

LICENSING ACT COMMITTEE

TUESDAY, 24TH JULY, 2018, on the rise of the General Licensing Committee.

CROSS ROOM, CIVIC CENTRE, WEST PADDOCK, LEYLAND PR25 1DH

AGENDA

- | | |
|--|-----------------|
| 1 Apologies for absence | |
| 2 Minutes - Licensing Act Committee | (Pages 3 - 4) |
| To confirm the minutes of the Licensing Act Committee meeting held on 19 September 2017 attached. | |
| 3 Minutes - Licensing Panels | (Pages 5 - 14) |
| To confirm the minutes of the Licensing Panels held on 21 September 2017 and 1 March 2018 attached. | |
| 4 Declarations Of Any Interests | |
| Members are requested to indicate at this stage in the proceedings any items on the agenda in which they intend to declare an interest. Members are reminded that if the interest is a Disclosable Pecuniary Interest (as defined in the Members' Code of Conduct) they must leave the room for the whole of that item. If the interest is not a Disclosable Pecuniary Interest, but is such that a member of the public could reasonably regard it as being so significant that it is likely that it would prejudice their judgment of the public interest (as explained in the Code of Conduct) then they may make representations, but then must leave the meeting for the remainder of the item. | |
| 5 Updated Hearing Guidance | (Pages 15 - 28) |
| Report of the Head of Licensing attached. | |
| 6 Delegation of Powers as a Responsible Authority | (Pages 29 - 32) |
| Report of the Head of Licensing attached. | |
| 7 Centre Approval with BIIAB | (Pages 33 - 38) |
| Report of the Head of Licensing attached. | |

8 Use of Standing Order 35 Procedure

(Pages 39 - 42)

Report of the Head of Licensing attached.

Heather McManus
CHIEF EXECUTIVE

Electronic agendas sent to Members of the Licensing Act Committee Councillors David Suthers (Chair), Barbara Nathan (Vice-Chair), Jane Bell, Harry Hancock, Jon Hesketh, Ken Jones, Jacqui Mort, Alan Ogilvie, David Watts, Paul Wharton and David Wooldridge

The minutes of this meeting will be available on the internet at www.southribble.gov.uk

MINUTES OF LICENSING ACT 2003 COMMITTEE

MEETING DATE Tuesday, 19 September 2017

MEMBERS PRESENT: Councillors John Rainsbury (Chair), Mike Nelson (Vice-Chair), Jane Bell, Mary Green, Harry Hancock, Ken Jones, Paul Wharton and David Wooldridge

OFFICERS: Tasneem Safdar (Senior Solicitor), Andy Glover (Interim Licensing Manager), Stephanie Fairbrother (Licensing Officer), Chris Ward (Licensing Officer) and Dianne Scambler (Democratic and Member Services Officer)

OTHER MEMBERS AND OFFICERS: Councillor Jacqueline Mort (Cabinet Member for Public Health, Safety and Wellbeing), Peter Haywood (Revenues Manager) and Denise Johnson (Director of Development, Enterprise and Communities)

PUBLIC: 0

1 Apologies for absence

Apologies were submitted on behalf of Councillors Jim Marsh and Barabara Nathan.

2 Minutes

RESOLVED (Unanimously): That the minutes of the Licensing Act 2003 meeting held on 13 September 2016 be confirmed as a correct record for signing by the Chair.

3 Declarations of Interests

There were no declarations of any interests.

4 Constitutional Reform - Terms of Reference for the Licensing Act 2003 Committee

The Committee considered a report that proposed an amendment to the Terms of Reference as set out in the Council's Constitution for the Licensing Act 2003 Committee.

The revised Terms of Reference were set out in Appendix 3 of the report.

RESOLVED (Unanimously): That full Council be recommended to approve the new Terms of Reference for the Licensing Act 2003 as set out in Appendix 3 of the report.

5 Update on amendments to the Licensing Act 2003

The Committee considered a report informing members of the implementation of amendments to the Licensing Act 2003.

The Police and Crime 2017 (Commencement Number 1 and Transitional Provisions) Regulations 2017 were made on 13 March 2017 and brought into effect a number of provisions within the Policing and Crime Act 2017 (2017 Act) from 6 April 2017. These provisions amend various sections of the Licensing 2003 (2003 Act) that included:

- The definition of alcohol;
- Summary Reviews;
- Suspension/revocation of personal licences;
- Relevant offences; and
- Section 182 guidance

Members were provided with the details of the amendments within each of the sections. The Committee discussed the different categorisations of alcohol that now included powdered and vaporised versions.

RESOLVED (Unanimously): That the report be noted.

6 Update - Out of Hours Enforcement Activity

The Committee received a report from Stephanie Fairbrother, Licensing Officer who attended the meeting to update Members of a recent out of hours enforcement exercise undertaken by the Licensing team.

The purpose of the enforcement exercise that was undertaken between the hours of 9pm to 1am on Friday 11 August into Saturday 12 August 2017 was to:

- Check that licensed premises were complying with their licence conditions, including specified precautions to minimise noise nuisance,
- Ensure that takeaways which do not have a late night refreshment were not trading past the statutory cut-off time of 11pm; and
- To ensure that there was no evidence of conduct which may cause concern in relation to Child Sexual Exploitation (e.g. unsupervised young people in the vicinity of licensed premises who may be a risk of “grooming”)

Nine visits were undertaken, four were satisfactory and resulted in no further action and five did reveal an issue to be addressed. All issues were addressed by formal correspondence and have been successfully concluded. The team planned to repeat the exercise on a regular basis and would provide updates to the Committee.

Members were keen to be involved with this process and asked to be kept informed of potential dates.

RESOLVED (Unanimously): That the report be noted.

Chair

Date

MINUTES OF LICENSING PANEL

MEETING DATE Thursday, 21 September 2017

MEMBERS PRESENT: Councillors John Rainsbury (Chair), Jane Bell and Harry Hancock

OFFICERS: Tasneem Safdar (Senior Solicitor), Andy Glover (Interim Licensing Manager), Andy Houlker (Senior Democratic Services Officer), Debbie Roberts (Planning Officer) and Anthony Akrigg (Environmental Health Officer)

OTHER MEMBERS AND OFFICERS: Stephanie Fairbrother (Licensing Officer), Chris Ward (Licensing Officer), Peter Haywood (Revenues Manager) and Denise Johnson (Director of Development, Enterprise and Communities)

PUBLIC: 2

1 Apologies for absence

None, all present.

2 Declarations of Interests

There were no declarations.

3 Application to Vary Premises Licence under Section 35 of the Licensing Act 2003 - The Wither Trees Arms, 122 Station Road, Bamber Bridge

The panel considered for determination an application to vary a premises licence submitted under Section 35 of the Licensing Act 2003. This application was in respect of The Wither Trees Arms, 122 Station Road, Bamber Bridge.

At the start with the agreement of all parties present, a Google Maps photograph of the premises taken before the external works was included as evidence to be considered by the Panel.

The Panel noted that the application was to vary the premises licence on the following basis:-

- a) to amend the plans to include an external fixed seating area
- b) the removal of Condition 7 of Annex 2
- c) the addition of a further condition in respect of the use of the external area.

With the permission of the panel and in accordance with the council's hearing procedure the council's Licensing Manager introduced the application.

The applicant's solicitor, then addressed the Panel and questions were asked. A

representative from the council's Planning Team and one from its Environmental Health Team both objecting to the application then each addressed the Panel and questions were asked. A local resident objecting to the application then addressed the Panel and questions were asked.

Having fully considered the representations (written and oral) made by local residents and the application made by the applicant, the panel retired to reach its decision.

In reaching its decision the panel took into account the following:

- both written and oral evidence presented in connection with the hearing
- Licensing Act 2003
- S182 Amended Guidance of the Licensing Act 2003
- South Ribble Borough Council's Licensing Policy

The Panel was of the view that by reducing the permitted licensable hours in the external area and imposing a closing time this was a justified and appropriate response in promoting the licensing objectives, given that the area where the premises is situated is a densely residential area. This would control those elements which had been raised as undermining the prevention of public nuisance objective and was reasonable, proportionate and appropriate in the circumstances of this case.

If the Applicant, Responsible Authorities or any person having made a relevant representation was dissatisfied with the outcome of the hearing, then they may challenge the decision of the Panel by making an appeal to the Preston Magistrates Court within 21 days on receipt of this decision.

RESOLVED (UNANIMOUS): that the application to vary the premises licence was granted subject to the conditions set out below.

1. The beer garden, external seating area and bar will be closed and cleared of customers by no later than 11pm Sunday to Thursday and by no later than 00:00 on Friday and Saturday.
2. CCTV will be installed in the external area of the premises. Images will be stored for a minimum of 28 days and will be available to Lancashire Constabulary upon request. Any request to comply with the Data Protection Act 1998.
3. Prior to the beer garden opening, a member of staff will carry out a risk assessment and ensure that there is an adequate amount of staff monitoring the bar area and regulating the external area.
4. Whenever the external area is open, a member of staff will carry out noise assessments at regular intervals to ensure there is no risk of noise nuisance. A written record of those noise assessments shall be maintained at the premises for a rolling 6 month period and provided to an officer on request.
5. Whenever the external bar is open, it will be monitored by at least one member of staff at all times. The external member of staff will have a radio link with the internal bar to ensure there is a means of communication.
6. When the external bar is in use the external area will be monitored at all times by at least one member of staff. That member of staff will ensure that all customers use the main entrance at the front of the premises to enter and leave the premises unless in an emergency.
7. The big double gates leading into the beer garden will be locked at all times and will only be used for delivery purposes.
8. The small side gate in the beer garden will not be used by members of the public except in the case of emergencies. This will be monitored and enforced by staff.

9. All staff will be trained in relation to the licensing objectives so as to reduce crime and disorder, promote public safety, prevent public nuisance and promote the protection of children from harm. Regular fresher training to be undertaken. All training will be documented and will be made available to an officer upon request.
10. No drink shall be removed from the premises in an unsealed container.
11. Adequate signage to be erected in the external and internal area to remind customers of when the beer garden is to be closed and cleared by and a polite notice to respect neighbours.

The Panel also agreed to remove Condition 7 at Annex 2. The Panel was of the view that the volunteered and imposed conditions would address the issues raised and promote the licensing objectives. The Panel felt that after careful consideration of the case before them, an appropriate and proportionate decision had been reached.

The Panel wished to remind the Applicant that this decision did not in any way negate the fact that relevant planning permission would be required and that the planning regime had very different considerations to that of alcohol licensing legislation.

Chair

Date

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MINUTES OF LICENSING PANEL

MEETING DATE Thursday, 1 March 2018

MEMBERS PRESENT: Councillors Mike Nelson (Chair), Mary Green and David Wooldridge

OFFICERS: Tasneem Safdar (Senior Solicitor), Peter Haywood (Revenues Manager), Andy Houker (Senior Democratic Services Officer) and Chris Ward (Licensing Officer)

OTHER MEMBERS AND OFFICERS: Councillor Susan Jones JP and Councillor Paul Wharton

PUBLIC: 2 and 1 Press

4 Apologies for absence

None, all were present.

5 Declarations of Interests

There were no declarations of interest.

6 Application for Review of the Premises Licence relating to the Railway Public House, Leyland, in accordance with the Licensing Act 2003

The Panel considered for determination an application to review the Premises Licence submitted under Section 51 of the Licensing Act 2003. This application was in respect of The Railway Public House, 1 Preston Road, Leyland.

Following the publication of the agenda and application, there had been substantial additional published as two supplementary agendas. The second supplementary information was the day before the hearing.

At the start of the proceedings with the agreement of all interested parties present and for the benefit of all those present, two site layout plans of the premises were circulated.

The Panel noted that the application was to review the Premises Licence because it had been felt that two of the four licensing objectives were being undermined, namely:-

- a) the prevention of crime and disorder; and
- b) the protection of children from harm.

With the permission of the panel and in accordance with the council's hearing procedure the council's Revenues Manager introduced the application.

The applicant, then addressed the Panel. As part of this the Panel was informed

that there had previously been serious concerns about the running of these premises. However following the application for a review, there were now robust measures in place at the premises, there had only been a few incidents, and revised licence conditions had been drawn up which were agreeable to the applicant. The latter was included in the second pack of supplementary information. Questions were asked.

The solicitor on behalf of the Premises Licence Holder then addressed the Panel and questions were asked.

Having fully considered the application made by the applicant and the case made by the Premises Licence Holder, the Panel retired to reach its decision.

In reaching its decision the panel took into account the following:

- both written and oral evidence presented in connection with the hearing
- Licensing Act 2003
- S182 Amended Guidance of the Licensing Act 2003
- South Ribble Borough Council's Licensing Policy

The Panel recognised that the management of the premises had improved and that a new and dedicated Designated Premises Supervisor (DPS) to these premises had been appointed.

In that respect the Panel had not felt it appropriate to revoke the licence or reduce the licensed hours for these premises.

The Panel was conscious that a number of the proposed conditions (26 in total) were not new but existing conditions re-worded/re-emphasised from Annexes 2 and 3 of the Premises Licence. That being the case the Panel felt it necessary to look at all the suggested documentation and where appropriate compare this to Annexes 2 and 3 of the Premises Licence.

During the hearing there had been emphasis by the applicant and licence holder on the recent introduction of the use of Drug Dogs. The Panel felt that Drug Dogs and their use should be included as a condition.

The Panel felt that the existing condition relating to 'striptease' should be carried forward.

It was found that there was a discrepancy on the hours contained in the Risk Assessment Form and the proposed Condition 4 which needed to be aligned.

There should be explicit reference throughout to the door staff being SIA registered.

Suggested Conditions 8, 9 and 11 needed to refer to the appropriate policy.

Regarding suggested Condition 13 the Panel felt that it was important that the checks of the toilets should be hourly.

Reference in suggested Condition 22 should include a 'noise limiting device'.

In respect of the suggested Condition 25 it was felt appropriate for door staff to be

'regularly' trained.

In respect of the suggested Condition 26 it was felt this should be extended and explicit about the timing of door staff touring the premises (recorded) and advising any appropriate underage persons that they needed to leave before 20:00.

The Panel felt that the proposed measures would control those elements that had been raised as undermining the crime and disorder and the protection of children from harm licensing objectives. The measures were considered proportionate and appropriate in the circumstances of this case.

If the Applicant or the Premises Licence Holder were dissatisfied with the outcome of the hearing, then they may challenge the decision of the Panel by making an appeal to the Preston Magistrates Court within 21 days on receipt of this decision.

RESOLVED (UNANIMOUS):

that the determination of the application to review the premises licence be with the introduction of the following new Operating Schedule:-

1 The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police throughout the entire 31 day period.

2 A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested, subject to any data protection requirements.

3 An incident log ('the log') shall be kept at the premises in which any incidents witnessed by, or reported to a member of staff are to be recorded. The log must be made available on request to an authorised officer of the Council's licensing team or the Police. The log must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to a member of staff at the premises (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any refusal of the sale of alcohol.

4 A minimum of 2 SIA registered door supervisors shall be employed at the premises on Friday and Saturday nights from 20:00 hours until 30 minutes after closing **and an additional 3 SIA door supervisors** will be on duty on Friday and Saturday nights from 21:00 hours until 30 minutes after closing. At all times, any additional requirement for door supervisors shall be risk assessed by the DPS, in particular where the premises is holding either externally promoted events (such as private parties) or days where the premises expects to be busy, such as Sundays prior to Bank Holiday Mondays. Door supervisors shall be employed at such times and in such numbers assessed by the risk assessment to be required. In order to comply with this condition, a written door supervisor risk assessment document will

be maintained and updated by the DPS as required showing the numbers and times door supervisors shall be employed at the premises on any given day. A copy of this document will be made available to the police and licensing authority on request.

5 SIA door supervisors will be required to sign in prior to the start of their shifts, with date, full name and SIA badge number recorded, and sign out at the end of each shift.

6 SIA Door supervisors shall be required to wear high visibility vests at all times they are on duty, unless prior agreement has been obtained in writing from the police.

7 A door supervisor operating policy ('the operating policy') shall be written and implemented at all times that door supervisors are employed at the premises. The operating policy will set out the roles and obligations of the door supervisors, who they report to and any other duties expected to be undertaken, such as adherence to other policies and procedures in place at the premises. A copy of the operating policy will be made available to all door supervisors employed at the premises and shall be communicated to them in advance of their shift. A copy of the operating policy will be made available to the police and licensing authority on request.

8 A search policy shall be drawn up and implemented at the premises at all times door supervisors are employed. A copy of the search policy will be made available to all door supervisors employed at the premises and shall be communicated to them in advance of their shift. The search policy will detail when searches are to be undertaken and what action is expected to be taken in light of any items found during the search such as drugs or weapons. A copy of the search policy will be made available to the police and licensing authority on request.

9 An ID policy will be drawn up and implemented at the premises at all times the premises is open to the public. The ID policy will detail what actions are expected of staff in relation to ensuring that customers under 18 are not permitted to purchase alcohol. A copy of the ID policy will be made available to the police and licensing authority on request.

10 A drugs policy will be drawn up and implemented at the premises at all times the premises is open to the public. The drugs policy will detail what actions are expected of staff and door supervisors should illegal drugs be found or customers be suspected of either possessing or having taken illegal drugs. A copy of the drugs policy will be made available to the police and licensing authority on request.

11 A dispersal policy ('the policy') shall be drawn up and implemented at the premises. The policy will detail those measures the door supervisors, management and staff must comply with during the identified dispersal periods to assist with the quick and safe dispersal of customers away from the premises. A copy of the dispersal policy will be made available to the police and licensing authority on request.

12 A crime scene management document ('the document') shall be drawn up and implemented at the premises. The document will set out the steps staff and door supervisors are expected to take to ensure that any crime scenes are preserved (as far as safely practicable) to assist the police in the investigation of any incidents at or in the immediate vicinity of the premises. A copy of the document will be made available to the police and licensing authority on request.

13 Hourly checks of the toilets will be undertaken after 19:00 hours daily and the results recorded. A copy of the records will be made available to the police and licensing authority on request.

14 The DPS shall ensure that there is regular attendance by a member of the management team at any local Pub Watch meeting.

15 Prominent, clear and legible notices must be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

16 Exterior lighting shall be provided in the car park and external areas. All lighting shall be directed away from residential properties.

17 No food or drink to be permitted on the first floor external area after 23:00 each day. After 23:00 each day patrons permitted to temporarily use the first floor external area to smoke, shall not be permitted to take drinks or glass containers with them. Signs to this effect will be prominently displayed at the entrance to the first floor external area.

18 During the hours of operation of the premises, the DPS shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises or in the car park.

19 Bottles or other glass refuse shall not be disposed of outside after 20:00 hours.

20 No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a public nuisance.

21 During regulated entertainment, all windows and external doors shall be kept closed, except for the immediate access and egress of persons. The internal main entrance door must be fitted with an automatic door closing device.

22 The DPS shall put in place sufficient measures, a noise limiting device, at the premises to ensure that noise from regulated entertainment is kept to a level where it is unlikely to cause a public nuisance to residents in the immediate vicinity of the premises. Where noise levels from regulated entertainment are at such a level where it is deemed likely to cause a public nuisance to local residents, steps will be taken to reduce the levels sufficiently to comply with this condition. A written record shall be maintained of the checks undertaken to ensure that noise levels comply with this condition and shall include the date, time and result of the checks, the name of the person making the record and a note of any remedial action taken should noise levels be deemed too loud to comply with this condition.

23 A complaints log ('the log') will be kept and maintained at the premises and a record will be made of any complaints received by residents relating to allegations of noise nuisance from the premises. The log will record the date and time of the complaint, the name of the person making the complaint (if known) and a description of the nature of the complaint. The log will also record what action is taken in relation to the complaint.

24 A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport, proof of age card with the PASS Hologram, European Union ID card with photo and date of birth, or military ID card.

25 Staff shall be trained regularly in relation to the challenge 25 proof of age scheme prior to making any sales of alcohol. Such training will be recorded as having been completed in the employees' record, with the date of completion.

26 Children will not be permitted on the premises after 20:00 hours, unless partaking in a table meal or attending a pre-booked function. Children will be supervised by an adult at all times. Door supervisors will carry out a walkthrough 15 minutes prior to 20:00 and escort anyone under the age of 18 off the premises, unless they are partaking a table meal or attending a pre-booked function. These results will be recorded. A copy of the records will be made available to the Police and the Local Authority upon request.

27 At least once a month, on a Friday or Saturday night, and on at least 3 bank holidays during the course of the calendar year, drug detection dogs will be required to attend the premises to carry out detection of drugs.

28 The DPS/and his/her representative shall ensure that the outdoor areas are supervised by a member of staff when in use to ensure that patrons do not cause nuisance to nearby residents.

29 There shall be no striptease or nudity on the premises at any time.

Chair

Date

REPORT TO	ON
Licensing Committee	24 July 2018



TITLE	REPORT OF
Updated Hearing Guidance	Head of Licensing

Is this report confidential?	No
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1. PURPOSE OF THE REPORT

For the Committee to consider the updated guidance in relation to the hearings process in respect of Licensing Panel hearings

2 CORPORATE PRIORITIES

The report relates to the following corporate priorities:

Excellence and Financial Sustainability	x
Health and Wellbeing	
Place	

Projects relating to People in the Corporate Plan:

People	
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3. RECOMMENDATIONS

To approve the updated Guidance in relation to the Hearings Process, in respect of Licensing Panel Hearings under the Licensing Act 2003.

4. BACKGROUND TO THE REPORT

Applications submitted under the LA 2003 process have necessitated in sending guidance and instructions to members of the public and Responsible Authorities, as this is a requirement under the legislation. However, some of the guidance requires improvement and updating. This has been undertaken and a new guidance document has been produced which can be found at Appendix B of the report.

- 4.1 One of the substantial changes is a Regulation 8 notice to be returned to the Authority in advance of the hearing. This is, a standard requirement set out in The Licensing Act 2003 (Hearings) Regulations 2005 which states;

8.—(1) *a party shall give to the authority within the period of time provided for in the following provisions of this regulation a notice stating—*

(a) Whether he intends to attend or be represented at the hearing;

(b) Whether he considers a hearing to be unnecessary.

(2) In a case where a party wishes any other person (other than the person he intends to represent him at the hearing) to appear at the hearing, the notice referred to in paragraph (1) shall contain a request for permission for such other person to appear at the hearing accompanied by details of the name of that person and a brief description of the point or points on which that person may be able to assist the authority in relation to the application, representations or notice of the party making the request.

(3) In the case of a hearing under—

(a) Section 48(3)(a) (cancellation of interim authority notice following police objection), or

(b) Section 105(2)(a) (counter notice following police objection to temporary event notice),

the party shall give the notice no later than one working day before the day or the first day on which the hearing is to be held.

(4) In the case of a hearing under—

(a) Section 167(5)(a) (review of premises licence following closure order),

(b) Paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence),

(c) Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate), or

(d) Paragraph 26(3)(a) of Schedule 8 (determination of application by holder of justices' licence for grant of personal licence),

the party shall give the notice no later than two working days before the day or the first day on which the hearing is to be held.

(5) In any other case, the party shall give the notice no later than five working days before the day or the first day on which the hearing is to be held.

4.2 Members will note that the guidance is easy to follow and provides Responsible Authorities and members of the public a step by step approach to the hearing process including the requirement to give formal notice to the Council as required by the legislation.

5. FINANCIAL IMPLICATIONS

5.1 There are no direct financial implications arising from this report.

6. LEGAL IMPLICATIONS

6.1. The legal implications are contained within the body of the report.

7. COMMENTS OF THE STATUTORY FINANCE OFFICER

There are no financial comments in line with paragraph 5.1 of the report.

9. COMMENTS OF THE MONITORING OFFICER

Please see Para 6.1 above.

10. OTHER IMPLICATIONS:

▶ HR & Organisational Development	None
▶ ICT / Technology	None
▶ Property & Asset Management	None
▶ Risk	None
▶ Equality & Diversity	

11. APPENDICES

Appendix A - Previous Hearings Guidance

Appendix B - Proposed Guidance

Appendix C - Copy of Regulation 8 Notice

Report Author:	Telephone:	Date:
Mark Marshall	01772 625401	4 July 2018

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Procedure for all hearings before Licensing Panel to determine applications made under the Licensing Act 2003

Preliminary Points

It has been agreed by Licensing Committee that, in addition to the Declaration of any personal or prejudicial interest (in accordance with the Local Government Act 2000):-

- Any member in whose ward an application premises is situated will declare this and will not take any further part in the hearing of the application
- Any member of a Licensing Panel who wishes to either support or oppose the granting of a licence either personally or on behalf of their constituents, must attend either as a supporter of the application or as an objector and sit in the public gallery. The panel on which that member serves may not hear the application
- Subject to section 100A of the Local Government Act 1972, the panel 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. This will include, at the discretion of the panel the exclusion of the public during its deliberations and its decision making.

Hearing Process

- 1) General Introduction by Chairman.
- 2) In accordance with the Regulation 23 of The Licensing Act 2003 (Hearings) Regulations 2005 the Chairman of the panel will lead the discussion.
- 3) A Licensing Officer will briefly outline the application for the licence and the procedure to be followed in the hearing.
- 4) Applicant(s) Case

The objector(s) and/or their representatives and the panel may ask questions of the applicant and/or their representatives.

- 5) Objector(s) Case(s)

The applicant and/or their representatives and the panel may ask questions of the objector(s) and/or their representatives.

- 6) The Chairman will then ask the applicant if, in light of the representations, they wish to amend the application. The panel will only consider the application laid before it during the decision making.

- 7) Summing up;
 - i) Objector(s) Case(s)
 - ii) Applicant(s) Case

- 8) Conclusion

The Chairman will ask the Licensing Authority Legal Representative whether there are any other matters to be raised or resolved before the hearing is closed for deliberations.

- 9) Deliberations

Generally speaking the public and the applicant will be excluded when the panel is determining the hearing decision. Once a decision has been reached all parties will be readmitted to the hearing. At this stage the chairman will announce the panel's decision and will give reasons for the decision.

- 10) Notice of Decision

All parties will be notified of the decision at the earliest possible opportunity.



South Ribble Licensing Service
A Guide to Licensing Hearings

Notice of Hearing

Parties to a hearing will receive a "Notice of Hearing", which will state the date, time and place at which the hearing is to be held.

Action required following receipt of notice of hearing

All parties are required to complete the response to notice of hearing which is enclosed with this leaflet. In this form you are asked to confirm:

- Whether you intend to attend or be represented at the hearing;
- Whether you consider a hearing to be unnecessary;
- A request for permission to call any witness at the hearing, and if so the name of that witness.

This form should be returned to the Licensing Service together with any documentary or other evidence to support your application, representation or notice.

Please note that documentary or supporting information produced on the day of hearing may only be taken into consideration if all parties involved consent. To ensure the information can be considered by the panel, parties should make sure that documentary and other evidence is submitted to the Licensing Service at least two working days before the hearing.

The Rights of Parties

- a) A party may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified.
- b) A party shall be entitled to:
 - Give further information in support of their application, representation or notice (where the licensing authority has given notice that it wants clarification)
 - If given permission by the authority, question any other party; and
 - Address the panel

The consequences of not attending or not being represented at a Hearing

If a party has informed the authority that he or she does not intend to attend or be represented at the hearing, the hearing may proceed in that party's absence.

If the party has not indicated their intentions and then fails to attend or be represented at the hearing, the authority may –

- Where it considers it to be necessary in the public interest, adjourn the hearing to another specified date, or
- Hold the hearing in the party's absence.

If a hearing is held in a party's absence then the authority will consider any written representations that had been provided by that party.

If a hearing is adjourned, the authority will notify all parties to the hearing of the date, time and place to which the hearing is adjourned.

Right to dispense with a hearing if all parties agree

The Council may dispense with a hearing if all parties have given notice to the Council that they consider that no hearing is necessary. If the Council agrees that no hearing is necessary it will send a notice confirming that the need for a hearing has been dispensed with.

Withdrawal of Representations

Any party who wishes to withdraw their representation may do so by giving notice to the Licensing Service no later than 24 hours before the day of the hearing.

If a representation is to be withdrawn less than 24 hours before the hearing, this must be done orally at the hearing.

Power to Extend Time Limits

The Council may extend a time limit where it considers this to be necessary in the public interest. Where a time limit is extended, notice will be given to all parties stating the period of the extension and the reasons for it.

Adjournments

Applications for adjournments will only be granted where absolutely necessary. You should not automatically assume that a request for an adjournment will be granted. If it is not possible for a party or their witness to attend a hearing, the authority would normally expect to consider their representation in their absence – written material can be submitted for consideration.

If a party does seek to make an application for an adjournment, they should seek the consent of the other parties involved before submitting a request to the Licensing Service

The Council may also adjourn a hearing where it considers it necessary in order for it to consider any representations or notice made by a party or where it considers it to be in the interests of justice. If a hearing is adjourned all parties will be notified of the date, time and place at which the hearing is to be held.

The Procedure that will be followed at the Hearing

The Chair will welcome those present and provide a general introduction. The Chair of the panel will lead the discussion.

The other Panel members and officers present will introduce themselves. The Chair will also ask the parties to introduce themselves.

An equal maximum amount of time will be set by each panel at the beginning of each hearing, for a party to address the Panel, give any further information or call any witnesses for the hearing. The Chairman will announce this allocated time at the beginning of the hearing.

Appendix B

A Licensing Officer will outline the procedure to be followed (as set out below) and will outline the application before the Panel.

The procedure for the meeting will be outlined

The applicant and/or their representative will address the panel, present information in support of the application, and will call any witnesses in support of the application, one witness at a time.

The applicant and each of their witnesses may be questioned by:

- Any other party at the hearing (making representations), and
- Any member of the panel

The party making the representation and/or their representative will address the members of the panel, providing any information in support of their representation, and to call any witnesses in support of their representation.

The party and any of their witnesses may be questioned by:

- Any other party at the hearing (making representations), and
- Any member of the panel

This will be repeated for each person making representations.

The hearing will take the form of a discussion. Questions may be asked but cross examination is not permitted unless the authority considers that it is required to consider application, representation or notice.

Summing up

- The objector(s) will sum up their case
- The Applicant(s) will sum up their case

Once all of the evidence has been given the panel members will consider their decision in private, and it will then be confirmed in writing within five working days of the hearing.

General points to note

The hearing will normally take place in public. The licensing authority may exclude the public from all or part of the hearing where it considers that doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in public. (A member of the public may include a party or a person assisting or representing a party)

The licensing authority may also require any person who behaves in a disruptive manner to leave a hearing and may refuse to permit that person to return to the hearing, or to permit that person to return only under conditions specified by the Authority.

Anyone who is asked to leave a hearing may before the end of the meeting, make a written submission of information, which they would otherwise have given orally had they not been required to leave.

Appendix B

The hearing will be inquisitorial rather than adversarial and its aim is to collect as much information as possible to enable a decision to be made.

Parties and witnesses should avoid matters that are irrelevant, unsupported by fact or evidence, or outside the jurisdiction of the licensing panel.

Multiple questions should be avoided as they can cause confusion, may only receive a partial answer and may fail to secure an adequate answer.

The authority may take into account documentary or other evidence produced by a party to the hearing, which has been disclosed to other parties prior to the hearing. Additional material produced at the hearing will only be considered with the consent of all the other parties to the hearing and this material must be in support of information already submitted and must not raise new areas unconnected with the representations previously submitted.

The authority will disregard any evidence that is not relevant to the matter being considered and the promotion of the licensing objectives.

Determination and Notification of Applications

Those determinations that are made other than immediately following the representations will be notified forthwith in writing to all parties.

In all cases:

- I. The written decision of the licensing panel will be accompanied by information regarding the right to appeal.
- II. The decision will be notified to the Police Authority whether or not they have been a party to the hearing.
- III. Notwithstanding the provision of a written notice, the decision will also be available by electronic means to any party to the hearing and the Police Authority.

Further Information

Please do not hesitate to contact the Licensing Service. The Act and Regulations can be viewed on Her Majesty's Stationery Office website: www.legislation.gov.uk and the Guidance to Local Authorities can be viewed on www.homeoffice.gov.uk. The South Ribble Council Licensing Policy and our advisory leaflets are all available on the Council website www.southribble.gov.uk or at the Civic Centre, the full address details are found below.

Civic Centre, West Paddock,
Leyland, Lancashire PR25 1DH
Tel: 01772 421491
Fax: 01772 622287
email: info@southribble.gov.uk
website: www.southribble.gov.uk

RESPONSE TO NOTICE OF HEARING

Premises Name	
Hearing Date	
Hearing Time	
Hearing Location	
Return "Response to Notice of Hearing" by	

I acknowledge receipt of the Notice of Hearing for the hearing detailed above.

I will attend the hearing	YES	NO
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I will be represented	YES	NO
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If YES Give details of your representative [Please print name]

I consider the hearing to be unnecessary	YES	NO
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I request permission for the person/s detailed below to attend the hearing:
--

Name of proposed attendee/s: [Please print name/s]

Brief description of the points that each proposed attendee may assist the panel:

Print Name (Your name)	
-------------------------------	--

Usual Signature	
------------------------	--

Contact Telephone Number		Fax Number	
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E-mail Address	
-----------------------	--

Date			
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REPORT TO	ON
Licensing Act Committee	24 July 2018



TITLE	REPORT OF
Delegation of Powers as a Responsible Authority	Head of Licensing

Is this report confidential?	No
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1. PURPOSE OF THE REPORT

For the Committee to consider delegating the power to the Head of Legal Services, to act as a Responsible Authority on behalf of the Licensing Authority.

2 CORPORATE PRIORITIES

The report relates to the following corporate priorities:

Excellence and Financial Sustainability	x
Health and Wellbeing	
Place	

Projects relating to People in the Corporate Plan:

People	
--------	--

3. RECOMMENDATIONS

- 3.1 To delegate the power to act as a Responsible Authority on behalf of the Licensing Authority to the Head of Legal Services
- 3.2 If Committee are minded to approve the delegation, then forward this report to the next meeting of full Council with a recommendation for formal adoption

4. BACKGROUND TO THE REPORT

- 4.1 Section 7 of the Licensing Act 2003 makes the Licensing Committee responsible for discharging the licensing functions of the Licensing Authority. This includes the power to delegate.

- 4.2 Section 103 of the Police Reform and Social Responsibility Act 2011 when in force amends the Licensing Act 2003 by making the Licensing Authority a Responsible Authority. This means that the Licensing Authority itself will be able to make representations and submit applications for licence reviews. The Licensing Authority has never previously called a review on any premises and therefore this delegation was not required.
- 4.3 As a result of no formal delegation in place, a Standing Order 35 procedure had to be initiated and was signed off by the Chairman of the Licensing Committee on the 25th June 2018, to allow the Licensing Authority to call for a review of premises in its own right, as a Responsible Authority.
- 4.4 If the power to make representations is not delegated to a Council Officer then the decision making power would rest with the Licensing Committee, each time the Licensing Authority wished to call a Review.
- 4.5 The Head of legal Services is considered to be the appropriate officer to delegate these powers because the Licensing Service is his area of responsibility.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no direct financial implications arising from this report.

6. LEGAL IMPLICATIONS

- 6.1 The guidance on the Police and Social Responsibility Act 2011, is that it is necessary for the Licensing Committee to confirm the delegation of powers on behalf of the Licensing Authority.

7. COMMENTS OF THE STATUTORY FINANCE OFFICER

There are no financial comments in line with paragraph 5.1 of the report.

9. COMMENTS OF THE MONITORING OFFICER

The legal implications are identified within Paragraph 6.1 of the report.

10. OTHER IMPLICATIONS:

▶ HR & Organisational Development	None
▶ ICT / Technology	None
▶ Property & Asset Management	None
▶ Risk	

<p>► Equality & Diversity</p>	<p>We must continue to improve further the quality of the service. A failure to continue to achieve high standards in our Licensing service could result in reputational damage.</p> <p>None</p>
--	--

Report Author:	Telephone:	Date:
Mark Marshall	01772 625401	28 June 2018

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REPORT TO	ON
Licensing Act Committee	24 July 2018



TITLE	REPORT OF
Centre Approval with the BIIAB	Head of Licensing

Is this report confidential?	No
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1. PURPOSE OF THE REPORT

To provide a short brief on successfully obtaining Centre Approval to deliver the personal licence Course

2 CORPORATE PRIORITIES

The report relates to the following corporate priorities:

Excellence and Financial Sustainability	x
Health and Wellbeing	
Place	

Projects relating to People in the Corporate Plan:

People	
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3. RECOMMENDATIONS

For the contents of the report to be noted

4. BACKGROUND TO THE REPORT

The Licensing Service recently applied to the BIIAB (British Institute of Innkeepers) to become a training provider for the personal licence qualification which is a mandatory requirement for anyone wishing to apply for a personal licence.

- 4.1 Extensive policies and procedures are required by any applicant which are strictly measured against set criteria. A BII auditor visited the Offices on the 20th June 2018.

- 4.2 On the 28th June 2018 the BII confirmed in writing that South Ribble Borough Council had been given Centre Approval which now gives the opportunity to deliver the training.
- 4.3 The training will ensure that a decent standard of knowledge is installed into new applicants who may go onto operate premises in the Borough., In addition it is a mark of excellence that the Council has achieved Centre Approval Status and also gives us the opportunity to offer the course throughout the region and increase revenue coming into the Authority.
- 4.4 The dates of the course have been booked in advance and marketing will begin in earnest. The dates proposed are;

27th September 2018
 25th October 2018
 29th November 2018
 20th December 2028
 24th January 2019
 21st February 2019
 28th March 2019
 25th April 2019
 30th May 2019
 27th June 2019
 25th July 2019
 29th August 2019

5. FINANCIAL IMPLICATIONS

5.1 Delivering the training will generate income for Council although it is difficult to estimate exactly how much at this early stage. The fee is £120 per applicant, though there will be some costs of delivery to be deducted. Once the courses begin we will be able to have a clearer idea of the level of demand and be able to set a suitable income target.

6. LEGAL IMPLICATIONS

There are no direct legal implications in this report.

7. COMMENTS OF THE STATUTORY FINANCE OFFICER

No further comments other than those in section 5.

9. COMMENTS OF THE MONITORING OFFICER

It is a great achievement to have been approved as a training provider by an external body. This is an indication that the service is continuing to achieve high standards.

10. OTHER IMPLICATIONS:

▶ HR & Organisational Development	None
▶ ICT / Technology	None

▶ Property & Asset Management	None
▶ Risk	None identified
▶ Equality & Diversity	None

11. APPENDICES

Appendix A- Copy of Marketing Flyer

None

Report Author:	Telephone:	Date:
Mark Marshall	01772 625401	4 July 2018

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BIIAB AWARD FOR PERSONAL LICENCE HOLDERS (APLH) LEVEL 2

Gain the qualification needed to apply for your Personal Licence in England and Wales and advance your career prospects within the licensed retail sector. This one day course should be taken by anyone who works in a role which requires them to authorise the sale of alcohol to the public (as per the legal requirement).

Course & Exam
to be held in the
Cross Room
at
South Ribble Borough
Council, West
Paddock, Leyland,
Lancashire,
PR25 1DH

£120
per
delegate

Refreshments
provided

**BOOKING
ESSENTIAL**
ring
01772 625625
or email
info@southribble.gov.uk
to book your place

COURSE DATES

Thursdays
9.30am - 4.15pm
(Exam at 3pm)

- 27 September 2018
- 25 October 2018
- 29 November 2018
- 20 December 2018
- 24 January 2019
- 21 February 2019
- 28 March 2019
- 25 April 2019
- 30 May 2019
- 27 June 2019
- 25 July 2019
- 29 August 2019

South Ribble Borough Council is registered as an accredited training centre with the British Institute of Innkeepers Awarding Board (BIIAB) Centre Number C02145



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Agenda Item 8

REPORT TO	ON
Licensing Act Committee	24 July 2018



TITLE	REPORT OF
Use of Standing Order 35 procedure	Head of Licensing

Is this report confidential?	No
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1. PURPOSE OF THE REPORT

To provide an update on the use of Standing Order 35.

2 CORPORATE PRIORITIES

The report relates to the following corporate priorities:

Excellence and Financial Sustainability	x
Health and Wellbeing	
Place	

Projects relating to People in the Corporate Plan:

People	
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3. RECOMMENDATIONS

For the contents of the report to be noted

4. BACKGROUND TO THE REPORT

It has been previously agreed that any use of Standing Order 35 Procedure will be reported back to the Licensing Act Committee.

4.1 On the 25th July 2018 it was necessary to evoke the Standing Order Procedure 35 in order for a Licensing review to be initiated by the Licensing Authority. The circumstances of the case were discussed with the Head of Legal Services and the Chairman of the Licensing Committee and the order was subsequently signed off on the same day.

4.2 The review was served on the Licence holder, Naaz Indian Restaurant, on the 25th

July 2018 and a hearing to consider the application will be arranged in due course.

5. FINANCIAL IMPLICATIONS

5.1 There are no direct financial implications arising from this report.

6. LEGAL IMPLICATIONS

The legal implications have been identified in the report.

7. COMMENTS OF THE STATUTORY FINANCE OFFICER

There are no financial comments in line with paragraph 5.1

9. COMMENTS OF THE MONITORING OFFICER

Please see Para 6 above.

10. OTHER IMPLICATIONS:

▶ HR & Organisational Development	None
▶ ICT / Technology	None
▶ Property & Asset Management	None
▶ Risk	We must continue to improve further the quality of the service. We must do everything possible to protect the general public. A failure to continue to achieve high standards in our Licensing service could result in reputational damage.
▶ Equality & Diversity	None

11. APPENDICES

Appendix A - Standing Order 35 Decision

None

Report Author:	Telephone:	Date:
Mark Marshall	01772 625401	12 July 2018

RECORD OF STANDING ORDER 35 DELEGATION OF URGENT DECISION BETWEEN MEETINGS OF THE CABINET OR A COMMITTEE BY THE INTERIM MONITORING OFFICER (DELEGATED IF UNAVAILABLE) IN CONSULTATION WITH PORTFOLIO HOLDER/COMMITTEE CHAIRMAN



ELT Member:	D Whelan
Service Group:	Legal & Licensing
Portfolio Holder/Chairman:	Cllr David Suthers
Portfolio/Committee:	Licensing Act Committee

Subject:	Review Pursuant to Section 51 of the Licensing Act 2003 Naaz Indian Restaurant 1 Club Street Bamber Bridge PR251DH
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Decision:	To authorise the commencement of review proceedings.
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Details and Reasoning:	A decision from the Licensing Authority is required for the Licensing Authority to serve a review. Please see attached proposed review application.
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Wider Implications (including Financial, Legal, Equality and Risk):	NONE
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Report attached?	Yes
Exempt from publication?	Yes
If exempt, give reason(s):	Information relating to an individual

Signed:		
	Chief Officer/Designated Officer	Portfolio Holder/Chairman
Date:		Date:

THIS DECISION WILL COME INTO FORCE IMMEDIATELY IN ACCORDANCE WITH THE COUNCIL'S CONSTITUTION

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