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**Our reference:**  
**Your reference:**  
**Date:** 26 March 2012

To all Members of the Alcohol & Entertainments Licensing Sub Committee

Dear Councillor

A meeting of the Alcohol & Entertainments Licensing Sub Committee will be held on Thursday 5 April 2012 at 10.00 am in Committee Room 1, Civic Centre, Pavilion Road, West Bridgford to consider the following items of business.

Yours sincerely

Head of Corporate Services

### **AGENDA**

1. Appointment of Chairman
2. Procedure

A copy of the procedure notes is attached (pages 1 – 4).

3. Hearing

Application for the Grant of a Personal Licence

- a) Report of the Senior Licensing Officer is attached (pages 5 - 8)
- b) Application is attached (pages 9 - 16)
- c) Notification to Responsible Authority (page 17)
- d) Objections are attached (pages 18 - 20)
- e) Notice of Hearing is attached (pages 21 - 26).

### Membership

Councillors R L Butler, G Davidson and G R Mallender

## Meeting Room Guidance

**Fire Alarm - Evacuation** - in the event of an alarm sounding you should evacuate the building using the nearest fire exit, normally through the Council Chamber. You should assemble in the Nottingham Forest car park adjacent to the main gates.

**Toilets** - Facilities, including those for the disabled, are located opposite Committee Room 2.

**Mobile Phones** – For the benefit of other users please ensure that your mobile phone is switched off whilst you are in the meeting.

**Microphones** - When you are invited to speak please press the button on your microphone, a red light will appear on the stem. Please ensure that you switch this off after you have spoken.

## RUSHCLIFFE BOROUGH COUNCIL

### ALCOHOL AND ENTERTAINMENTS LICENSING SUB-COMMITTEE

#### *Procedure for hearing of application to vary premises licence* (Licensing Act 2003, ss. 34 and 35)

#### **Definitions:**

“the Act” means the Licensing Act 2003

“interested party” has the meaning given in section 13(3) of the Act

“the licensing objectives” are –

- (a) the prevention of crime and disorder;
- (b) public safety;
- (c) the prevention of public nuisance;
- (d) the protection of children from harm

“party to the hearing” means those persons to whom notice of hearing is to be given in accordance with regulation 6 of the Regulations

“the Regulations” means the Licensing Act 2003 (Hearings) Regulations 2005

“relevant representations” has the meaning given in section 35(5) of the Act

“responsible authority” has the meaning given in section 13(4) of the Act

#### **General:**

The hearing will normally take place in public.

The hearing will be by way of a discussion led by the Chairman.

Cross-examination will not be permitted unless the sub-committee considers that cross-examination is required for it to consider the representations, application or notice as the case may require.

The sub-committee will determine the application by considering the relevant representations received.

Relevant representations in this case means representations which -

- are about the likely effect of the grant of the application on the promotion of the licensing objectives;
- are made by responsible authorities or interested parties within the prescribed time periods;
- have not been withdrawn; and
- in the case of interested parties, are not representations which are, in the opinion of the licensing authority, frivolous or vexatious.

## **Introductions:**

1. The Chairman (or Legal Adviser to the sub-committee) will explain the reason for the hearing.
2. The Chairman (or Legal Adviser to the sub-committee) will identify the parties to the hearing, their representatives/persons assisting them, any witnesses or other persons who wish to speak/appear.
3. The sub-committee will decide whether permission to appear should be given to any person present who is not a party to the hearing.
4. The Chairman (or Legal Adviser to the sub-committee) will enquire whether the parties have received, read and understand this procedure note and will answer any questions and give further guidance on the procedure to be followed as appropriate.
5. The Chairman (or Legal Adviser to the sub-committee) will check that the parties have received all relevant documentation.
6. The Chairman (or Legal Adviser to the sub-committee) will enquire of the parties (and those to whom the sub-committee has given permission to appear) how long they anticipate they will be in:-
  - (a) giving further information in support of their application, representations or notice in response to any notice given by the licensing authority under regulation 7(d) of the Regulations
  - (b) questioning another party
  - (c) addressing the sub-committee
7. The sub-committee will seek to agree with the parties a maximum period of time for the parties to exercise those rights.

## **Procedure:**

### ***Licensing Officer***

8. The **Licensing Officer** will outline the relevant details of the application and relevant representations received in respect of it and give such advice and assistance in relation to the authority's licensing policy, government guidance and the law as appropriate.

### ***The Applicant's Case***

9. The Chairman will then ask **the applicant** to
  - outline their application
  - give further information in response to any request for clarification on a point from the authority
  - address the relevant representations
  - call any witnesses/give evidence, as permitted by sub-committee
10. **After each speaker or witness** the Chairman will:-

- enquire whether any of the **responsible authorities** have any **questions** for that speaker or witness and may then permit such questions as the sub-committee deem appropriate to be put
  - enquire whether any of the **interested parties** have any **questions** for that speaker or witness and may then permit such questions as the sub-committee deem appropriate to be put
  - enquire whether any member of the **sub-committee** or the Legal Adviser have any **questions** for that speaker or witness and may then permit such questions as the sub-committee deem appropriate to be put
11. The **applicant** will then be permitted to clear up any points arising from the questioning.

### ***The Responsible Authorities***

12. The Chairman will then ask each of **the responsible authorities** in turn to
- outline their relevant representation
  - give further information in response to any request for clarification on a point from the authority
  - address the relevant part of the application or notice
  - call any witnesses/give evidence, as permitted by sub-committee
13. **After each speaker or witness** the Chairman will:-
- enquire whether any of the **other responsible authorities** appearing have any **questions** for that speaker or witness and may then permit such questions as the sub-committee deem appropriate to be put
  - enquire whether any of the **interested parties** have any **questions** for that speaker or witness and may then permit such questions as the sub-committee deem appropriate to be put
  - enquire whether the **applicant** have any **questions** for that speaker or witness and may then permit such questions as the sub-committee deem appropriate to be put
  - enquire whether any member of the **sub-committee** or the Legal Adviser have any **questions** for that speaker or witness and may then permit such questions as the sub-committee deem appropriate to be put
14. The officer for the **relevant authority** will then be permitted to clear up any points arising from the questioning.

### ***Interested Parties***

15. The Chairman will then ask each of **the interest parties** in turn to

- outline their relevant representation
- give further information in response to any request for clarification on a point from the authority
- address the relevant part of the application or notice
- call any witnesses/give evidence, as permitted by sub-committee

16. **After each speaker or witness** the Chairman will:-

- enquire whether any of the **other responsible authorities** appearing have any **questions** for that speaker or witness and may then permit such questions as the sub-committee deem appropriate to be put
- enquire whether any of the **interested parties** have any **questions** for that speaker or witness and may then permit such questions as the sub-committee deem appropriate to be put
- enquire whether the **applicant** have any **questions** for that speaker or witness and may then permit such questions as the sub-committee deem appropriate to be put
- enquire whether any member of the **sub-committee** or the Legal Adviser have any **questions** for that speaker or witness and may then permit such questions as the sub-committee deem appropriate to be put

17. The **interested party** will then be permitted to clear up any points arising from the questioning.

### ***Closing Statements***

18. The Chairman will invite closing statements from the parties in the following order:-

- interested parties;
- responsible authorities;
- applicant

### ***Exclusion of Public***

19. The sub-committee will then normally declare that there is an overriding public interest in excluding the public from their deliberations in determining the application, which outweighs the public interest in that part of the hearing taking place in public.

### ***Decision***

20. The sub-committee will then retire to consider its decision.

21. The sub-committee will then return to give its decision in public. The Chairman will inform those present that the reasons for the decision will be transmitted in writing to the parties in due course.

**NB - The Chairman may vary the procedure as considered appropriate to promote the discussion.**