

Appendix B

GAMBLING ACT HEARINGS PROCEDURE

Introduction

The licensing objectives:-

- Preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime and disorder;
- Ensuring that gambling is conducted in a fair and open way;
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

Hearing in public

The hearing shall be held in public unless the sub-committee is satisfied that it is necessary in all the circumstances of the case to direct that all or part should be heard in private, having regard to –

- Any unfairness to a party that is likely to result from a hearing in public; and
- The need to protect as far as possible, the commercial or other legitimate interests of a party.

Parties and their Representatives

The parties are entitled to attend the hearing and to be heard and they may be accompanied by a representative, whether or not legally qualified.

Adjournment

The Sub-Committee may adjourn the hearing at any time eg if it requires further information in order to make a decision.

Disruptive behaviour

The Sub-committee may require a person, behaving in a disruptive fashion, to leave the hearing and not return or to return and stay subject to the observation of certain conditions. If such a person is not permitted to return, he or she must be permitted to give a written representation for consideration by the Sub-committee.

PROCEDURE AT THE HEARING

1. Chair

- introduces item

- identifies those present, including statutory consultees, interested persons, the applicant and any representative, the licensing manager, the legal advisor and the committee administrator;
 - explains procedure
 - explains entitlement to representation, legally qualified or otherwise, if desired
 - explains that the nature of the hearing is a discussion led by the sub-committee; that whilst questions may be asked as part of the procedure, where the Sub-Committee considers that questioning is appropriate, this is not to be in the nature of cross-examination, unless the Sub-Committee regards this as necessary in order for them to properly consider the matter.
 - Explains that the Sub-Committee will take into consideration any documents or materials provided by the parties in advance of the hearing. Any others produced at the hearing will be considered provided relevant and with the consent of the other parties.
2. If a party is not present, the Sub- committee decides whether to adjourn or proceed in the party's absence. The Sub-committee may proceed in a party's absence where the party has:-
- indicated that he/she does not intend to attend
 - failed to indicate whether or not he/she intends to attend
 - left the hearing in such a way that it is reasonable to assume that he/she will not return.
 - Indicated that he/she will attend and does not attend, unless Sub-committee considers that it is in the public interest to adjourn the hearing.

Where the sub-committee proceeds in the absence of a party, consideration will be given to all written application and representation received.

3. The Licensing Manager summarises his report.
4. Statutory consultees (police, fire service and representative bodies) present their objections and may call witnesses. They will respond to any questions from:
- Other objectors
 - The applicant/licensee
 - Members of the Sub-committee
5. Other objectors in turn present their objections and may call witnesses. If more than one objection is on the same ground, the objectors will be invited to nominate a spokesperson. The objectors in turn will respond to questions from:
- The statutory consultees
 - The applicant/licensee
 - Members of the Sub-committee
6. Licensing Manager clarifies any issues arising.

7. Applicant/representative may make submissions on the application, respond to objectors and call witnesses if desired. The applicant/representative will respond to questions from:-
 - The statutory consultees
 - Other objectors
 - Members of the Sub-committee
8. Summing up
 - Licensing manager
 - Statutory consultees
 - Other objectors
 - Applicant/representative
9. Members retire with legal advisor, if necessary, to consider decision.
10. The Sub-Committee returns and the Chair gives an oral decision and reasons for the decision. The written decision and reasons must be given within 5 working days of the hearing commencing with the day following the hearing, unless the Sub-committee considers that an extension of this time is in the public interest. In the latter case the Sub-committee will arrange for the details of the extension to be notified to the parties.