

Licensing Sub-Committee Information

Terms of Reference

The Licensing Sub-Committee will undertake all functions of the Authority under the Licensing Act 2003 and the Gambling Act 2005 so delegated by the Licensing Committee in particular, the consideration of current licenses or applications for licenses where a valid representation has been made and not withdrawn.

Meetings will be held in public, with the full right of attendance for all Councillors, public and press, except where a matter is deemed to be confidential in accordance with the public interest test. An agenda for the Sub-Committee (including the Licensing Officer's report and representations) will be circulated in advance of the meeting in accordance with the requirements of the Licensing Act 2003 (Hearing) Regulations 2005 (Section 6) and the Gambling Act 2005 (Proceedings of Licensing Committees and Sub-committees) Section 9.

Notice of Hearings

A hearing must be held within a prescribed period of time where relevant representations are made in respect of any licensing application or issue of a Temporary Event Notice (Licensing Act 2003) and notices will be sent to each party informing them of the date.

Anyone who has made representations and wishes to address the Sub-Committee must inform Committee Services by e-mail or telephone **at least one day before** the date of the hearing.

The table below lists matters dealt with by the Sub-Committee:

Matters to be dealt with by the Sub Committee	
Application for personal licence	If a Police objection made
Application for personal licence with unspent convictions	All cases
Revocation or suspension of personal licence by local authority where it becomes aware of convictions or immigration penalties	All cases
Application for premises licence/club premises certificate	If a relevant representation made.
Application for provisional statement	If a relevant representation made

Application to vary premises licence/club premises certificate	If a relevant representation made.
Application to vary designated premises supervisor	If a police objection
Application for transfer of premises licence	If a police objection
Applications for interim authorities	If a police objection
Application to review premises licence/club premises certificate	All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases
Determination of a police objection to a temporary event notice.	All cases

When determining licensing applications and related matters Council Officers and Councillors must adhere to important principles set out in legislation and Central Government Guidance.

What Members must take into account:

The Licensing Authority has a duty under the Licensing Act to carry out its functions with a view to promoting the licensing objectives. The licensing objectives are: -

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The Licensing Authority has a duty under the Gambling Act to carry out its functions with a view to promoting the gambling licensing objectives. Those objectives are: -

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
- Ensuring that gambling is conducted in a fair and open way, and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

What Members should not take into account:

- Whether the premises will be open to the public. Current permitted hours under Planning Consent.
- The nature of any plays or the manner of performing plays except where necessary in the interests of physical safety or health.
- The number of other similar venues in the locality.

Appeals Against Decisions

Any person aggrieved by the decision of the Licensing Sub-Committee can appeal to the Magistrates' Court.

LEAD OFFICERS

Ian Andrews

Jane Dyer

Kamaljit Jandu

Group Leader, Licensing and Commercial

Licensing Team Manager

Senior Lawyer, Prosecutions & Licensing

Amendment to procedures

This meeting is being streamed live on the Council's YouTube Channel and a recording of this meeting will be available to view for one year after this meeting.

To ensure the smooth running of these virtual meetings, some of the Council's procedures have been amended in accordance with emergency powers.

The following additional procedure rules will apply to Licensing Sub-Committee hearings which will be held via the online Zoom facility.

- During the meeting, all participants will be in control of their own microphone on Zoom.
- The microphone should be set to mute at all times until the Chairperson invites you to address the Sub-Committee
- If you wish to speak during the discussion part of the hearing, you should do so by activating the 'raised hand' function in Zoom. Please be patient, the Chairperson will be aware you wish to speak and will come to you in due course
- The Chairperson will have complete discretion of the procedure to be adopted for the meeting and the order in which those entitled to address the Sub-Committee are permitted to make his or her submissions. Please remember to switch off the raised hand function once you have finished your submission to the Sub-Committee.
- If the Chairperson needs to adjourn the meeting, s/he will announce the time of adjournment and indicate when the meeting will be reconvened, and all participants should stay in the meeting until the meeting has ended.
- Upon conclusion of submissions and discussions, the hearing will come to an end. The Sub-Committee will then retire to deliberate its decision. The decision of the Sub-Committee will be notified to all parties by email, and a full written decision will be provided within 5 working days together with rights of appeal

Procedure for Considering Licensing Applications under the Licensing Act 2003

Note: Only those parties who have made written representations in advance will be invited to and allowed to address the licensing hearing. At the start of the meeting the Chair will, confirm that all parties present have a copy of the procedure to be followed and, give an outline.

The hearing shall not be adversarial but will take the form of a discussion led by Members. 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 Chair has strict control of the time. Each side, parties speaking in support of, or against, granting of the licence will have a total of 15 minutes to address the meeting. Those wishing to, may elect a spokesperson from among their number to address the Sub Committee. The Chair will remind all present that any documentary or other information they wish to produce in support of their application or representations, must have been disclosed to all parties prior to the hearing taking place. No additional material may be produced at the hearing except with the consent of all the parties.

The Sub-Committee will disregard any information given by any party which is not relevant to —

- (a) their application, representations or notice (as applicable) or in the case of the objectors, the application representations or notice of the party requesting their appearance, and
- (b) the promotion of the licensing objectives or, in relation to a hearing to consider a notice given by a chief officer of police, the crime prevention objective.

The Sub-Committee may require any person attending the hearing who, in their opinion, is behaving in a disruptive manner to leave the hearing and may —

- (a) refuse to permit that person to return, or
- (b) permit them to return only on the conditions that they give an assurance of no further interruptions.

Members of the Sub-Committee shall have the opportunity to ask questions at any time.

1. The Chair will ascertain whether the parties and their witnesses, if any, are present. If any party has indicated that they will not attend or failed to indicate whether or not they will attend, the Sub-Committee may hold the hearing in that party's absence or decide to adjourn.
2. Where the applicant is present the Chair will ascertain that they understand that they may be assisted or represented, legally or otherwise.
3. The Lead Officer will give details of each application in each case and of the number and type of objections/representations received as set out in the report.
4. The applicant or their representative and their witnesses will then be invited to address the Sub-Committee confirming why they consider the issues that have been raised are irrelevant with regard to the licensing objectives and why they consider the Sub-Committee should grant the application, or notice, as applicable. Any new evidence will only be considered with the consent of all the parties. The maximum amount of time allowed will normally be 15 minutes however this may be extended at the discretion of the Chair depending on the complexity of the application.
5. Those making representation, or their representatives, will be invited to address the Sub-Committee confirming why they consider the issues they have raised to be relevant to the licensing objectives and sufficient to object to the application or notice as applicable. Any new evidence will only be considered with the consent of all the parties. The maximum amount of time allowed will normally be 15 minutes divided between those making representations however this may be extended at the discretion of the Chair depending on the complexity of the application.
6. A discussion involving all parties will ensue. Permission for cross-examination, if considered necessary, will be given.