

Notice of Meeting

Licensing Sub-Committee

Date: Wednesday 11 January 2023

Time: 9.30 am

Venue: Conference Room 3, Beech Hurst, Weyhill Road, Andover

For further information or enquiries please contact:

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Legal and Democratic Service

Test Valley Borough Council,
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The recommendations contained in the Agenda are made by the Officers and these recommendations may or may not be accepted by the Committee.

Membership of Licensing Sub-Committee

MEMBER

WARD

Councillor I Andersen

Andover St Mary's

Councillor G Bailey

Blackwater

Councillor J Budzynski

Andover St Mary's

In the event of a member selected becoming unavailable, the Head of Legal and Democratic Services is authorised to select a replacement from the membership of the Licensing Committee.

Licensing Sub-Committee

Wednesday 11 January 2023

AGENDA

**The order of these items may change as a result of members
of the public wishing to speak**

- | | | |
|----------|---------------------------------------------------------------------------------|---------------|
| 1 | Appointment of Chairman | |
| 2 | Apologies | |
| 3 | Declarations of Interest | |
| 4 | Licensing Procedure Rules | 4 - 6 |
| | Procedure Rules for Licensing Sub-Committee | |
| 5 | Exclusion of the Public | 7 |
| 6 | Review of a Personal Licence following conviction for a relevant offence | 8 - 28 |

This report is confidential

ITEM 4

Licensing Procedure Rules - Licensing Sub-Committee

Application

These Procedure Rules shall apply to all hearings of applications and other matters pursuant to the Licensing Act 2003 and subordinate legislation and any amendments thereto, and the Gambling Act 2005 and subordinate legislation and any amendments thereto.

Terms of Reference of the Licensing Sub-Committee:

1. Ward Members will have no involvement in the decision making process.

Procedure for hearing licensing applications:

1. The Council's Scheme of Public Participation will not apply.
2. At the start of the hearing the Chairman will explain the procedure to all those present.
3. The Hearing shall take place in public. The Sub-Committee may exclude the public from all or part of 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.
4. A party to whom notice has been given may attend the hearing and may be assisted or represented by a person whether or not that person is legally qualified.
5. The hearing shall take the form of a discussion led by the Sub-Committee.
6. Cross-examination will not be permitted unless the Sub-Committee considers it is required for it to consider the representations, application or notice as the case may require.
7. The Sub-Committee may impose a maximum period of time for each party to address the Sub-Committee.
8. To facilitate the discussion the following procedure will be followed in all cases except for reviews when 8(b) shall apply and interim steps hearings for expedited summary reviews when 8(c) shall apply:
 - (a) (i) The Licensing Manager of the Council or their representative will present the facts of the application and action taken, to the Sub-Committee.
 - (ii) The Applicant or their representative may address the Sub-Committee.

- (iii) Other parties may address the Sub-Committee in the following order:
 - Responsible authorities
 - Other parties
 - (b)
 - (i) The Licensing Manager of the Council or their representative will present the facts of the review, and action taken, to the Sub-Committee.
 - (ii) The person requesting the review may address the Sub-Committee.
 - (iii) The licence holder may address the Sub-Committee.
 - (iv) Other parties may address the Sub-Committee in the following order:
 - Responsible authorities
 - Other parties
 - (c)
 - (i) The Licensing Manager of the Council or his representative will present the facts giving rise to the review, and will outline any action taken, to the Sub-Committee.
 - (ii) The Police officer requesting the review or his representative may address the Sub-Committee.
 - (iii) The licence holder or their representative may address the Sub-Committee.
9. The Sub-Committee may permit the applicant or any party to question any other party.
10. The members of the Sub-Committee may ask any questions of the Licensing Manager or their representative, or of any party or other person appearing at the hearing.
11. Documentary or other evidence may be produced at the hearing with the consent of all the parties.
12. Where a party fails to attend or be represented and the Sub-Committee considers it necessary in the public interest it may adjourn the hearing to a specified date or hold the hearing in a party's absence.
13. The Sub-Committee may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and refuse to permit that person to return or permit them to return only on such conditions as the Sub-Committee may specify. Any such person may submit to the Sub-Committee in writing before the end of the hearing any information which they would have been entitled to give orally had they not been required to leave.

14. The Sub-Committee may ask questions of its legal adviser.
15. The Sub-Committee will deliberate in private.
16. The Sub-Committee may request advice in private of its legal adviser regarding the drafting of reasons.
17. In the case of a hearing under the sections and circumstances set out in Regulation 26(1) of the Licensing Act 2003 (Hearings) Regulations 2005 (or any amending legislation), the Sub-Committee will make its determination at the conclusion of the hearing.

In any other case, the Sub-Committee will make its determination either at the conclusion of the hearing or within the period of five working days beginning with the day or the last day on which the hearing was held.

18. A record of the hearing will be taken in a permanent and intelligible form.

ITEM 5

Exclusion of the Public

Recommended:

That pursuant to Regulation 4 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and also Regulation 14 of The Licensing Act 2003 (Hearings) Regulations 2005, the public be excluded from the meeting for the consideration of reports on the following matters on the grounds that they involve the likely disclosure of exempt information as defined in the following Paragraphs of Part 1 of Schedule 12A of the Local Government Act 1972, as amended, indicated below. The public interest in maintaining the exemption outweighs the public interest in disclosing the information for the reason given below:

Review of a Personal Licence following conviction

Paragraphs 1, 2 & 7

It is considered that the report contains exempt information within the meaning of paragraphs 1, 2 & 7 of Schedule 12A of the Local Government Act 1972, as amended. It is further considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information because the information relates to a named individual, could reveal the identity of an individual and relates to action taken in connection with the prevention, investigation, or prosecution of crime.