

APPENDIX 5 - Procedure for remote Licensing Hearings –

APPLICATIONS FOR A LICENCE

- (a) Identify whether the applicant and his/her advisors are present.
- (b) Identify whether the Objector(s) and his/her advisors are present. [in turn]
- (c) Invite the applicant to speak to his application (outline to the Board why the application has been made and make any comments in relation to any observation/objection made in respect of the application)
- (d) Ask the Objector(s) to speak to the Objection(s) or Observation(s) [in turn]
- (e) Give the applicant an opportunity to address any issues raised by the Objector(s).

NOTE TO PARTIES

- **Presentation of a case may be through the use of documents (which must be provided to all parties prior to the start of the Hearing), oral submissions made at the hearing, written submissions lodged no later than 7 days in advance of the hearing, or a combination thereof;**
- **Cross Examination by the parties is not generally permitted**
- **Hearsay evidence is admissible.**

(f) Members MAY then question all parties present.

(g) Convenor should invite concluding remarks (objector(s) then applicant), but no new evidence, before considering the application.

NOTE TO PARTIES

Once you have been asked to make concluding remarks you are not entitled to speak again, unless to answer a question from a Board Member.

(h) Members may then deliberate the application and/or ask for legal advice if required. Members can choose to deliberate the application in private, however, no decisions will be made during any adjournment to deliberate in this way.

NOTE TO PARTIES

If the Board opts to adjourn the meeting to deliberate in private, the parties will be asked to leave the meeting, failing which, the Depute Clerk will remove the parties and all attendees from the meeting. The recording of the meeting will be paused. On resuming the bench, the Depute Clerk will contact all

parties/attendees to re-invite them back into the meeting. On confirming all parties/attendees are again present, the recording of the meeting will be restarted

(i) Thereafter, the Convenor should confirm with Members that they have sufficient evidence upon which to make a decision.

· If the Board determines that there is not sufficient evidence upon which to make a decision, the application will be deferred to a future meeting of the Board for further evidence to be obtained.

If the Board determines that there is sufficient evidence upon which to make a decision, the Convenor will then:

(i) Call for a motion

(ii) Call for a seconder to the motion

(iii) Call for any amendment to the motion

(iv) Call for a seconder to any amendment proposed.

(v) If there is no amendment, the Convenor should confirm with the Committee that the decision is unanimous. [This will be done by roll call vote for transparency purposes]

(vi) If there is an amendment, then there MUST be a vote. The Convenor has the casting vote.

(j) The Depute Clerk will confirm the decision taken by the Board

NOTE TO PARTIES

The parties will then be asked to leave the meeting, failing which the Depute Clerk will remove the parties from the meeting.