

PUBLIC SPEAKING AT LICENSING ACT 2003 SUB-COMMITTEE HEARINGS AND DRAFTING A REPRESENTATION.

When the need may arise:

1. There may be times when the public want, or need, to speak on licensing issues. This may be at a Licensing Act 2003 Sub-Committee hearing to support, or make representations regarding a licensing application being considered by the Council.
2. Such an experience can be disconcerting for many people. This advice note is therefore designed to help you overcome your concerns and provide tips on how to improve the information, or evidence, that you give.
3. It covers the areas of what to expect; what to say and how to say it; and how to ask and answer questions.

What to Expect:

4. The main point of any committee hearing is to allow those making the decision to have all the facts in front of them. In this way a fully reasoned decision can be made.
5. This part of the decision-making process is necessarily procedural. The Committee appointed under the Licensing Act 2003, consists of elected councillors who will make the decision. They will be supported by Council Officers, who may give the Committee advice and assistance, as required. Meetings normally take place in the Civic Suite, Council House, Homer Road, Solihull, B91 3QS
6. The applicant will normally be present at the meeting. In some instances a solicitor or legal advisor may represent and act for the applicant.
7. Persons (interested parties) making representations, may also attend the meeting and address the committee. Where a large number of persons making representations are involved in a particular hearing, they may be encouraged to appoint a spokesperson(s), in order to avoid duplication of evidence. All meetings are held in public, unless the matter to be considered is of a confidential nature.

Interested Parties Making a Representation

8. Representations must not be frivolous or vexatious and must be relevant to at least one of the four licensing objectives, which are:-
 - **The Prevention of Public Nuisance**
 - **Public Safety**
 - **The Prevention of Crime and Disorder**
 - **The Protection of Children from Harm**
9. Please Note - You can be fined up to £5,000, if you make a false statement in respect of a representation.
10. The main objective in submitting a representation, is to put forward a clear case. Ask yourself, "How can I best assist the decision making process in a way that puts my case in the best possible light?"
11. The following points should be borne in mind: -
12. Before you start, set out the issues you feel should be considered. Only then should you start to write your argument, based on these points.
13. Don't make assertions that you cannot support, as you may be questioned on them at a later date.
14. Your representation should be as brief, to the point and wherever possible, avoiding repetition. Avoid things that are irrelevant, or which are imprecise. Do not refer to matters that are not within the licensing objectives, or do not support your case.
15. The style of written objection is a matter for the individual. An overly aggressive representation can sometimes suggest arrogance, or possibly an attempt to hide weaknesses in the argument.
16. Appendices can be useful, but should be kept to a minimum. They should be of, or folded to, A4 size. An appendix should not contain the whole document, but only those pages that are relevant to the case, including the Title Page.
17. Always give your name and the basis on which you are putting forward your representation. Where possible pages and paragraphs should always be numbered. This makes your representation easier to read.

Applicants and Persons Making Representations

18. How to present your argument to the Licensing Act 2003 Sub-Committee – General Points:

19. Be comfortable, dress according to the occasion.
20. Persons making representations should have a copy of their representation with them. Applicants should also have a copy of their application with them, or at least know the details of their application.
21. Stick to licensing issues and only those which are relevant to the matter in question.
22. Speak slowly and clearly. Use the microphone if there is one available. Speaking too fast may cause your audience to miss some important point(s) you are making.
23. Try and maintain eye contact with your audience. This keeps their attention and gives them the impression you are talking with authority.
24. Try and answer any questions in a few words and as straightforwardly as possible.
25. Read your argument to a friend before it is formally presented. Let them critically assess the strengths and weaknesses in it. In this way you can make any changes before it is too late.
26. At the end of the day there is no substitute for experience, or knowledge of the subject. This will give you the necessary confidence to present your views, as you would like them to be heard.

Speaking at Licensing Act 2003 Sub- Committee Hearings:

27. The Committee is usually very busy. The time given for applicants and persons making representations to speak may be limited. It is therefore essential that you use this time effectively.
28. In addition to the general points above, the main points to bear in mind are:-
29. It is often better to concentrate on one strong, main point, rather than making several weaker ones. This gives those making the decision something positive to think about.
30. Keep your argument impersonal and polite. Don't tell Members what they should do, or offer personal criticism of Council officers.
31. When speaking the main points to bear in mind are:-
32. Make sure you know exactly what is under discussion. Be familiar with the application, any national or local guidance and what other people have said.

33. When giving evidence, expect to be questioned. The secret is to anticipate any questions you may be asked. Don't ignore any weaknesses in your case, as you are likely to be questioned on them.
34. When answering questions stay calm. Don't get angry with the questioner. Don't feel you need to rush your answers.
35. Think about the question. You must do all you can to answer it fairly and honestly. If you don't understand the question, don't be afraid to ask for it to be repeated or rephrased.
36. If you don't know the answer to a question, say so. Guesswork may lead to a further awkward question and put you in a situation where you cannot properly defend what you have already said.
37. A common technique is to be asked questions, which only require a yes or no answer. This approach can sometimes lead you into a corner where you are forced to agree certain aspects of a proposal.

Decisions

38. The Licensing Act 2003 Sub-Committee(s) will usually reach its decisions in private. A public announcement of the decision is normally made at the end of the hearing.

Please Note:- This Advice Note is intended as a general guide only.

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