



Cambridge City Council

LICENSING SUB COMMITTEE D

To: Councillors Rosenstiel, Stuart and Upstone

(Despatched and placed on public deposit: Monday 21 July 2008)

Date: Monday 21 July 2008
Time: 1.30pm
Place: Committee Rooms 1 and 2, The Guildhall
Contact: Liz Whitcher **Direct Dial:** 01223 457015

AGENDA

1 **Declarations Of Interest**

Members are asked to declare at this stage any interests which they may have in any of the following items on the agenda. If any member is unsure whether or not they should declare an interest on a particular matter, they are requested to seek advice from the Head of Legal and Democratic Services before the meeting.

2 **Procedure To Be Followed**

The procedure for hearings of the subcommittee is set out overleaf.

3 **Exclusion of Public**

The public may be excluded from this meeting during the following item as it is likely that there will be discussion of exempt information as described in Schedule 12A of the Local Government Act 1972.

4 **Chair's Ruling under 100B(4)(b) of the Local Government Act 1972**

5 **Application for the review of a premises licence under section 53A of the Licensing Act 2003: The Locomotive**

For information on the reports contact: Licensing Officer Tel: 457899

Information For The Public

Public Attendance

Members of the public are welcome to attend this meeting as an observer. See also the Hearings Procedure below which states the public speaking rights for those members of the public who are "interested parties".

Emergency Evacuation

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Do not attempt to use the lifts.

Do not attempt to re-enter the building until given the all clear by a member of the City Council staff. City Council staff will provide assistance with leaving the building.

Licensing Act 2003 - Licensing Sub-Committee: Hearings Procedure

Preliminary Matters

1. **The Chair** will commence the hearing by introducing him/herself, the other two members of the Sub-Committee and the officers present.
2. **The Chair** will ask the applicant(s)/the responsible authorities/the interested parties present, and their representatives (if applicable), to introduce themselves and identify their interest in the proceedings.

Failure of a party to attend the hearing

3. If a party has informed the licensing authority that he/she does not intend to attend or be represented at a hearing, the hearing may proceed in his/her absence.
4. If a party who has not so indicated fails to attend or be represented at a hearing, the Sub-Committee may –
 - (a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or
 - (b) hold the hearing in the party's absence.
5. Where the Sub-Committee holds the hearing in the absence of a party, the Sub-Committee will consider at the hearing the application, representations or notice made by that party.
6. **The Chair** will explain the procedure to be followed at the hearing and will confirm whether the Sub-Committee must reach its decision at the end of the hearing or within 5 working days of the hearing, depending on the application being heard.
7. **The Clerk to the Sub-Committee** will indicate whether any party has requested permission for any other person(s) (other than his/her representative) to appear at the hearing to assist the Sub-Committee in relation to the application, representations or notice of the party making the request. The Sub-Committee will decide whether to grant permission to allow any other person(s) to appear at the hearing on behalf of the party; such permission will not be unreasonably withheld.
8. **The Clerk to the Sub-Committee** will ask whether any party is seeking to introduce any document(s) or other information not previously disclosed to all the other parties to the hearing and the licensing authority. If all the other parties consent, the previously undisclosed document(s) or other information can be produced by a party in support of their application, representations or notice (as applicable).
9. The hearing will take the form of a discussion led by the Chair of the Sub-Committee. Cross-examination will not be permitted unless the Sub-Committee considers that cross-examination is required to consider the representations, application or notice as the case may require.
10. The Sub-Committee will consider any requests to permit cross-examination on a case-by-case basis. When permission is given to one party, it will also normally be extended to all other parties.
11. The Sub-Committee will decide the equal maximum period of time that each party will have to present their case.

The Hearing

12. The Licensing Officer will present the report to the Sub-Committee.
13. Members may ask any relevant questions of the Licensing Officer.
14. The applicant, or the party who has initiated the hearing, will present their case first.
15. The party shall be entitled to:
 - (a) give further information in support of their application, representations or notice (as applicable) in response to a specific request by the licensing authority prior to the hearing;
 - (b) question any other party (if permission has been given by the Sub-Committee);
 - (c) address the Sub-Committee.
16. If the Police are a party to the hearing, they will present their case. The Police have the rights listed in paragraph 15 (a) – (c) above.
17. If any other “responsible authority” are a party to the hearing, they will present their case in turn after the Police and have the rights listed in paragraph 15 (a) – (c) above.
18. Any other interested parties will then present their case in turn and have the rights listed in paragraph 15 (a) – (c) above.
19. Members of the Sub-Committee may ask questions of the/each party or any other person permitted to appear at the hearing in support of the party.
20. **The Chair** will invite the applicant, or the party who has initiated the hearing, and any parties making representations, to briefly summarise their points if they wish.
21. **The Chair** will ask the applicant, or the party who has initiated the hearing, and all parties making representations, that they are satisfied that they have said all they wish to.

The Decision

22. In considering any representations or notice made by a party, the Sub-Committee may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.
23. In reaching its decision, the Sub-Committee will disregard any information given by a party, or any person who has been permitted to appear at the hearing, which is not relevant to –
 - (a) the application, representations or notice (as applicable) or in the case of another person, the application, representations or notice of the party requesting their appearance, and
 - (b) the promotion of the licensing objectives or, in relation to a hearing to consider a notice given by the Police, the crime prevention objective.
24. The Sub-Committee may consider its decision in private and may move into private session where it considers that the public interest in so doing outweighs the public interest in that part of the hearing taking place in public. If the Sub-Committee do move into private session then all the parties and their representatives, any other person permitted to appear at the hearing, officers, the public and the press will be asked to leave the room whilst the decision is made.
25. **The Chair** will tell those present at the meeting the decision taken by the Sub-Committee and the reasons for the decision.