

GUIDANCE NOTE FOR PERSONS ATTENDING GAMBLING SUB-COMMITTEE HEARINGS

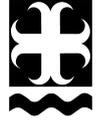
The following information is intended to assist all Parties and their representatives at a Hearing.

Prior to the Hearing

1. Representations should be in writing and addressed to the licensing authority. Late representations or evidence in respect of existing representations may be considered at the discretion of the Sub-Committee subject to the agreement of all the Parties present. New substantive representations will not be permitted.
2. Representations made at any time by an Interested Party may be disregarded if considered to be irrelevant, frivolous or vexatious.
3. The regulations provide that a Hearing may be dispensed with if all Parties, to include the licensing authority, so agree. A Hearing will only be vacated with the written agreement of all Parties.
4. Any decision to re-arrange a Hearing date will be given to all Parties in writing forthwith together with the date, time and place of the re-arranged hearing.
5. The regulations provide that the Sub-Committee permit a Party to attend the Hearing and be assisted, or represented, by any person whether or not that person is legally qualified.

The Hearing

6. The composition of the Sub-Committee will be advised at the commencement of the Hearing. All Sub-Committee members will be drawn from the ranks of the main Licensing Committee. The quorum of the Sub-Committee will be three.
7. The Regulations provide that an application may be determined in the absence of the Applicant, a Responsible Authority or an Interested Party. However notices and written representations from absent Parties will be considered. It will be a matter for the Sub-Committee determining the application before them to decide how much weight should be attached to such notices/representations.
8. Should the Sub-Committee decide to adjourn the Hearing or fix an additional date to enable the Parties to consider any representations or notice made by a Party, the date, time and place of the adjourned hearing or additional date of hearing, where possible, will be given to all Parties at the Hearing and confirmed in writing forthwith.
9. The Licensing Officer may be consulted on any matter relevant to his/her knowledge, expertise or experience. S/He will not be consulted on, nor permitted to offer any views relating to, the decision the subject of the application.
10. The Sub-Committee will generally permit the Parties to put to any other Party questions pertinent to the application under consideration. At his/her discretion the Chair may require that such questions be put through the Chair.
11. The Regulations provide that there shall be a presumption against cross-examination. Generally cross-examination will not be permitted. However at the sole discretion of the Chair if he/she thinks, in all the circumstances of the case, that it may be of assistance to the Sub-Committee in determining relevant facts, cross-examination may be allowed.
12. The Sub-Committee will allow all Parties a reasonable (and so far as is reasonably practicable, equal) amount of time in which to present their case/make their representations.



13. Evidence/representations made at any time by any Party may be disregarded if considered to be irrelevant, frivolous or vexatious. Irrelevant in this context includes not being relevant to the Gambling licensing objectives and Gambling licensing policy of the Council.
14. The Regulations provide that the Chair may at his/her discretion direct that there be excluded members of the public and/or the press as may in all the circumstances be appropriate. No such direction will be reached without appropriate legal advice being sought and the following matters will be taken into account: (a) any unfairness to a party that is likely to result from a Hearing in public; and (b) the need to protect, as far as possible, the commercial or other legitimate interests of a party.
15. The Regulations provide that the Sub-Committee may at its discretion exclude from the Hearing or any part of it and/or permit return subject to appropriate conditions any person attending the Hearing who is in the opinion of the Sub-Committee behaving in a disruptive manner, provided always that such person may before the end of the Hearing submit to the Sub-Committee in writing any information which he/she would have been entitled to give orally had he/she not been required to leave.
16. The Sub-Committee may consider it appropriate to move into private session in order to deliberate and reach a decision on the application. The Chair will announce any intention to so do. The Legal Advisor may accompany the Sub-Committee. Any legal advice furnished to the Sub-Committee in such session will be repeated in the public forum.
17. It is the aim of the Sub-Committee to announce its determination at the conclusion of the Hearing. In those cases where this is not possible the determination will be communicated within 5 working days. Likewise any Conditions to be attached to the grant of a licence together with the reasons for the determination will normally be given on the day of the Hearing. In those cases (anticipated to be exceptional) where this will not prove to be possible written reasons for the decision together with any Conditions to be imposed will follow within 5 working days.
18. Record of the proceedings of the Hearing will be in the form of Minutes, which will be stored in a permanent and intelligible form for not less than 6 years from the date of the Hearing. The Council will not be producing verbatim notes of the Hearing.
19. No order for costs may be made in respect of costs incurred by any party.

Appeal

20. Appeal against any determination of the Sub-Committee lies to the Magistrates Court for the petty sessional area in which the licensed premises are situated. Notice of appeal to be lodged to the Clerk to the Magistrates within 21 days of notification. No appeal lies against any determination by a licensing authority as to whether a representation is deemed to be irrelevant, frivolous or vexatious though such may be susceptible to legal challenge by way of judicial review.