



Leicester  
City Council

## **LICENSING (HEARINGS) SUB-COMMITTEE**

**DATE: TUESDAY, 26 NOVEMBER 2024**

**TIME: 2:00 pm**

**PLACE: Meeting Room G.02, Ground Floor, City Hall, 115 Charles Street, Leicester, LE1 1FZ**

### **Members of the Sub-Committee**

Councillors Singh Johal, Cank and Cole

Members of the Sub-Committee are summoned to attend the above meeting to consider the items of business listed overleaf.

for Monitoring Officer

### **Officer contact:**

Katie Jordan, Governance Services Officer / Julian Yeung, Governance Support Assistant,  
email: [committees@leicester.gov.uk](mailto:committees@leicester.gov.uk)

# Information for Members of the Public

## Attending meetings and access to information

You have the right to attend formal meetings such as full Council, committee meetings, City Mayor & Executive Public Briefing and Scrutiny Commissions and see copies of agendas and minutes. On occasion however, meetings may, for reasons set out in law, need to consider some items in private.

Dates of meetings and copies of public agendas and minutes are available on the Council's website at [www.cabinet.leicester.gov.uk](http://www.cabinet.leicester.gov.uk), from the Council's Customer Service Centre or by contacting us using the details below.

## Making meetings accessible to all

Wheelchair access – Public meeting rooms at the City Hall are accessible to wheelchair users. Wheelchair access to City Hall is from the middle entrance door on Charles Street - press the plate on the right hand side of the door to open the door automatically.

Braille/audio tape/translation - If you require this please contact the Governance Support Officer (production times will depend upon equipment/facility availability).

Induction loops - There are induction loop facilities in City Hall meeting rooms. Please speak to the Governance Support Officer using the details below.

Filming and Recording the Meeting - The Council is committed to transparency and supports efforts to record and share reports of proceedings of public meetings through a variety of means, including social media. In accordance with government regulations and the Council's policy, persons and press attending any meeting of the Council open to the public (except Licensing Sub Committees and where the public have been formally excluded) are allowed to record and/or report all or part of that meeting. Details of the Council's policy are available at [www.leicester.gov.uk](http://www.leicester.gov.uk) or from Governance Services.

If you intend to film or make an audio recording of a meeting you are asked to notify the relevant Governance Support Officer in advance of the meeting to ensure that participants can be notified in advance and consideration given to practicalities such as allocating appropriate space in the public gallery etc..

The aim of the Regulations and of the Council's policy is to encourage public interest and engagement so in recording or reporting on proceedings members of the public are asked:

- ✓ to respect the right of others to view and hear debates without interruption;
- ✓ to ensure that the sound on any device is fully muted and intrusive lighting avoided;
- ✓ where filming, to only focus on those people actively participating in the meeting;
- ✓ where filming, to (via the Chair of the meeting) ensure that those present are aware that they may be filmed and respect any requests to not be filmed.

## Further information

If you have any queries about any of the above or the business to be discussed, please contact us on [committees@leicester.gov.uk](mailto:committees@leicester.gov.uk), or call in at City Hall.

For Press Enquiries - please phone the **Communications Unit on 0116 454 4151**.

# LEICESTER CITY COUNCIL LICENSING SUB-COMMITTEE PROCEDURAL GUIDE

## INTRODUCTORY PHASE

**The meeting will be held in public unless stated otherwise in the report.**

Present at the hearing will be Members of the Licensing Sub-Committee (minimum 3 Members), Officers from the Licensing Authority, a Legal Adviser to the Sub-Committee, an Officer from Governance Services.

1. Participants at the meeting will introduce themselves as follows:
  - a. Members and Officers
  - b. Statutory Consultees (if any)
  - c. The Applicant and any representatives
  - d. Persons who have made representations
2. The Chair will check that the Applicant has received a copy of the Officer report.

## INFORMATION GATHERING

**(\*Please Note – for the purposes of a hearing to determine an application in a Cumulative Impact Zone (CIZ), the Applicant will present their case first)**

3. The Licensing Officer presents the report (previously circulated)

Questions (for clarification purposes only):  
Members  
Statutory Consultees (if any)  
Persons who have made representations  
Applicant and Representative(s)
4. Depending on the nature of the report, Statutory Consultees present their comments.

Questions (for clarification purposes only):  
Members  
Officers  
Persons who have made representations  
Applicant and Representative(s)
5. Persons who have made representations  

Questions (for clarification purposes only):  
Members  
Officers  
Statutory Consultees (is any)  
Applicant and Representative(s)
6. \*Applicant's Case  

Questions (for clarification purposes only):  
Members  
Officers

Statutory Consultees  
Persons who have made representations

7. Summing up in the following order

Officers  
Statutory Consultees  
Persons who have made representations  
\*Applicant and Representative(s)

8. The Legal Adviser to the Sub-Committee to advise the Sub-Committee in the presence of the Applicant, Representatives, Officers, Statutory Consultees, and persons who have made representations on relevant issues the Members need to be aware of when they come to make their decision.

### **DECISION MAKING**

9. Apart from the Sub-Committee Members and the Governance Support Officer everyone will be asked to withdraw from the meeting The Legal Adviser to the Sub-Committee may be called back to the meeting to advise on the wording of the decision the Sub-Committee Members will have made during private deliberation.
10. The Applicant will be advised that the decision made by the Sub-Committee will be made public within 5 working days of the meeting.

## **PUBLIC SESSION**

### **AGENDA**

#### **FIRE / EMERGENCY EVACUATION**

If the emergency alarm sounds, you must evacuate the building immediately by the nearest available fire exit and proceed to the area outside the Ramada Encore Hotel on Charles Street as directed by Governance Services staff. Further instructions will then be given.

**1. Appointment of Chair**

**2. Apologies for Absence**

**3. Declarations of Interest**

Members are asked to declare any interests they may have in the business to be discussed.

**4. Minutes of Previous Meeting**

[Appendix A](#)

(Pages 1 - 14)

The minutes of the previous meetings held on 16 April 2024, 21 May 2024 and 7 August 2024 are attached and members will be asked to confirm them as a correct record.

**5. Private Session**

## AGENDA

### MEMBERS OF THE PUBLIC TO NOTE

**Under the law, the Sub-Committee is entitled to consider certain items in private where in the circumstances the public interest in maintaining the matter exempt from publication outweighs the public interest in disclosing the information. Members of the public will be asked to leave the meeting when such items are discussed.**

The Sub-Committee is recommended to consider the following reports in private on the grounds that they contain 'exempt' information as defined by the Local Government (Access to Information) Act 1985, as amended, and consequently that the Sub-Committee makes the following resolution:- "that the press and public be excluded during consideration of the following reports in accordance with the provisions of Section 100A(4) of the Local Government Act 1972, as amended, because they involve the likely disclosure of 'exempt' information, as defined in the Paragraphs detailed below of Part 1 of Schedule 12A of the Act, and taking all the circumstances into account, it is considered that the public interest in maintaining the information as exempt outweighs the public interest in disclosing the information."

#### Paragraph 1

Information relating to an individual.

#### Paragraph 2

Information which is likely to reveal the identity of an individual.

#### Paragraph 7

Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

**B1) APPLICATION TO VARY A PREMISES LICENCE TO SPECIFY AN INDIVIDUAL AS DESIGNATED PREMISES SUPERVISOR - LIYA SUPERMARKET, 62 HINCKLEY ROAD, LE3 0RD**

- 6. Application to Vary a Premises Licence to Specify an Individual as Designated Premises Supervisor - Liya Supermarket, 62 Hinckley Road, LE3 0RD** [Appendix B](#) (Pages 15 - 188)

The Director of Neighbourhood and Environmental Services submits a report for an application for a Designated Premises Supervisor variation to an existing premises licence for Liya Supermarket, 62 Hinckley Road, LE3 0RD.

- 7. Any Other Urgent Business**



Leicester  
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Minutes of the Meeting of the  
LICENSING (HEARINGS) SUB-COMMITTEE

Held: TUESDAY, 16 APRIL 2024 at 10:00 am

P R E S E N T:

Councillor Pickering (Chair)

Councillor Cank

Councillor Whittle

\* \* \* \* \*

**12. APPOINTMENT OF CHAIR**

Councillor Pickering was appointed as Chair of the meeting.

**13. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**14. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**15. APPLICATION FOR A NEW PREMISES LICENCE FOR Y2K  
ENTERTAINMENT MUSIC AND ARTS, ABBEY PARK, LEICESTER**

The Director of Neighbourhood and Environmental Services submitted a report on an application for a new premises licence for Y2K Entertainment Music and Arts, Abbey Park, Leicester.

Mr Fred Matenga, Mr Greg Griffiths and Mr Alex Marapara from Y2K Events were present. Also present was Mr Paul Hardwick, Deputy Licensing Manager, Leicestershire Police, Mr Matthew Robinson, Licensing Team Manager (LCC Enforcement), Mr Tj Mavani, Licensing Team Manager LCC, Mr Alistair Hollis, Noise and Pollution Control. Also present was the Licensing Team Manager (Policy and Applications) and the Legal Advisor to the Sub-Committee.

The Chair led on introductions, highlighted the fire safety and evacuation procedures and outlined the procedure the hearing would follow.

The Licensing Team Manager presented the report and outlined details of the application.

It was noted a representation was received on 26<sup>th</sup> February 2024 from the Police . The representation related to the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm. The representee was concerned that applicant has not acknowledged concerns from the same event at Nelson Mandela Park in 2023 or engaged with responsible authorities and the application was vague and did not refer to specific ways of promoting the licensing objectives.

A second representation was received on 29<sup>th</sup> February 2024 from the Noise Team The representation related the prevention of public nuisance. The representee was concerned about the lack of noise management plan and the position of the stage. They were also concerned about problems that occurred at the event in 2023.

A third representation was received on 4<sup>th</sup> March 2024 from the Licensing Enforcement team. The representation related the prevention of public nuisance, prevention of crime and disorder, public safety and prevention of harm to children. The representee was concerned that application lacked details and there were numerous concerns with the event in 2023. A list of proposed condition has been provided to the applicant as a result of a multi-agency discussions.

Mr Hardwick, Leicestershire Police was given the opportunity to outline their representations and answer questions from Members of the Sub-Committee. It was noted that a recent event on a much smaller scale was held by Y2K Events and the report wording was identical. This event had been attended by the ambulance service following an assault. The event had security and the police were not called to the event.

Mr Hollis, Noise and Pollution Control Officer was given the opportunity to outline the details of their representation and answered questions from Members of the Sub-Committee and Officers.

Mr Robinson and Mr Mavani, Licensing Enforcement were given the opportunity to outline the details of their representation and answered questions from Members of the Sub-Committee. It was noted that 62 conditions had been submitted by the Licensing Enforcement Team which were robust and representees were confident it would ensure the event would run smoothly.

Mr Griffiths, Event Manager was given the opportunity to outline the details of their representation and answered questions from Members of the Sub-Committee and Officers.

All parties present were then given the opportunity to sum up their positions and make any final comments.

he Sub-Committee received legal advice from the Legal Adviser to the Sub-



Committee in the presence of all those present and were advised of the options available to them in making their decision. The Sub-Committee were also advised of the relevant policy and statutory guidance that needed to be taken into account when making their decision.

In reaching their decision, Members felt they should deliberate in private on the basis that this was in the public interest, and as such outweighed the public interest of their deliberation taking place with the parties represented present, in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

The Chair announced that the decision and reasons would be announced in writing within five working days. The Chair informed the meeting that the Legal Adviser to the Sub-Committee would be called back to give advice on the wording of the decision.

The Sub-Committee recalled the Legal Adviser to the Sub-Committee to give advice on the wording of the decision.

RESOLVED:

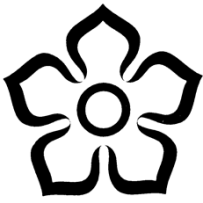
### **DECISION**

The Sub-Committee's decision is that it is appropriate for the promotion of the licensing objectives to GRANT a Premises Licence authorising the requested licensable activities from 10.30am to 9.30 pm (with an event finish time of 10pm) on 24<sup>th</sup> August 2024 subject to the 62 'conditions consistent with the representation and agreement with LCC Licensing Enforcement Team' detailed in Appendix C of the Licensing Officer's Report.

## **16. ANY OTHER URGENT BUSINESS**

With there being no further business, the meeting closed at 11.25am.





Leicester  
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Minutes of the Meeting of the  
LICENSING (HEARINGS) SUB-COMMITTEE

Held: TUESDAY, 21 MAY 2024 at 5:00 pm

P R E S E N T:

Councillor Singh Johal (Chair)

Councillor Cank

Councillor Joshi

\* \* \* \* \*

**1. APPOINTMENT OF CHAIR**

Councillor Singh Johal was appointed as Chair and led on introductions.

**2. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**3. DECLARATIONS OF INTEREST**

There was no declarations of interest.

**4. MINUTES OF PREVIOUS MEETING**

The minutes of the meeting held on 1st December 2023 were recorded as a true and accurate record.

**5. PRIVATE SESSION**

RESOLVED:

That the press and public be excluded during consideration of the following reports in accordance with the provisions of Section 100A(4) of the Local Government Act 1972, as amended, because it involves the likely disclosure of 'exempt' information, as defined in the Paragraphs detailed below of Part 1 of Schedule 12A of the Act, and taking all the circumstances into account, it is

considered that the public interest in maintaining the information as exempt outweighs the public interest in disclosing the information.

Paragraph 1

Information relating to an individual.

Paragraph 2

Information which is likely to reveal the identity of an individual.

Paragraph 7

Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

A1) – Application for a Review of an Existing Premises Licence

**6. APPLICATION FOR A REVIEW OF AN EXISTING PREMISES LICENCE - SOPHY, 8-10 KING STREET, LEICESTER**

The Director of Neighbourhood and Environmental Services submitted a report on an application for the review of an existing premises license for Sophy, 8-10 King Street, Leicester.

Jai Dhillon Kumar, Premises License Holder of Sophy was present, he was accompanied by Rashid Aslam, Head Doorman and Ahmet Redjeb Owner of Certified Security. Mr Jefferson Pritchard, Police Constable for Leicestershire Police, accompanied by Nigel Rixon, Licensing Manager of Leicestershire Police and Matthew Robinson the Licensing Enforcement Team Manager were present. Also present were the Licensing Team Manager (Policy and Applications) and the Legal Advisor to the Sub-Committee.

The Chair led on introductions and outlined the procedure the meeting would follow.

The Licensing Team Manager (Policy and Applications) presented the report and outlined details of the application. It was noted an application was received on the 27<sup>th</sup> of March 2024 from Leicestershire Police for a review of the existing premises licence for Sophy, 8-10 King Street. The application was made on the grounds of the prevention of crime and disorder and public safety.

It was noted that a representation was received on 23<sup>rd</sup> April 2024 from a member of the public. The representation related to the prevention of public nuisance. The residents had been affected by noise from the bar itself and customers leaving the premises in the early hours.

PC Pritchard was given the opportunity to outline the details of the Police

representation, presented a CCTV footage of instances occurring outside of the venue and answered questions from Members.

Mr Jai Dhillon Kumar was given the opportunity to provide supporting information and answered questions from Members.

The Director of Neighbourhood and Environmental Services submitted a report on an application for the review of an existing premises license for Sophy, 8-10 King Street, Leicester.

Jai Dhillon Kumar, Premises License Holder of Sophy was present, he was accompanied by Rashid Aslam, Head Doorman and Ahmet Redjeb Owner of Certified Security. Mr Jefferson Pritchard, Police Constable for Leicestershire Police, accompanied by Nigel Rixon, Licensing Manager of Leicestershire Police and Matthew Robinson the Licensing Enforcement Team Manager were present. Also present were the Licensing Team Manager (Policy and Applications) and the Legal Advisor to the Sub-Committee.

The Chair led on introductions and outlined the procedure the meeting would follow.

The Licensing Team Manager (Policy and Applications) presented the report and outlined details of the application. It was noted an application was received on the 27<sup>th</sup> of March 2024 from Leicestershire Police for a review of the existing premises licence for Sophy, 8-10 King Street. The application was made on the grounds of the prevention of crime and disorder and public safety.

It was noted that a representation was received on 23<sup>rd</sup> April 2024 from a member of the public. The representation related to the prevention of public nuisance. The residents had been affected by noise from the bar itself and customers leaving the premises in the early hours.

PC Pritchard was given the opportunity to outline the details of the Police representation, presented a CCTV footage of instances occurring outside of the venue and answered questions from Members.

Mr Jai Dhillon Kumar was given the opportunity to provide supporting information and answered questions from Members.

Mr Rashid Aslam and Ahmet Redjeb made clarifications regarding the visibility of their SIA badges, their high-visibility jackets and addressed the Sub-Committee and answered questions.

All parties present were then given the opportunity to sum up their positions and make any final comments.

The Sub-Committee received legal advice from the Legal Adviser to the Sub-

Committee in the presence of all those present and were advised of the options available to them in making their decision. The Sub-Committee were also advised of the relevant policy and statutory guidance that needed to be taken into account when making their decision.

In reaching their decision, Members felt they should deliberate in private on the basis that this was in the public interest, and as such outweighed the public interest of their deliberation taking place with the parties represented present, in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

The Chair announced that the decision and reasons would be publicly announced in writing within five working days. The Chair informed the meeting that the Legal Adviser to the Sub-Committee would be called back to give advice on the wording of the decision.

The Chair then informed the meeting that all but the Governance Support Officers should withdraw from the room. The Sub-Committee then deliberated in private to consider their decision. The Sub-Committee recalled the Legal Adviser to the Sub-Committee to give advice on the wording of the decision.

RESOLVED:

That the Designated Premises Supervisor be REMOVED from the licence.

## REASONS FOR THE DECISION

Members accepted the evidence presented by the police and were satisfied that the current Designated Premises Supervisor was not capable and did not have day to day responsibility for running the premises. Members had no confidence that they were able to uphold the licencing objectives in compliance with the requirements of the Licencing Act 2003.

By removing the current Designated Premises Supervisor, members were confident that, once an appropriate and experienced replacement was in post, the premises would be run responsibly and in a manner that would promote and uphold the licensing objectives, and in compliance with the requirements of the Licensing Act 2003.

Members did have concerns regarding the breach of the Premises Licence conditions, however they were confident that such a breach would not occur again in the future and that the Premises Licence Holder would manage the premises in a responsible manner and in a way that would continue to uphold the licensing objectives and in compliance with the requirements of the Licensing Act 2003.

The Sub-Committee's decision was made in the interests of promoting the licensing objectives, namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

**7. ANY OTHER URGENT BUSINESS**

With there being no further business, the meeting closed at 20.00.







Leicester  
City Council

Minutes of the Meeting of the  
LICENSING (HEARINGS) SUB-COMMITTEE

Held: WEDNESDAY, 7 AUGUST 2024 at 10:00 am

P R E S E N T:

Councillor Pickering (Chair)

Councillor Byrne

Councillor Chauhan

Councillor Cank

\* \* \* \* \*

**8. APPOINTMENT OF CHAIR**

Councillor Pickering was appointed as Chair.

**9. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**10. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**11. APPLICATION FOR A NEW PREMISES LICENCE FOR ASDA EXPRESS  
PFS ST JAMES. HINCKLEY ROAD, LEICESTER.**

Councillor Pickering, as Chair led on introductions and outlined the procedure the hearing would follow.

The Director of Neighbourhood and Environmental Services submitted a report on an application of a new premises licence for Asda Express PFS St James, Hinckley Road, Leicester, LE3 0WB.

Mr Richard Taylor, solicitor representing the applicant, and Ms Lucy Johnson were in attendance. Also present was the Licensing Team Manager (Policy and Applications) and the Legal Adviser to the Sub-Committee.

The Licensing Team Manager (Policy and Applications) presented the report and outlined details of the application.

A representation was received on 15 June 2024 from a member of the public. The representation related to the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm. The representee was concerned that granting the licence will increase street drinking and anti-social behaviour in the area. Staff and children at the nearby school may be exposed to vulnerable people with alcohol issues who gravitate to the premises due to 24 hour access.

A second representation was received on 25 June 2024 from a member of the public. The representation related to the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm. The representee was concerned that the sale of alcohol at this premises will likely increase anti-social behaviour and noise to local residents. Close proximity to the school may also increase minors to be exposed to alcohol. The premises was also on a busy road which may increase traffic congestion and hazards for pedestrians.

Mr Taylor was given the opportunity to address the Sub-Committee and answered questions from the Members and Officers.

All parties present were then given the opportunity to sum up their positions and make any final comments.

The Sub-Committee received legal advice from the Legal Adviser to the Sub-Committee in the presence of all those present and were advised of the options available to them in making their decision. The Sub-Committee were also advised of the relevant policy and statutory guidance that needed to be taken into account when making their decision.

In reaching their decision, Members felt they should deliberate in private on the basis that this was in the public interest, and as such outweighed the public interest of their deliberation taking place with the parties represented present, in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

The Chair announced that the decision and reasons would be announced in writing within five working days. The Chair informed the meeting that the Legal Adviser to the Sub-Committee would be called back to give advice on the wording of the decision.

The Sub-Committee recalled the Legal Adviser to the Sub-Committee to give advice on the wording of the decision.

#### RESOLVED:

That the application for a new premises licence for Asda Express PFS St James, Hinckley Road, Leicester, LE3 0WB be **GRANTED** without modification.

#### REASONS

1. The committee noted the concerns raised by the members of the public

but were satisfied that the measures which the applicant intended to take would uphold the licensing objectives and thereby minimise the likelihood any issues arising which would impact the local community.

2. Members of the committee were concerned about possible issues arising from the use of a service hatch at night and were given assurances that no public nuisance would arise as result of is use.
3. Members of the committee were satisfied that there was no evidence before them justifying any concerns and were confident that the applicant's spotless record would ensure the promotion of all four licensing objectives.

Any appeal against the decision must be made within 21 days to the Magistrates Court.

## **12. ANY OTHER URGENT BUSINESS**

With there being no further business, the meeting closed at 10.48am.



By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted



By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted





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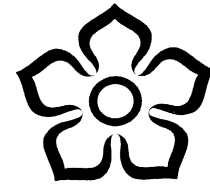
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By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted





Leicester  
City Council

# **Code of Practice for Hearings - Licensing Act 2003**

Version 4a

July 2014

## **1. Introduction**

- 1.1. This Code of Practice sets out how hearings to be held by Leicester City Council in its role as Licensing Authority under the Licensing Act 2003 will be conducted.
- 1.2. The Licensing Act – Hearings Regulations 2004 also regulate the conduct of hearings and this Code should be read in conjunction with those regulations. In the event of uncertainty the Regulations would take precedence.
- 1.3. Members of the Licensing Committee who sit on hearing panels are also governed by the “Code Of Practice For Member Involvement in Licensing Matters.”
- 1.4. The types of hearings to which this Code of Practice is applicable are set out in Sections 6.

## **2. Objectives**

- 2.1. Hearings will be conducted in order to achieve the following objectives:
  - The decision making process promotes the licensing objectives of the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm.
  - All parties are given a fair hearing.
  - Hearings are conducted in an efficient manor.

## **3. Roles**

- 3.1. The Licensing Committee has delegated the holding of hearings to Licensing Sub-Committees of three members. Members of the Sub-Committee will:
  - Consider information and evidence presented by the parties;
  - Control the conduct of hearings in accordance with this code;
  - Ask questions of the parties that are relevant to the matter to be determined.
  - Seek advice from the Legal Advisor and Licensing Officer
  - Make a determination at the conclusion of the hearing.
- 3.2. The Legal Advisor will give legal advice to the Sub-Committee on the following matters:
  - The interpretation of legislation;
  - Other legal matters;
  - The admissibility and relevance of evidence and other information presented by the parties;
  - The relevance and appropriateness of questions.The Legal Advisor will remain neutral to the decision making process.
- 3.3. The Committee Secretary will make a record of the hearing and will advise the Sub-Committee on the procedure to be followed. The Committee Secretary will remain neutral to the decision making process.



- 3.4. The Licensing Officer will provide the factual details of the matter to be considered and offer advice to the Sub-Committee on the Licensing Act, the authority's Licensing Policy and the Guidance issued by the Secretary of State, as they relate to the application and representations made. The Licensing Officer will remain neutral to the decision making process.
- 3.5. The Parties to the hearing include the applicant and any responsible authority or interested party who has made a representation or given a notice in respect of the application. They will be able to give further information in support of their application, representation or notice, to clarify any point that the Licensing Authority has raised, to address the Sub-Committee and, if given permission by the authority, question another party.
- 3.6. Ward councillors who appear at licensing hearings as interested parties, because they have made representations or requested reviews, will be given the same opportunities and be subject to the same restrictions as other parties to the hearing.

#### **4. General Matters**

##### **4.1. Setting of Date for Hearings**

- 4.1.1. In view of the requirement to hold hearings within specified times, the Licensing Authority will generally be unable to enter into discussions to identify dates convenient to all parties concerned.
- 4.1.2. The Licensing Authority will give notice of the hearing as set out in Section 6.
- 4.1.3. The notice will specify any points that the Licensing Authority would like to be clarified at the hearing.
- 4.1.4. In exceptional circumstances, the Licensing Authority will consider applications to adjourn hearings to a later date.

##### **4.2. Notice of Attendance**

- 4.2.1. Any party receiving a notice of hearing will give the Licensing Authority, within the time period specified in Section 6, a notice of whether they intend to attend or be represented at the hearing, or whether they consider a hearing to be unnecessary.
- 4.2.2. If a party wishes any other person (other than a person representing them) to appear at the hearing, the notice shall also contain a request for permission for this, with details of the name of the person and a brief description of the points that the person would be able to make.
- 4.2.3. If a party has not notified the Licensing Authority of their intention to attend a hearing, the rights of the party, as outlined in Paragraph 3.5 above, may only be exercised with the agreement of the Sub-committee.

### **4.3. Non- Attendance at Hearings**

- 4.3.1. If a party to a hearing fails to attend, the licensing authority may hold the hearing in that party's absence unless it considers it in the public interest to adjourn the hearing to a later date.
- 4.3.2. Where a hearing is held in the absence of a party, any written representation made by the party will be considered by the Licensing Authority at the hearing.

### **4.4. Visits to Premises**

- 4.4.1. In certain situations a visit to a premises that is the subject of a hearing may prove useful. This will be dependant on the purpose of the hearing and the level of information that is provided at the hearing. However, care needs to be taken to ensure that the visit does not prejudice the hearing, by evidence being presented at the visit, other than about the physical layout of the premises. Members should also be aware that, because of the limited time during which it is possible to arrange a visit, the timing may not always be the most convenient for all involved.
- 4.4.2. Where, after considering the information presented at the hearing, members of the panel believe that a visit would be useful, a visit may be organised subject to the following
  - The permission of the occupier of the premises being granted.
  - A suitable date being found for the visit within the time allowed for determination on the application.
  - Discussion of the application not taking place during the visit
  - An opportunity being provided for the other parties to the hearing to be present during the visit.

### **4.5. Documentary Evidence**

- 4.5.1. Eight copies of any documentary or written information to be presented at hearings should be submitted to the Licensing Authority in accordance with the timescales set out in Section 6.
- 4.5.2. Parties to the hearing should also submit a written summary, of no more than one page of A4, of all information they intend to present at the hearing.
- 4.5.3. The Licensing Authority will forward copies of evidence and information to other parties to the hearing.
- 4.5.4. The Sub-Committee may only consider evidence submitted at the hearing if all parties agree to its late submission.

#### **4.6. Maximum Time Allowances at Hearings**

- 4.6.1. The Licensing Authority is required by regulation to allow the same maximum times for the parties to undertake the functions identified in paragraph 3.5 above. These are set out in Section 6.
- 4.6.2. Applications that all parties should be allowed extra time to undertake their functions, would need to be made in advance of the hearing. In these circumstances it may be possible to rearrange the hearing provided that statutory deadlines can still be met.

#### **4.7. Public Hearings**

- 4.7.1. Hearings will be in public.
- 4.7.2. The Sub-Committee may exclude the public from a hearing if it considers it in the public interest to do so.

#### **4.8. Right of Assistance and Representation**

- 4.8.1. Any party to a hearing may be assisted or represented by any person whether legally qualified or not.

### **5. Procedure at Hearings**

#### **5.1. Format of Hearings**

- 5.1.1. Hearings will take the form of a discussion led by the authority. Cross-examination will not be allowed unless the authority considers it necessary for it to consider the matter being dealt with.

#### **5.2. Introductions**

- 5.2.1. The Chair of the Sub-Committee will arrange for all parties present to introduce themselves.
- 5.2.2. The Chair will explain the procedure to be followed.

#### **5.3. Licensing Officer's Report**

- 5.3.1. The Licensing Officer will present a report that will:
  - confirm the purpose of the hearing
  - set out the factual details of the matter to be considered
  - provide advice about how the Licensing Act, statutory guidance and the authority's policy relates to the application and any representations made
  - in respect of premises licences, a schedule of the conditions that are consistent with the operating schedule submitted with the application
  - a schedule of the points that require clarification that were identified in the notice of hearing.

#### **5.4. Presentation of Information**

- 5.4.1. Each party will clarify any points raised by the authority and give further information in support of their representation, notice or application. Questions about the information may be asked by the Sub-Committee members (see Paragraph 5.5). Cross-examination by another party will not be allowed unless the Sub-Committee consider it would assist them in arriving at a determination.
- 5.4.2. The Licensing Authority will seek to focus the hearing on the promotion of the licensing objective that gave rise to the hearing and avoid the hearing straying into undisputed areas. The information should therefore be relevant and relate to the representation, notice or other determination to be considered and to the promotion of the licensing objectives.
- 5.4.3. Where more than one representation has been made, the party making the representation should avoid duplicating the points made by other parties although they may briefly state their agreement with them.
- 5.4.4. Generally, the parties may not add further representations to those disclosed to the applicant prior to the hearing, but they may amplify their existing representation.
- 5.4.5. Information will be presented first by the party making the representation or notice followed by a response by the applicant. Where there is more than one party giving a representation or notice, the Sub-Committee will decide which order they should take.
- 5.4.6. The maximum time allowed for each presentation is set out in Section 6.

#### **5.5. Questions**

- 5.5.1. Following each presentation, members of the Sub-Committee may ask questions.
- 5.5.2. The questions will be relevant and relate to the representation, notice or other determination to be considered. Duplication will be avoided.
- 5.5.3. Where the Sub-Committee consider it would assist them in arriving at a determination, they may give permission for another party, or one of the officers present to ask a question.
- 5.5.4. The maximum time allowed for questions by another party in relation to each presentation is set out in Section 6.

#### **5.6. Final Addresses to the Sub-Committee**

- 5.6.1. Following the completion of presentations and questions, each party may address the Sub-Committee. This will be done in the order in which presentations were given.
- 5.6.2. The maximum time allowed for addressing the Sub-Committee is set out in Section 6.

## **5.7. Close of Hearing**

- 5.7.1. On completion of all presentations and questions, the Chair of the Sub-Committee will declare the hearing closed.

## **5.8. Determination**

- 5.8.1. The Sub-Committee will make a determination of the matters to be considered within the timescales set out in Section 6.
- 5.8.2. In coming to a determination the Sub-Committee may take advice from its Licensing Officer and Legal Advisor. All such advice will be given in the presence of the parties to the hearing.
- 5.8.3. Where the parties of the hearing are excluded from the hearing whilst the Sub-Committee considers its determination, then except as allowed for in Paragraph 5.8.4 below, all persons present, including council officers, will also be excluded from the hearing. As an exception to the above, the Sub-Committee may decide that the Committee Services Officer may remain to record, but not take part in, the decision making process.
- 5.8.4. After reaching its determination, the Sub-Committee may ask the Legal Advisor present to verify the wording of the determination and the Committee Services Officer to record the decision, prior to it being announced to the parties. This verification and recording may take place in private.

## **5.9. Announcement of Determination and Notification**

- 5.9.1. If the Sub-Committee has made its determination immediately after the hearing, it will announce its decision, and where applicable the reasons for it, to the parties present.
- 5.9.2. Written notification of the determination will be given to the parties within the timescales set out in Section 6. Notifications will include information about the rights of appeal against the determination made.
- 5.9.3. Where there is any discrepancy between the announcement of the decision and the written notification, the written notification will take precedence.

## Details Applicable to Each Type of Hearing

- 5.10. Determination of Application for Personal Licence – Section 120(7)(a)  
 Determination of Application for Renewal of Personal Licence – Section 121(6)(a)

Period in which Hearing to be held	20 working days from the date of end of period for notice by police
Period of Notice of Hearing	10 working days
Parties to be Notified	The Applicant The Chief Officer of Police
Period of Notice of Attendance at Hearing	5 working days before hearing
Period of submission of evidence to be presented at hearing	5 working days before hearing
Maximum time for presentation of evidence and information by each party at hearing	30 minutes
Maximum time for questioning of each party by any other party at hearing	10 minutes
Maximum time for addressing Sub-Committee by each party	5 minutes
Determinations to be made	Whether it is necessary to reject the application to promote the crime prevention objective
Period allowed for Determination by Sub-Committee	5 working days

- 5.11. Determination of Application for Premises Licence – Section 18(3)(a)  
 Determination of Application for Club Premises Certificate – Section 72(3)(a)

Period in which Hearing to be held	20 working days from the date of end of period for representations
Period of Notice of Hearing	10 working days
Parties to be Notified	The Applicant Parties making representations
Period of Notice of Attendance at Hearing	5 working days before hearing
Period of submission of evidence to be presented at hearing	5 working days before hearing
Maximum time for presentation of evidence and information by each party at hearing	40 minutes
Maximum time for questioning of each party by any other parties at hearing	15 minutes
Maximum time for addressing Sub-Committee by each party	10 minutes
Determinations to be made	Whether to: <ul style="list-style-type: none"> <li>• Grant the licence subject to conditions</li> <li>• To exclude from the licence any of the licensable activities</li> <li>• To refuse to accept the proposed</li> </ul>

	premise supervisor <ul style="list-style-type: none"> <li>To reject the application</li> </ul>
Period allowed for Determination by Sub-Committee	5 working days

5.12. Determination of Application for Provisional Statement – Section 31(3)(a)

Period in which Hearing to be held	20 working days from the date of end of period for representations
Period of Notice of Hearing	10 working days
Parties to be Notified	The Applicant Parties making representations
Period of Notice of Attendance at Hearing	5 working days before hearing
Period of submission of evidence to be presented at hearing	5 working days before hearing
Maximum time for presentation of evidence and information by each party at hearing	40 minutes
Maximum time for questioning of each party by any other parties at hearing	15 minutes
Maximum time for addressing Sub-Committee by each party	10 minutes
Determinations to be made	Whether it would be necessary on the completion of the premises, to: <ul style="list-style-type: none"> <li>Grant the licence subject to conditions</li> <li>To exclude from the licence any of the licensable activities</li> <li>To refuse to accept the proposed premises supervisor</li> <li>To reject the application</li> </ul>
Period allowed for Determination by Sub-Committee	5 working days

5.13. Determination of Application to Vary Premises Licence – Section 35(3)(a)  
Determination of Application to Vary Club Premises Certificate – Section 85(3)(a)

Period in which Hearing to be held	20 working days from the date of end of period for representations
Period of Notice of Hearing	10 working days
Parties to be Notified	The Applicant Parties making representations
Period of Notice of Attendance at Hearing	5 working days before hearing
Period of submission of evidence to be presented at hearing	5 working days before hearing
Maximum time for presentation of evidence	40 minutes

and information by each party at hearing	
Maximum time for questioning of each party by any other parties at hearing	15 minutes
Maximum time for addressing Sub-Committee by each party	10 minutes
Determinations to be made	Whether to: <ul style="list-style-type: none"> <li>• Modify the conditions of the licence</li> <li>• To reject the whole</li> </ul>
Period allowed for Determination by Sub-Committee	5 working days

5.14. Determination of Application to Change Premises Supervisor – Section 39(3)(a)

Period in which Hearing to be held	20 working days from the date of end of period for notice by police
Period of Notice of Hearing	10 working days
Parties to be Notified	The Applicant The Chief Officer of Police The proposed premises supervisor
Period of Notice of Attendance at Hearing	5 working days before hearing
Period of submission of evidence to be presented at hearing	5 working days before hearing
Maximum time for presentation of evidence and information by each party at hearing	30 minutes
Maximum time for questioning of each party by any other parties at hearing	10 minutes
Maximum time for addressing Sub-Committee by each party	5 minutes
Determinations to be made	Whether it is necessary to reject the application to promote the crime prevention objective
Period allowed for Determination by Sub-Committee	5 working days

5.15. Determination of Application to Transfer Premises Licence – Section 44(5)(a)

Period in which Hearing to be held	20 working days from the date of end of period for notice by police
Period of Notice of Hearing	10 working days
Parties to be Notified	The Applicant The Chief Officer of police The existing licence holder
Period of Notice of Attendance at Hearing	5 working days before hearing



Period of submission of evidence to be presented at hearing	5 working days before hearing
Maximum time for presentation of evidence and information by each party at hearing	30 minutes
Maximum time for questioning of each party by any other parties at hearing	10 minutes
Maximum time for addressing Sub-Committee by each party	5 minutes
Determinations to be made	Whether it is necessary to reject the application for the promotion of the crime prevention objective
Period allowed for Determination by Sub-Committee	5 working days

5.16. Cancellation of Interim Authority Notice – Section 48(3)(a)

Period in which Hearing to be held	5 working days from the date of end of period for notice by police
Period of Notice of Hearing	2 working days
Parties to be Notified	The Applicant The Chief Officer of police
Period of Notice of Attendance at Hearing	1 working days before hearing
Period of submission of evidence to be presented at hearing	1 working days before hearing
Maximum time for presentation of evidence and information by each party at hearing	30 minutes
Maximum time for questioning of each party by any other parties at hearing	10 minutes
Maximum time for addressing Sub-Committee by each party	5 minutes
Determinations to be made	Whether it is necessary to cancel the interim authority notice for the promotion of the crime prevention objective
Period allowed for Determination by Sub-Committee	5 working days

5.17. Review of Premises Licence – Section 52(2)  
Review of Club Premises Certificate – Section 82(2)

Period in which Hearing to be held	20 working days from the date of end of period for representations
Period of Notice of Hearing	10 working days

Parties to be Notified	The licence holder Persons making relevant representations The person who made the application for a review
Period of Notice of Attendance at Hearing	5 working days before hearing
Period of submission of evidence to be presented at hearing	5 working days before hearing
Maximum time for presentation of evidence and information by each party at hearing	40 minutes
Maximum time for questioning of each party by any other parties at hearing	15 minutes
Maximum time for addressing Sub-Committee by each party	10 minutes
Determinations to be made	Whether to: <ul style="list-style-type: none"> <li>• Modify the conditions of the licence</li> <li>• Exclude a licensing activity</li> <li>• Remove the designated premises supervisor</li> <li>• Suspend the licence for up to three months</li> <li>• Revoke the licence</li> </ul>
Period allowed for Determination by Sub-Committee	5 working days

5.18. Review of Premises Licence following Closure Order – Section 167(5)(a)

Period in which Hearing to be held	10 working days from the date notice from magistrates' court
Period of Notice of Hearing	5 working days
Parties to be Notified	The licence holder Persons making relevant representations
Period of Notice of Attendance at Hearing	2 working days before hearing
Period of submission of evidence to be presented at hearing	2 working days before hearing
Maximum time for presentation of evidence and information by each party at hearing	40 minutes
Maximum time for questioning of each party by any other parties at hearing	15 minutes
Maximum time for addressing Sub-Committee by each party	10 minutes

Determinations to be made	Whether to: <ul style="list-style-type: none"> <li>• Modify the conditions of the licence</li> <li>• Exclude a licensing activity</li> <li>• Remove the designated premises supervisor</li> <li>• Suspend the licence for up to three months</li> <li>• Revoke the licence</li> </ul>
Period allowed for Determination by Sub-Committee	At the conclusion of the hearing

5.19. Police objection to Temporary Event Notice – Section 105(2)(a)

Period in which Hearing to be held	7 working days from the date of end of period for notice by police
Period of Notice of Hearing	2 working days
Parties to be Notified	The Applicant The Chief Officer of Police
Period of Notice of Attendance at Hearing	1 working days before hearing
Period of submission of evidence to be presented at hearing	1 working days before hearing
Maximum time for presentation of evidence and information by each party at hearing	40 minutes
Maximum time for questioning of each party by any other parties at hearing	15 minutes
Maximum time for addressing Sub-Committee by each party	10 minutes
Determinations to be made	Whether to give a counter notice
Period allowed for Determination by Sub-Committee	At the conclusion of the hearing

5.20. Consideration of Convictions of Personal Licence Holder – Section 124(4)(a)

Period in which Hearing to be held	20 working days from the date of end of period for notice by police
Period of Notice of Hearing	10 working days
Parties to be Notified	The Applicant The Chief Officer of police
Period of Notice of Attendance at Hearing	5 working days before hearing
Period of submission of evidence to be presented at hearing	5 working days before hearing
Maximum time for presentation of evidence and information by each party at hearing	30 minutes
Maximum time for questioning of each party by any other parties at hearing	10 minutes

Maximum time for addressing Sub-Committee by each party	5 minutes
Determinations to be made	Whether it is necessary to cancel the interim authority notice for the promotion of the crime prevention objective
Period allowed for Determination by Sub-Committee	5 working days

- 5.21. Determination of Application for Conversion to Premises Licence, subject to of Police Notice of Objection – Paragraph 4(3)(a) of Schedule 8  
Determination of Application for Conversion to Club Premises Certificate, subject to of Police Notice of Objection – Paragraph 16(3)(a) of Schedule 8

Period in which Hearing to be held	10 working days from the date of end of period for representations
Period of Notice of Hearing	5 working days
Parties to be Notified	The applicant The Chief Officer of Police
Period of Notice of Attendance at Hearing	2 working days before hearing
Period of submission of evidence to be presented at hearing	2 working days before hearing
Maximum time for presentation of evidence and information by each party at hearing	40 minutes
Maximum time for questioning of each party by any other parties at hearing	15 minutes
Maximum time for addressing Sub-Committee by each party	10 minutes
Determinations to be made	Whether it is necessary to reject the application to promote the crime prevention objective.
Period allowed for Determination by Sub-Committee	At the conclusion of the hearing

- 5.22. Determination of Application for Conversion to Personal Licence, subject to a Police Notice of Objection – Paragraph 26(3)(a) of Schedule 8

Period in which Hearing to be held	10 working days from the date of end of period for notice by police
Period of Notice of Hearing	5 working days
Parties to be Notified	The Applicant The Chief Officer of Police
Period of Notice of Attendance at Hearing	2 working days before hearing
Period of submission of evidence to be presented at hearing	2 working days before hearing
Maximum time for presentation of evidence and information by each party at hearing	30 minutes

Maximum time for questioning of each party by any other party at hearing	10 minutes
Maximum time for addressing Sub-Committee by each party	5 minutes
Determinations to be made	Whether it is necessary to reject the application to promote the crime prevention objective
Period allowed for Determination by Sub-Committee	At the conclusion of the hearing

# Summary of Procedure at Hearing

## 1. Introductions

- 1.1. Introduction from Chair
- 1.2. Introduction from other members, officers and the parties

## 2. Report

- 2.1. Report by the Licensing Officer
- 2.2. Questions by members
- 2.3. Questions by the parties

## 3. Presentations

- 3.1. Presentation by those making representations
  - 3.1.1. Questions by members
  - 3.1.2. Questions by other parties
- 3.2. Presentation by applicant
  - 3.2.1. Questions by members
  - 3.2.2. Questions by other parties

## 4. Final Addresses

- 4.1. By those making representations
- 4.2. By the applicant

## 5. Advice

- 5.1. From the Licensing Officer
- 5.2. From the Legal Advisor

## 6. Decision

- 6.1. Consideration by members in private
- 6.2. Members come to a decision
- 6.3. Legal Advisor is asked to check the decision
- 6.4. Chair announces decision

By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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