

Licensing Sub-Committee (Hearing under the Licensing Act 2003)

Wednesday 20 March 2019 at 7.30pm

**Committee Room
Runnymede Civic Centre, Addlestone**

Members of the Sub-Committee

Councillors Mrs J Gracey, S A Lewis and another Member of the Licensing Committee to be confirmed

Other Members of the Licensing Committee receive this Agenda for information only

A G E N D A

Notes:

- 1) Any report on the Agenda involving confidential information (as defined by section 100A(3) of the Local Government Act 1972) must be discussed in private. Any report involving exempt information (as defined by section 100I of the Local Government Act 1972), whether it appears in Part 1 or Part 2 below, may be discussed in private but only if the Committee so resolves.
- 2) The meeting will take place in public save that the Sub-Committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in public.
- 3) Enquiries about the Agenda and background papers should be directed in the first instance to **Miss C Pinnock, Democratic Services, Law and Governance Business Centre, Runnymede Civic Centre, Station Road, Addlestone (Tel. Direct Line: 01932 425627). (Email: clare.pinnock@runnymede.gov.uk).**
- 4) In the unlikely event of an alarm sounding, members of the public should leave the building immediately, either using the staircase leading from the public gallery or following other instructions as appropriate.
- 5) **Filming, Audio-Recording, Photography, Tweeting and Blogging of Meetings**

Members of the public are not permitted to film, audio record, take photographs or make use of social media (tweet/blog) at this meeting which is held in private.

The Chairman will make the final decision on all matters of dispute in regard to the use of social media, audio-recording, photography and filming in the Committee meeting.

LIST OF MATTERS FOR CONSIDERATION

PART I

Matters in respect of which reports have been made available for public inspection

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3. DECLARATIONS OF INTEREST	3
4. PROCEDURE FOR THE CONDUCT OF BUSINESS	3
5. EXCLUSION OF PRESS AND PUBLIC	4

PART II

Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection.

a) <u>Exempt Information</u>	
6. LICENSING ACT 2003 – PERSONAL LICENCE HOLDER DUTY TO INFORM LICENSING AUTHORITY OF CONVICTION	5

b) Confidential Information

(No reports to be considered under this heading)

1. **ELECTION OF CHAIRMAN**

The Legal Representative will ask the Members present to elect a Chairman for the meeting.

2. **FIRE PRECAUTIONS**

The Chairman will read the Fire Precautions which set out the procedures to be followed in the event of fire or other emergency.

3. **DECLARATIONS OF INTEREST**

If Members have an interest in an item please record the interest on the form circulated with this Agenda and hand it to the Legal Representative or Democratic Services Officer at the start of the meeting. A supply of the form will also be available from the Democratic Services Officer at meetings.

Members are advised to contact the Council's Legal section prior to the meeting if they wish to seek advice on a potential interest.

Members who have previously declared interests which are recorded in the Minutes to be considered at this meeting need not repeat the declaration when attending the meeting. Members need take no further action unless the item in which they have an interest becomes the subject of debate, in which event the Member must leave the room if the interest is a disclosable pecuniary interest or if the interest could reasonably be regarded as so significant as to prejudice the Member's judgement of the public interest.

Members are reminded that a non pecuniary interest includes their appointment by the Council as the Council's representative to an outside body and that this should be declared as should their membership of an outside body in their private capacity as a Director, trustee, committee member, or in another position of influence thereon.

4. **PROCEDURE FOR THE CONDUCT OF BUSINESS**

The Licensing Committee's rules of procedure which are set out in full in the Council's Constitution have been adapted for the purposes of this hearing, as set out below:

The Chairman will introduce the panel, including the Officers present, and explain the procedure for the conduct of business, as set out below. It is at the discretion of the panel to alter the order of business, if appropriate.

1. The Chairman will explain the procedure of the hearing to all parties, granting permission to those parties to be present where necessary.
2. The Authorised Officer's report shall be presented.
3. The hearing will take the form of a discussion between the Members, the Personal Licence Holder and/or their representative, if appointed.
4. The Personal Licence Holder (or their representative) will be invited to state their case and the Authorised Officer may then ask questions of them.
5. Members of the hearing panel may also ask questions of the Personal Licence Holder (or their representative), who may give further information in support of their case, Members can also ask questions of the Authorised Officer.
6. All parties present will be given an equal amount of time to state their case (10 minutes).

7. Each party will be invited to make a closing submission if they wish.
8. Where resolved to do so, the hearing panel will then retire to deliberate in private, after which the hearing will be resumed.
9. If the Personal Licence Holder (or their representative) chooses to wait, they will be notified verbally of the decision at the meeting and given a brief outline of the decision. The formal decision of the hearing will be issued in due course.
10. If the Personal Licence Holder or other party to the hearing is unhappy with the decision of the hearing, they have a right of appeal, in this local authority area, to Surrey Magistrates' Court, within 21 days of being notified of the decision.
11. The Police, as a responsible authority, has the right to make representations to the Licensing Authority within 14 days, beginning with the date the decision notice was received, in accordance with Section 132A (11) of the Licensing Act 2003.

5. **EXCLUSION OF PRESS AND PUBLIC**

OFFICERS' RECOMMENDATION that -

the press and public be excluded from the meeting during discussion of the report under Section 100A(4) of the Local Government Act 1972 on the grounds that the report(s) in question would be likely to involve disclosure of exempt information of the description specified in paragraphs 1, 2, 3 and 7 of Part 1 of Schedule 12A of the Act.

(To Resolve)

PART II

Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection.

- a) Exempt Information
6. LICENSING ACT 2003 – PERSONAL LICENCE HOLDER DUTY TO INFORM LICENSING AUTHORITY OF CONVICTION
- b) Confidential Information
(No reports to be considered under this heading)