

Agenda



HYNDBURN

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Licensing Sub Committee

Monday, 29 January 2024 at 2.00 pm,
Queen Elizabeth Room, Scaitcliffe House, Ormerod Street, Accrington

Membership

Chair: Councillor Terry Hurn
Vice-Chair: Councillor

Councillors Joyce Plummer and Heather Anderson

AGENDA

1. Apologies for absence, Substitutions, Declarations of Interest and Dispensations

2. Minutes of the Last Meeting - 20th November 2023 (Pages 3 - 4)

The Minutes of the meeting of the Licensing Sub-Committee held on 20th November 2023 are submitted for approval as a correct record.

Resolved - That the Minutes be received and approved as a correct record.

3. Licensing Act 2003 Determination Hearing - Biggins Farm, Green Haworth, Accrington (Pages 5 - 36)

To consider a request for a Temporary Event Notice (TEN) in relation to Biggins Farm, Green Haworth, Accrington, at a hearing to be held under Section 105(2)(a) of the Licensing Act 2003 following an objection from the Council's Environmental Protection Officer.



Three appendices are attached to the report, as follows:

Appendix 1 Submitted Temporary Event Notices

Appendix 2 Representation received

Appendix 3 Licensing Authorities Conduct of Hearing Procedures

The applicant has been invited to attend the meeting and been advised of their right to be represented.

Recommended - **That in accordance with Section 105(2) of the Licensing Act 2003, the Sub-Committee should consider the representation and must take such of the following steps as it considers necessary for the promotion of the licensing objectives:**

(i) impose one or more of the existing licence conditions on the TEN (insofar as such conditions are not inconsistent with the event). Members should note that this option isn't available on this occasion as the premises does not hold a licence and there are therefore no existing conditions.

(ii) determine that the event would undermine the licensing objectives and serve a counter notice

(iii) allow the licensable activities to go ahead as stated in the notice.

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

LICENSING SUB COMMITTEE

Monday, 20th November, 2023

Present: Councillor Terry Hurn (in the Chair), Councillors Heather Anderson and Joyce Plummer

Apologies

211 Apologies for absence, Substitutions, Declarations of Interest and Dispensations

There were no apologies for absence, substitutions, declarations of interest or dispensations submitted at the meeting.

212 Minutes of the Last Meeting held on 20th July 2023

The Minutes of the Last Meeting of the Licensing Sub-Committee, held on 20th July 2023, were submitted for approval as a correct record.

Resolved - **That the Minutes be received and approved as a correct record.**

213 Exclusion of the Public

Resolved - **That, in accordance with Section 100A(4) Local Government Act 1972, the public were excluded from the meeting during the following item, when it was likely, in view of the nature of the business to be transacted, or the nature of the proceedings, that there would otherwise be disclosure of exempt information within the Paragraphs at Schedule 12A of the Act, specified at the item.**

214 Licensing Act 2003 Determination Hearing - Personal Licence Holder

(Exempt information under the Local Government Act 1972, Schedule 12A, Paragraph 3 – Information relating to the financial or business affairs of any particular person)

The Licensing Manager submitted a report to advise the Licensing Sub-Committee of information submitted by Merseyside Constabulary about a personal licence holder's relevant convictions for the purposes of Schedule 4 of the Licensing Act 2003. Members were requested to consider the information submitted and determine appropriate action.

The Licensing Sub-Committee considered the representations made by Merseyside Police and were informed that the Licensing Authority had attempted to contact the licence holder at two addresses but there had been no response to their letters and therefore, no representations submitted.

Resolved **(1) That, the Licensing Sub-Committee considered the facts before them and after careful consideration determined that the licence holder was not a fit and proper person and the personal licence**

should be revoked.

- (2) The Licensing Sub-Committee determined that the personal licence should be revoked due to the following reasons:
- the licence holder had a duty under Section 132(1)(a) of the Licensing Act 2003 to notify the Licensing Authority of a conviction for a relevant offence and had failed to do so.
 - the licence holder had repeatedly failed to engage with the Licence Authority.
 - the licence holder was in a Designated Supervisor position, which was a position of trust and, therefore, should set an example to staff. It was considered that a person who had committed these types of offences would not be suitable to be in control of licensed premises and there would be potential for all four of the licensing objectives to be undermined.
 - the Licensing Sub-Committee considered that it was important to show that they would not accept this type of behaviour and that a precedence should be set.

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed



TITLE :	LICENSING ACT 2003 DETERMINATION HEARING Land at Biggins Farm, Accrington
TO:	LICENSING SUB-COMMITTEE
DATE/TIME:	QE Room, Scaitcliffe House, Accrington
Objection from :	Simon O'Hara, Environmental Protection, Hyndburn Borough Council
STATUS :	

1. PURPOSE OF THE REPORT

Hearing held under Section 105(2)(a) of the Licensing Act 2003 following an objection from Paul Thwaites on behalf of Environmental Protection, Hyndburn Borough Council.

In relation to:-

Temporary Event Notice – Biggins Farm, Green Howarth, Accrington

1.1 RECOMMENDATIONS

The Sub-Committee is requested to consider the Temporary Event Notices (TEN) submitted by Mr James Quayle and the subsequent objection submitted by Simon O'hara on behalf of the Environmental Protection Team, Hyndburn Borough Council

In accordance with Section 105(2) of the Licensing Act 2003, the Sub-Committee must take such of the steps set out in the conclusion of the report as it considers necessary for the promotion of the licensing objectives:

THE APPLICATION

- 2.1 On the 15h January a Temporary Event Notices (TEN) under Section 100 of the Licensing Act 2003 was served upon Hyndburn Borough Council by Mr James Quayle in respect of Biggins Farm for an event to take place on 4th – 5th May between the hours of 1700 and 0030.

A copy of the TEN is attached at **Appendix 1**.

2.2 The notice stated that during the requested times there would be regulated entertainment and the sale by retail of alcohol.

2.3 For members' information the premises does not currently benefit from any licence granted under the Licensing Act 2003

3.0 Details of the objection

On 19th January in accordance with Section 104(2) of the Licensing Act 2003 as amended by the Police Reform and Social Responsibility Act 2011, Simon O'hara on behalf of the Environmental Protection, Hyndburn Borough Council, submitted an objection to the TEN's on the grounds of:

- The Prevention of public nuisance

A copy of the objection is attached at **Appendix 2.**

3.1 Legal background to Objection

Under section 104(2) of the Licensing Act 2003, the Chief Officer of Police or a local authority exercising environmental health functions may object to a TEN on the basis that use of the premises in accordance with the notice would undermine any of the licensing objectives. Members will be aware that these are:-

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

If the police and/or local authority exercising environmental health functions believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the premise user and the licensing authority an objection notice. The objection notice must be given within three working days of their receipt of the TEN.

If the licensing authority receives an objection notice from the police or local authority exercising environmental health functions that is not withdrawn, it must hold a hearing to consider the objection (unless all parties agree that this is unnecessary) within 7 working days beginning with the day after the end of the period within which a chief officer of police or the local authority exercising environmental health functions may give a notice under section 104(2)

3.2 THE LICENSING ACT 2003

The Licensing Act 2003 requires you to have regard to the representation and only consider elements of representations that are about the likely effect of the event going ahead on the promotion of the Licensing Objectives

3.3 Members are referred the relevant sections relating to all four of the licensing objectives in Hyndburn Licensing Authority's Statement of Licensing Policy which are set out below:-

14.0 Prevention of public nuisance

14.1 The most obvious aspect of public nuisance is noise. The primary source of noise is amplified music, either uncontained outdoors or emanating from

premises, which do not have sufficient measures in place to contain the sound. Late at night or in the early hours of the morning, individuals shouting in the street or groups of people talking in an animated fashion generate a substantial level of noise and in some cases this is aggravated by offensive language.

- 14.2 As customers leave licensed premises, the sound of their conversation can disturb residents. Potentially greater problems arise when customers congregate or accumulate outside the licensed premises. However, it is clear that the person in control of the premises has a responsibility to ensure that disturbance to residents and businesses are kept to a minimum.
- 14.3 In considering licence applications where relevant representations are received, the Licensing Authority will consider the adequacy of measures proposed to deal with the potential for nuisance and disorder having regard to all the circumstances of the application. When addressing public nuisance, the applicant should identify any particular issues which are likely to adversely affect the promotion of the objective to prevent public nuisance, taking account of the location, size and likely clientele of the premises, and the type of entertainment (if any) to be provided. Such steps as are required to deal with these issues should be included within the applicant's operating schedule and may include:
- The steps the applicant has taken or proposes to prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment and human voices. Such measures may include the installation of soundproofing, air conditioning, noise limitation devices and keeping windows closed during specified hours.
 - The steps taken to ensure that all staff involved in the management of the premises have the capability, responsibility and training to supervise other staff and to ensure that the premises are operated in such a manner as to prevent public nuisance
 - The steps the applicant has taken or proposes to prevent disturbance by patrons arriving at or leaving the premises, for example warning signs at exits, and warning announcements within the premises, and the use of door supervisors to pass on the message
 - The steps the applicant has taken or proposes to prevent queuing, or if queuing is inevitable, to divert queues away from neighbouring premises, or otherwise manage and monitor the queue to prevent disturbance of obstruction, and to prevent patrons congregating outside the premises.
 - The implementation of a last admission time, and how the last admission time relates to the closing time of the premises
 - The steps the applicant has taken or proposes to take to manage queues so that patrons who will not gain admission before any last admission time are advised accordingly
 - The steps the applicant has taken to reduce queuing outside the premises and to minimise the length of time people have to queue at the premises
 - The steps the applicant has taken to advise patrons that they will not be admitted if they are causing a disturbance, and the steps taken to implement a procedure for banning patrons who continually leave or arrive at the premises in a manner which causes a public nuisance or disturbance.
 - The arrangements made or proposed for parking by patrons and the effect of parking on local residents.

- The arrangements the applicant has made or proposes to make for security lighting at the premises, and the steps the applicant has taken or proposes to take to ensure that lighting will not cause a nuisance to residents.
- Whether there is sufficient provision for public transport for patrons, for example the provision of a free phone taxi service or other arrangements with taxi companies, and whether information is provided to patrons about the most appropriate routes to the nearest transport facilities.
- Whether taxis and private hire vehicles serving the premises or traffic flow from the premises are likely to disturb local residents.
- Whether routes to and from the premises pass residential premises.
- Whether other appropriate measures to prevent nuisance have been taken, such as the use of CCTV or the employment of an adequate number of licensed door supervisors.
- The measures proposed to prevent the consumption or supply of illegal drugs, including any search and disposal procedures.
- The procedures in place for ensuring that no customer leaves with bottles or glasses
- If the applicant has previously held a licence within the area of the Council, the history of any enforcement action arising from those premises.
- Whether the premises would result in increased refuse storage or disposal problems, or additional litter in the vicinity of the premises.
- The steps the applicant has taken or proposes to take in order to ensure that standards of public decency are maintained in any entertainment provided at the premises.
- If appropriate, whether music is played at a lower level towards the end of the evening in a “wind down period”.
- The applicant’s proposals for the length of time between the last sales of alcohol, and the closing of the premises
- The steps the applicant has taken to prevent noise and other public nuisance from occurring in any open air parts of the premises, beer gardens, smoking shelters or areas that are used on an ad-hoc basis by patrons with the management consent for smoking e.g. a street or pavement adjacent to the premise

The above list is not intended to be exhaustive, and the applicant should consider all aspects of the operation that may affect public nuisance.

14.4 Premises already in receipt of complaints should seek an early remedy to any confirmed problem, if necessary by engaging the services of a private consultant. The Licensing Authority can act as arbiters in situations where the complaint is disputed or where the nature of the problem needs to be better defined. The organisers of temporary events should pre-empt potential nuisance, especially when complaints have previously arisen at the same venue.

14.5 Where the provision of existing legislation proves inadequate or inappropriate for control purposes, the licensing authority will consider imposing licensing conditions. Any condition deemed appropriate and imposed by the Licensing Authority to promote the prevention of public nuisance will focus on measures within the direct control of the licence holder, and designated premises supervisor.

- 14.6 Ultimately, if conditions or other legislation cannot adequately address the issues of nuisance, an application may be refused or a licence revoked.
- 14.7 Since the introduction of the Health Act 2006 the requirement for patrons to go outside a premises to smoke has caused an increase in the number of noise and anti-social behaviour complaints received by this and other Councils. It is therefore expected by the Licensing Authority that the management of licensed premises will ensure that adequate provision is made to supervise those patrons who leave the premises for a short time to smoke, having regard to the health and safety of their staff. In certain cases some form of regular engagement between businesses and residents can lead to better understanding of the needs of each party and inspire a degree of trust.
- 14.8 The cumulative effects of litter around premises carrying on licensable activities can amount to public nuisance. The Licensing Authority requires that any premises that can cause litter, be it from a take away food establishment or cigarette debris left by its customers, must remove it at regular intervals. At the end of trading, management of the premises should arrange for a final check of the area immediately outside the premises, to ensure that no litter, spilled food or cigarette debris is left. In some cases it may be appropriate to impose conditions on licences for take away premises which require litter bins to be provided or for litter dropped around of the premises to be collected and removed at regular intervals at the licence holder's expense including washing away to the gutter any spilled food.

4.0. LEGAL IMPLICATIONS

4.1 Members are reminded that they should:

- follow the rules of natural justice and the code of conduct for elected members in licensing applications.
- have read or should hear all the facts prior to making a determination.
- Give consideration to the Human Rights Act 1998, in particular:
 - the right to peaceful enjoyment of possessions;
 - the right to a fair and public hearing within a reasonable time;
 - respect for private and family life; and
 - the right to freedom of expression.

5.0 Conclusion

In accordance with Section 105(2) of the Licensing Act 2003, the Sub-Committee should consider the representation and must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

- (i) impose one or more of the existing licence conditions on the TEN (insofar as such conditions are not inconsistent with the event). Members should note that this option isn't available on this occasion as the premises does not hold a licence and there are therefore no existing conditions.
- (ii) determine that the event would undermine the licensing objectives and serve a counter notice
- (iii) allow the licensable activities to go ahead as stated in the notice.

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

Mr Quayle has been invited to attend this hearing and he has been advised of his rights to be represented.

6.0 A copy of the Licensing Authorities Conduct of Hearing Procedures is set out at **Appendix 3**.

Appendix 1 Submitted Temporary Event Notices

Appendix 2 Representation received

Appendix 3 Licensing Authorities Conduct of Hearing Procedures

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Temporary Event Notice

Important new legislation on COVID-19 available [here](#).

Information on the Licensing Act 2003 is available [here](#).

Before completing this form [please read the guidance notes](#).

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

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

Personal Details <i>(Please read note 1)</i>			
Your name			
Title	Forenames	Surname	
Mr	James	Quayle	
Previous names <i>(if relevant)</i>			
Have you used any previous names?	Yes	<input type="checkbox"/>	No <input checked="" type="checkbox"/>
Have you used any other previous names?	Yes	<input type="checkbox"/>	No <input type="checkbox"/>
Have you used any other previous names?	Yes	<input type="checkbox"/>	No <input type="checkbox"/>
Your date of birth	[REDACTED]		
Your place of birth	Manchester		
National Insurance No.	[REDACTED]		

Your current address (We will use this address to correspond with you unless you complete the separate correspondence box on the next page)	
X	
[Redacted Address]	
Other contact details	
Telephone numbers	
Daytime telephone	[Redacted]
Evening telephone (optional)	
Mobile telephone (optional)	
Fax number (optional)	
Email address	[Redacted]

Alternative address for correspondence (<i>Address for correspondence associated with this application, if different to the previous address</i>)	
Alternative contact details (<i>if applicable</i>)	
Telephone numbers	
Daytime (optional)	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
Email address (optional)	

The Premises	
Please select the address of the premises where you intend to carry out the licensable activities. If there is no address, please select the street record in the address lookup and supply further details of the location (including ordnance Survey references) (Please read note 2)	
<p>Biggins Farm Green Haworth BB5 3SL</p> <p style="text-align: center;">s</p>	
Trading name	Brother's In Beer Bar Hire and Events
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	
Additional address information	

Do you intend to use the whole of the premises at this address (Please read note 3) Yes No

Please give a description and details below

Please describe the nature of the premises below (Please read note 4).

The premises is one of the walled fields of Biggins farm

Please describe the nature of the event below (Please read note 5).

By the same team as the Dreaming Of Bedlam event. It's a ticketed event with security on the gate checking tickets and monitoring the attendees. This is an event celebrating 80/90s house music, the general demographic is people aged 25-60

The Licensable Activities		
Please state the licensable activities that you intend to carry on at the premises (Please mark an "X" next to the licensable activities you intend to carry on - either double click with the mouse, or press the space bar in the relevant field) (Please read note 6)		
The sale by retail of alcohol		X
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club		
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (Please read note 12)	On the premises	X
	Off the premises	
	Both	
The provision of regulated entertainment (Please read note 7)		X
The provision of late night refreshment		
Are you giving a late temporary event notice? (Please read note 8)		

Please state the date and times on which you intend to use these premises for licensable activities (please read note 9).							
Please give times in 24-hour clock. e.g. 19:00.							
Start Date	04/05/2024	Time	17:00	End Date	05/05/2024	Time	00:30
Please state the times during the event period that you propose to carry on licensable activities. Please give times in 24-hour clock. e.g. 19:00 (please read note 10).				17:00 - 00:30			
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11)						499	

State if the licensable activities will include the provision of relevant entertainment. Note: **Relevant Entertainment** is defined as any live performance or any live display of nudity etc.

If you are applying for the relevant entertainment activity, please state the times during the event period that you propose to provide the relevant entertainment. (Please read note 13)

17:00-00:30

Personal Licence Holders <i>(Please read note 14)</i>	
Do you currently hold a valid personal licence?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Please provide the details of your personal licence below.	
Issuing licencing authority	
Licence number	
Date of issue	
Date of expiry	
Any further relevant details	

Previous Temporary Event Notices you have given <i>(Please read note 15)</i>		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Please state the number of temporary event notices you have given for events in the same calendar year		
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Associates and business colleagues		
Has any associate of yours given a temporary event notice in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Please state the total number of temporary event notices your associate(s) have given for events in the same calendar year		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 4 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Condition <i>(Please read note 18)</i>
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

Custom Process Configuration

XML Specific

Application type	
Licence Case Type	
Licence Status	
XML Template	TEN
CAPS Reference	ZZLO00000609

Payments request

CallingAppID	
CallingAppRef	
PaymentSourceCode	

Response response

PaymentAuthorisationCode	
IncomeManagementReceiptNumber	
Originators Reference	
CardScheme	
CardType	
PaymentAmount	
ResponseCode	
ResponseDescription	
Number of payment lines	
Process ID From External	

Payment 1

Receipt Number	
DueDate	
PaymentType	
Pay Description	Temporary Event Notice
XML Description	Temporary Event Notice
PaymentDue	
Paid	
Payment Date	
Fund	Z1
Reference	YF2NDB10N98

Form Calculations

Title Casing	
Sentence Casing	
UPRN for address lookup	
Boolean to "hide" page	<input type="checkbox"/>
Form Reference	
User Classification	
Bank holiday array population	
Boolean to activate page numbers	<input type="checkbox"/>

Field for fee array

Licence Lookup

Licence Lookup

Other Custom Calculations

Calculation for late ten	
Calculation for licensable activities	
Number of Days TEN Covers	1
Subject Line for Email Out	
Body for Internal Email	
Body for External Email	
Start Date in XML format	
End Date in XML Format	
Hours the TEN covers	
DOB	
Customer Email Acknowledgment	

App Day Tel:

App Eve Tel:

App Mobile:

App Fax:

App Email:

Agnt Day Tel:

Agnt Eve Tel:

Agnt Mobile:

Agnt Fax:

Agnt Email:

TEN Notice:

Declarations <i>(Please read note 19)</i>	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is offence:	
To knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and	
To permit an unauthorised licensable activity to be carried on at any place an that a person is liable on conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six (6) months, or to both.	
Please tick the box if you agree with the declarations above	<input checked="" type="checkbox"/>
Date	13/01/2024
Name of person signing	Mr James Quayle

From: Environmental Protection <environmental.protection@hyndburnbc.gov.uk>
Sent: Thursday, January 18, 2024 5:27:47 PM
To: Laura Hollister <Laura.Hollister@hyndburnbc.gov.uk>
Cc: 'East Police Licensing' <EastPoliceLicensing@lancashire.police.uk>; 'barhire@aol.co.uk' <barhire@aol.co.uk>; 'Gary.Hennighan@lancashire.pnn.police.uk' <Gary.Hennighan@lancashire.pnn.police.uk>; 'Needham, Phill' <Phill.Needham@lancashire.police.uk>; 'Duguid, Camille' <Camille.Duguid@lancashire.police.uk>
Subject: RE: TEN - Biggins Farm

Dear Laura

The Environmental Protection team would like to object to this TENs application on the grounds of Public nuisance due to the number of noise complaints received following previous events at this location.

Kind regards

Simon O'Hara

Environmental Control Officer

Environmental Health Department
Hyndburn Borough Council Scaitcliffe House,
Ormerod Street, Accrington, Lancashire, BB5 0PF

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HYNDBURN BOROUGH COUNCIL

LICENSING ACT 2003

PROCEDURE NOTE ON THE CONDUCT OF LICENSING HEARINGS

1. Application

- 1.1 Every hearing that is subject to the Licensing Act 2003 (Hearings Regulations) 2005 (“the Regulations) will be held in accordance with the Regulations and this procedure.
- 1.2 References in this procedure to the “ Licensing Committee” shall unless indicated to the contrary include a reference to a Licensing sub Committee.

2. Time of Hearing

- 2.1 Hearings will commence within the appropriate period of time stipulated in the Regulations, and where the hearing is scheduled to take place on more than one day, it will whenever possible, take place on consecutive working days.
- 2.2 Hearings will commence at a time to be appointed by the Licensing Authority.

3. Members of the Committee or Sub-Committee

- 3.1 Where the full Licensing Committee sit to hear an application, the full Committee will sit, with the exception of any member who is excluding from participation under paragraph 3.3 below.
- 3.2 Where a Sub-Committee sit to hear an application, it will consist of 3 members of the full Committee. The sub committee must not include any member who is excluded from participation under paragraph 3.3 below
- 3.3 A member may not sit on either the Licensing Committee or the Licensing sub committee if he / she
 - a) has sat on a Planning Committee which has determined a planning application relating to the premises that are the

subject of the licensing application under consideration and/or .

- b) has a personal and prejudicial interest in the licensing application and / or
- c) has agreed to represent or support either the applicant or any interested party prior to the hearing.

3.4 Members will act in accordance with the Licensing Act 2003. They will have received training under the Act and will also act in accordance with the relevant paragraphs of the Local Authority Co-ordinators of Regulatory Services Guidance on the Role of Elected Members in Relation to Licensing Committee Hearings under the Licensing Act 2003, the Hyndburn Borough Council Member codes of conduct and the requirements of the Standards Board for England and Wales.

4. Preliminaries

4.1 The Chair of the Committee will

- a) outline the purpose of the hearing and the person or premises to which the hearing relates.
- b) ask every person appearing before the Committee to introduce themselves and where appropriate state who they represent.
- c) refer the parties to the procedures that the Committee will follow at the hearing.

In particular the Chair will clarify that;

- the hearing will take the form of a discussion led by the Chair and cross-examination will not be permitted unless the Committee considers that cross-examination is required for it to consider the representations, application or notice as the case may require.
- members of the Committee may ask a question of any party or other person appearing at the hearing.

4.2 The Chair of the Committee will ask the Licensing Manager to indicate

- a) whether or not any parties who do not appear before the Committee have made any representations.
- b) whether or not any person referred to in paragraph 4.2 a) above has indicated that they intend to be represented.

- c) whether or not any representations have been withdrawn
 - d) whether or not any party has indicated that they consider a hearing to be unnecessary
 - e) whether or not any person has requested permission for other persons (other than a representative) to appear at the hearing, and the points upon which that person may be able to give information or assistance.
- 4.3 Where a party has given notice that they do not intend to attend or be represented, the Committee will consider whether they wish to proceed in the absence of that party.
- 4.4 Where a party has not given such notice and has failed to attend or be represented, the Committee will then decide whether it is necessary in the public interest to adjourn the hearing to a specified date or hold the hearing in the party's absence. The Chair of the Committee may invite representations from parties present on this issue before making their decision.
- 4.5 Where a party wishes to introduce any documentary or other information that they have not produced in advance of the hearing, the Chair of the Committee will ask all other parties whether they consent to that evidence or information being introduced. If any party does object, that documentary or other information should not be introduced.
- 4.6 The Committee will then consider any requests made to call other persons under Paragraph 4.2(e) above, and shall not unreasonably withhold any such permission, having ensured that Paragraph 4.3 above is not undermined by such persons.

5 Hearings to be Held in Public

- 5.1 Subject to this paragraph, the hearing shall take place in public although a member of the public, unless a party to the hearing a representative of a party, or a person mentioned under Paragraph 4.3(e) above, shall not be entitled to address the hearing.
- 5.2 The Chair of the Committee will invite any applications from parties present in relation to whether it is in the public interest to exclude the public from all or part of a hearing.
- 5.3 Where there are such representations, they will be heard in public and following these, the Committee will decide whether the public

interest in excluding the public outweighs the public interest in the hearing, or that part of the hearing taking place in public.

- 5.4 Where there are no representations under Paragraph 5.2 the hearing will take place in public. Where there are representations, the Committee's decision and reasons for it will be given in public, and the Committee will also state whether any party or any persons assisting or representing a party are to be treated as a member of the public for this purpose.

5. The Hearing

- 6.1 The Licensing Manager (who is not a party to the proceedings) will outline the facts of the application and summarise the nature of the relevant representations that have been received
- 6.2 The Applicant will be invited by the Chair of the Committee to present their application.
- 6.3 Any objectors present will be invited by the Chair of the Committee to present their objections.
- 6.4 At the discretion of the Chair of the Committee a party may be allowed to ask questions of any of any other party
- 6.5 At the discretion of the Chair of the Committee the Solicitor to the Licensing Committee may ask a question of any party.

7. Adjournment of Hearing

- 7.1 The Committee or Sub-Committee may adjourn a hearing to a specified date or arrange for the hearing to be held on specified additional dates where it considers this necessary to consider any representations or notice made by a party.

8. Determinations

- 8.1 At the conclusion of the hearing the Committee may decide to consider its decision in private. The Chair will then invite everyone (with the exception of the committee administrator) to retire from the meeting room.
- 8.2 The Committee may at any time during the consideration of its decision invite the Solicitor to the Licensing Committee to provide confidential legal advice.

8.3 The Committee or Sub-Committee will make its determination at the conclusion of the hearing but in restricted circumstances may make a determination within a period of 5 working days of the last day of the hearing.

9. Notice of Determination

9.1 The Chair to the Committee will issue a written notice of determination in accordance with the Regulations

Column 1		Column 2
Provision under which hearing is held.		Period of time within which hearing must be commenced.
1.	Section 18(3)(a) (determination of application for premises licence).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c).
2.	Section 31(3)(a) (determination of application for a provisional statement).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c) by virtue of section 30.
3.	Section 35(3)(a) (determination of application to vary premises licence).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c) by virtue of section 34(5).
4.	Section 39(3)(a) (determination of application to vary premises licence to specify individual as premises supervisor).	20 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 37(5).
5.	Section 44(5)(a) (determination of application for transfer of premises licence).	20 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 42(6).
6.	Section 48(3)(a) (cancellation of interim authority notice following police objection).	5 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 48(2).
7.	Section 52(2) (determination of application for review of premises licence).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 51(3)(c).
8.	Section 72(3)(a) (determination of application for club premises certificate).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 71(6)(c).
9.	Section 85(3) (determination of application to vary club premises certificate).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 71(6)(c) by virtue of section 84(4).
10.	Section 88(2) (determination of application for review of club premises certificate).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 87(3)(c).
11.	Section 105(2)(a) (counter notice following police objection to temporary event notice).	7 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under section 104(2).

12.	Section 120(7)(a) (determination of application for grant of personal licence).	20 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under section 120(5).
13.	Section 121(6)(a) (determination of application for the renewal of personal licence).	20 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under section 121(3).
14.	Section 124(4)(a) (convictions coming to light after grant or renewal of personal licence).	20 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under section 124(3).
15.	Section 167(5)(a) (review of premises licence following closure order).	10 working days beginning with the day after the day the relevant licensing authority receives the notice given under section 165(4).
16.	Paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence).	10 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under paragraph 3(2) or (3) of Schedule 8.
17.	Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate).	10 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under paragraph 15(2) or (3) of Schedule 8.
18.	Paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for grant of personal licence).	10 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under paragraph 25(2) of Schedule 8.

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