



**Committee:** LICENSING ACT SUB-COMMITTEE

**Date:** WEDNESDAY, 7 OCTOBER 2009

**Venue:** LANCASTER TOWN HALL

**Time:** 10.30 A.M.

## **A G E N D A**

1. **Morecambe Superbowl, Morecambe** (Pages 1 - 70)

Application for review of premises licence.

### **ADMINISTRATIVE ARRANGEMENTS**

**(i) Membership**

Councillors Bob Roe (Chairman), Roger Dennison and Sylvia Rogerson

**(ii) Queries regarding this Agenda**

Please contact Tom Silvani, Democratic Services - telephone (01524) 582132 or email [tsilvani@lancaster.gov.uk](mailto:tsilvani@lancaster.gov.uk).

MARK CULLINAN,  
CHIEF EXECUTIVE,  
TOWN HALL,  
DALTON SQUARE,  
LANCASTER LA1 1PJ

Published on 23 September 2009.

**Meeting of:** LICENSING ACT SUB-COMMITTEE

**Date:** 7th OCTOBER 2009

**Report of:** LICENSING MANAGER

**Reference:** SW

**Title:** MORECAMBE SUPERBOWL  
CENTRAL DRIVE  
MORECAMBE  
LA4 4DW

LICENSING ACT 2003 – APPLICATION FOR REVIEW OF PREMISES  
LICENCE

**Members of the Sub-Committee have the following documents attached to this report:**

- 1. Copy of application for review of premises licence (pages 8 - 65)**
- 2. Copy of notice of review posted on the premises (page 66)**
- 3 Notice of hearing (pages 67 - 70)**

### **Current Licence under Licensing Act 2003**

Morecambe Superbowl, Central Drive, Morecambe, LA4 4DW is currently covered by a premises licence the Licensing Act 2003. The licence provides for the following licensable activities:-

Regulated entertainment including indoor sporting events, the performance of live and recorded music and the provision of facilities for dancing:

|                     |                |
|---------------------|----------------|
| Monday to Wednesday | 10.00 to 00.00 |
| Thursday            | 10.00 to 00.30 |
| Friday to Saturday  | 10.00 to 01.00 |
| Sunday              | 10.00 to 23.00 |

The provision of late night refreshment:

|                    |                |
|--------------------|----------------|
| Thursday           | 23.00 to 00.30 |
| Friday to Saturday | 23.00 to 01.00 |
| Sunday             | 23.00 to 00.00 |

The sale by retail of alcohol for consumption on the premises only:

Monday to Wednesday 10.00 to 00.00

|                    |                |
|--------------------|----------------|
| Thursday           | 10.00 to 00.30 |
| Friday to Saturday | 10.00 to 01.00 |
| Sunday             | 10.00 to 23.00 |

## **Details of Review Application**

Under Section 51 of the Licensing Act 2003, the Chief Constable of Lancashire Constabulary has submitted an application for a review of the premises licence for Morecambe Superbowl, Central Drive, Morecambe, LA4 4DW.

A copy of the application for review of the above premises licence, which includes a copy of the current premises licence, is at Document 1.

## **Legal background to Review Application**

Under Section 51 (1) of the Licensing Act 2003, a responsible authority or interested party may apply to the licensing authority for the review of a licence.

The grounds for review must relate to one or more of the licensing objectives and as Members will be aware, these are:

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

An application for review must be copied to the premises licence holder and to the responsible authorities. Once such an application is received, the licensing authority must place a notice at the premises, and there is then a period of 28 days during which representations may be made to the licensing authority.

A copy of the notice which was displayed at the premises during the 28 day period is attached at Document 2. Licensing Enforcement Officers made occasional checks throughout the 28 day period to satisfy that the notice was still in place.

No representations have been received in respect of the review application for Morecambe superbowl from any other responsible authorities, or from any interested parties.

The licensing authority is required to arrange a hearing within 20 working days of the expiry of the period for making representations, and ten working days' notice of the hearing must be given. These time limits have been complied with, and a copy of the Notice of Hearing is attached as Document 3.

## **Matter for Decision**

The Sub-Committee is requested to consider the Chief Constable's application for review of the premises licence.

In accordance with Section 52 (3) and (4) of the Licensing Act 2003, the Sub-Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

- (a) to modify the conditions of the licence,
- (b) to exclude a licensable activity from the scope of the licence,
- (c) to remove the designated premises supervisor
- (d) to suspend the licence for a period not exceeding three months,
- (e) to revoke the licence

The matter for decision, therefore, is which, if any, of these steps should be taken.

### **Government Guidance under Section 182 of the Licensing Act 2003**

In relation to crime and disorder, Members may wish to note that paragraph 2.1 of the Guidance issued by the Government under Section 182 of the Licensing Act 2003 states that “The steps any licence holder or club might take to prevent crime and disorder are as varied as the premises or clubs where licensable activities may be carried on. Licensing authorities should therefore look to the police as the main source of advice on these matters”.

With regard to the powers of the Licensing Authority on the determination of a review, paragraph 11.16 states that “The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach”.

### **Relevant Parts of the Council’s Statement of Licensing Policy**

With regard to the protection of children from harm the Policy provides as follows:

#### **7. Protection of Children**

7.1 The Licensing Authority recognises the great variety of premises for which licences may be sought. These will include theatres, cinemas, restaurants, pubs, nightclubs, cafes, take-aways, community halls and schools. Access by children to all types of premises will not be limited in any way unless it is considered necessary to do so in order to protect them from physical, moral or psychological harm. Equally, no premises will be obliged to allow access by children.

7.2 If relevant representations are received in relation to limiting access to children, the Licensing Authority will judge each application on its own individual merits. Examples which may give rise to concern in respect of children would include premises:-

- where entertainment of an adult or sexual nature is provided
- where there is a strong element of gambling taking place (but not, for example, the simple presence of a small number of cash prize gaming machines)

- with a known association with drug taking or dealing
- where there have been convictions of current members of staff for serving alcohol to those under 18
- with a reputation for under age drinking

7.3 In the case of premises which are used for film exhibitions, conditions will be imposed restricting access only to those who meet the required age limit in line with any certificate granted by the British Board of Film Classification or, in specific cases, a certificate given to the film by the Licensing Authority itself.

7.4 The options available for limiting access by children would include:-

- a limit on the hours when children may be present
- a limitation or exclusion when certain activities are taking place
- the requirement to be accompanied by an adult
- access may be limited to parts of the premises but not the whole
- an age limitation (for under 18s)

7.5 The Licensing Authority will not impose any condition which specifically requires access for children to be provided at any premises. Where no restriction or limitation is imposed the issue of access will remain a matter for the discretion of the individual licensee or club.

7.6 Under the Act, certain “responsible authorities” must be notified of and are entitled to make representations about applications for premises licences or club premises certificates or major variations of such licences or certificates, or to ask the licensing authority to review a licence or certificate. Applicants for premises licences and club premises certificates are required to send details of their applications to these bodies. In connection with the protection of children the Licensing Authority considers the local Area Child Protection Committee to be the responsible body to which applications should be copied.

7.7 Where a large number of children are likely to be present on any licensed premises, for example a children’s show or disco, the applicant may wish to consider including in the operating schedule arrangements for the presence of an appropriate number of adult staff to ensure public safety and the protection of the children from harm. The applicant should also consider whether employees working at the premises for such events and having unsupervised contact with children should have an enhanced Criminal Records Bureau check.

7.8 Children may also be present at an event as entertainers, and where they are not accompanied by a parent or guardian, the applicant may wish to consider nominating an adult responsible for such child performers at such performances. The applicant should also consider whether a nominated adult should have had an enhanced CRB check.

7.9 Applicants may wish to include in their operating schedules arrangements to ensure that children will be restricted from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or the Licensing Authority itself. The Act provides that it is mandatory for a condition to be included in all premises licences and club premises certificates authorising the exhibition of films for the admission of children to the exhibition of any film to be restricted in accordance with the recommendations given to films either by the British Board of Film Classification or by the licensing authority itself.

7.10 The following matters will also be considered in relation to the protection of children from harm:

- Whether access of children to cigarette machines is restricted
- Whether access of children to any gaming machines is restricted
- Where appropriate, the procedures for ensuring that any customer coming onto the premises is over the age of 18
- The steps taken to ensure that, where appropriate, all staff involved in the management of the premises have the capability, responsibility and training to supervise other staff and to ensure that the premises are operated in such a manner as to protect children from harm

7.11 Applicants may wish to indicate in the operating schedule how the protection of children from harm will be addressed. The above items are not intended to be exhaustive, and the applicant should have considered all relevant aspects of the protection of children from harm applicable to the particular premises.

With regard to the prevention of crime and disorder the Policy provides as follows:

**9. The prevention of crime and disorder**

9.1 The central concerns of licensing in relation to law and order are acts of violence and vandalism brought about by consumption of alcohol and the use of licensed premises as part of a distribution network for illegal drugs.

9.2 It is not the function of licensing to impose good practice in the adoption of wider crime reduction measures, such as those for securing premises outside of trading hours. It is also not a purpose of licensing to require that measures be put in place to enhance the opportunities for gathering evidence in relation to crime of a general nature. However, the Licensing Authority recognises that CCTV cameras at premises have an important role in preventing crime and disorder.

9.4 The Licensing Authority's starting point is to seek a reduction in crime and disorder throughout the area, consistent with its statutory duty under section 17 of the Crime and Disorder Act 1998. Licences may be granted if applicants can demonstrate that a positive reduction in crime and disorder will result, or that it will not increase, as a result of the application being granted.

9.5 Where there are relevant representations, the Licensing Authority will generally not grant a licence where it is likely that the premises will be used for unlawful purposes or where it is considered that the use of the premises is likely to cause an increase in crime and disorder in the area or the premises and this cannot be prevented by the imposition of conditions. When addressing crime and disorder, the applicant should identify any particular issues which are likely to adversely affect the promotion of the objective to prevent crime and disorder, taking account the location, size and likely clientele of the premises, and the type of entertainment (if any) to be provided. Such steps as are required to deal with these issues should be included within the applicant's operating schedule, and may include:

- Use of CCTV inside and outside the premises. The Lancashire Constabulary has produced suggested minimum requirements for CCTV and these are available from the Lancashire Constabulary or from the Licensing Authority's administrative staff
- Use of metal detection or other search equipment or procedures
- Crime and disorder risk assessment in relation to the proposed activities
- Measures to prevent the use or supply of illegal drugs and procedures for searching customers
- Ensuring that all staff are appropriately trained
- Ensuring that all staff involved in the management of the premises have the capability, responsibility and training to supervise other staff and to ensure that the premises are operated in such a manner as to prevent crime and disorder
- Employment of sufficient security staff where appropriate, controlling admission, monitoring capacity within the premises as a whole and in separate rooms/levels and patrolling the interior and exterior of the premises (any such staff must be licensed by the Security Industry Authority). The Licensing Authority recognises that there is a greater need for security staff in some premises than in others. For example there will be a greater need for security staff in a town centre nightclub than in a village pub. It will be for the applicant to consider the appropriate number of doorstaff required for the particular premises.
- Ensuring that a register of doorstaff and their working times is maintained
- Participation in Pub Watch, Best Bar None or other relevant schemes and using radio links/pages as a means of connecting to other licensed premises.
- Use of plastic or polycarbonate glasses and bottles, where appropriate, or toughened glass. Applicants are advised that the Government believes that a risk-based, rather than blanket, approach to requiring licensed premises to use safer alternatives is the best way to tackle the problem of glass-related injuries
- Wherever possible, agreed protocols with police and other organisations and a commitment to co-operate and provide such evidence as the Police require.
- Adopting the "Night Safe Initiative" and "Safer Clubbing Guide" as statements of best practice
- Following the trade codes of practice, for example BBPA and Portman Group, and not carrying out any irresponsible drinks promotions
- Providing a suitable environment for customers having regard to the activities going on in the premises, in particular appropriate levels of seating
- Ensuring that there are sufficient transport facilities available to ensure that customers can leave the premises safely and swiftly.
- Maintaining an incident log
- The steps the applicant has taken to prevent crime and disorder issues from occurring in any open air parts of the premises, beer gardens, smoking shelters or areas that are used on an ad-hoc basis by patrons with the management consent for smoking, due to location, control within and management of such areas.

It should be noted that this list is not intended to be exhaustive. It may be appropriate for the applicant to consider other steps. Equally, the Licensing Authority recognises that not all the items in the list will be applicable to all premises.

9.6 Following the receipt of relevant representations, the Licensing Authority will not normally allow a person to be specified as a designated premises supervisor where that is likely to undermine the prevention of crime and disorder by reason of that person's known past conduct. A person is likely to be considered unsuitable if he has previous unspent convictions for a relevant offence, notwithstanding that he may

have been granted a personal licence. However, each case would be considered on its own merits in the light of representations received.

Members will of course be mindful that the Policy covers all types of premises in all types of location, and that not all the measures referred to above will be relevant to all premises.

Members are reminded that they should consider each application on its merits, and in the light of all the written and oral information before them at the hearing

### **Natural Justice and Human Rights**

Members are reminded that they must follow the rules of natural justice, and must also consider human rights implications.

In particular, in accordance with Article 6, all parties are entitled to a fair hearing.

Consideration also needs to be given to the right to respect for private and family life and home, contained within Article 8, although this is a qualified right, and interference is permitted where this is in accordance with the law, or is necessary in a democratic society in the interests of public safety or the prevention of crime and disorder, or for the protection of the rights and freedoms of others. Article 1 of the First Protocol provides that every person is entitled to the peaceful enjoyment of his possessions, although again this right is qualified in the public interest.

### **Conclusion**

Members should consider the application for review of the premises licence and any steps it considers necessary for the promotion of the licensing objectives.

**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Chief Constable Lancashire Constabulary

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 (delete as applicable)**

**Part 1 – Premises or club premises details**

|  |                                     |
|--|-------------------------------------|
| <b>Postal address of premises or, if none, ordnance survey map reference or description</b><br>Morecambe Superbowl<br>Central Drive<br>Morecambe |                                     |
| <b>Post town</b> Morecambe   | <b>Post code (if known)</b> LA4 4DW |

|  |
|--|
| <b>Name of premises licence holder or club holding club premises certificate (if known)</b><br>Taylors Superbowl Ltd |
|--|

|  |
|--|
| <b>Number of premises licence or club premises certificate (if known)</b><br>LAPLWA 0398 |
|--|

**Part 2 - Applicant details**

I am

**Please tick yes**

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
  - b) a body representing persons living in the vicinity of the premises
  - c) a person involved in business in the vicinity of the premises
  - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A)  below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

**Please tick**

Mr  Mrs  Miss  Ms  Other title (for example, Rev)

**Surname**

**First names**

I am 18 years old or over

**Please tick yes**

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

**Name and address**

**Telephone number (if any)**

**E-mail address (optional)**

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

|  |
|--|
| Name and address<br>Lancashire Constabulary<br>Licensing Unit<br>Thurnham Street<br>Lancaster<br>LA1 1YB |
| Telephone number (if any)<br>[REDACTED]  |
| E-mail address (optional)<br>[REDACTED]  |

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

**Please state the ground(s) for review (please read guidance note 1)**

The premises have been the subject of 2 failed test purchase operations in a 9 month period namely November 2008 and July 2009.

A test purchase operation was undertaken by officers from the Licensing Department, Northern Division on Saturday 15<sup>TH</sup> November 2008, where 2 15 year old females attempted to purchase alcohol being under age and without any recognisable means of identification. The sale was made and the young persons were sold 2 bottles of blue WKD.

The sale was made by a Chantelle Leeming who was ultimately issued with a penalty notice for disorder by PC 2643 Cheetham.

On Tuesday 2<sup>nd</sup> December 2008 a licensing surgery was conducted at the premises with the manager, Elleray Taylor and Andrew McClatchie the Designated Premises Supervisor together with PC Bernhardt from the Licensing Department. The purpose of the surgery was ascertain what measures were in place pertaining to staff training and underage sales.

It was evident that any training was unstructured and non verifiable due to the complete lack of any documentation. The refusals/challenge book was inadequate, there was no till prompt in place and no refresher training existed whatsoever.

It was recommended that an induction training package, refresher training package should be implemented forthwith together with an adequate refusals/challenge book and a till prompt for alcohol sales. It was advised that all training records should be held on the premises for at least 12 months and to be produced to the police or other statutory authority.

On Friday 24<sup>th</sup> July 2009 officers from the Licensing Department, Northern Division conducted a second test purchase operation at the same premises together with officers from the Trading Standards Department where two 16 year old young persons, male and female, attempted to purchase alcohol being under age and without any recognisable means of identification. The sale was made and the male young person bought a pint of Foster Lager and a glass of white wine.

The sale was made by a Michael Jenkinson who was ultimately issued with a penalty notice for disorder by PC Bernhardt.

A subsequent surgery was held at the premises with Elleray Taylor and Andrew McClatchie together with PC Bernhardt, the purpose of which was to establish what training methods were in place regarding under age sales and indeed to assess the recommendations of the previous surgery.

The officer noted that all previous recommendations had been fully implemented, the existing Age Check DVD was still being utilised for both initial and refresher training however documented knowledge tests and dated endorsements for all members of staff were in evidence. Other documentation in the form of in house exercises were also available.

The premises now adopted a 'challenge 25' policy, the challenge/refusals book was in order and utilised regularly and a new till system with a prompt for alcohol sales was now in place. Underage signag was also evident.

**Please provide as much information as possible to support the application**  
(please read guidance note 2)

A full evidence pack is available with this application.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

| Day                  |                      | Month                |                      | Year                 |                      |
|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| <input type="text"/> |

**If you have made representations before relating to this premises please state what they were and when you made them**

N/A

Please tick yes

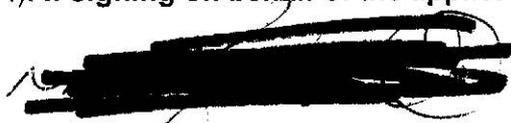
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date 10/08/09

Capacity Licensing Officer

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Document is Restricted

**NOTICE OF AN APPLICATION FOR A REVIEW OF  
PREMISES LICENCE FOR Morecambe Superbowl ,  
Central Drive , Morecambe**

**TAKE NOTICE THAT the Chief Constable of Lancashire Constabulary** has applied to Lancaster City Council (The Licensing Authority), for a **Review of the Premises Licence** in respect of the above premises.

The grounds of the application for review as stated by the Chief Constable relates to the following licensing objectives (1) the prevention of crime and disorder , (3) the protection of children from harm.

Any interested parties or responsible authorities may make representations on this application to the Licensing Authority, and any such representations should be submitted in writing by the 15<sup>th</sup> September 2009 to **The Licensing Manager, Legal Services, Town Hall, Dalton Square, Lancaster, LA1 1PJ** or by email to [licensing@lancaster.gov.uk](mailto:licensing@lancaster.gov.uk).

The full application may be viewed at **Town Hall Dalton Square Lancaster** between 10.00 – 12.00 and 14.00 and 16.00 Mon – Fri.

**IT IS AN OFFENCE**, to knowingly or recklessly make a false statement in connection with an application, and the maximum fine for which a person is liable on summary conviction for the offence is £5000.

Dated this day 18<sup>th</sup> August 2009.

Steve Wearing, Licensing Manager, Palatine Hall, Dalton Square, Lancaster, LA1 1PW

**LANCASTER CITY COUNCIL**

**LICENSING ACT 2003 AND THE LICENSING ACT 2003 (HEARINGS)  
REGULATIONS 2005**

**NOTICE OF HEARING**

To: The Applicants: **Chief Constable Lancashire Constabulary**

The Licence Holder: **Taylor's Superbowl Ltd**

**THE LANCASTER CITY COUNCIL, AS LICENSING AUTHORITY, HEREBY GIVES YOU NOTICE** that a hearing before a Sub-Committee of the Licensing Act Committee to consider relevant representations in respect of a review under Section 51 of the Licensing Act 2003 in respect of premises known as **Morecambe Superbowl**, will take place on the **7th October 2009** at **Lancaster Town Hall**, commencing at **10.30 a.m.**

**AND TAKE NOTICE THAT** each party as listed above is required to give to the Licensing Authority by no later than five working days before the day of the hearing a notice in writing stating whether that party intends to attend or be represented at the hearing, and whether he or she considers a hearing to be unnecessary.

**AND TAKE NOTICE THAT** if a party wishes any other person (other than the person he/she intends to represent him at the hearing) to appear at the hearing, the notice given by that party and referred to in the preceding paragraph must contain a request for permission for such other person to appear at the hearing, and must set out details of the name of that person and a brief description of the point or points on which that person may be able to assist in connection with the matter to be considered by the Sub-Committee.

**GIVEN** this 21st day of September 2009 by the Lancaster City Council as Licensing Authority.

## INFORMATION TO ACCOMPANY NOTICE OF HEARING

### 1. Right of attendance, assistance and representation

A party may attend the hearing and may be assisted or represented by any person, whether or not that person is legally qualified.

The hearing will generally take place in public. However, the Sub-Committee may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking part in public. In such circumstances, a party and any person assisting or representing a party may be treated as a member of the public. The Sub-Committee will exclude the public (and the parties and their representatives) during the decision making process.

The Sub-Committee may require any person attending the hearing who in its opinion is behaving in a disruptive manner to leave the hearing, and may refuse to permit that person to return, or permit him to return only on such conditions as the Sub-Committee may specify. However, such a person may, before the end of the hearing, submit to the Sub-Committee in writing any information which he would have been entitled to give orally had he not been required to leave.

### 2. Representations and Supporting Information

At the hearing a party shall be entitled to:

- (a) Give further information as applicable in response to a point upon which notice has been given to that party that clarification is required. (Note – if such clarification is required from a party this will have been indicated in the Notice of Hearing).
- (b) Question any other party, but only if given permission by the Sub-Committee; and
- (c) Address the Sub-Committee

### 3. Failure of Parties to attend the Hearing

If a party has given notice that he does not intend to attend or be represented at a hearing, the hearing may proceed in his absence.

If a party who has not so indicated fails to attend or be represented at a hearing, the Sub-Committee may, where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or hold the hearing in the party's absence. If the hearing proceeds in a party's absence, the Sub-Committee will consider and give appropriate weight to the application, representation or notice given by that party in their absence.

### 4. Representations and Evidence

A party who wishes to rely on information or documentary evidence that has not been submitted in advance of the issue of the Notice of Hearing should ensure that such information or evidence, together with sufficient copies for all the parties, is submitted to the Licensing Manager at least **7 days before** the day of the hearing.

Parties are reminded that documentary or other information submitted on the day of the hearing may only be taken into account with the consent of all the other parties.

A party who wishes to produce audio/visual evidence should make such evidence available as soon as practical, and should give a minimum of two clear working days notice to the Licensing Manager to facilitate arrangements for the appropriate equipment to be available at the hearing.

## **5. Procedure**

A summary of the procedure that will normally be followed at the hearing is enclosed.

It should be noted that this is a general procedure intended to cover matters that will normally be applicable at all hearings.

However, depending on the circumstances of each individual case, it is recognised that other issues may need to be considered as preliminary points at the hearing. These may include (but are not limited to):

- Whether to proceed in the absence of a party
- Whether to admit new documents/information submitted at the hearing
- Whether it is in the public interest to exclude members of the public from the hearing or any part of the hearing (other than the decision making process)
- Whether any party wished to withdraw representations previously submitted

## **6. Special Needs**

Any person who intends to attend a hearing and who has special needs, for example in connection with access, language, hearing or vision, should inform the Licensing Manager as soon as practical prior to the day of the hearing, so that appropriate provision or arrangements may be made.

**PROCEDURE TO BE FOLLOWED AT HEARINGS TO WHICH THE LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005 APPLY**

1. The Chairman will introduce the Members and the Legal Adviser and Democratic Support Officer.
2. The Chairman will ask the parties to introduce themselves and any persons with them.
3. The Chairman will confirm that there is no reason why any of the three sub-committee Members should not participate in this matter.
4. The Chairman will confirm that this is a discussion led by the authority, that any questions should generally be put through the Chairman, and that cross-examination will only be permitted if the Sub-Committee considers that it is necessary.
5. The Chairman will ask the parties if they have any requests to cross-examine, and such requests will be considered by the Sub-Committee.
6. The Sub-Committee will consider any requests from the parties for permission for another person to appear at the hearing.
7. The Chairman will explain to the parties that the procedure to be followed will be the published one (unless the circumstances of the case require the normal procedures to be varied) – that is,
  - that the Licensing Manager (or his representative) will introduce the details of the application, the reason for the hearing, and the documentation,
  - that each party making representations will address the sub-committee in turn and will call other persons where permission has been given
  - that the applicant/licence holder will present his case and will call other persons where permission has been given
  - that Members may ask questions of all parties and persons
  - that questions from the parties must be directed through the Chairman unless cross-examination has been permitted under 4 above
  - that all parties will have the opportunity to make a closing statement, with the applicant/licence holder having the final word
  - that the Sub-Committee will withdraw to make its decision and formulate the reasons for the decision in private, and will ask its Legal Adviser and the Democratic Support Officer to join it in order to assist in documenting the decision and the reasons, or to provide clarification on any point. The decision will be announced in public and confirmed in writing. (In certain circumstances, the decision may not be made on the same day as the hearing). In the event that the Legal Adviser has been asked for clarification on any point then the point raised and the advice given will be declared to all parties.
8. The Chairman will indicate the maximum period of time each party will be allowed in which to present their case, and will seek comments from the parties before the Sub-Committee makes its final indication on this point.
9. The hearing will then proceed following the procedure in 7 above. The Chairman will arrange for reasonable comfort breaks throughout the hearing.