

## **Licensing hearings: A Guide for resident objectors**

### **Preparing**

Once you've made a representation you will be invited to a licensing hearing. This guide tells you what to expect, and what you can do to prepare for the hearing.

Please note that this is a general advice guide for residents who have made a representation in respect of a licensing application. For more detailed advice that is specific to your individual case please contact the Licensing Advice Project at Westminster Citizens Advice by email: [licensing@westminstercab.org.uk](mailto:licensing@westminstercab.org.uk) or telephone 020 7706 6029.

### **The hearing date**

The Council will notify you by post or email about 2 weeks before the hearing date. Hearings are public meetings. The letter will inform you of the date, time and location of the hearing. In Westminster, they are almost always on Thursday mornings at 10am at City Hall, 64 Victoria Street, but this is not always the case. On receipt of notification of the hearing date, you need to confirm to the case officer whether you think a hearing is necessary and whether you will be attending the hearing. If you confirm that you will be attending, the case officer will send you a copy of the 'Report to Sub-Committee', which is a summary of the papers on which the application will be determined. It is important to respond to correspondence from the case officer. If you would like help preparing for the hearing, or representation at the hearing, please contact us.

### **Do I need a solicitor or representative?**

The hearings are relatively informal and there is no requirement to be legally represented. A friend or neighbour is permitted to speak on your behalf, but the case officer needs to be informed beforehand. The Licensing Advice Project can represent you if you wish.

### **How long will the hearing last?**

A hearing usually lasts less than an hour, although they can last longer. You will not be given a precise time for your individual case to start. There will often be a number of hearings on a single day, although the Council are usually sympathetic to the fact that residents may have taken time off work to attend, and try to list their cases early on.

### **What time should I arrive**

Try to attend at least 15 minutes before the hearings are listed to start (usually 10am). You need to let the case officer know you are there. He/she will let you have copies of any papers submitted after the Report has been published, and will give you an Agenda (beware: this sometimes changes on the day!). The applicant's solicitor may want to discuss compromise proposals. You will be asked to sit in the section of the room reserved for objectors. There may be objectors there on your case who you do not know about.

### **What happens at the hearing?**

The case will be heard by a panel of Councillors who make up the Licensing Sub-Committee. One will be the Chair. The procedure is usually that the case officer will introduce the case and let the Committee know who is present. The Applicant's representative will usually speak first, and present the application along with details of any additional conditions which may have been agreed. Police and Environmental Health usually then speak, outlining their objections and any conditions which may have satisfied them. Residents will then be asked to present their objections.

### **What should I say?**

You can amplify matters that were raised in your representation, or raise issues that have come to light since. The aim is to show the Committee that the application would harm the licensing objectives if granted. You can also query proposals put forward by Environmental Health or the police, who usually propose conditions to which the licence would be subject, if granted.

The Applicant's solicitor will not usually be allowed to ask you questions directly, although the Committee may ask you to amplify or clarify aspects of your representation.

### **How long am I allowed to speak for**

You can speak for the same length of time as the applicant, although it is not strictly timed and the hearings tend to take the form of a discussion, especially about conditions. The length of time you need to speak for depends on the circumstances of each case and the nature of your objections.

If there are numerous residents attending the hearing, it is a good idea to decide among yourselves which 2 or 3 of you will speak. This will help keep matters succinct and to the point, although each objector does have the right to address the Committee individually.

The Committee will have read the hearing papers (The 'Report to Sub-Committee') thoroughly, and so you do not need to repeat it word for word. You can draw out the main points. It may be an idea to write notes beforehand to refer to.

### **I am the only person who objected. Should I attend the hearing?**

It is still important to attend the hearing even if you are the only objector. There may have been a good reason why your neighbours did not object eg they did not know of the application, or they were on holiday when the closing date came and went. You can point this out to the Committee.

### **Licensing jargon**

Licensing is quite a technical area and there may be words and phrases used at hearings with which you are not familiar, such as 'licensing objectives'. There is a separate section on our website where this is dealt with <http://www.licensingadvice.org/jargon>. One term that it is important to be aware of is 'core hours'. Applications for late hours are often reduced to 'core hours'. The 'core hours' Policy is contained in the City Council's Statement of Licensing Policy, which can be found on their website [www.westminster.gov.uk](http://www.westminster.gov.uk), The document also contains

information about policies the City Council will apply in area of residential accommodation, and so can be very helpful to objectors. Please contact us if you would like more information on this.

### **The decision**

The Committee normally decide the application immediately, after a discussion among themselves. Sometimes they will retire to an adjoining room to discuss their decision before returning to announce it. The Council will send out written notice of the decision and their reasons for making it. There is a right of appeal against the decision, to the Magistrates' Court. Alternatively, if the application was granted and when the licence is operational it causes problems, there is the right to apply to 'review' the licence, although this cannot simply be used as a 'second bite of the cherry' following failed objections. A reasonable amount of time needs to have passed. For more information, please contact us.