



HYNDBURN

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TITLE : LICENSING ACT 2003 DETERMINATION HEARING
MINT TREE
1 GLEBE STREET
GREAT HARWOOD

TO: LICENSING SUB-COMMITTEE
QUEEN ELIZABETH ROOM,SCAITCLIFFE HOUSE

TIME: 11AM MONDAY 5TH OCTOBER 2015

BY : HOWARD BEE, LICENSING MANAGER

1. PURPOSE OF THE REPORT

- 1.1 To advise elected members of the details of an application to vary a Premises Licence and a determination required under the Licensing Act 2003.

2. RECOMMENDATIONS

- 2.1 That the Sub Committee must, having regard to the representations, take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
- a) Grant the application in full
 - b) To modify the conditions of the licence
 - c) Reject the whole or part of the application

For these purposes conditions of the licence are modified if any of them are altered or omitted or any new condition is added.

3. THE APPLICATION

- 3.1 Loco Bars Ltd the premise licence holder, has made an application to this Licensing Authority to vary the Premises Licence for, Mint Tree, 1 Glebe Street, Great Harwood, BB6 7AA, licence number PL0263.

A copy of the application is attached at Appendix A

- 3.2 The Designated Premises Supervisor is Mr. David Sinclair, who was issued with a personal licence (number 1005/032) issued by Rossendale Council.

3.3 The premises is an existing Public House/club.

3.4 The application is to vary the following licensable activities:

ACTIVITY	CURRENTLY ALLOWED	VARIATION APPLIED FOR
Plays indoors	Not currently licensed	Monday to Sunday 10:00 – 04:00
Films indoors	Sunday to Thursday 10:00 – 00:00 Friday & Saturday 10:00 – 02:00 Non Standard Timings From the commencement of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day. Sunday preceding all Bank Holiday Mondays 1000 to 0200 Christmas Eve 1000 to 0100	Monday to Sunday 10:00 – 04:00
Indoor Sporting Events	Sunday to Thursday 10:00 – 00:00 Friday & Saturday 10:00 – 02:00 Non Standard Timings From the commencement of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day. Sunday preceding all Bank Holiday Mondays 1000 to 0200 Christmas Eve 1000 to 0100	Monday to Sunday 10:00 – 04:00
Live Music indoors (e)	Monday & Tuesday 10:00 – 00:00 Wednesday & Thursday 17:00 – 00:00 Friday & Saturday 17:00 – 03:00 Sunday 17:00 – 01:30 Non Standard Timings From the commencement of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day. Sunday preceding all Bank Holiday Mondays 1000 to 0300 Christmas Eve 1000 to 0100	Monday to Sunday 10:00 – 04:00
Recorded Music Indoors(f)	Monday & Tuesday 10:00 – 00:00 Wednesday & Thursday 17:00 – 00:00 Friday & Saturday 17:00 – 03:00 Sunday 17:00 – 01:30 Non Standard Timings From the commencement of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day. Sunday preceding all Bank Holiday Mondays 1000 to 0300 Christmas Eve 1000 to 0100	Monday to Sunday 10:00 – 04:00

Performance of dance indoors (g)	<p>Monday & Tuesday 10:00 – 00:00 Wednesday & Thursday 17:00 – 00:00 Friday & Saturday 17:00 – 03:00 Sunday 17:00 – 01:30</p> <p>Non Standard Timings</p> <p>From the commencement of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day.</p> <p>Sunday preceding all Bank Holiday Mondays 1000 to 0300</p> <p>Christmas Eve 1000 to 0100</p>	Monday to Sunday 10:00 – 04:00
Anything of a similar description to that falling within (e)(f) or (g) indoors (h)	<p>Sunday to Thursday 10:00 – 00:00 Friday & Saturday 10:00 - 02:00</p> <p>Non Standard Timings</p> <p>From the commencement of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day.</p> <p>Sunday preceding all Bank Holiday Mondays 1000 to 0200</p> <p>Christmas Eve 1000 to 0100</p>	Monday to Sunday 10:00 – 04:00
Late Night Refreshment	<p>Monday to Thursday 23:00 – 00:00 Friday & Saturday 23:00 – 03:00 Sunday 23:00 - 01:30</p>	Not applied for
Supply of alcohol for consumption on and off the premises	<p>Monday & Tuesday 10:00 – 00:00 Wednesday & Thursday 17:00 – 00:00 Friday & Saturday 17:00 – 03:00 Sunday 17:00 – 01:30</p> <p>Non Standard Timings</p> <p>From the commencement of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day.</p> <p>Sunday preceding all Bank Holiday Mondays 1000 to 0300</p> <p>Christmas Eve 1000 to 0100</p>	Monday to Sunday 10:00 – 04:00

3.5 Hours Premises are to be open to the public (o)

ACTIVITY	CURRENTLY ALLOWED	VARIATION APPLIED FOR
Hours premise are open to the public	<p>Monday & Tuesday 10:00 – 00:30 Wednesday & Thursday 17:00 – 00:30 Friday & Saturday 17:00 – 03:30 Sunday 17:00 – 02:00</p> <p>Non Standard Timings</p> <p>From the commencement of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day.</p> <p>Sunday preceding all Bank Holiday</p>	Monday to Sunday 10:00 – 04:30

	Mondays 1000 to 03:30	
	Christmas Eve 1000 to 01:30	

- 3.6 The applicant is also requesting to remove those conditions currently imposed on the licence which they believe could be removed as a consequence of the proposed variation. Those conditions are–

Annex 2 Conditions imposed in accordance with the operating schedule

The premises shall have on duty three SIA registered door supervisors from 22.00 hours until half an hour after closing on the following occasions-

- Every Friday and Saturday
- Sunday preceding a Bank Holiday
- all Bank Holidays
- Christmas and New Year's Eve

The full application is attached at Appendix A to this report.

A copy of the current licence is attached at Appendix B to this report

- 3.7 The applicant has submitted additional conditions with this application to describe the steps that they intend to take to promote the four licensing objectives. This operating schedule is reproduced directly from the application form. These will become enforceable conditions, should the licence be granted. Additional conditions may be attached to the licence if the committee thinks it appropriate.

The additional condition is –

The premises shall have on duty one SIA registered door supervisor from 22:00 hours until fifteen minutes after closing, every Friday and Saturday, Sunday preceding a bank holiday, all bank holidays, Christmas and New Year's Eve.

- 3.8 The current premises licence has number of conditions attached to it promoting the four licensing objectives, they are –

ANNEX 1 MANDATORY CONDITION

- No supply of alcohol may be made under the Premises Licence at a time when there is no Designated Premises Supervisor (DPS) in respect of the Premises Licence or at a time when the DPS does not hold a Personal Licence or their Licence is suspended.
- Every supply of alcohol under the Premises Licence must be made or authorised by a person who holds a Personal Licence.

ANNEX 2 - CONDITIONS IMPOSED IN ACCORDANCE WITH THE OPERATING SCHEDULE

A personal licence holder will be on the premises from 8pm, Monday to Sunday.

Whenever the DPS is not at the premises a responsible person nominated by them shall be left in charge of the premises.

The licence holder and/or the designated premises supervisor or a person nominated by them shall be a member of and regularly attend at the meetings of the Pub and Club Watch schemes for the area within which the premises is located.

The premises shall have on duty three SIA registered door supervisors from 22.00 hours until half an hour after closing on the following occasions-

- every Friday and Saturday
- Sunday preceding a Bank Holiday
- all Bank Holidays
- Christmas and New Year's Eve

A log book shall be maintained at the premises, in which shall be recorded the following details:

The door supervisor's name;

His/her Security Industry Authority licence number;

The time and date he/she starts and finishes duty;

Each entry shall be signed by the door supervisor.

That logbook shall be available for inspection on demand by an Authorised Officer of the Council, the Security Industry Authority or a Police Constable.

The premises will fully co-operate and participate in all Police led initiatives.

All bar staff are instructed not serve customers who are drunk.

All staff are trained on the fire evacuation procedures.

Emergency testing carried out regularly.

SIA approved door supervisors won't admit customers who are underage or on pubwatch. SIA approved door supervisors will empty the bar efficiently as at the end of every night, and over the course of half an hour drinking up time, ensuring there is no crush to leave the premises.

The consumption of alcohol is not permitted in any outside areas of the premises.

The door adjacent to the bar which leads to the toilets and smoking area must remain closed at all times, other than use for access and egress.

The inner entrance doors to the premises, other than for access and egress, must remain closed at all times.

Amplified music and speech shall only be played in rooms where adequate sound insulation is provided.

Loudspeakers will not be sited or directed where they will cause disturbance to occupiers of neighbouring premises.

DJ's and other performers will be informed prior to events taking place, not to disturb occupiers of properties in the neighbourhood from their activities.

Adequate provision will be made so that any external area does not give rise to any disturbance within the vicinity.

There will be no loud speakers or amplification equipment used in external areas.

Staff will be trained so that customers' behaviour does not disturb residents when they arrive or depart from the premises.

Deliveries, collections and operational servicing will only be carried out between 08.00 and 18.00 hours.

Visiting delivery drivers will be informed to switch their vehicle engines off and to minimise noise from any of their other activities.

Noise and vibration from extract ventilation systems, air conditioning, refrigeration units and compressors will not cause disturbance to occupiers of neighbouring properties.

All plant and machinery will be maintained and serviced in line with manufacturers' instructions.

Premises will be provided with ventilation that does not discharge so as to cause disturbance to occupiers of neighbouring properties.

When under 18 events are held no alcohol is to be served to anyone on the premises.

A CCTV system shall be operated and in working order at the premises, internally, externally and on the entrances to the premises to the satisfaction of Lancashire Constabulary and shall be used to record during all hours that the premises are open to the public. All cameras to be fully operational to the satisfaction of the Police by 30/6/08.

The images recorded by the CCTV system shall be retained in unedited form for a period of not less than 31 days or other lesser period agreed with the Divisional Police Licensing Officer, Lancashire Constabulary

The maximum capacity of the premises including staff and entertainers shall be 250.

All members of staff concerned in the sale of alcohol shall receive documented training in relation to under age sale prevention. The documented information and training records must be available for inspection to an officer of a responsible authority.

There shall be in place for the premises a written policy to prevent the sale or supply of alcohol to persons under 18 years of age.

Persons who appear to be under the age of 21 years shall be required to produce proof of age by way of one of the following:

A recognised proof of age card accredited under the British Retail Consortiums Proof of Age Standards Scheme (PASS)

Photo driving licence

Passport

Citizen card supported by the Home Office

Official ID card issued by HM Forces or European Union bearing a photograph and birth of the holder

There shall be a zero tolerance drugs policy in operation referred to in the Statutory Guidance to the Act and Safer Clubbing publication.

All members of staff to receive document training in relation to drugs and the premises own drugs policy. The documented information and training records must be available for inspection to an officer of a responsible authority.

The premises will conduct documented toilet checks every 20 minutes. The documented information must be available for inspection to an officer of a responsible authority.

Sales of alcohol for consumption off the premises shall cease at 2300 hours with the exception of staff members who may purchase alcohol for consumption off the premises at the end of their shift should it end after 2300 hours.

When disabled persons are present on the premises there shall be in place arrangements for their safe evacuation in the case of an emergency or other reason. Details of those

arrangements shall be recorded in writing and all staff employed on the premises shall be aware of those arrangements.

The nosings on all steps and landings shall be maintained so that they are clearly visible by painting them in contrasting colours or other similar means.

All doors or gates both inside and outside the premises which are on an escape route shall be fitted only with approved fasteners and shall at all times be properly maintained and free from obstruction. All such doors and gates shall be capable of being opened easily and fully and shall open in the direction of the escape route.

All exit routes and doors on such routes shall be checked on every occasion before the premises is used for purposes of a licensable activity and at regular occasions when the premises are open to the public to ensure that they are free from defect, obstruction, trip hazards and surfaces are not slippery. A record of the initial inspection, any defects discovered and the remedial action taken shall be made in writing in a logbook kept for that purpose. That logbook shall be made available for inspection on demand to an Authorised Officer of the Council, a Fire Officer or a Police Constable.

Where any automatic self-closing fire-resisting doors activated by a fire alarm or fire detection system are fitted within the premises they shall not be prevented from closing by any device and shall be marked to both sides of the doors so that they are clearly visible and positioned at or about eye level with the words "FIRE DOOR KEEP CLEAR" in block letters not less than 50mm high when the premises are open to the public.

Whilst the premises are open any chain, padlock or any other device used to lock an exit door when the premises are not in use shall be removed.

Noise from music and associated sources (including D.J.'s and amplified voices) shall not be audible at the boundary of any neighboring residential premises at any time.

The licence holder or his representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record shall be made of those assessments in a log book kept for that purpose and shall include, the time and date of the checks, the person making them and the results including any remedial action.

There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public notices requiring customers to leave the premises and the area quietly. (Note: this may also include a reference to vehicles).

Door supervisors and other members of staff to request customers to leave quietly and have respect for their residential neighbours.

The licensee shall request that staff arriving early morning or departing late at night when the business has ceased trading conduct themselves in such a manner to avoid disturbance to nearby residents.

A copy of the existing licence is attached at Appendix B

4. THE REPRESENTATIONS

- 4.1 I have determined that this is a valid application to vary a Premises Licence, but there are four representations so the issue must, by law, be referred to a hearing by elected members for a determination.

Responsible Authorities

4.2 The following representations have been received from the Responsible Authorities

Lancashire Constabulary

The operating schedule has been amended in response to representations made by Lancashire Constabulary against his application to clarify and expand upon the details of the application.

These amendments are reproduced directly from correspondence to the Licensing Authority.

The following is an agreed additional condition -

Prior to each occasion that licensable activities take place, a risk assessment will be carried out and an appropriate number of SIA registered door supervisors will be utilised at the premises in accordance with said risk assessment, which will be documented and made available to an authorised officer on request. As a minimum, at least one SIA registered door supervisor will be utilised from 22:00 hours until 15 minutes after closing every Friday and Saturday night, Sunday preceding a Bank Holiday, all Bank Holidays, Christmas and New Year's Eve.

The proposed amendments are attached in full at Appendix C

Environmental Health

Environmental Health have submitted representations on the grounds of prevention of public nuisance

They have received noise complaints from members of the public and on 31/7/2015 served an 'Abatement Notice in Respect of Noise Nuisance'

Interested Parties

4.3 The Council received three valid representations,

Name	Address	Relevance to which licensing objective
Andrew Donelan	Glebe Street	The prevention of public nuisance
Carl Jervis	Baggys Glebe Street	The prevention of Crime and Disorder
John Yeoman	Queens Street	The prevention of Crime and Disorder Public Safety

The representations are attached in full at Appendix D

5. ISSUES FOR CONSIDERATION

5.1 Since 2/5/2015 a number of compliance visits have taken place. Apart from one all were compliant. All visits are recorded in the pocket notebook of Mr Derek Hamill.

- 2/5/2015 when visited 3 registered door supervisors in attendance

- 5/6/2015 when visited Mr. Hamill spoke with Mr David Sinclair Jnr with regard to the display of the premises licence. During that conversation Mr. Sinclair advised Mr. Hamill that he had it on good authority from Police Licensing Sergeant Jason Middleton that it been agreed to reduce the door supervision from three to two door supervisors. Mr. Hamill advised him to the contrary.
- As a result of the discussion on 5/6/2015 a letter was sent to the management of the Mint Tree dated 8/6/2015. The letter reminded the management that they had to have on duty the number of registered door supervisors as per premise licence condition.
- 13/6/2015 when visited 3 registered door supervisors in attendance.
- 19/6/2015 when visited 3 registered door supervisors in attendance.
- 23/6/2015 when visited 3 registered door supervisors in attendance.
- 3/7/2015 when visited 3 registered door supervisors in attendance.
- 13/7/2015 when visited one registered door supervisor was in attendance. Mr. Sinclair informed Mr Hamill that two door supervisors had left the premises without warning. Mr. Sinclair was instructed to replace the vacated supervision. A return visit to the premises was undertaken later the same evening were upon the additional supervision where in attendance.
- 20/07/2015 Visited to check public notice display with regard to the premise licence variation.
- 24/07/2015 when visited 3 registered door supervisors in attendance.
- 01/8/2015 when visited 3 registered door supervisors in attendance, public notice premise licence variation checked.
- 22/08/2015 when visited 3 registered door supervisors in attendance.

6. THE LICENSING ACT 2003

6.1 The Licensing Objectives are –

- i) The prevention of crime and disorder
- ii) Public safety
- iii) The prevention of public nuisance; and
- iv) The protection of children from harm

6.2 The Licensing Act 2003 requires you to:

- A) have regard to the Representations and only consider elements of Representations that are about the likely effect of the grant of the premises licence on the promotion of the Licensing Objectives
- B) take only such of the steps as you consider necessary for the promotion of the Licensing Objectives.

6.3 The steps you may take are (a) to modify the conditions of the licence and/ or to reject the whole or part of the Application to vary a Premises Licence.

6.4 Members are also advised that you should take account of the Statutory Guidance to the Act.

6.5 Members are also referred to Hyndburn Licensing Authority's Statement of Licensing Policy. Sections of the policy which are considered to be of particular relevance to this application are:

- Section 1 sets out the purpose the policy, namely promoting the four Licensing Objectives.
- Section 6 sets out the Council's approach with regard to the imposition of conditions.

7. LEGAL IMPLICATIONS

7.1 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.

Appendices

Appendix A	Copy of the application
Appendix B	Copy of the current licence
Appendix C	Amended operating schedule proposals
Appendix D	Representations
Appendix E	Copy of the licensing Authorities 'Conduct of Hearings Procedures'

Background Papers

The following background papers were used in the preparation of this report.

Licensing Act 2003

Home Office revised guidance issued under section 182 of the Licensing Act, March 2015

Hyndburn Council Licensing Act 2003 Licensing Policy

HYNDBURN BOROUGH COUNCIL

LICENSING ACT 2003

THE CONDUCT OF HEARINGS

1. Application

- 1.1 All hearings subject to the Licensing Act 2003 (Hearings Regulations) 2005 will be held in accordance with this procedure. Schedule 1 details the hearings which are subject to this procedure.

2. Time of Hearing

- 2.1 Hearings will commence within the times illustrated in Column 2 of Schedule 1, and where the hearing is scheduled to take place on more than one day, it will take place on consecutive working days.
- 2.2 Hearings will normally commence at 1.00 pm on the day of the hearing, but hearings may take place at other times at the discretion of the Chair of the Committee or Sub-Committee appointed to hear the matter.

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, excluding a member who:
- a) has sat on a Planning Committee hearing in respect of the premises subject to, or concerned in the Licensing Act 2003 application and/or
 - b) has a personal and prejudicial interest in the application and / or
 - c) has become an interested party by representing the applicant or any interested party prior to the hearing.
- 3.2 Where a Sub-Committee sit to hear an application, it will consist of 3 members of the full Committee and will exclude a member who:
- a) has sat on a Planning Committee hearing in respect of the premises subject to, or concerned in the Licensing Act 2003 application and/or
 - b) has a personal and prejudicial interest in the application
 - c) has become an interested party by representing the applicant or any interested party prior to the hearing.
- 3.3 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. Opening of a Hearing and Identifying Parties to the Hearing

- 4.1 The Chair of the Committee or Sub-Committee will introduce the members of the Committee or Sub-Committee and will outline the brief purpose of the hearing, person or premises to which the hearing relates, and the legal authority under which the determination will be made.

- 4.2 All parties to a hearing will have been given a Notice of Hearing and Information to accompany a Notice of Hearing, prior to the hearing. The party to the hearing receiving a Notice of Hearing is obliged to return a response notice stating whether:
- a) they intend to attend or be represented at the hearing
 - b) they consider a hearing to be unnecessary
 - c) they request 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 The Clerk to the Committee or Sub-Committee will identify in turn, each party to the hearing who is present, and in relation to that party, whether they:
- a) are represented, and if so, who by
 - b) have given notice that they consider a hearing unnecessary
 - c) have given notice that they wish to withdraw any representation they have made
 - d) have given written representations which are before the hearing
 - e) have given notice that they seek permission to call any other persons (other than a representative) to appear at the hearing, and the points upon which that person may be able to give evidence on or assistance
- 4.4 The Chair of the Committee or Sub-Committee will then, in turn, ask each party to the hearing who is present whether:
- a) they wish to verbally withdraw any representations they have made
 - b) they intend to introduce any documentary or other information that they have not produced in advance of the hearing
- 4.5 Where a party does intend to introduce any documentary or other information that they have not produced in advance of the hearing, the Chair of the Committee or Sub-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 must not be introduced.
- 4.6 The Committee or Sub-Committee will then consider any requests made to call other persons under Paragraph 4.3(e) above, and shall not unreasonably withhold any such permission, having ensured that Paragraph 4.5 above is not undermined by such persons.
- 4.7 The Clerk to the Committee or Sub-Committee will identify in turn, each party to the hearing who is not present at the hearing and in relation to that party will clarify:
- a) whether there is evidence that they were given Notice of the Hearing
 - b) whether that party has given notice that they intend to attend or be represented
 - c) whether that party has given notice that they consider a hearing to be unnecessary
 - d) whether that party has given notice that they wish to withdraw their representation
- 4.8 Where a party has given notice that they do not intend to attend or be represented, the Committee or Sub-Committee will state whether they intend to proceed in the absence of that party.
- 4.9 Where a party has not given such notice has failed to attend or be represented, the Committee or Sub-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 Committee or Sub-Committee may invite representations from parties present on this issue before making their decision.
- 4.10 The Committee or Sub-Committee, should it decide to proceed must subsequently consider the application, representation or notice made by a party who does not attend, attaching the appropriate weight of evidence to it.

5. Hearings to be Held in Public

- 5.1 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 or Sub-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 or Sub-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 5.3, then subject to Paragraph 7.8, the whole of the hearing will take place in public. Where there are representations, the Committee or Sub-Committee decision and reasons for it will be given in public, and the Committee or Sub-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.

6. Commencement of the Hearing

- 6.1 The Chair will explain the procedures that it will follow at the hearing. In particular the Chair will clarify that:
 - a) the hearing will take the form of a discussion led by the Committee or Sub-Committee and cross-examination will not be permitted unless the Committee or Sub-Committee considers that cross examination is required for it to consider the representations, application or notice as the case may require.
 - b) members of the Committee or Sub-Committee may ask a question of any party or other person appearing at the hearing.
 - c) members of the Committee or Sub-Committee may take into account documentary or other information produced to the authority before the hearing in support of their application, representation or notice. These have been provided to the Committee or Sub-Committee members by the Licensing Manager and need not be repeated at the hearing.
 - d) members of the Committee or Sub-Committee may take into account any new documentary or other information produced to the authority at the hearing with the consent of all other parties (if any) and need not be repeated verbally at the hearing.
 - e) parties will be allocated a maximum equal period to exercise their rights. The Chair will clarify what that time will be and when calculating that time will take account of the number of other persons who have been given permission to speak under Paragraph 4.3(e) above.
 - f) parties will be allowed to clarify points upon which they wish to support their application.
 - g) parties may seek permission to question any other party subject to Paragraph a) above.
 - h) parties may seek permission to address the Committee or Sub-Committee.

7. Procedure

- 7.1 The Licensing Manager (or his representative) will not be a party to the hearing. The Manager will outline the facts of the application and relevant representations received from parties.
- 7.2 The Licensing Manager will then outline the legislation under which a determination is required.
- 7.3 The Licensing Manager will outline:
 - a) Relevant parts of the Act

- b) Relevant subordinate legislation
- c) Relevant sections from the statutory guidance made under Section 182 of the Act.
- d) Relevant paragraphs of the Statement of Licensing Policy made under Section 5 of the Act.
- e) The time limit in which the Committee or Sub-Committee must make a determination under the law.

7.4 The Licensing Manager or Licensing Authority Solicitor will advise the Committee or Sub-Committee but will not make recommendations or be part of the determination process. They will not retire with the Committee or Sub-Committee members for the purposes of a determination. The Licensing Authority Solicitor may at the request of the Chairman of the Committee or Sub Committee advise the Committee or Sub Committee whilst it is considering its decision.

7.5 Each party to the hearing present will then in turn provide information supporting or clarifying their representations. Each party can at this time seek to exercise their rights under Paragraph 6 above.

7.6 At the conclusion of hearing, the Committee or Sub-Committee may advise all parties of details of representations they have received from parties not present and the weight they intend to attach to that evidence or representation.

7.7 The Committee or Sub-Committee will disregard any information given by a party or any other person to whom permission to appear at the hearing has been given which is not relevant to ;

- a) their application, representation or notice or in the case of another person, the application, representation or notice of the party requesting their appearance, and
- b) the promotion of the Licensing Objectives

or in the case of a hearing to consider a notice given by a chief officer of police, the crime prevention objective only.

7.8 At any time during the hearing the Committee or Sub Committee may exercise the right to exclude the public and the parties from the hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public.

8 Persons behaving in a disruptive manner

8.1 The Committee or Sub-Committee may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may:

- a) refuse to permit that person to return, or
- b) permit them to return only on such conditions as the Committee or Sub-Committee may specify

but such a person may, before the end of the hearing, submit to the authority in writing any information, which they would have been entitled to give orally had they not been required to leave.

9. Adjournment of Hearing

9.1 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.

9.2 It will not adjourn a hearing in such a way to create an effect on the requirements of granting or rejecting an application under Schedule 8 of the Act or a review under Section 167 of the Act.

10 Determinations

10.1 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.

11 Notice of Determination

11.1 The Clerk to the Committee or Sub-Committee will issue a notice of determination forthwith to all parties.

12 Record of Proceedings

The Clerk to the Committee will provide for a record of the hearing to be taken in a permanent and intelligible form and kept for 6 years from the date of determination.

SCHEDULE 1

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).

Column 1		Column 2
Provision under which hearing is held.		Period of time within which hearing must be commenced.
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).