

DOVER DISTRICT COUNCIL

REGULATORY COMMITTEE PROCEDURE FOR HEARINGS

1. Introduction of all present. Chairman
2. Purpose of hearing and procedure. Licensing Team Leader
3. Applicant asked to confirm receipt of agenda, Licensing Manager's report, Council's policy guidelines and procedure for hearing. Legal Adviser
4. Licensing Manager's report introduced and issues summarised Licensing Team Leader
5. Licensing Manager calls any witnesses. Licensing Team Leader
Each witness in turn :
 - (i) will give evidence
 - (ii) may be questioned by the applicant or applicant's representatives
 - (iii) may be questioned by the Committee
 - (iv) may, if necessary, be re-questioned by the Licensing Manager
6. Presentation of case and particular issues (including whether applicant accepts the facts presented or wishes to correct them) Applicant or his/her representative
7. Applicant or his/her representative may call any witnesses (including the Applicant him/herself). Each witness in turn: Applicant or his/her representative
 - (i) will give evidence
 - (ii) may be questioned by the Licensing Manager
 - (iii) may be questioned by the Committee
 - (iv) may, if necessary, be re-questioned by the applicant/applicant's representative
8. Further questions may be asked of any of the parties or any witnesses for the purpose of obtaining further relevant information or clarification Committee
9. Final submission. Licensing Team Leader
10. Final submission. Applicant
11. Committee withdraws to consider in private. Clerk and Legal Adviser may be invited to assist the Committee.
12. If the Committee requires any further information from any party or any further evidence, all parties will be recalled and the meeting reconvened. Any Member of the Committee who has not been present during the

whole of the proceedings must not take part in the decision making.

13. Committee reconvenes. Any legal advice given to the Committee in private will be summarised to the Applicant. Legal Adviser
14. The decision of the Committee is given to all parties. Chairman
In the event of a decision to refuse, suspend or revoke an application, the applicant is told that he/she has the right of appeal through the Magistrates Court and then to the Crown Court.

NOTES

1. The opportunities given to the parties within this procedure to ask questions should be used only for that purpose - to ask questions. The person asking the question will not be allowed to use this right as an opportunity to make statements.
2. Members of the Committee are, as a general rule, expected to ask questions of the various parties in accordance with this procedure. However circumstances may arise where it is desirable for a Member to seek immediate clarification or a point made by a witness or by a party during the course of giving evidence, answering questions being put to him by another party or making a submission. This should be permitted by the Chairman provided that the question is relevant and is conducive to the proper conduct of the hearing. Where additional questions are permitted after the Applicant's case has been summed up, the Applicant or his/her representative will always be given the final right of reply.
3. Under no circumstances must the parties or their witnesses offer members of the Committee information in the absence of the other party. Similarly Members must not attempt to gain information from any party at the hearing in the absence of the other. These are essential requirements of the proper application of the rules of natural justice.
4. The Chairman may vary this procedure as circumstances require but having full regard to adhering to the rules of natural justice.