

Chief Executive's Office

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Date: 17 June 2005

Chorley
Borough Council

Town Hall
Market Street
Chorley
Lancashire
PR7 1DP

Chief Executive:
Jeffrey W Davies MA LLM

Dear Councillor

A meeting of the Statutory Licensing Sub-Committee A is to be held in the Council Chamber, Town Hall, Chorley on Wednesday, 29th June, 2005 commencing at 2.00 pm.

AGENDA

1. **Apologies for absence**
2. **Declarations of any Interests**

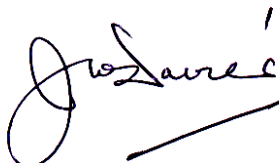
Members of the Sub Committee are reminded of their responsibility to declare any personal interest in respect of matters contained in this agenda, in accordance with the provisions of the Local Government Act 2000, the Council's Constitution and the Members Code of Conduct. If the personal interest is a prejudicial interest, then the individual member should not participate in a discussion on the matter and must withdraw from the room and not seek to influence a decision on the matter.

3. **Licensing Act 2003 (Premises and Club Premises Certificates) Regulations 2003 - Application to vary Premises License in respect of St Bede's Parish Centre, Brownley Street, Clayton-le-Woods (Pages 1 - 4)**

Report of Director of Legal Services (enclosed)

Attached for Members information is the Hearing Procedure

Yours sincerely



Chief Executive

Continued....

Distribution

1. To all Members of the Statutory Licensing Sub-Committee A (Councillor R Snape (Chair), Councillor M Less and Mrs Smith) for attendance.
2. To Reserve Members Councillors Mrs Walsh and T Gray for attendance at the commencement of the meeting.
3. To Director of Legal Services and Licensing Manager.

CHORLEY BOROUGH COUNCIL**LICENSING ACT 2003****SUB-COMMITTEE****GENERAL PROCEDURE POINTS FOR HEARINGS****INTRODUCTION**

The Licensing Act 2003 Sub-Committee will conduct hearings in accordance with the following general principles:

- All parties have a right to a fair hearing.
- Decision-making will be conducted in an open, transparent and accountable way.
- Each application will be determined on its own merits and the decision will be based upon:
 - the merits of the application
 - the promotion of the four licensing objectives
 - the Council's Statement of Licensing Policy
 - the Guidance issued by the Secretary of State for Culture, Media and Sport under Section 182 of the Licensing Act 2003
- the Licensing Authority will only permit licensing decisions to be taken by sub-committee consisting of three members. In the event of one member being unable to attend, the Licensing authority will use its best endeavours to substitute another member, taken from the membership of the Licensing Act 2003 Sub-Committee reserve list.
- the Sub-Committee may disallow cross-examination in exceptional circumstances; this decision will be taken on a case by case basis with a presumption to allow. However, parties are advised that the Sub-Committee wishes to discourage hostile cross examination.
- late representations and evidence will usually only be considered with the agreement of all parties present.
- decisions will generally be taken regardless of whether the applicant/other party is present unless the Sub-Committee consider it necessary in the public interest to adjourn the hearing to a specified date. All notices and representations from absent parties will be considered.
- the Sub-Committee will generally allow parties a maximum of 30 minutes per party to make all relevant Statements. However, the Sub-Committee recognises that in certain circumstances this may be insufficient due to the complexity of the issues involved. In this situation the Sub-Committee will consider representations from those parties involved in the hearing as to the length required to make all relevant statements. The Licensing Authority respectfully requests that all parties keep points pertinent and the discussion moving in the interests of cost and efficiency.

- the Sub-Committee recognises that Regulation 14 requires all hearings should take place in public unless the licensing authority “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” in which the applicant, those assisting the applicant or other interested parties can be excluded. In the absence of any criteria in the Licensing Act 2003, the guidance issued under section 182 of the Act or the licensing Regulations, the Licensing Authority has adopted the existing criteria in Schedule 12A of the Local Government Act 1972 for excluding the press and public. The public and press will be excluded when the Sub-Committee is considering an application for a personal licence, where Lancashire Police have lodged an objection notice due to an existing relevant offence(s). Generally, the public and the applicant will be excluded when the Sub-Committee is determining a decision. Once a decision has been made all parties will be readmitted and the Chair will announce the decision and give reasons.
- all parties will be notified of the decision in accordance with any periods set down by the Licensing Act 2003 or where none are prescribed within 5 working days.
- the Sub-Committee has the right to exclude any parties behaving in a disruptive manner at the hearing at its own discretion.

HEARING PROCEDURE

PREMISES/CLUB PREMISES LICENCE APPLICATIONS

1. CHAIR OF SUB-COMMITTEE:

- opens meeting
- introduces Members and Officers
- confirms details of all parties in attendance
- outlines procedure to be followed

2. LICENSING OFFICER OUTLINES APPLICATION AND RELEVANT REPRESENTATIONS

3. QUESTIONS TO LICENSING OFFICER FOR CLARIFICATION FROM:

- Sub-Committee
- Applicant

4. APPLICANT OR REPRESENTATIVE OUTLINES APPLICATION

5. QUESTIONS TO APPLICANT FROM:

- Sub-Committee
- Interested Representative

6. LANCASHIRE POLICE REPRESENTATIONS

7. QUESTIONS TO LANCASHIRE POLICE FROM:

- Sub-Committee
- Applicant

8. LANCASHIRE FIRE & RESCUE REPRESENTATIONS

9. QUESTIONS TO LANCASHIRE FIRE & RESCUE FROM:

- Sub-Committee
- Applicant

10. ENVIRONMENTAL HEALTH (ENVIRONMENT) REPRESENTATIONS

11. QUESTIONS TO ENVIRONMENTAL HEALTH FROM:

- Sub-Committee
- Applicant

12. ENVIRONMENTAL HEALTH (HEALTH & SAFETY) REPRESENTATIONS

13. QUESTIONS TO ENVIRONMENTAL HEALTH FROM:

- Sub-Committee
- Applicant

14. PLANNING SERVICES REPRESENTATIONS**15. QUESTIONS TO PLANNING SERVICES FROM:**

- Sub-Committee
- Applicant

16. SOCIAL SERVICES REPRESENTATIONS**17. QUESTIONS TO SOCIAL SERVICES FROM:**

- Sub-Committee
- Applicant

18. TRADING STANDARD REPRESENTATIONS**19. QUESTIONS TO TRADING STANDARDS FROM:**

- Sub-Committee
- Applicant

20. INTERESTED PARTIES REPRESENTATIONS**21. QUESTIONS TO INTERESTED PARTIES FROM:**

- Sub-Committee
- Applicant

22. INTERESTED PARTIES INVITED TO BRIEFLY SUMMARISE**23. RESPONSIBLE AUTHORITIES INVITED TO BRIEFLY SUMMARISE****24. APPLICANT (OR REPRESENTATIVE) INVITED TO SUM UP****25. DECISION MAKING**

All parties retire whilst Sub-Committee makes decision.

26. NOTICE OF DECISION

Parties re-admitted and Chair announces decision and reasons.