

HIGHLAND LICENSING COMMITTEE

PROCEDURE FOR HEARINGS

APPLICANTS FOR LICENCE/LICENCE HOLDERS

1. The Chairman will introduce the Members and Officials present. **If the representations /objection(s) were submitted timeously and there are no spent convictions to be considered then proceed directly to number 4.**
2. If the representation/objection (from the Police or any other party) has been received late the Committee must hear details as to why the representation/objection was late and be satisfied that there is sufficient reason why it was not made in the time required. If they agree that then the representation/objection can be heard otherwise it should be disregarded.

The process to be followed should be that the objector is invited to provide reasons as to why the submission was late. Members may ask any follow up questions of the objector. The applicant must then be asked if they have any objections to the late submission being accepted. The Committee must take all comments into account when deciding whether to accept the late submission.

3. If spent convictions are to be referred to then the guidance notes for spent convictions (attached) should be followed for each conviction. **The Committee should resolve to go into private whilst considering spent convictions.**
4. **The Hearing procedure below should now be followed.**
 - (a) ***The Applicant or his representative will put his/her case to the Committee.***
 - (b) ***The person(s) who submitted the representation/objection(s) will have the opportunity to ask the Applicant relevant questions.***
 - (c) ***The Committee Members will have the opportunity of asking the Applicant relevant questions.***
 - (d) ***The person(s) who submitted the representation/objection(s) will put their case to the Committee.***
 - (e) ***The Applicant will have the opportunity to ask the person(s) who submitted the representation/objection(s) relevant questions.***
 - (f) ***The Committee Members will have the opportunity of asking the person(s) who submitted the representation/objection(s) relevant questions.***
 - (g) ***The Applicant or his representative will sum up.***
 - (h) ***The person(s) who submitted the representation/objection(s) will sum up.***
 - (i) ***At the sole discretion of the Members, the Committee may decide to retire to consider the representations/objections in private.***
 - (j) ***The Committee will invite the parties to return to the meeting and the Chairman will invite Members to take a decision. NOTE: If during private deliberations, the Committee receive advice on a legal submission from the Clerk which is contrary to the view of the party making the submission or the Committee believe additional information would be relevant, then these points should be raised with the parties, in public, prior to any decision being made.***

If the decision of the Committee is to suspend, refuse or refuse to suspend a licence, a relevant person has a right to request within 28 days of the meeting, the Committee's reasons for arriving at their decision, unless the circumstances of the case justify immediate suspension, the suspension shall not take effect for 28 days from the date of the decision.

The Applicant shall be notified in writing of the decision within 7 days of the Hearing and shall be advised of his/her right to seek written reasons and appeal to the Sheriff Court.

Appeals against the decision of the Committee must be lodged with the Sheriff Clerk within 28 days of the date of the decision.