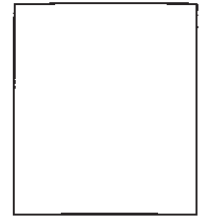




SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



Report of: Chief Licensing Officer, Head of Licensing

Date: 23rd May 2017

Subject: Licensing Act 2003

Author of Report: Clive Stephenson

Summary: To consider an application to grant a premises licence made under the Licensing Act 2003.

Waingate Express 36 Waingate Sheffield S3 8LB .

Recommendations: That members carefully consider the representations made and take such steps, as the Sub Committee consider necessary for the promotion of the Licensing Objectives.

Background Papers: Attached documents

Category of Report: OPEN

REPORT OF THE CHIEF LICENSING OFFICER
(HEAD OF LICENSING) TO THE LICENSING SUB COMMITTEE
LICENSING ACT 2003

Ref No 60/17

Waingate Express 36 Waingate Sheffield S3 8LB.

1.0 PURPOSE OF REPORT

1.1 To consider an application for the grant of a premises licence made under section 17 of the Licensing Act 2003.

2.0 THE APPLICATION

2.1 The applicant is. Aron Nefetalam

2.2 The application, which was received on 30th March 2017, is attached to this report labelled Appendix 'A'.

3.0 REASONS FOR REFERRAL

3.1 Representations concerning the application have been received from the following and are attached at Appendix B:-

- No 1 – Public.

3.3 The applicant and objectors have been invited to attend the hearing. Copies of the front page of the notices are attached to this report labelled Appendix 'C'

4.0 POLICIES TO CONSIDER

4.1 Sheffield City Council Licensing Policy

5.0 FINANCIAL IMPLICATIONS

5.1 There are no specific financial implications arising from this application. However, additional costs may be incurred should the matter go to appeal. In such an eventuality it may not be possible to recover all these costs. The impact of these additional costs (if any) will be kept under review and may be subject of a further report during the year.

6.0 THE LEGAL POSITION

6.1 The Licensing Act 2003 at section 4 (1) requires the Licensing Authority to carry out its functions with a view to promoting the Licensing Objectives which section 4(2) sets out as:-

- a) the prevention of crime and disorder,
- b) public safety,
- c) the prevention of public nuisance,
- d) the protection of children from harm.

Section 6 Cont'd

6.2 Section 4(3) of the Licensing Act also requires the Licensing Authority to have regard to the published statement of Licensing Policy and any guidance issued by the Secretary of State under section 182.

7.0 HEARINGS REGULATIONS

7.1 Regulations governing hearings under the Licensing Act 2003 have been made by the Secretary of State.

7.2 The Licensing Authority has provided all parties with the information required in the Regulations to the 2003 Act as set out at Appendix 'C'.

7.3 Attached at Appendix 'C' is the following: -

- a) a copy of the Notice of Hearing;
- b) the rights of a party provided in Regulations 15 and 16;
- c) the consequences if a party does not attend or is not represented at the hearing
- d) the procedure to be followed at the hearing.

8.0 APPEALS

8.1 The Licensing Act 2003 section 181 and Schedule 5 makes provision for appeals to be made by the applicant and those making representations against decisions of the Licensing Authority to the Magistrates' Court.

9.0 RECOMMENDATIONS

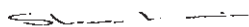
9.1 That Members carefully consider the representations made and take such steps as the Sub Committee consider appropriate for the promotion of the Licensing Objectives.

10.0 OPTIONS OPEN TO THE COMMITTEE

10.1 To grant the premises licence in the terms requested.

10.2 To grant the premises licence with conditions.

10.3 To reject the whole or part of the application.



Stephen Lonnia
Chief Licensing Officer
Head of Licensing

Appendix A

Application

Application for a premises licence to be granted under the Licensing Act 2003



A)

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

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

I/We ARON NEFETALAM

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description <u>36 WAINGATE</u> <u>WAINGATE EXPRESS</u> <u>SHEFFIELD</u>			
Post town	<u>SHEFFIELD</u>	Postcode	<u>S3 8LB</u>

Telephone number at premises (if any)	<u>01144380976</u>
Non-domestic rateable value of premises	<u>£ 3065.60</u>

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input checked="" type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i. as a limited company | <input type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |
| f) a health service body | <input type="checkbox"/> | please complete section (B) |

A2

- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a statutory function or

a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname NEFETALAM			First names ARON		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address		ERSKINE CRESENT SHEFFIELD			
Post town	SHEFFIELD			Postcode	S1 2AA
Daytime contact telephone number		[REDACTED]			
E-mail address (optional)	[REDACTED]				

Part 3 Operating Schedule

A3

When do you want the premises licence to start?

DD	MM	YYYY
01	05	2017

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

THIS PARTICULAR PREMISES LOCATED ON THE BOTTOM SIDE OF WAINGATE SHEFFIELD JUST LEFT SIDE FROM CASTLEGATE. THE SHOP LOCATED NEAR BY COMMERCIAL STREET JUST 50 YARDS FROM THE HIGH MARKET SHEFFIELD. THIS PARTICULAR SHOP IS ON THE GROUND FLOOR OF THE BUILDING, AS THE BUILDING CONSISTS UPPER FLOORS. THE PREMISES NAMED AS WAINGATE EXPRESS, WHICH INTEND TO USE AS OFF LICENCE AND CAR VEHICLE STORE.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	<input type="checkbox"/>				
					Outdoors	<input type="checkbox"/>				
					Both	<input type="checkbox"/>				
Day	Start	Finish	Please give further details here (please read guidance note 3)							
Mon										
Tue										
Wed							State any seasonal variations for the provision of late night refreshment (please read guidance note 4)			
Thur										
Fri							Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)			
Sat										
Sun										

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)		On the premises	<input type="checkbox"/>				
					Off the premises	<input checked="" type="checkbox"/>				
					Both	<input type="checkbox"/>				
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) <i>AS OFF LICENCE SHOPS WE WILL OPERATE ON THE STANDARD HOURS MENTIONED ON THE LEFT HOWEVER DURING CHRISTMAS AND NEW YEAR WE WILL CONSIDER TO CLOSE ONE HOUR EARLIER IN ORDER TO GIVE ALIQUANCE.</i>							
Mon	07:00 AM	23:45 PM								
Tue	07:00 AM	23:45 PM								
Wed	07:00 AM	23:45 PM								
Thur	07:00 AM	23:45 PM					Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) <i>I JUST INTEND TO USE THE PREMISES FOR THE SUPPLY OF ALCOHOL AS THE TIMES MENTIONED ON THE LEFT. THEREFORE THE PREMISES NOT TO BE USED OUTSIDE THIS HOURS. ALL PREMISES ACTIVITIES STRICTLY BASED ON THE TIMES LISTED ON THE LEFT.</i>			
Fri	07:00 AM	23:45 PM								
Sat	07:00 AM	23:45 PM								
Sun	09:00 AM	23:45 PM								

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

A5

Name		ARON NEFETALAM
Address		ERSKINE CRESCENT SHEFFIELD [REDACTED]
Postcode	[REDACTED]	
Personal licence number (if known)	SY06495PER	
Issuing licensing authority (if known)	SHEFFIELD CITY COUNCIL	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

THE PREMISES INTEND TO USE FOR OFF LICENCE SHOP AND THERE IS NO ANY ADULT ENTERTAINMENT OR SERVICES TO TAKE PLACE AND I CAN'T SEE ANY BIG ISSUE OR CONCERN IN RESPECT OF CHILDREN. SINCE THERE IS NO ADULT ENTERTAINMENT ON THE PREMISES.

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	07:00	23:45	AS OFF LICENCE AND CONVENIENCE STORE WE WILL OPERATE BASED ON THE HOURS MENTIONED ON PART J. CHRISTMAS AND NEW YEAR WILL CLOSE ONE HOUR EARLIER AT 22:45. OTHER WISE THERE IS NO VARIATION.
	AM	PM	
Tue	07:00	23:45	
	AM	PM	
Wed	07:00	23:45	
	AM	PM	
Thur	07:00	23:45	
	AM	PM	
Fri	07:00	23:45	
	AM	PM	
Sat	07:00	23:45	
	AM	PM	
Sun	09:00	23:45	

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

I WILL HAVE STRONG MANAGEMENT CONTROL AND EFFECTIVE TRAINING OF ALL STAFF IN ORDER TO INCREASE THEIR AWARENESS. STAFF TRAINING PROGRAMME. TO BE RESPONSIBLE ON UNDER AVE CHECK AND TAKE ALL RESPONSIBILITY FOR PUBLIC SAFETY AND TO PROTECT CHILDREN FROM HARM. TO PREVENT OF PUBLIC NUISANCE AND TO COMPLY WITH THE PREVENTION OF NOISES AND VIBRATIONS ACT 1992.

b) The prevention of crime and disorder

- ALL THE PREMISES TO BE COVERED BY CCTV SYSTEM IN ORDER TO ADDRESS CRIME OBJECTIVES.
- NO SELLING OF ALCOHOL TO DRUNK OR INTOXICATED CUSTOMERS
- CLEAR AND LEGIBLE NOTICE THAT INDICATE THE TERM OF THE WHICH LICENSABLE ACTIVITIES ARE PERMITTED.
- TO PREVENT AND VIGILANCE IN ILLEGAL DRUG USE AT THE AREA.

c) Public safety

I WILL TAKE ALL IMPORTANT STEPS TO DEMONSTRATE AWARENESS AND TO COMPLY WITH BASED ON HEALTH AND SAFETY AND FIRE PREVENTION LEGISLATION. I WILL TAKE ALL RESPONSIBLE APPROACH TO ENSURE THE SAFETY OF PUBLIC IN AND AROUND MY PREMISES.

- UNDER AVE ID CHECKS, TRAINING STAFF, PROVIDING THE LOG BOOK.

d) The prevention of public nuisance

I WILL MAKE SURE TO ACHIEVE ADDRESS THE PUBLIC NUISANCE OBJECTIVE. CLEAR AND LEGIBLE NOTICE WILL BE DISPLAYED AT THE EXIT REQUESTING THE PUBLIC TO RESPECT THE NEEDS OF THE NEARBY.

- DELIVERIES OF GOODS FOR BUSINESS WILL BE CARRIED AT SUCH A TIME OR IN SUCH A TIME OR SUCH A MANNER AS TO BE.

e) The protection of children from harm

I WILL STRICTLY CONTROL THE SELL OF ALCOHOL. "CHALLENGE 25" SIGN TO BE USED. TO ENCOURAGE ANY ONE WHO IS OVER 18 BUT LOOKS UNDER 25 TO CARRY ACCEPTABLE ID. LOG BOOK WILL BE KEPT UPON THE PREMISES ALL TIME.

A7

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 11).
If signing on behalf of the applicant, please state in what capacity.

Signature	<i>A7</i>
Date	<i>30.03.2017</i>
Capacity	<i>DESIGNATED PREMISES SUPERVISOR</i>

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Appendix B

Public Objection - No 1

B1

From: Valerie Bayliss [mailto: [REDACTED]]
Sent: 26 April 2017 07:53
To: licensingservice
Cc: [REDACTED]
Subject: License Application, Waingate Express, 36 Waingate S3 8LB

Dear Sirs

I write on behalf of the Friends of the Old Town Hall, Waingate. We are a community organisation concerned to secure the restoration and re-use of the Old Town Hall in Waingate. We are represented on the City Council's Castlegate Partnership Steering Group. We have received public funding (including from the Heritage Lottery Fund) to pursue our objectives which include acquisition of the building, in due course, by a charitable trust (which we have now established – charity no 1170599).

We wish to object to the granting of a license to Mr Aron Nefetalam in respect of the above-named premises. In our opinion refusal to grant this license application will serve to support the licensing objectives set out in the Licensing Act 2003, and in the Council's Licensing Policy, by containing or reducing risks to public safety, removing the scope for increased crime and disorder and reducing the scope for public nuisance.

The Waingate area is currently run-down and there is little residential population there. This suggests there is no existing mainstream market for another off-license, do we assume the intention is mainly to serve people drawn into the area by the availability of alcohol, particularly outside regular retail hours. There are already some 6 licensed premises within a 200 yard radius of 36 Waingate. It is reasonable to assume that these premises are already, in effect, servicing the demand from such residential population as exists, and from street drinkers (of whom there is a noticeable number at many points in the day and evening). We are also aware from direct observation of some illicit/illegal alcohol sales in Dixon Lane. Refusal to allow another source of alcohol, especially one open until late every night, will prevent the area from becoming even more attractive to the potentially and actually disruptive, who will be sources of increased levels of anti-social behaviour, crime and disorder; with yet another source of supplies, especially for the very long hours proposed, Waingate is at risk of becoming as risky and unsafe an area as West Street and we believe it would be wrong to encourage any further moves in that direction.

Daytime footfall in the area is largely shopping traffic in Haymarket, and people waiting for buses in Waingate, Castle Street and Haymarket. Our recent experience indicates that even in the mornings there are people hanging around the area who are drunk (for example, Friends' supporters carrying out a litter pick – funded by the Council's ward pot for City ward – on 22 April 2017 observed and/or were approached by numerous street drinkers between the hours of 10 am and 12 pm). The license application seeks permission to undertake retail sales of alcohol from 7 am. Refusal to grant a license will help the daytime users of the shops in the area by reducing the possibility that street drinkers will be a nuisance throughout retail hours.

The application also seeks permission to sell alcohol up to 11.45 pm every night. The area is mainly used after shop hours by people waiting for buses, of which very large numbers pass through. We are aware of individuals, especially women, who have already – at some inconvenience - stopped using these bus stops at night because they are no longer prepared to put up with hassle from drunks. From reports received it is reasonable to assume that the persons causing this nuisance are largely street drinkers and/or customers of the drugs trade. We are aware that staff in some of the Haymarket shops are dismayed at the prospect of a source of off-sales in Waingate and anticipate further problems from drinkers given even easier access to sales into the evening. Granting permission for such sales will help these staff.

BZ

There is no viable night-time economy in Castlegate at the moment and while we note that the Council's Licensing Policy seeks to encourage the development of a night-time economy it is clear this is envisaged as comprising seated venues, not more off-licenses.

More broadly, refusing this application will, by containing or reducing the opportunities for more anti-social behaviour and crime and disorder, and reducing the risk of threats to public safety, help support the regeneration of Castlegate to which the City Council and community groups like ours are fully committed.

We are copying this communication to South Yorkshire Police.

Valerie Bayliss
Chair, Friends of the Old Town Hall

Appendix C

Hearing notices and Regulations

**Notice of hearing of representations
in respect of the following application:
LA03 Premises Licence Application**

9

Mr Aron Nefetalam
20 Erskine Crescent
Sheffield
S2 3LQ

Sent via email: ~~XXXXXXXXXXXXXXXXXXXX~~

The Sheffield City Council being the licensing authority, on the 30th March 2017 received an application in respect of the premises known as;

Waingate Express – 36 Waingate Sheffield S3 8LB .

During the consultation period, the Council received representations from the following authorities / interested parties:

- **Public**

on the likely effect of this application on the promotion of the licensing objectives, should it be granted.

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **23rd May 2017 10.00am**; following which the Council will issue a notice of determination of the application.

The documents which accompany this notice are the relevant representations which have been made, as defined in Section 35(5) of the Act.

The particular points on which the Council considers that it will want clarification at the hearing from a party are as follows:

- 1) Your response to the representations made, upon which you may ask and be asked questions by the parties to the hearing.
- 2) You may also be asked questions by the parties to the hearing, relating to your application for a licence.

Please complete the attached form LAR1 and return it to: **Licensing Service, Sheffield City Council, Block C Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD** within five (5) working days before the day or the first day on which the hearing is to be held.

Dated: 11th May 2017

Signed: **Clive Stephenson**
The officer appointed for this purpose
Licensing Enforcement and Technical Officer

Please address any communications to: Licensing Service, Sheffield City Council, Block C Staniforth Road Depot Staniforth Road Sheffield S9 3HD. licensing@sheffield.gov.uk

**Notice of hearing of representations
in respect of the following application:
LA03 Premises Licence Application**

A handwritten signature in black ink, appearing to be 'C2'.

Ms Valerie Bayliss
Chair of Friends of Old Town Hall

Sent via email: [REDACTED]

The Sheffield City Council being the licensing authority, on the 30th March 2017 received an application in respect of the premises known as;

Waingate Express – 36 Waingate Sheffield S3 8LB .

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The documents which accompany this notice are the relevant representations which have been made, as defined in Section 35(5) of the Act.

The particular points on which the Council considers that it will want clarification at the hearing from a party are as follows:

- 1) Your response to the representations made, upon which you may ask and be asked questions by the parties to the hearing.
- 2) You may also be asked questions by the parties to the hearing, relating to your application for a licence.

Please complete the attached form LAR1 and return it to: **Licensing Service, Sheffield City Council, Block C Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD** within five (5) working days before the day or the first day on which the hearing is to be held.

Dated: 11th May 2017

Signed: **Clive Stephenson**
The officer appointed for this purpose
Licensing Enforcement and Technical Officer

Please address any communications to: Licensing Service, Sheffield City Council, Block C Staniforth Road Depot Staniforth Road Sheffield S9 3HD. licensing@sheffield.gov.uk

Right of attendance, assistance and representation

15. Subject to regulations 14(2) and 25, a party may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified.

Representations and supporting information

16. At the hearing a party shall be entitled to –
- (a) in response to a point upon which the authority has given notice to a party that it will want clarification under regulation 7(1)(d), give further information in support of their application, representations or notice (as applicable),
 - (b) if given permission by the authority, question any other party; and
 - (c) address the authority

Failure of parties to attend the hearing

20. – (1) If a party has informed the authority that he does not intend to attend or be represented at a hearing, the hearing may proceed in his absence.
- (2) If a party who has not so indicated fails to attend or be represented at a hearing the authority 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.
- (3) Where the authority holds the hearing in the absence of a party, the authority shall consider at the hearing the application, representations or notice made by that party.
- (4) Where the authority adjourns the hearing to a specified date it must forthwith notify the parties of the date, time and place to which the hearing has been adjourned.

Procedure at hearing

21. Subject to the provisions of the Regulations, the authority shall determine the procedure to be followed at the hearing.
22. At the beginning of the hearing, the authority shall explain to the parties the procedure which it proposes to follow at the hearing and shall consider any request made by a party under regulation 8(2) for permission for another person to appear at the hearing, such permission shall not be unreasonably withheld.
23. A hearing shall take the form of a discussion led by the authority and cross-examination shall not be permitted unless the authority considers that cross-examination is required for it to consider the representations, application or notice as the case may require.
24. The authority must allow the parties an equal maximum period of time in which to exercise their rights provided for at regulation 16.
25. The authority 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 him to return only on such conditions as the authority 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.

This procedure has been drawn up in accordance with the Licensing Act 2003 to assist those parties attending Licensing Committee hearings.

1. The hearing before the Council is Quasi Judicial.
2. The Chair of the Licensing Committee will introduce the Committee and ask officers to introduce themselves.
3. The Chair will ask the applicants to formally introduce themselves.
4. The Solicitor to the Committee will outline the procedure to be followed at the hearing.
5. Hearing Procedure:-
 - (a) The Licensing Officer will introduce the report.
 - (b) Questions concerning the report can be asked both by Members and the applicant.
 - (c) The Licensing Officer will introduce in turn representatives for the Responsible Authority and Interested Parties who will be asked to detail their relevant representations.
 - (d) Members may ask questions of those parties
 - (e) With the leave of the Chair the applicant or his representative may cross examine the representatives of the Responsible Authorities and Interested Parties.
 - (f) The applicant/licensee (or his/her nominated representative) will then be asked to:-
 - (i) detail the application;
 - (ii) provide clarification on the application and respond to the representations made.
 - (g) The applicant/licensee (or his/her nominated representative) may then be asked questions by members and with the leave of the Chair from the other parties present.
 - (h) The applicant will then be given the opportunity to sum up the application.
 - (i) The Licensing Officer will then detail the options.
 - (j) There will then be a private session for members to take legal advice and consider the application.
6. The decision of the Licensing Committee will be given in accordance with the requirements of the Licensing Act 2003 and regulations made there under.

NB: 1) At any time in the Licensing Process Members of the Committee may request legal advice from the Solicitor to the Committee. This advice may be given in open session or in private.

2) The Committee Hearing will be held in public unless and in accordance with the Regulations the Committee determine that the public should be excluded.

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