

Licensing and Regulatory Sub- Committee



St Edmundsbury
BOROUGH COUNCIL

Title:	Agenda
Date:	Wednesday 30 January 2019
Time:	10.00am
Venue:	Ground Floor Room 13 (GFR 13) West Suffolk House Western Way Bury St Edmunds
Full Members (3):	Councillor John Burns Councillor Mike Chester Councillor Susan Glossop
Substitute:	TBC
The membership of this Sub-Committee is drawn from Members of the full Licensing & Regulatory Committee and needs not to be politically balanced.	
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.
Quorum:	Three Members
Committee administrator:	Helen Hardinge Democratic Services Officer Tel: 01638 719363 Email: helen.hardinge@westsuffolk.gov.uk

For Agenda Item 4.

St Edmundsbury Borough Council Licensing: Procedures at Hearings

The Chairman will introduce Members of the Committee and Officers present and ask all parties to identify themselves to the Hearing.

The Chairman will outline the procedure to be followed and:-

- (a) check that all parties have received copies of relevant representations;
- (b) ask all parties whether they wish to amend or withdraw their application or representation;
- (c) ask the Licensing officer whether any party has submitted additional supporting information (only if all parties agree shall the material be distributed to the Sub-Committee);
- (d) if the Licensing Officer reports any requests for a witness to appear, decide whether to allow the witness to speak and ask whether there are any further declarations of interest;
- (e) agree how much time each person will need to present their case; and
- (f) the Sub-Committee will determine whether the Substitute Member is required to hear the application.

The Licensing Officer will present the Statement of Facts.

The Chairman will invite Members and other parties to the hearing to ask questions of the Licensing Officer about the Statement of Facts.

The Chairman will invite the Applicant or representative to present their case and respond to questions from Members, Officers and other parties to the hearing.

The Chairman will invite those that have made objections or relevant representations to present their case and respond to questions from Members, Officers and all the other parties.

The Chairman will invite all parties to sum up their case and to confirm they are satisfied that they have said all they wish to say. (NB the applicant should sum up last).

Members and Officers may ask any final questions and the Chairman will then give all parties an opportunity to respond on those points (NB the last word should be from the Applicant).

The Sub-Committee, accompanied by the legal advisor and Committee Administrator will retire to determine the application.

- . The Chairman or legal advisor will announce the decision together with the reasons for it and will also outline rights of appeal.

General Notes:

The hearing may be adjourned at any time at the discretion of the Members. Members may amend the procedure at any time if they consider it to be in the public interest or in the interest of a fair hearing.

- | Members may exclude any person from the hearing if it appears to them to be in the public interest to do so or if that person is being disruptive.
- | No parties will be allowed to cross examine unless Members agree that the procedure should be altered.

Any advice given in private session will be reported to all parties to the hearing.

For Agenda Item 6.

ST EDMUNDSBURY BOROUGH COUNCIL

LICENSING ACT 2003: PROCEDURE AT A REVIEW HEARING

(A) Pre-hearing

1. Declaration of Interests.
2. Chairman will introduce members of the hearing Sub-Committee.
3. Chairman will ask the applicant to:-
 - (a) introduce themselves and any person representing or assisting them; and
 - (b) confirm that they have received copies of the relevant representations to be considered at the hearing.
4. The Chairman will ask the officer of the Licensing Authority, the Committee Administrator and the Legal Advisor to the Sub-Committee to introduce themselves.
5. The Chairman will ask responsible authorities and other persons that have made a relevant representation to introduce themselves and ascertain whether a spokesman or spokesmen have been nominated for the other persons.
6. The Chairman will ask the Respondent (Licence Holder) to introduce themselves.
7. The Chairman will ask all parties to the hearing whether they wish to withdraw or amend their application or representation. (Where a party reports that they have withdrawn their representation, they will take no further part in the hearing, and may then leave the hearing if they wish).

(If all relevant representations are withdrawn, then having recorded any amendments to the application, the hearing shall be dispensed with and notice shall be given in writing by the Licensing Officer forthwith).
8. The Chairman will ask the officer of the Licensing Authority to report any requests from a party to the hearing for permission for a witness to appear in support of their representation. Any such requests will be determined by the hearing Sub-Committee.
9. The Sub-Committee will determine if the Substitute Member is required.
10. The Chairman will ask the officer of the Licensing Authority to report any supporting documentary or other information that a party to the hearing wishes to present. If there is any such material, it will be distributed to the parties to the hearing.

The Chairman will ask all the parties to the hearing whether they consent to it being admitted. Only if they all agree will the material be distributed to the Members of the Sub-Committee, who may then take it into account.
11. The Chairman will invite the applicant or his representative and other parties to the hearing to estimate the time required to present their case and ask questions of other parties to the hearing.

12. The Sub-Committee will then determine the maximum period of time allowed for each party to put their case.

(B) Hearing

The Application:

13. The Chairman will ask the officer of the Licensing Authority to summarise the matter under consideration, and the Members, and all other parties to the hearing may then ask questions of the Licensing Authority officer.

The applicant's case:

14. The applicant or his representative will be invited to speak in support of their case and the Members of the Sub-Committee, officers of the Licensing Authority and all other parties to the hearing may then ask questions of the applicant.
15. The applicant will be invited to call any witnesses, and the Members of the Sub-Committee, officers of the Licensing Authority and all other parties to the hearing may then ask questions of the applicant and any witnesses.

Relevant representations:

16. Responsible authorities making representations will be invited to speak in turn and to call any witnesses, and Members of the Sub-Committee, officers of the Licensing Authority and all other parties to the hearing may ask questions of the responsible authorities and their witnesses.
17. Other persons making representations will be invited to speak in turn (commencing with the nominated spokesman/spokesmen) and to call any witnesses. Members of the Sub-Committee, officers of the Licensing Authority and all other parties to the hearing may ask questions of the interested parties and their witnesses.

Respondent:

18. The Respondent (the License Holder or their representative) will be invited to speak and to call any witnesses, and Members of the Sub-Committee, officers of the Licensing Authority, the applicant and those who have made relevant representations may ask questions of the respondent.

Summing Up:

19. The applicant or his representative will be asked to sum up their case.
20. Responsible authorities and interested parties making representations will be asked to sum up their case.
21. The Respondent will be asked to sum up their case.

Determining the application:

22. Members and the officer of the Licensing Authority may ask any final questions or seek clarification from parties to the hearing and will then give all other parties to the hearing an opportunity to respond on that point.
23. Unless the Sub-Committee resolves otherwise the Sub-Committee will retire into private session. The members of the Sub-Committee, the Legal Advisor and the Committee Administrator leave the meeting to determine the application.

24. Where advice has been given in private session, this will be reported to all parties to the hearing and they will be invited to respond. If necessary, the Sub-Committee may then resolve to go back into private session.

The Decision:

26. Having determined an application, the Chairman or the Legal Advisor will announce the decision, together with the reasons for it and will also outline rights of appeal.
27. The decision and rights of appeal will be confirmed in writing by the officer of the Licensing Authority forthwith.

Agenda

Procedural Matters

Part 1 - Public

1. Election of Chairman

2. Substitutes

The Member who is substituting for another Member should so indicate together with the name of the relevant absent Member.

3. Apologies for Absence

**4. Application for Variation of a Premises Licence - MRH
Great Barton, The Street, Great Barton**

1 - 26

Report No: **LSC/SE/19/001**

5. Exclusion of Press and Public

To consider whether the press and public should be excluded during the consideration of the following items because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items, there would be disclosure to them of exempt categories of information as prescribed in Part 1 of Schedule 12A of the Local Government Act 1972, and indicated against each item and, in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Part 2 – Exempt

**6. Review of a Private Hire/Hackney Carriage Driver's
Licence (Exempt: Paras 1 & 2)**

27 - 34

Report No: **LSC/SE/19/002**