

PROTOCOL (D) – TIMESCALES FOR NEGOTIATION

Background

1. The Licensing Authority encourages discussions between Applicants, responsible authorities and other persons who have made representations in respect of an application. This will often result in agreement between some of the parties as to the best way forward. That is very welcome.
2. Often, however, such discussions are only concluded very late in the day and do not always involve all persons who have made representations, especially residents. Hearings are arranged, residents make arrangements to attend, members assemble to find that the issues have been resolved and the hearing is a formality and quickly over.
3. Any inconvenience is party a consequence of the strict timetable that exists but all parties can play their part to minimise the inconvenience. That is the purpose of this protocol.

Timetable

4. Regulations set out the timetable that must be followed by the Licensing Authority.
5. The starting point from which time runs begins with the day after the end of the period during which representations may be made or notice given (“the start date”) – the day after the date that appears in the published notices.
6. Hearings must start within a prescribed period of time and, if to be held on more than one day, they must be consecutive working days. In most cases, hearings must start within a period of **20 working days** beginning with “the start date”. In some cases it is a shorter period – e.g. **5 working days** in respect of the cancellation of an interim authority, **7 working days** in respect of a Temporary Event Notice, **10 working days** in respect of reviews following a closure order.
7. Notice of a hearing must be given no later than **10 working days** before the date on which the hearing starts. In some cases it is a shorter period – e.g. **5 working days** in respect of reviews following a closure order, **2 working days** in respect of the cancellation of an interim authority or in respect of a Temporary Event Notice.
8. Parties must give notice to the Licensing Authority whether they intend to attend and/or be represented at the hearing and whether they consider a hearing is unnecessary no later than **5 working days** before the date on which the hearing starts. In some cases it is a shorter period – e.g. **2 working days** in respect of reviews following a closure order, **1 working day** in respect of the cancellation of an interim authority or in respect of a Temporary Event Notice. Parties also have to give notice within these time limits where they wish permission for any other person to appear at the

hearing (other than a representative). This means people such as witnesses, other residents and witnesses.

9. Representations can be withdrawn by giving notice no later than **24 hours** before the (first) day on which the hearing is to be held. Otherwise, they can only be withdrawn orally at the hearing.
10. The Licensing Authority may dispense with a hearing only if all parties have given notice to the Licensing Authority that they consider a hearing to be unnecessary (see para. 8).
11. The Licensing Authority can extend these time limits where it considers it to be necessary in the public interest. The Licensing Authority may also adjourn a hearing to a specified date or arrange for the hearing to be arranged on specific additional dates where it considers this to be necessary for its consideration of representations or notices. (Its powers to extend the time limits or adjourn are restricted in the case of reviews following a closure order and summary reviews).

The following Table shows a timetable for a hearing in respect of a new application that includes Easter

0	Last date for Representations etc.		20	Mon, 25 Mar
1	START DATE		19	Tues, 26 Mar
2			18	Wed, 27 Mar
3			17	Thurs, 28 Mar
		GOOD FRIDAY		Fri, 29 Mar
				Sat, 30 Mar
				Sun, 31 Mar
		EASTER BANK HOLIDAY		Mon, 1 Apr
4			16	Tues, 2 April
5			15	Wed, 3 April
6			14	Thurs, 4 April
7			13	Fri, 5 April
				Sat, 6 April
				Sun, 7 April
8			12	Mon, 8 April
9			11	Tues, 9 April
1		Last day for notice of	1	Wed, 10 April

0		hearing	0	
1			9	Thurs, 11 April
1			8	Fri, 12 April
2				Sat, 13 April
				Sun, 14 April
1			7	Mon, 15 April
3				
1			6	Tues, 16 April
4				
1		Last day for party to give notice to LA	5	Wed, 17 April
5				
1			4	Thurs, 18 April
6				
1		[Aim to complete negotiations]	3	Fri, 19 April
7				
				Sat, 20 April
				Sun, 21 April
1		Last time for withdrawing representations by notice	2	Mon, 22 April
8				
1			1	Tues, 23 April
9				
2	Last date on which hearing must start		0	Wed, 24 April

("Working day" means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday in England and Wales)

Target to Complete Negotiations

12. All parties should use their BEST ENDEAVOURS to complete all negotiations no later than **3 working days** before the start of the hearing.
13. They should advise the Licensing Authority on that day of what their final position is. That will allow time for persons to withdraw their representations by notice who wish to do so. It will also allow parties to indicate whether they now consider that a hearing is unnecessary.
14. If an Applicant considers that an agreement has been reached, that all persons who made relevant representations will withdraw their representations, and/or that all parties feel that a hearing is unnecessary, they should ensure that the Licensing Authority receives all notices to enable the hearing to be cancelled and the licence granted without a hearing.
15. Unless the Licensing Authority feels it is not necessary, they will advise persons who have made relevant representations of the position **2 working days** before the start of the hearing.

N.B. A hearing will still take place if there are any relevant representations that have not been withdrawn and all parties have not indicated that a hearing is unnecessary.

Inclusiveness

16. All parties have equal status in the determination of applications whether they are applicants, responsible authorities, residents, neighbouring businesses or ward councillors; and whether they regularly appear in licensing matters or are appearing for the first time. No body will be treated more or less favourably than any other. Their views and representations will be accorded equal respect.
17. All parties should adopt this approach in their dealings with other parties.
18. Applicants should attempt to negotiate and mediate with all parties with a view to resolving an issue to everyone's satisfaction.