(b) The Sub-Committee may impose a time limit on the oral representations to be made by any party. In considering whether to do so, and in considering the length of any such time limit, the Sub-Committee will take into account the

importance of ensuring that all parties receive a fair hearing, and the importance of ensuring that all applications are determined expeditiously and without undue delay.

(c) In considering the time limits referred to in (b) above, regard must be had to the requirement to allow each party an equal amount of time.

8.5 When 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, representation or notice, either:
(a) before the hearing (subject to Rule 8.6 below), or
(b) with the consent of all other parties, at the hearing (Regulations 18 of the LA03 and 9(4), (b), (i) & (ii) of the GA05 Hearing Regulations)

8.6 (a) All documentary or other information produced by a party in support of their application must be received by the Authority by noon on the third working day before the day of the hearing at which it is to be relied upon. Any information submitted after this date and time must include a covering note explaining why the information has been submitted late and why the information should be taken into account.

(b) The Sub-Committee will consider any documentary or other information submitted late at its discretion. The Sub-Committee may decide to adjourn the hearing so as to allow Members and any other party time to consider the information and that may involve an adjournment to another date. The Sub-Committee may decide not to consider the information.

8.7 The Sub-Committee when determining an application or notice under the provisions of the 2003 Act will disregard any information given by a party, or any other person appearing at the hearing, which is not relevant to:

(a) their application, representation or notice, or
(b) in the case of another person, the application representation or notice of the party requesting their appearance and
(c) the promotion of the licensing objectives, or
(d) in relation to a hearing to consider a notice given by the Police the crime prevention objective.

(Regulation 19 of the LA03 Hearing Regulations)

8.8 A 2003 Act hearing shall take place in public save that:

(a) The Sub-Committee may exclude the public from all or part of a hearing where it considers that, on balance; it is in the public interest to do so.

(b) The parties and any person representing them may be excluded in the same way as another member of the public

8.9 A 2005 Act hearing shall take place in public save that:

(a) The Sub-Committee may direct that all or part of a hearing must be in private if it is satisfied that it is necessary in all circumstances of the case, having regard to

(aa) any unfairness to a party that is likely to result from a hearing in public;

and

(bb) the need to protect as far as possible, the commercial or other legitimate interests of a party. (Regulation 8)

- 8.10 The Sub-Committee may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may:
- refuse to permit the person to return; or
 - allow them to return only on such conditions as the Authority may specify.
- 8.11 Any person so excluded may, before the end of the hearing, submit to the Sub-Committee in writing, any information which, they would have been entitled to give orally had they not been required to leave and the Sub-Committee will take that information into account in reaching a determination of the application or review (Regulations 25 of the LA03 and 11(3), (a) (b) of the GA05 Hearing Regulations).
- 8.12 Where there are a number of items on the agenda, the adjournment of that item for a short period, whilst another item is heard, may allow the hearing to be carried out effectively.

9. Determination of Application – Time Limits

- 9.1 For applications determined under the 2003 Act the Sub-Committee must make its determination at the conclusion of the hearing where the application is for:
- (a) A review of a premises licence following a closure order (2003 Act)
 - (b) A personal licence by the holder of a justices licence (2003 Act)
 - (c) A counter notice following police objection to a temporary event notice (2003 Act)
- 9.2 In any other case the Authority must make its determination within the period of five working days, beginning with the day, or the last day, on which the hearing was held.
- 9.3 Where a hearing has been dispensed with because all of the parties have agreed that a hearing is unnecessary (and the Authority has agreed, giving notice to the parties in writing) then the Authority must make its determination for 2003 Act applications, reviews and notices within 10 working days beginning with the day the authority gives such notices to the parties.

10. Record of Proceedings

- 10.1 The Authority must arrange for a record to be taken of the hearing in a permanent and intelligible form and for that record to be kept for six years from the date of determination. Where an appeal is brought against a determination by the Authority, the record must be kept for six years from the date of disposal of the appeal.

12. Irregularities

- 11.1 Proceedings will not be rendered void only as the result of failure to comply with any provision of the Hearings Regulations
- 11.2 Where the Authority considers that any person may have been prejudiced as the result of an irregularity relating to the Hearing Regulations, it will take such steps, as it thinks fit to cure the irregularity, before reaching its determination. (Regulations 31 & 32 of the LA03 and Regulation 16 of the GA05 Hearing Regulations)
- 11.3 Clerical mistakes in any document recording a determination of the Authority, or errors arising in such a document as the result of an accidental slip or omission, may be corrected by the Authority. (Regulations 33 of the LA03 and 17 of the GA05 Hearing Regulations)

12. Notices

- 12.1 Any notices under these Regulations will be given in writing. Such a notice may be sent electronically, providing:
 - (a) it can be accessed by the recipient in a legible form;
 - (b) it is capable of being reproduced as a document for future reference;
 - (c) the recipient has agreed in advance to receive it in such form;
 - (d) a copy is sent in documentary form forthwith to the recipient.

13. Appeals

- 13.1 Either those who have made an application or those who have made representations on an application may have the right to appeal the Authorities decision to the Magistrates Court (Section 181, Schedule 5 LA05 and Section 206 GA05).
- 13.2 An appeal must be commenced within twenty one days beginning with the day on which the appellant was notified by the Licensing Authority of their decision. Notice of Appeal must be given to City of Westminster Magistrates Court.
- 13.3 The address and contact details for Westminster Magistrates Court are;

Westminster Magistrates Court
181 Marylebone Road
London
NW1 5BR
DX 120551 Marylebone 9
Telephone: 020 3126 3050
Fax: 020 3126 3052
Court opening times: 09:15 to 16:30 Monday to Friday

Please note that the information relating to Westminster Magistrates Court was correct when this document was produced. You should check the HM Courts website at www.hmcourts-service.gov.uk to ensure that the correct contact details are used.

Annex A

Licensing Act 2003 (Hearings) Regulations 2005

SCHEDULE 1

Regulation 5

| | Column 1 | Column 2 |
|-----|--|--|
| | Provision under which hearing is held. | Period of time within which hearing must be commenced. |
| 1. | Section 18(3)(a) (determination of application for premises licence). | 20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c). |
| 2. | Section 31(3)(a) (determination of application for a provisional statement). | 20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c). |
| 3. | Section 35(3)(a) (determination of application to vary premises licence). | 20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c) by virtue of section 34(5). |
| 4. | Section 39(3)(a) (determination of application to vary premises licence to specify individual as premises supervisor). | 20 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 37(5). |
| 5. | Section 44(5)(a) (determination of application for transfer premises licence). | 20 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 42(6). |
| 6. | Section 48(3)(a) (cancellation of interim authority notice following police objection). | 5 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 48(2). |
| 7. | Section 52(2) (determination of application for review of premises licence). | 20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 51(3)(c). |
| 8. | Section 72(3)(a) (determination of application for club premises certificate). | 20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 71(6)(c). |
| 9. | Section 85(3) (determination of application to vary club premises certificate). | 20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 71(6)(c) by virtue of section 84(4). |
| 10. | Section 88(2) (determination of application for | 20 working days beginning with the day after the |

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|-----|---|--|
| | review of club premises certificate). | end of the period during which representations may be made as prescribed under section 87(3)(c). |
| 11. | Section 105(2)(a) (counter notice following police objection to temporary event notice). | 7 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under section 104(2). |
| 12. | Section 120(7)(a) (determination of application for grant of personal licence). | 20 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under section 120(5). |
| 13. | Section 121(6)(a) (determination of application for grant of personal licence) | 20 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under section 121(3). |
| 14. | Section 124(4)(a) (convictions coming to light after grant or renewal of personal licence). | 20 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under section 124(3). |
| 15. | Section 167(5)(a) (review of premises licence following closure order) | 10 working days beginning with the day after the day the relevant licensing authority receives the notice given under section 165(4). |
| 16. | Paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence). | 10 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under paragraph 3(2) or (3) of Schedule 8. |
| 17. | Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate) | 10 working days beginning with the day after the end of the period within which a chief officer of police may give notice under paragraph 15(2) or (3) of Schedule 8. |
| 18. | Paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for grant of personal licence). | 10 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under paragraph 25(2) of Schedule 8). |

Annex B

Licensing Act 2003 (Hearings) Regulations 2005

SCHEDULE 2

Regulation 6

| | Column 1 | Column 2 |
|----|--|--|
| | Provision under which hearing is held. | Period of time within which hearing must be commenced. |
| 1. | Section 18(3)(a) (determination of application for premises licence). | (1) The person who has made the application under section 17(1); (2) Persons who have made relevant representations as defined in section 18(6). |
| 2. | Section 31(3)(a)(determination of application for provisional statement). | (1) The person who has made the application under section 29(2).; (2) Persons who have made relevant representations as defined in section 31(5). |
| 3. | Section 35(3)(a) (determination of application to vary premises licence). | (1) The holder of the premises licence who has made the application under section 34(1); (2) Persons who have made relevant representations as defined in section 35(5). |
| 4. | Section 39(3)(a) (determination of application to vary premises licence to specify individual as premises supervisor). | (1) The holder of the premises licence who has made the application under section 37(1); (2) Each chief officer of police who has given notice under section 37(5). (3) The proposed individual as referred to in section 37(1). |
| 5. | Section 44(5)(a) (determination of application for transfer of premises licence). | (1) The person who has made the application under section 42(1); (2) Each chief officer of police who has given notice under section 42(1); (3) The holder of the premises licence in respect of which the application has been made or, if the application is one to which section 43(1) applies, the holder of that licence immediately before the application was made. |
| 6. | Section 48(3)(a) (cancellation of interim authority notice following police objection). | (1) The person who has given notice under section 47(2); (2) Each chief officer of police who has given notice under section 48(2). |
| 7. | Section 52(2) (determination of application for review of premises licence). | (1) The holder of the premises licence in respect of which the application has been made; (2) Persons who have made relevant representations as defined in section 52(7); (3) The person who has made the application under section 51(1). |

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| 8. | Section 72(3)a (determination of application for club premises certificate). | (1) The club which has made the application under section 71(1); (2) Persons who have made relevant representations ad section 72(7). |
| 9. | Section 85(3)(a) (determination of application to vary club premises certificate). | (1) The club which has made the application under section 84(1); (2) Persons who have made relevant representations as defined in section 85(5). |
| 10. | Section 88(2) (determination of application for review of club premises certificate). | (1) The club which holds the club premises certificate in respect of which the application has been made; (2) Persons who have made relevant representations as defined in section 88(7); (3) The person who has made the application under section 87(1). |
| 11. | Section 105(2)(a) (counter notice following police objection to temporary event notice). | (1) The premises users; (2) Each chief officer of police who has given notice under section 104(2). |
| 12. | Section 120(7)(a) (determination of application for grant of personal licence). | (1) The person who has made the application under section 117(1); (2) The chief officer of police who has given notice under section 120(5). |
| 13. | Section 121(6)(a) (determination of application for renewal of personal licence). | (1) The person who has made the application under section 117(1); (2) The chief officer of police who has given notice under section 121(3). |
| 14. | Section 124(4)(a) (convictions coming to light after grant or renewal of personal licence). | (1) The holder of the licence in respect of which the notice has been given; (2) The chief officer of police who has given notice under section 124(3). |
| 15. | Section 167(5)(a) (review of premises licence following closure order) | (1) The holder of the premises licence in respect of which the review has been made; (2) Persons who have made relevant representations as defined in section 167(9). |
| 16. | Paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence). | (1) The person who has made the application under paragraph 2(2) of Schedule 8; (2) Each chief officer of police who has given notice under paragraph 3(2) or (3) of Schedule 8. |
| 17. | Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate). | (1) The club which has made the application under paragraph 14(2) of Schedule 8; (2) Each chief officer of police who has given notice under paragraph 15(2) or (3) of Schedule 8. |
| 18. | Paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for grant of personal licence) | (1) The person who has made the application under section 117 to which paragraph 23(1) of Schedule 8 applies; (2) The chief officer of police who has given notice under paragraph 25(2) of Schedule 8. |

Annex C

Licensing Act 2003 (Hearings) Regulations 2005

SCHEDULE 3

Regulation 7

| | Column 1 | Column 2 | Column 3 |
|----|--|--|--|
| | Provision under which hearing is held. | Person to whom notice of hearing is given | Documents to accompany notice of hearing |
| 1. | Section 18(3)(a) (determination of application for premises licences). | The person who has made the application under section 17(1). | The relevant representations as defined in section 18(6) which have been made. |
| 2. | Section 31(3)(a) (determination of application to vary premises licence). | The person who has made the application under section 29(2). | The relevant representations as defined in section 31(5) which have been made. |
| 3. | Section 35(3)(a) (determination of application to vary premises licence). | The holder of the premises licence who has made the application under section 34(1). | The relevant representations as defined in section 35(5) which have been made. |
| 4. | Section 39(3)(a) (determination of application to vary premises licence to specify individual as premises supervisor). | (1) The holder of the premises licence who has made the application under section 37(1); (2) The proposed individual as referred to in section 37(1). | The notices which have been given under section 37(6). |
| 5. | Section 44(5)(a) (determination of application for transfer of premises licence). | (1) The person who has made the application under section 42(1); (2) The holder of the premises licence in respect of which the application has been made or, if the application is one to which section 43(1) applies, the holder of that licence immediately before the application was made. | The notices which have been given under section 42(6). |
| 6. | Section 48(3)(a) (cancellation of interim authority notice following police objection). | The person who has given notice under section 47(2). | The notices which have been given under section 48(2). |
| 7. | Section 52(2) (determination of application for review of premises licence). | The holder of the premises licence in respect of which the application has been made. | The relevant representations as defined in section 52(7) which have been made. |
| 8. | Section 72(3)(a) (determination of application to vary club premises certificate). | The club which has made the application under section 71(1). | The relevant representations as defined in section 72(7) which have been made. |
| 9. | Section 85(3)(a) (determination of application to vary club premises certificate). | The club which has made the application under section 84(1). | The relevant representations as defined in section 85(5) which have been made. |

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| 10. | Section 88(2) (determination of application for review of club premises certificate). | The club which holds the club premises certificate in respect of which the application has been made. | The relevant representations as defined in section 88(7) which have been made. |
| 11. | Section 120(7)(a) (determination of application for grant of personal licence) | The person who has made the application under section 117(1). | The notice which has been given under section 120(5) |
| 12. | Section 121(6)(a) (determination of application for renewal of personal licence). | The person who has made the application under section 117(1). | The notice which has been given under section 121(3). |
| 13. | Section 124(4)(a) (convictions coming to light after grant or renewal of personal licence). | The holder of the licence in respect of which the notice has been given. | The notice which has been given under section 124(3). |
| 14. | Section 167(5)(a) (review of premises licence following closure order). | The holder of the premises licence in respect of which the review has been made. | The relevant representations as defined in section 167(9) which have been made. |

Annex D

Gambling Act 2005 (Proceedings of Licensing Committees and Sub-Committees) (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007

SCHEDULE 1

Regulation 4(1), 5(1), 6(2)

| Column 1 | Column 2 | Column 3 |
|---|--|--|
| Procedure in relation to which a hearing is required to be held | Persons to whom notice must be given | Copies of documents to accompany the notice of hearing |
| Application for a premises licence under section 159 | (1) The applicant (2) Any person who has made (and not withdrawn) representations about the application | Representations made in relation to the application (unless the relevant committee considers that the representations are vexatious, frivolous or will certainly not influence the determination of the application) |
| Application to vary a premises licence under section 187 | (1) The applicant (2) Any person who has made (and not withdrawn) representations about the application | Representations made in relation to the application (unless the relevant committee considers that the representations are vexatious, frivolous or will certainly not influence the determination of the application) |
| Application for a premises licence to be transferred under sections 188 and 189 | (1) The applicant (2) Any person who has made (and not withdrawn) representations about the application (3) The licensee | Representations made in relation to the application (unless the relevant committee considers that the representations are vexatious, frivolous or will certainly not influence the determination of the application) |
| Application for a licence to be reinstated under sections 195 and 196 | (1) The applicant (2) Any person who has made (and not withdrawn) representations about the application | Representations made in relation to the application (unless the relevant committee considers that the representations are vexatious, frivolous or will certainly not influence the determination of the application) |
| Application for a provisional statement under section 204 | (1) The applicant (2) Any person who has made (and not withdrawn) representations about the application | Representations in relation to the application (unless the relevant committee considers that the representations are vexatious, frivolous or will certainly not influence the determination of the application) |
| Review of a premises licence under section 201 | (1) The applicant (2) Any person who has made (and not withdrawn) representations about the review (3) The licensee | Representations made in relation to the review (unless the relevant committee considers that the representations are vexatious, frivolous or will certainly not influence the determination of the review) |

Annex E

Licensing Act 2003 (Hearings) Regulations 2005

Regulation 8

| Action Following receipt of notice of hearing | |
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| 1. | A party shall give to the authority within the period of time provided for in the following provisions of this regulation a notice stating: |
| (a). | whether he intends to attend or be represented at the hearing; |
| (b). | whether he considers a hearing to be unnecessary. |
| 2. | In a case where a party wishes any other person (other than the person he intends to represent him at the hearing) to appear at the hearing, the notice referred to in paragraph (1) shall contain a request for permission for such other person to appear at the hearing accompanied by details of the name of that person and a brief description of the point or points on which that person may be able to assist the authority in relation to the application, representations or notice of the party making the request. |
| 3. | In the case of a hearing under: |
| (a). | section 48(3)(a) (cancellation of interim authority notice following police objection), or |
| (b). | section 105(2)(a) (counter notice following police objection to temporary event notice), |
| | the party shall give the notice no later than one working day before the day or the first day on which the hearing is to be held. |
| 4. | In the case of a hearing under: |
| (a). | section 167(5)(a) (review of premises licence following closure order), |
| (b). | paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence), |
| (c). | paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate), or |
| (d). | paragraph 26(3)(a) of Schedule 8 (determination of application by holder of justices' licence for grant of personal licence), |
| | the party shall give the notice no later than two working days before the day or the first day on which the hearing is to be held. |
| 5. | In any other case, the party shall give the notice no later than five working days before the day or the first day on which the hearing is to be held. |