

## COMMITTEE PROCESS

LICENSING ACT 2003	GAMBLING ACT 2005
<p>Time within which hearing is to be held:-</p> <ul style="list-style-type: none"> <li>- Set out in Schedule 1 – generally 20 working days starting the day after the end of the period for representations.</li> </ul>	<p>Time within which hearing is to be held:-</p> <ul style="list-style-type: none"> <li>- As soon as reasonably practicable after the end of the period for representations</li> </ul>
<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"> <li>- Generally 10 working days Shorter periods for tens, interim authority notice (2 days) and review of closure order (5 days)</li> </ul>	<p>Notice of hearing:-</p> <ul style="list-style-type: none"> <li>- Sent so it is received no later than 10 working days before the first day of the hearing</li> </ul>
<p>Notice to be given to:-</p> <p style="padding-left: 40px;">Licence holder/applicant and those who made reps.</p>	<p>Notice to be given to:-</p> <ul style="list-style-type: none"> <li>- Licence holder, applicant and those who made reps.</li> </ul>
<p>Information to be given with notice:-</p> <ul style="list-style-type: none"> <li>- Rights of the parties</li> <li>- Consequences of failing to attend</li> <li>- Procedure at hearing</li> <li>- Points requiring clarification</li> <li>- Copies of relevant reps</li> </ul>	<p>Information to be given with notice:-</p> <ul style="list-style-type: none"> <li>- Rights of the parties under reg 8 and 9.</li> <li>- Consequences of failure to attend.</li> <li>- Procedure at the hearing.</li> <li>- Time limit (if any) for informing that the party:- <ul style="list-style-type: none"> <li>• Wishes to attend.</li> <li>• Wishes to be represented.</li> <li>• Will be calling witnesses.</li> <li>• Wishes to withdraw representations.</li> <li>• Is content to have the matter determined without a hearing.</li> </ul> </li> <li>- Points requiring clarification</li> </ul>

	<ul style="list-style-type: none"> <li>- Copy documents to licence holder/applicant</li> <li>- Right to request documents to those making reps.</li> </ul>
<b>LICENSING ACT</b>	<b>GAMBLING ACT</b>
<p>Action following notice of hearing:-</p> <ul style="list-style-type: none"> <li>- Parties to return counter notice to include:- <ul style="list-style-type: none"> <li>• Request for permission to call witnesses</li> <li>• Whether he will attend/be represented</li> <li>• Whether he considers a hearing to be necessary</li> </ul> </li> </ul>	
<p>Dispensing with a hearing:-</p> <p>All parties give notice that they consider a hearing is unnecessary <u>and</u> 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"> <li>- In writing up to 24 hours before hearing.</li> <li>- Orally at the hearing.</li> </ul>	
<p>Power to extend time:-</p> <ul style="list-style-type: none"> <li>- Any time limit can be extended unless it relates to a review following closure order.</li> <li>- If time limit is extended a notice to that effect must be given forthwith</li> </ul>	<p>Power to extend time:-</p> <ul style="list-style-type: none"> <li>- Applies only to time for determining an application or review following a hearing.</li> </ul>

## HEARING PROCEDURE

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

<b>LICENSING ACT</b>	<b>GAMBLING ACT</b>
<p>Representation at the hearing:-</p> <p>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:-</p> <p>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:-</p> <p>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:-</p> <p>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:-</p> <p>If given permission by the committee following a request in a party's notice of intention</p>	<p>Calling Witnesses:-</p> <p>Right to call witnesses to give evidence on a matter relevant to the application or representation.</p>
<p>Questions of other parties:-</p> <p>Only if given permission to do so by the committee.</p>	<p>Questions of other parties:-</p> <p>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:-</p> <p>May be considered where produced before the hearing or (with the consent of all parties) at the hearing.</p>	<p>Documents in support:-</p> <p>Must be considered if produced before the hearing or at the hearing with the consent of all those in attendance.</p>
<p>Time Limits:</p> <p>All parties must have equal maximum periods of time to exercise their rights.</p>	<p>Time Limits:-</p> <p>No provision.</p>
<p>Disruptive Parties:-</p>	<p>Disruptive Parties:-</p>

<p>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>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>
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