



Democratic Services  
London Borough of Merton  
Merton Civic Centre  
Morden, Surrey SM4 5DX  
Direct Line: 020 8545 3616/3356  
Email: [democratic.services@merton.gov.uk](mailto:democratic.services@merton.gov.uk)

Date: 00/00/20??

**NOTICE OF LICENSING SUB-COMMITTEE HEARING**

**1. DATE OF HEARING:**

**2. SUBJECT OF HEARING:**

**3. WHAT IS INCLUDED IN THIS NOTICE PACK:**

The enclosed papers are being sent to you as you are a party to the licensing hearing due to be held to consider this application. These two packs contain all the hearing documents; a guide to Rights of the Parties to a Hearing, Procedure to be followed at Licensing Hearing, the agenda pack which includes the application, and related representations.

**4. WHAT YOU NEED TO DO NOW:**

Please respond to the questions set out on the reverse of this letter and return to the email/ phone/ address given above, **five** days before the hearing.

**5. IF YOU HAVE ADDITIONAL DOCUMENTS FOR CONSIDERATION BY THE SUB-COMMITTEE**

If you have any additional documents which you wish the sub-committee to consider at the hearing, please send them to the above email /address to arrive at least 24 hours before the hearing. If any additional information is received by the Authority this will be sent on all parties, (via email where possible) and additional copies will be available at hearing.

Yours

Democratic Services Officer

# London Borough of Merton



**Your Name:**

**Your Email address (where possible):**

If you wish to withdraw any representations you have made please notify us as soon as possible.

You are required to give the following information to us by the date specified in the letter:

- 1) Do you intend to attend the hearing? **Yes/No**
- 2) Do you intend to be represented or assisted at the hearing? **Yes/No**
- 3) Do you consider a hearing to be unnecessary? (If all parties agree that a hearing is unnecessary the sub-committee may dispense with the hearing and determine the matter on the basis of the written application, notices and representations) **Yes/No**
- 4) Do you wish to request that any other person(s) be given permission to attend the hearing to assist the sub-committee in relation to the matter under consideration? **Yes/No**

Please give the name(s) of any such person(s) and brief details of the points on which you feel they may be able to assist the sub-committee in relation to the matter under consideration.

Please return this form to Democratic Services, Civic Centre, London Road, Morden SM4 5DX or telephone 020 8545 3616 or email the information to [democratic.services@merton.gov.uk](mailto:democratic.services@merton.gov.uk)

## **Rights of the Parties to a Hearing**

This document forms part of the Notice of Hearing.

The hearing will be conducted by a three member sub-committee of Merton's Licensing Committee.

You have the right to attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified. **You should notify us if you wish to be represented or assisted in this way on the accompanying response form.**

You may also request that other persons be permitted to appear at the hearing to assist the sub-committee on particular points relating to the matter under consideration. You should notify us of any persons you wish to attend on the accompanying response form.

At the hearing you are entitled to:

- a) respond to any points of clarification detailed in the Notice of Hearing; and give further information in support of the application, representations or notice
- b) if given permission by the sub-committee, ask questions of other parties; and
- c) address the sub-committee.

**If you do not attend the hearing** the sub-committee may proceed in your absence or it may adjourn to another specified date and time. If the hearing proceeds in your absence any application, notice or representation you have made will be considered by the sub-committee. It would be helpful if you could notify us as soon as possible if you are not going to attend the hearing.

Please complete and return the accompanying response form by the response date shown on the Notice of Hearing. Post or send an email with the relevant information to:

[democratic.services@merton.gov.uk](mailto:democratic.services@merton.gov.uk)

## **Procedure to be followed at Licensing Hearing**

1. The Chair will welcome all parties and will confirm the sub-committee hearing procedures, a copy of which was included in the notice and agenda packs sent to all parties.
2. All present will be introduced/introduce themselves
3. The Chair will ask the Legal Adviser to inform those present that the sub-committee had a briefing prior to the hearing to confirm the procedure and for clarification on any aspect of the application, if necessary.
4. The Chair will confirm the process for the hearing. This will involve presentations by each party and subsequent questioning by the sub-committee and other parties.
5. The Chair will ask the Licensing Officer if there are any technical issues they feel should be brought to their attention (i.e. withdrawal of a representation / agreed conditions). The Chair will ask whether there have been any requests for an adjournment or late submissions.
6. The Applicant will present their case. Questions can then be asked of the Applicant by the Licensing Sub-Committee, the Responsible Authorities and Interested Party.

7. The Responsible Authorities will present their case. Questions can then be asked of the Responsible Authorities by Licensing Sub-Committee, the Applicant and the Interested Party.
8. Presentation by any Interested Party. Questions can then be asked of the interested party by Licensing Sub-Committee, the Applicant and the Responsible Authorities
9. The Chair will ask the Licensing Officer for any comments / clarifications
10. The Chair will ask the Legal Adviser for any comments / clarifications
11. The Chair will invite closing statements by the Responsible Authorities
12. The Chair will invite closing statements by the Interested Parties
13. The Chair will invite closing statements by the Applicant
14. The Chair will announce that the Licensing Sub-Committee are retiring for private session. The Legal Officer and Clerk will be invited to also retire.
15. In closed session the Licensing Sub-Committee will make their decision. They may ask the Legal Officer for advice during this session.
16. The Licensing Sub-Committee will return and re-open for public session.
17. The Chair will invite the Legal Officer to present the advice provided during private session, if necessary.
18. The Licensing Sub-Committee's decision will be read out either by the Chair or the Chair will invite the Legal Officer to do so.
19. The Chair will inform those present that all parties should receive a written copy of the decision notice within 5 working days, and then close the Hearing

### **Licensing Objectives**

Decisions will be made with respect to upholding the four licensing objectives:

- Prevention of Public Nuisance
- Prevention of Crime and Disorder
- Protection of Children from Harm
- Promotion of Public Safety

### **Responsible Authorities**

These statutory bodies are called "Responsible Authorities" and are given responsibility to make representations if the licensing objectives are under threat.

- The Chief Officer of Police
- The Local Fire Authority
- The Local Enforcement Agency for Health & Safety At Work Act 1974
- The Local Authority with Responsibility for Environmental Health
- The Local Planning Authority
- Local Licensing Authority or any Licensing Authorities
- A body representing those interested in the protection of children and recognised by the council (Local Safeguarding Children Board).
- The Local Public Health Authority