

**LANCASTER CITY COUNCIL**

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

**NOTICE OF HEARING**

To: The Notice Giver: **Scott Pilkington**

Objector: **The Local Authority exercising Environmental Health functions for the area –**

**Rachel Stainton  
Senior Environmental Health Officer  
(Community Protection)  
Environmental Health Services  
Lancaster City Council**

**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 an objection in respect of notices under Section 100 of the Licensing Act 2003 in respect of premises known as **Hustle, Spring Garden Street, Lancaster**, will take place on the **27<sup>th</sup> July 2016** at Lancaster Town Hall, commencing at **14:00 hours**.

**AND TAKE NOTICE THAT** all parties are invited to attend the hearing and 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, a notice given by that party 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 20<sup>th</sup> July 2016 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.