

COMMITTEE PROCESS

LICENSING ACT 2003	GAMBLING ACT 2005
<p>Time within which hearing is to be held:-</p> <ul style="list-style-type: none"> - Set out in Schedule 1 – generally 20 working days starting the day after the end of the period for representations. 	<p>Time within which hearing is to be held:-</p> <ul style="list-style-type: none"> - As soon as reasonably practicable after the end of the period for representations
<p>Hearings longer than 1 day to be held on consecutive days.</p>	<p>Hearings longer than 1 day to be held on consecutive days.</p>
<p>Notice of hearing:-</p> <ul style="list-style-type: none"> - Generally 10 working days - Shorter periods for tens, interim authority notice (2 days) and review of closure order (5 days) 	<p>Notice of hearing:-</p> <ul style="list-style-type: none"> - Sent so it is received no later than 10 working days before the first day of the hearing
<p>Notice to be given to:-</p> <p>Licence holder/applicant and those who made reps.</p>	<p>Notice to be given to:-</p> <ul style="list-style-type: none"> - Licence holder, applicant and those who made reps.
<p>Information to be given with notice:-</p> <ul style="list-style-type: none"> - Rights of the parties - Consequences of failing to attend - Procedure at hearing - Points requiring clarification - Copies of relevant reps 	<p>Information to be given with notice:-</p> <ul style="list-style-type: none"> - Rights of the parties under reg 8 and 9. - Consequences of failure to attend. - Procedure at the hearing. - Time limit (if any) for informing that the party:- <ul style="list-style-type: none"> • Wishes to attend. • Wishes to be represented. • Will be calling witnesses. • Wishes to withdraw representations. • Is content to have the matter determined without a hearing. - Points requiring clarification - Copy documents to licence holder/applicant - Right to request documents to those making reps.

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<p>Action following notice of hearing:-</p> <ul style="list-style-type: none"> - Parties to return counter notice to include:- <ul style="list-style-type: none"> • Request for permission to call witnesses • Whether he will attend/be represented • Whether he considers a hearing to be necessary 	
<p>Dispensing with a hearing:-</p> <p>All parties give notice that they consider a hearing is unnecessary and the Authority agrees.</p> <p>Notice that hearing has been dispensed with must be given forthwith</p>	<p>Dispensing with a hearing:-</p> <p>All parties notify the Authority that they consent to matter being dispensed with.</p> <p>Notice that hearing has been dispensed with must be given as soon as reasonably practicable.</p>
<p>Withdrawal of representations:-</p> <ul style="list-style-type: none"> - In writing up to 24 hours before hearing. - Orally at the hearing. 	
<p>Power to extend time:-</p> <ul style="list-style-type: none"> - Any time limit can be extended unless it relates to a review following closure order. - If time limit is extended a notice to that effect must be given forthwith 	<p>Power to extend time:-</p> <ul style="list-style-type: none"> - Applies only to time for determining an application or review following a hearing.

HEARING PROCEDURE

LICENSING ACT	GAMBLING ACT
<p>Postponing/adjourning the hearing:-</p> <ul style="list-style-type: none"> - Where it is considered necessary the hearing may be adjourned to a specified date. - Notice of adjournment must be given forthwith. 	<p>Postponing/adjourning the hearing:-</p> <ul style="list-style-type: none"> - If necessary to consider any information or documents. - Or if necessary having regard to the ability of any party, representative or witness to attend. - Notice of adjournment must be given as soon as reasonably practicable.
<p>Hearings in public:-</p> <ul style="list-style-type: none"> - General rule that the hearing must be in public. - May exclude the public if the public interest in excluding the public outweighs the public interest in having a public hearing. - A party or representative may be regarded as a member of the public. 	<p>Hearings in public:-</p> <ul style="list-style-type: none"> - General rule that the hearing must be in public. - May exclude the public if necessary in the circumstances having regard to:- <ul style="list-style-type: none"> • Any unfairness that is likely to result to a party from a public hearing • The need to protect as far as possible the commercial or other legitimate interests of a party.
<p>Failure to attend:-</p> <ul style="list-style-type: none"> - If a party has indicated they will not attend the hearing may proceed in his absence. - If a party has not notified the Authority it may either adjourn the hearing or proceed in his absence. - If the hearing proceeds in absence the party's application, representation or notice must be considered. 	<p>Failure to attend:-</p> <ul style="list-style-type: none"> - If a party has indicated they will not attend the hearing may proceed in his absence. - If a party has failed to notify the Authority whether he intends to attend the hearing may proceed in his absence. - If a party has left the hearing in circumstances where the committee reasonably concludes he does not intend to participate further the hearing may proceed in his absence. - If a party has said they intend to attend but does not the Authority may adjourn if it is in the public interest to do so or proceed in his absence. - If the hearing proceed in absence the party's application or representation must be considered.

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<p>Representation at the hearing:- A party may attend and be assisted or represented by any person whether or not they are legally represented (subject to exclusion of the public or disruptive persons).</p>	<p>Representation at the hearing:- A party may attend and be assisted or represented by any person whether or not they are legally represented (subject to exclusion of the public or disruptive persons).</p>
<p>Rights of a party:- A party has a right to address the committee. A party has a right to give further information on any matter where clarification has been requested.</p>	<p>Rights of a party:- A party has a right to address the committee. A party has a right to give further information on any matter where clarification has been requested.</p>
<p>Calling Witnesses:- If given permission by the committee following a request in a party's notice of intention</p>	<p>Calling Witnesses:- Right to call witnesses to give evidence on a matter relevant to the application or representation.</p>
<p>Questions of other parties:- Only if given permission to do so by the committee.</p>	<p>Questions of other parties:- Party must be allowed to question any other party or representative on any relevant matter where the committee considers it appropriate to do so.</p>
<p>Documents in support:- May be considered where produced before the hearing or (with the consent of all parties) at the hearing.</p>	<p>Documents in support:- Must be considered if produced before the hearing or at the hearing with the consent of all those in attendance.</p>
<p>Time Limits:- All parties must have equal maximum periods of time to exercise their rights.</p>	<p>Time Limits:- No provision.</p>
<p>Disruptive Parties:- May be required to leave and not permitted to return or may impose conditions on their return. But such a person may before the end of the hearing make submissions in writing.</p>	<p>Disruptive Parties:- May be required to leave and not permitted to return or may impose conditions on their return. But such a person may before the end of the hearing make submissions in writing.</p>