



**Committee:** LICENSING ACT SUB-COMMITTEE

**Date:** THURSDAY, 13 JUNE 2013

**Venue:** LANCASTER TOWN HALL

**Time:** 10.30 A.M.

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

**1. Poulton Express No. 2, 86-88 Alexandra Road, Morecambe (Pages 1 - 19)**

Application for Variation of Licence to specify an individual as Designated Premise Supervisor

**2. New Pound Plus, 16A Heysham Road, Morecambe (Pages 20 - 42)**

Application for Variation of Licence to specify an individual as Designated Premise Supervisor

### **ADMINISTRATIVE ARRANGEMENTS**

**(i) Membership**

Councillors Roger Sherlock, Josh Bancroft and Helen Helme

**(ii) Queries regarding this Agenda**

Please contact Jane Glenton, Democratic Services - telephone: (01524) 582068 or email [jglenton@lancaster.gov.uk](mailto:jglenton@lancaster.gov.uk).

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

Published on Thursday, 6 June 2013.

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

**Date:** 13<sup>TH</sup> JUNE 2013

**Report of:** LICENSING MANAGER

**Reference:** WP

**Title:** POULTON EXPRESS NO. 2, 86-88 ALEXANDRA ROAD, MORECAMBE

**APPLICATION FOR VARIATION OF LICENCE TO SPECIFY AN INDIVIDUAL AS DESIGNATED PREMISE SUPERVISOR UNDER THE LICENSING ACT 2003**

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

- 1. Application form**
- 2. Copy of representation from the Chief Officer of Police, Lancashire Constabulary**
- 3. Copy of current premises Licence**
- 4. Notice of Hearing**

### **Details of Application**

Mr Methenan Puvanendrasa has submitted an application under Section 37 of the Licensing Act 2003 to vary the premises licence to specify himself as the designated premises supervisor in respect of Poulton Express No. 2, 86-88 Alexandra Road, Morecambe

Details of the application to vary the premises licence are set out in the application form, which is Document 1 attached to this report.

### **Representations**

Under Section 39(3) of the Act, it is necessary for a hearing to be held to consider the application, as a notice has been given under section 37(6) by the Chief Officer of police, Lancashire Constabulary

Lancashire Constabulary objected to this application on 14<sup>th</sup> May 2013 on the grounds that Mr Methenan Puvanendrasa was previously given a fixed penalty notice in March 2012 for selling alcohol to a person under the age of 18 years old contravening the protection of children from harm licensing objective.

A copy of the representation submitted by Lancashire Constabulary is at Document 2,

### **Notice of Hearing**

In accordance with the relevant Regulations, the parties have been given notice of the hearing. It was not felt necessary to request any clarification from the parties. The parties have been required in accordance with the Regulations to indicate at least five working days

before the hearing whether they intend to attend and/or be represented at the hearing and if they wish any witness to appear at the hearing. Any responses and any further documentation submitted by any of the parties after the circulation of this agenda will be circulated to Members in advance of the meeting. Members are reminded that documentary or other information submitted on the day of the hearing may only be taken into account with the consent of the Sub-Committee and all the parties.

### **Matter for Decision**

The Sub-Committee is requested to consider the application and the representation.

This is in accordance with Section 35(3) and (4) of the Act which provide as follows:

- (3) Where relevant representations are made, the authority must-
- (a) hold a hearing to consider them, unless the authority, the applicant and chief officer of police who gave the notice agree that a hearing is unnecessary, and
  - (b) having regard to the notice, reject the application if it considers it necessary for the promotion of the crime prevention objective to do so.

Members are reminded that the licensing objectives are:

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

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

2.42 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:

- Adult entertainment is provided.
- A member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 or 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal).
- It is known that unaccompanied children have been allowed access
- There is a known association with drug taking or dealing or
- In some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.

**Relevant Parts of the Council's Statement of Licensing Policy**

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

**12.0 Protection of Children**

12.1 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.

12.2 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

12.3 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.

12.4 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)

12.5 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.

12.6 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 matters concerning the protection of children from harm, the Licensing Authority regards the Lancashire Safeguarding Children Board as the 'responsible authority' within the terms of Section 13 (4).f of the Licensing Act.

- 12.7 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.
- 12.8 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.
- 12.9 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.
- 12.10 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

The Licensing Authority considers preventing children from obtaining alcohol from licensed premises to be of great importance in protecting them from harm. Applicants must, therefore, be able to demonstrate that they have in place, satisfactory arrangements to prevent sales of alcohol to children including a recognised or appropriate proof-of-age scheme. The Licensing Authority would be supportive of arrangements, which include incorporating any of the following:

- Passport.
- Photo Card driving licence issued in the European Union
- Proof of Age Standards Scheme Card (PASS)
- 'New type' driving licences with photographs.
- Official ID card issued by the HM Forces or by a European Union country bearing a photo and date of birth of holder

Staff should have received suitable training in relation to the proof of age scheme to be applied upon the premises and records evidencing this should be kept.

12.11 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.

12.12 It is the view of the Licensing Authority that children should not be exposed to entertainments of a sexual nature or to strong language at a too early an age. Conditions may be imposed, if representations are received, aimed at preventing such exposure either intentionally or accidentally. In some premises entertainment of an adult nature may be occasional or restricted to certain times of the day. In these cases, any restrictive conditions to protect children will apply only at these times. When submitting an application, if no reference is made to the provision of adult *entertainment* or services within an operating schedule at "Box N", then the Authority will interpret this to mean that such entertainment will not be provided and a condition to this effect will be applied to the licence

### **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 whether to grant the application for variation of the licence to specify an individual as designated premise supervisor under the Licensing Act 2003, or to reject the application. Members are reminded that they should state the reasons for their decision.

## Change of DPS &amp; Consent

Application to vary a premises licence to specify an individual as designated premises supervisor under the Licensing Act 2003

RECEIVED

10 MAY 2013

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/we METHUNAN PUVANENDRASA

(full name(s) of premises licence holder)

being the premises licence holder, apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003

Premises licence number

LAPL WA 0521

## Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference or description

POULTON EXPRESS 2  
86-88 ALEXANDRA RD  
MORCUMBE

Post town

MORCUMBE

Post code (if known)

LA3 1RT

Telephone number (if any)

01524 425861

Description of premises (please read guidance note 1)

CONVENIENCE STORE

Part 2

Full name of proposed designated premises supervisor  
METHENAN PUVANENDRASA

Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any)  
LAPA 22801

Full name of existing designated premises supervisor (if any)  
SINNATHAMBY VISITHARAN

Please tick yes

I would like this application to have immediate effect under section 38 of the Licensing Act 2003

I have enclosed the premises licence or relevant part of it

(If you have not enclosed the premises licence, or relevant part of it, please give reasons why not)

Reasons why I have failed to enclose the premises licence or relevant part of it

Please tick yes

- I have made or enclosed payment of the fee
- I will give a copy of this application to the chief officer of police
- I have enclosed the consent form completed by the proposed premises supervisor
- I have enclosed the premises licence, or relevant part of it or explanation
- I will give a copy of this form to the existing premises supervisor, if any
- 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 2)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (See guidance note 3). If signing on behalf of the applicant please state in what capacity.

Signature



Date

10/05/13

Capacity

**For joint applicants signature of 2<sup>nd</sup> applicant 2<sup>nd</sup> applicant's solicitor or other authorised agent** (please read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

Date

Capacity

<b>Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)</b>	
<b>Post town</b>	<b>Post Code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b>	

Consent of individual to being specified as premises supervisor

I METHANAN PUVANENDRASA  
[full name of prospective premises supervisor]

of FLAT 3, 14A HOYSHAM ROAD  
MORCAMBE

LAB 1 PG  
[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

TRANSFER OF LICENCE [type of application]

by METHANAN PUVANENDRASA [name of applicant]

relating to a premises licence LAPLWA0521 [number of existing licence, if any]

for POULTON EXPRESS 2

86-88 ALEXANDRA ROAD

MORCAMBE LAB 1 RT

[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made

by METHANAN PUVANENDRASA [name of applicant]

concerning the supply of alcohol at 86-88 ALEXANDRA

ROAD, MORCAMBE

LAB 1 RT

[name and address of premises to which application relates].

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number LAPA 22801  
[insert personal licence number, if any]

Personal licence issuing authority LANCASHIRE  
[insert name and address and telephone number of personal licence issuing authority, if any]

 signed

METHANAN PUVANENDRASA name (please print)

7/5/13 dated

Document is Restricted



Governance  
Licensing Section  
Town Hall  
Dalton Square  
Lancaster  
LA1 1PJ



Tel: (01524) 582000  
email: [licensing@lancaster.gov.uk](mailto:licensing@lancaster.gov.uk)

# Premises Licence

## LAPLWA0521

### Part 1 - Premises Details

#### POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

### Poulton Express 2

86-88 Alexandra Road, Morecambe, Lancashire, LA3 1RT.

Telephone 01524 425861

#### WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

#### LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the supply of alcohol

#### THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
J. Supply of alcohol for consumption OFF the premises only	Monday - Sunday	09:00	22:00

#### THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday - Sunday	06:00	23:00

#### WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption OFF the premises only

### Part 2

#### NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Methenan Puvanendrasa  
Flat No.3, 14a Heysham Road, Morecambe, LA3 1DG.

#### REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)







Governance  
Licensing Section  
Town Hall  
Dalton Square  
Lancaster  
LA1 1PJ



Tel: (01524) 582000  
email: [licensing@lancaster.gov.uk](mailto:licensing@lancaster.gov.uk)

## Premises Licence

# LAPLWA0521

### ANNEXES

#### Offered Conditions

**a) General - all four licensing objectives (b,c,d,e)**

We are determined to achieve the licensing objectives to the maximum level.

**b) The prevention of crime and disorder**

If anything is happening against the law inside or outside the premises, we have instructed all staff to inform the police immediately.

**c) Public safety**

CCTV to be installed both inside and outside the premises.

**d) The prevention of public nuisance**

We do not supply alcohol to anyone already considerably drunk. The metal shutters on the windows of the property are to be replaced.

**e) The protection of children from harm**

Children will not be served any restricted products under any circumstances. It is our policy.

**Mandatory conditions where licence authorises the supply of alcohol**

- (1) No supply of alcohol may be made under the premises licence -
  - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (2) The supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

**Mandatory condition where Door Supervisors are provided**

All individuals who carry out security activities must be licensed by the Security Industry Authority (SIA)





Governance  
Licensing Section  
Town Hall  
Dalton Square  
Lancaster  
LA1 1PJ



Tel: (01524) 582000  
email: [licensing@lancaster.gov.uk](mailto:licensing@lancaster.gov.uk)

## Premises Licence Summary

# LAPLWA0521

### Premises Details

#### POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

### Poulton Express 2

86-88 Alexandra Road, Morecambe, Lancashire, LA3 1RT.

Telephone 01524 425861

#### WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

#### LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the supply of alcohol

#### THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
J. Supply of alcohol for consumption OFF the premises only	Monday - Sunday	09:00	22:00

#### THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday - Sunday	06:00	23:00

#### WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption OFF the premises only

#### NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Methenan Puvanendrasa  
Flat No.3, 14a Heysham Road, Morecambe, LA3 1DG.

#### REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

#### NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Methenan PUVANENDRASAS





Governance  
Licensing Section  
Town Hall  
Dalton Square  
Lancaster  
LA1 1PJ



Tel: (01524) 582000  
email: [licensing@lancaster.gov.uk](mailto:licensing@lancaster.gov.uk)

## Premises Licence Summary

# LAPLWA0521

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED





**LANCASTER CITY COUNCIL**

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

**NOTICE OF HEARING**

To: The Applicant: Mr Methenan Puvanendrasa

Responsible Authority: Lancashire Constabulary

**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 a relevant representation in respect of an application under Section 37 of the Licensing Act 2003 to vary a premises licence to specify an individual as designated premises supervisor in respect of **Methenan Puvanendrasa** will take place on the **13th June 2013** at Lancaster Town Hall, commencing at 10.30am.

**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 **30th day of May 2013** 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 as soon as possible 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.

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

**Date:** 13<sup>TH</sup> JUNE 2013

**Report of:** LICENSING MANAGER

**Reference:** WP

**Title:** NEW POUND PLUS, 16A HEYSHAM ROAD, MORECAMBE

**APPLICATION FOR VARIATION OF LICENCE TO SPECIFY AN INDIVIDUAL AS DESIGNATED PREMISE SUPERVISOR UNDER THE LICENSING ACT 2003**

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

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#### **Notice of Hearing**

In accordance with the relevant Regulations, the parties have been given notice of the hearing. It was not felt necessary to request any clarification from the parties. The parties have been required in accordance with the Regulations to indicate at least five working days

before the hearing whether they intend to attend and/or be represented at the hearing and if they wish any witness to appear at the hearing. Any responses and any further documentation submitted by any of the parties after the circulation of this agenda will be circulated to Members in advance of the meeting. Members are reminded that documentary or other information submitted on the day of the hearing may only be taken into account with the consent of the Sub-Committee and all the parties.

### **Matter for Decision**

The Sub-Committee is requested to consider the application and the representation.

This is in accordance with Section 35(3) and (4) of the Act which provide as follows:

- (3) Where relevant representations are made, the authority must-
- (a) hold a hearing to consider them, unless the authority, the applicant and chief officer of police who gave the notice agree that a hearing is unnecessary, and
  - (b) having regard to the notice, reject the application if it considers it necessary for the promotion of the crime prevention objective to do so.

Members are reminded that the licensing objectives are:

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

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

2.42 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:

- Adult entertainment is provided.
- A member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 or 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal).
- It is known that unaccompanied children have been allowed access
- There is a known association with drug taking or dealing or
- In some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.

**Relevant Parts of the Council's Statement of Licensing Policy**

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

**12.0 Protection of Children**

12.1 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.

12.2 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

12.3 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.

12.4 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)

12.5 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.

12.6 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 matters concerning the protection of children from harm, the Licensing Authority regards the Lancashire Safeguarding Children Board as the 'responsible authority' within the terms of Section 13 (4).f of the Licensing Act.

- 12.7 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.
- 12.8 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.
- 12.9 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.
- 12.10 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

The Licensing Authority considers preventing children from obtaining alcohol from licensed premises to be of great importance in protecting them from harm. Applicants must, therefore, be able to demonstrate that they have in place, satisfactory arrangements to prevent sales of alcohol to children including a recognised or appropriate proof-of-age scheme. The Licensing Authority would be supportive of arrangements, which include incorporating any of the following:

- Passport.
- Photo Card driving licence issued in the European Union
- Proof of Age Standards Scheme Card (PASS)
- 'New type' driving licences with photographs.
- Official ID card issued by the HM Forces or by a European Union country bearing a photo and date of birth of holder

Staff should have received suitable training in relation to the proof of age scheme to be applied upon the premises and records evidencing this should be kept.



- 12.11 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.
- 12.12 It is the view of the Licensing Authority that children should not be exposed to entertainments of a sexual nature or to strong language at a too early an age. Conditions may be imposed, if representations are received, aimed at preventing such exposure either intentionally or accidentally. In some premises entertainment of an adult nature may be occasional or restricted to certain times of the day. In these cases, any restrictive conditions to protect children will apply only at these times. When submitting an application, if no reference is made to the provision of adult entertainment or services within an operating schedule at "Box N", then the Authority will interpret this to mean that such entertainment will not be provided and a condition to this effect will be applied to the licence

### **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 whether to grant the application for variation of the licence to specify an individual as designated premise supervisor under the Licensing Act 2003, or to reject the application. Members are reminded that they should state the reasons for their decision.

£23.00

Application to vary a premises licence to specify an individual as designated premises supervisor under the Licensing Act 2003

paid  
9/8/13

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/we KUMUTHAN THANARAJA  
(full name(s) of premises licence holder)

being the premises licence holder, apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003

Premises licence number

LAPLWA 0604

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description  
NEW ROUND PLUS  
16A HYSHAM ROAD

Post town <u>MORSCAMBE</u>	Post code (if known) <u>LA3 1DG</u>
-------------------------------	--

Telephone number (if any) 01524 414595

Description of premises (please read guidance note 1)  
CONVENIENCE STORE

Part 2

**Full name of proposed designated premises supervisor**  
 MATHANAN PUVANENDRASA  
~~KUALANGAN~~ ~~PUVANENDRASA~~

**Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any)**  
 LAPA 22801

**Full name of existing designated premises supervisor (if any)**  
 SINNATHAMBY VISITHARAN

Please tick yes

I would like this application to have immediate effect under section 38 of the Licensing Act 2003

I have enclosed the premises licence or relevant part of it

(If you have not enclosed the premises licence, or relevant part of it, please give reasons why not)

**Reasons why I have failed to enclose the premises licence or relevant part of it**


Please tick yes

- I have made or enclosed payment of the fee
- I will give a copy of this application to the chief officer of police
- I have enclosed the consent form completed by the proposed premises supervisor
- I have enclosed the premises licence, or relevant part of it or explanation
- I will give a copy of this form to the existing premises supervisor, if any
- 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 2)

**Signature of applicant or applicant's solicitor or other duly authorised agent**  
(See guidance note 3). If signing on behalf of the applicant please state in what capacity.

Signature   
.....  
Date 7/5/13  
.....  
Capacity owner  
.....

**For joint applicants signature of 2<sup>nd</sup> applicant 2<sup>nd</sup> applicant's solicitor or other authorised agent** (please read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature  
.....  
Date  
.....  
Capacity  
.....

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

Guidance notes

1. Describe the premises. For example the type of premises it is.
2. The application form must be signed.
3. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
5. This is the address which we shall use to correspond with you about this application.

Consent of individual to being specified as premises supervisor

I MUTHIAN PUVANENDRASA  
[full name of prospective premises supervisor]  
of FLAT 3, 14A HUYSHAM ROAD  
MORCAMBE  
LA3 1DG

RECEIVED  
09 MAY 2013  
Lancaster City Council  
Customer Services

[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

CHANGE OF DPS [type of application]

by KUMUTHAN THAVARASA [name of applicant]

relating to a premises licence LAPLWA 0604 [number of existing licence, if any]

for 16A HUYSHAM ROAD

MORCAMBE

LA3 1DG  
[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made

by KUMUTHAN THAVARASA [name of applicant]

concerning the supply of alcohol at 16A HUYSHAM ROAD

MORCAMBE

LA3 1DG  
[name and address of premises to which application relates].

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number LAPA 22801  
[insert personal licence number, if any]

Personal licence issuing authority LANCASTER  
[insert name and address and telephone number of personal licence issuing authority, if any]

 signed

MUTHIAN PUVANENDRASA name (please print)

7/5/13 dated

and any premises licence to be granted or varied in respect of this application made by

-----  
*[name of applicant]*

concerning the supply of alcohol at

-----  
*[name and address of premises to which application relates]*

I also confirm that I am, applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

-----  
*[insert personal licence number, if any]*

Personal licence issuing authority

-----  
*[insert name and address and telephone number of personal licence issuing authority, if any]*

Signed

-----

Name (please print)

-----

Date

-----

Document is Restricted





Governance  
Licensing Section  
Town Hall  
Dalton Square  
Lancaster  
LA1 1PJ



Tel: (01524) 582000  
email: [licensing@lancaster.gov.uk](mailto:licensing@lancaster.gov.uk)

# Premises Licence

## LAPLWA0604

### Part 1 - Premises Details

#### POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

### New Pound Plus

16a Heysham Road, Morecambe, Lancashire, LA3 1DG.

Telephone 01524 414595

#### WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

#### LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the supply of alcohol

#### THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
J. Supply of alcohol for consumption OFF the premises only	Monday - Sunday	06:00	00:00

#### THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday - Sunday	06:00	00:00

#### WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption OFF the premises only

### Part 2

#### NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Kumuthan Thavaraja  
Flat No.3, 14a Heysham Road, Morecambe, LA3 1DG.

#### REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)





Governance  
Licensing Section  
Town Hall  
Dalton Square  
Lancaster  
LA1 1PJ



Tel: (01524) 582000  
email: [licensing@lancaster.gov.uk](mailto:licensing@lancaster.gov.uk)

## Premises Licence

# LAPLWA0604

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES THE SUPPLY OF ALCOHOL

Methenan PUVANENDRASA  
Flat No.3, 14a Heysham Road, Morecambe, LA3 1DG.

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES FOR THE SUPPLY OF ALCOHOL

Licence No. PA2280 Issued by Lancaster





Governance  
Licensing Section  
Town Hall  
Dalton Square  
Lancaster  
LA1 1PJ



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email: [licensing@lancaster.gov.uk](mailto:licensing@lancaster.gov.uk)

## Premises Licence

# LAPLWA0604

### ANNEXES

#### CRIME AND DISORDER

**A minimum of two members of staff shall be on duty from 2200 till close every Friday and Saturday when the premises are open to the public.**

**There must be in place for the premises a written policy to prevent the sale or supply of alcohol to persons under 18 years of age. That policy shall require any person who appears to be under the age of 25 years to produce a recognised proof of age card accredited under the Proof of Age Standards Scheme (PASS) or if a proof of age card is not available a photo driving licence or passport indicating that they are over 18 years of age.**

**A notice or notices shall be displayed in and at the entrance to the premises where they can be clearly seen and read and shall indicate that it is unlawful for persons under 18 to purchase alcohol or for any person to purchase alcohol on behalf of a person under 18 years of age.**

**A system of till prompts for all age related products will be installed at the premises and will be used during all transactions**

**All staff will successfully complete training in age related products prior to operating a till on the sales floor. Refresher training will also be successfully completed not more than every 3 months, this will be fully documented and be available for inspection to police officers or other authorised persons.**

**CCTV will be installed, maintained and be recording at all times licensable activity is taking place. The designated premise supervisor must be able to operate the CCTV system and provide police with removable images when requested to do so. This must be done in a reasonable time when requested by police**





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## Premises Licence

# LAPLWA0604

**There must be at least 1 CCTV camera covering the counter area, 1 CCTV camera covering front door and 1 CCTV camera covering external frontage of property.**

**The images recorded by the CCTV system shall be retained in unedited form for a period of not less than 12 days.**

### **PROTECTION OF CHILDREN FROM HARM**

**To utilise and fully record any refused sales or challenges made to patrons and such records be kept in an appropriate book/binder and be made available on inspection to the police or other authorised agency.**

### **PREVENTION OF PUBLIC NUISANCE**

**The designated premises supervisor or the personal licence holder for the premises who is supervising the sale or supply of alcohol at that time shall not permit customers to congregate and consume alcohol sold or supplied by that premises in a public place within the immediate vicinity of the premises and in an area not so licensed for consumption to the annoyance or obstruction of others and shall prevent the removal of alcohol if it is intended for such a purpose.**

### **Mandatory Conditions where the licence authorises the sale of alcohol**

- 1 No supply of alcohol may be made under the premise licence -





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## Premises Licence

### LAPLWA0604

- (a) at a time when there is no designated premise supervisor in respect of the licence, or
- (b) at a time when the designated premise supervisor does not hold a personal licence, or his licence has been suspended.

2 The supply of alcohol under a premises licence must be made or authorised by a person who holds a personal licence.





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## Premises Licence Summary

# LAPLWA0604

### Premises Details

#### POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

### New Pound Plus

16a Heysham Road, Morecambe, Lancashire, LA3 1DG.

Telephone 01524 414595

#### WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

#### LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the supply of alcohol

#### THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
J. Supply of alcohol for consumption	OFF the premises only Monday - Sunday	06:00	00:00

#### THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday - Sunday	06:00	00:00

#### WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption OFF the premises only

#### NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Kumuthan Thavaraja  
Flat No.3, 14a Heysham Road, Morecambe, LA3 1DG.

#### REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

#### NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Methenan PUVANENDRASA





Governance  
Licensing Section  
Town Hall  
Dalton Square  
Lancaster  
LA1 1PJ



Tel: (01524) 582000  
email: [licensing@lancaster.gov.uk](mailto:licensing@lancaster.gov.uk)

## Premises Licence Summary

# LAPLWA0604

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED



**LANCASTER CITY COUNCIL**

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

**NOTICE OF HEARING**

To: The Applicant: Mr Kumuthan Thavaraja

Responsible Authority: Lancashire Constabulary

**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 a relevant representation in respect of an application under Section 37 of the Licensing Act 2003 to vary a premises licence to specify an individual as designated premises supervisor in respect of **Methenan Puvanendrasa** will take place on the **13th June 2013** at Lancaster Town Hall, commencing at 10.30am.

**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 **30th day of May 2013** 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 as soon as possible 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.