

# Licensing Panel

Tuesday, 9th February, 2021, 2.00 pm

Accessible via MS Teams or Youtube

## Agenda

### Important information regarding COVID-19

In response to the current government guidance surrounding the COVID-19 pandemic, this meeting will be held with hybrid measures in place.

Only the Chair of the Panel and officers required to support the meeting will be permitted to attend the meeting in the Civic Centre.

[Elected members not on the committee or members of the public will not be permitted access to the Civic Centre but may watch the proceedings via a YouTube livestream by clicking here.](#)

The applicant, or anyone acting on behalf of the applicant, may speak as well the six residents who have raised objections within the 28 day period to receive representations.

All registered speakers will be required to dial into the meeting remotely.

### **1 Apologies for absence**

### **2 Declarations of 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.

### **3 Full Variation application - Indigo**

(Pages 7 - 56)

Report of the Shared Services Lead (Legal) and Deputy Monitoring Officer attached.

Gary Hall  
Chief Executive

Electronic agendas sent to Members of the Licensing Panel Councillors James Flannery (Chair), Jacky Alty and Alan Ogilvie

The minutes of this meeting will be available on the internet at [www.southribble.gov.uk](http://www.southribble.gov.uk)

## **LICENSING ACT PANEL**

### **PROCEDURE FOR ALL HEARINGS BEFORE THE LICENSING PANEL TO DETERMINE ANY APPLICATIONS OR COMPLAINTS 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 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. 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 the hearing where it considers that the public interest in doing so outweighs 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**

Please note that the applicant in a review hearing, is a person who has applied to review the licence. This could be a responsible authority or a member of the public. In this case, the applicant is not the licence holder.

#### **APPLICATION PROCESS PROCEDURE**

1. General introduction by the Chair.
2. In accordance with Regulation 23 of the Licensing Act 2003 (Hearings) Regulations 2005 the Chair of the Panel will lead the discussion.
3. A Licensing Officer will briefly outline the application and procedure to be followed in the hearing.

4. Applicant(s) Case:
  - a) The applicant(s) will be invited to put forward any information in support of their application including the calling of witnesses.
  - b) The objector(s) and/or representatives, the Panel and any other Responsible Authority may ask questions of the applicant, witnesses and/or their representatives.
5. Responsible Authorities (Reviews Only):
  - a) Any other Responsible Authority (who has made representations) will be invited to put forward any information in support of their representation including the calling of witnesses.
  - b) The objector(s) and/or representatives, the Panel and applicant(s) may ask questions of the Responsible Authority, witnesses and/or their representatives.
6. The Objector(s) Case(s):
  - a) The objector(s) will be invited to put forward any information in support of their objection including the calling of witnesses.
  - b) The applicant(s) and/or representatives, the Panel and any other Responsible Authority may ask questions of the objector(s), witnesses and/or their representatives.
7. The Chair 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 decision making.**
8. Summing up:
  - a) Objector(s) Case(s)
  - b) Applicant(s) Case(s)
9. Conclusion

The Chair 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.
10. Deliberations

Generally the public and the applicant will be excluded when the

Panel is determining the hearing decision.

11. Notice of Decision

The decision will be issues to the applicant and any interested parties five working days after the hearing meeting.