



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

THE GRANGE, NUTHOLT LANE,
ELY, CAMBRIDGESHIRE CB7 4EE
Telephone: 01353 665555

MEETING: **LICENSING SUB-COMMITTEE**
TIME: 5:40 p.m.
DATE: Thursday 25th February 2016
VENUE: Committee Room 2, The Grange, Nutholt Lane, Ely
ENQUIRIES REGARDING THIS AGENDA: Adrian Scaites-Stokes
DIRECT DIAL: (01353) 665555 EMAIL: adrian.scaites-stokes@eastcambbs.gov.uk

Conservative Members:

Councillor Chris Morris (Chairman)
Councillor Julia Huffer
Councillor Carol Sennitt
Councillor Alan Sharp

Liberal Democrat Member:

Councillor Sue Austen (Vice Chairman)

Quorum: 3 Members

A G E N D A

- 1. Declarations of Interest**
To receive declarations of interest from Members for any items on the Agenda in accordance with the Members Code of Conduct
- 2. Application for the Grant of a New Premises Licence – Licensing Act 2003**
To consider the above matter in accordance with the Hearings Procedure (attached)

NOTES:

1.	The maximum capacity for meetings in the Council Chamber has been set by the Fire Officer at 100 persons. Allowing for Member/Officer attendance and room layout constraints, this will normally give a capacity for public attendance of 60.
2.	<p>Fire instructions for meetings:</p> <ul style="list-style-type: none">▪ If the fire alarm sounds please make your way out of the building by the nearest available exit - i.e. the back staircase or the fire escape in the chamber. Do not to use the lifts.▪ The fire assembly point is in the front staff car park by the exit barrier.▪ This building has an auto-call system to the fire services, so there is no need for anyone to call the fire services. <p>The Committee Officer will sweep the area to ensure that everyone is out of this area.</p>
3.	Reports are attached for each agenda item unless marked “oral”.
4.	<p>If required all items on the agenda can be provided in different formats (e.g. large type, Braille or audio tape, or translated into other languages), on request, by calling Main Reception on (01353) 665555 or e-mail:</p> <p>translate@eastcambbs.gov.uk</p>
5.	<p>If the Committee wishes to exclude the public and press from the meeting a resolution in the following terms will need to be passed:</p> <p>“That the press and public be excluded during the consideration of the remaining items no. X 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 item there would be disclosure to them of exempt information of Categories 1, 2 and 7 Part I Schedule 12A to the Local Government Act 1972 (as Amended).”</p>



EAST CAMBRIDGESHIRE DISTRICT COUNCIL HEARINGS PROCEDURE FOR LICENSING SUB-COMMITTEE

1. Any hearing required under the legislation is to take the form of a discussion led by the Council. Hearings will be held in public unless the Members of the hearing consider that the public interest in excluding the public outweighs the public interest in the hearing or that part of it, taking place in public. For these purposes a party to the hearing and any person assisting or representing a party may be treated as a member of the public.
2. The Chairman will introduce the Members and participants and explain the procedure to be followed, which will be as follows unless otherwise agreed by Members of the hearing. Any request made by a party (including Regulation 8 (2) of the Licensing Act 2003 (Hearings) Regulations 2005 “the Regulations”) or such other regulations that may be in force, will also be considered at this stage (permission not to be unreasonably withheld).
3. If any party has advised the Council they do not intend to attend or be represented at the hearing, the hearing may proceed in their absence.
4. If any party has not indicated they do not intend to attend or be represented at the hearing, the Sub-Committee may:
 - where it considers it necessary in the public interest, adjourn the hearing to a specified date; or
 - hold the hearing in that party’s absence.
5. Where a hearing is held in the absence of a party, any representations or notice made by that party shall be considered at the hearing.
6. Where a hearing is adjourned to a specified date, all parties will be notified forthwith of the date, time and place to which the hearing has been adjourned.
7. The Licensing Officer will appear first and will give:
 - a summary of the application
 - a summary of the representations made
 - a summary of how the application and any relevant representations relate to the provision of the Licensing Policy Statement, any guidance from the Secretary of State and the relevant legislation.
8. The Applicant or their representative will appear next to explain their case. They should keep their representations succinct and to the point and generally should not exceed 10 minutes. If this time limit is exceeded, the same time period will be afforded to the other parties. At the end of this stage the Members, Legal Officer and any other party making representations will be able to ask questions of the applicant/their representative.

9. Representatives of the Responsible Authorities and/or Statutory Consultees will appear next to explain their case. The same procedure as regards questions from the Members, Legal Officer or any other party making representations will apply. The total time is not to exceed the time offered to the Applicant/their representative or the objectors/persons making representations.
10. The objectors/persons making representations will appear last to explain their case. The same procedure as regards questions from the Members, Legal Officer or any other party making representations will apply. The total time for Objector/ persons making representations is not to exceed the time offered to the Applicant/their representative or Representatives of Responsible Authorities/Statutory Consultees.
11. Members will be able to ask questions of any party at any time during the hearing but will at all times bear in mind the need for all parties to be afforded the same time to make their case.
12. Documentary or other information may be produced for consideration by the hearing by any party attending the hearing either before the hearing, or with the consent of all the other parties, at the hearing.
13. Information which is not relevant to:
 - the application, representation or notice (as applicable)
 - the provision of the licensing objectives or (in relation to a hearing to consider a notice given by a chief officer of police) the crime prevention objectivewill be disregarded.
14. For the avoidance of doubt, formal cross-examination will not be allowed at hearings of licensing applications, unless the Members of the hearing consider that it is required for proper consideration by them of any representative, application or notice as the case may require.
15. Should Members during the hearing be of the opinion that a site visit is necessary to enable them to make the decision then the meeting will be adjourned and a site visit carried out in accordance with the Council's Site Visit Guidance for Licensing Act 2003 Hearings.
16. Following the presentations by and questioning of all the parties, the Members of the hearing will generally retire into closed session (either by leaving the room or asking all other parties to do so). The Members will make a decision and record reasons for this. If during their consideration Members request the advice of a legal officer, that advice will be repeated in public.
17. As per Regulation 26 of the Regulations, in the case of a hearing under –
 - (a) section 35 or 39 which is in respect of an application made at the same time as an application for conversion of an existing licence under paragraph 2 of Schedule 8 (determination of application under section 34 or 37),
 - (aa) section 53B (interim steps pending review),
 - (ab) section 53C (review of premises licence following review notice),
 - (b) section 85 which is in respect of an application made at the same time as an application for conversion of an existing club certificate under paragraph 14 of Schedule 8 (determination of application under section 85),

- (c) section 105(2)(a) (counter notice following police objection to temporary event notice),
- (d) section 167(5)(a) (review of premises licence following closure order),
- (e) paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence),
- (f) paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate), or
- (g) paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for grant of personal licence),

the authority must make its determination at the conclusion of the hearing, and the Members, if they have retired, will return to announce their decision and give a summary of their deliberations.

- 18. In any other case (except in the case of a hearing under section 172B(1)(b)) the authority must make its determination within the period of five working days beginning with the day or the last day on which the hearing was held.
- 19. In the case of a hearing under section 172B(1)(b) the authority must make its determination within 10 working days beginning with the day or the last day on which the hearing was held.
- 20. The Council shall provide for a record to be taken of the hearing in a permanent and intelligible form and kept for six years from the date of the determination or, where an appeal is brought against the determination of the authority, the disposal of the appeal. The right of appeal is 21 days from the date of notification of the decision.
- 21. For the avoidance of doubt, any irregularity resulting from any failure to comply with any provision of the Regulations before the authority has made a determination shall not of itself render the proceedings void.
- 22. In any case of such an irregularity, the authority shall, if it considers that any person may have been prejudiced as a result of the irregularity, take steps as it thinks fit to cure the irregularity before reaching its determination.
- 23. Clerical mistakes in any document recording a determination of the authority or errors arising in such document from an accidental slip or omission may be corrected by the authority.
- 24. Any person attending the hearing who in the opinion of the Members hearing the matter is behaving in a disruptive manner may be required to leave the hearing and may:
 - be refused permission to return; or
 - be permitted to return only on the conditions as may be specified by the Members and the hearing PROVIDED THAT such person may, before the end of the hearing, submit to the hearing in writing any information which they would have been entitled to give orally had they not been required to leave.