



Licensing Sub-Committee

Committee

Fri 11 May
2018
2.15 pm

Committee Room 3
Town Hall
Redditch

REDDITCH BOROUGH COUNCIL

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If you have any queries on this Agenda please contact
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COMMITTEE PROTOCOL – LICENSING SUB-COMMITTEE – GAMBLING ACT APPLICATIONS

Each application that comes before this Sub-Committee will be treated on its own merits. This licensing authority will make its decision based on the merits of the application and the three licensing objectives, namely:

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
- ensuring that gambling is conducted in a fair and open way, and
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

and will also have regard to the Guidance issued by the Gambling Commission and the Redditch Borough Council Statement of Principles published in accordance with section 349 of the Gambling Act 2005.

Members of the Sub-Committee will meet prior to the hearing to note matters to be presented, assisted by the legal and administrative support Officers only. The actual application will not be discussed.

LICENSING HEARING PROCEDURE

The Hearing

Preliminary Issues

1. The Sub-Committee may proceed in the absence of a party (or representative) if the party has:
 - Informed the Sub-Committee that he or she does not intend to attend or be represented at a hearing; or
 - Failed to inform the Sub-Committee whether he or she intends to attend; or
 - Left the hearing in circumstances enabling the Sub-Committee to reasonably conclude that he or she does not intend to participate further.
2. If a party, who has indicated that he or she intends to attend, fails to attend or be represented at a hearing the Sub-Committee may:
 - Where it considers it to be necessary in the public interest; adjourn the hearing to a specified date and notify the parties of the date, time and place to which the hearing has been adjourned; or hold the hearing in the party's absence.
3. Where the Sub-Committee holds a hearing in the absence of a party, it will consider at the hearing the application, representations or notice made by that party.
4. The Sub-Committee will not take into account any written comments or documentary evidence from a party which is first produced at the hearing, without the consent of all parties in attendance at the hearing.
5. Cross-examination shall not be permitted unless the Committee considers that it is required to enable it to consider the representations, application or notice as the case may require.

6. At all times it will be a matter for the Chair as to the precise format and order of events.
7. The hearing of the Sub-Committee must take place in public, however a Sub-Committee may direct that all or part of a hearing must be in private if it is satisfied that it is necessary in all the circumstances of the case, having regard to-
 - Any unfairness to a party that is likely to result from a hearing in public; and
 - The need to protect as far as possible, the commercial or other legitimate interests of a party.

Procedure

8. The Chair will open the meeting, outlining the nature of the decision to be taken, and will identify the members of the Sub-Committee and Council Officers present.
9. The Chair will then ask all parties present for that agenda item to introduce themselves.
10. The Chair will give a brief outline of the procedure to be followed at the hearing.
11. The Technical Officer, Licensing, Worcestershire Regulatory Services will present the report, outlining any relevant representations and relevancies to the Redditch Borough Council Statement of Principles and associated Guidance issued by the Gambling Commission and other statutory provisions where relevant.
12. The Technical Officer may be questioned by members of the Sub-Committee and any party on any matter that is relevant to the application or to any representations made on the application where the Sub-Committee considers that in all the circumstances it is appropriate to do so.

(Similar rights of questioning will apply, with the Sub-Committee's permission, in relation to paragraphs 13, 15, 17 and 19 below.)

13. The Applicant and / or his / her representative will speak in support of the application.
14. The Applicant and / or his / her representative may be questioned by members of the Sub-Committee.
15. Any witnesses called by the applicant will then make representations to the Sub-Committee.

(Similar rights will apply in relation to witnesses called by other parties.)
16. The witnesses may be questioned by members of the Sub-Committee.
17. Any officers of the responsible authorities or their representative(s) will be invited to make relevant representations to the Sub-Committee.
18. The responsible authorities and / or their representative(s) may be questioned by members of the Sub-Committee.
19. Any interested parties who have made representations in accordance with the statutory procedure will be invited to outline their relevant representations to the Sub-Committee.

20. The interested parties may be questioned by members of the Sub-Committee.
21. The Technical Officer will be invited to make a closing statement.
22. Each responsible authority who submitted a relevant representation will be invited to sum up.
23. Any Interested parties who have made representations will be invited to sum up.
24. The Applicant and / or his / her representative will be invited to sum up
25. The Chair will ask the Legal Advisor if there is any legal advice to be given.
26. At the conclusion of the hearing members of the Sub-Committee, the Legal Advisor and the Democratic Services Officer will withdraw from the meeting room so that the Sub-Committee can reach its decision in private.
27. The Chair may depart from the above procedure if he / she considers it is in the interests of natural justice to do so, either of his / her own volition or upon application by any party. Before doing so he / she shall invite the views of the parties present and consider any representations that may be made.

Decision

28. The Sub-Committee's decision will not be announced on the day of the hearing but rather, it will be sent to the Applicant and all those parties who made representations within 5 working days.

Notes

1. *Any changes in Sub-Committee membership will be given at the beginning of the meeting.*
2. *Each party will be limited to a maximum time of ten minutes in which to make representations to the Sub-Committee. This period may be extended at the discretion of the Chair. If an extension is agreed, all parties are to be allowed the same time to make representations. Where appropriate, if several parties wish to make the same representation, a spokesperson may, by consent, be appointed, in which case the spokesperson is to be allowed the same period of time as other representatives. If a spokesperson is not appointed, the amount of time must be shared between the persons wishing to make the same representation.*
3. *Any person wishing to make representations and Applicants / Licence Holders can be represented by a legal representative (at their own expense) or by a Councillor.*
4. *The Sub-Committee may require any person attending the hearing, who in its opinion is behaving in a disruptive manner, to leave the hearing and may:*
 - *refuse to permit that person to return; or*
 - *permit that person to return only on such conditions as the Sub-Committee specify,**but such person may, before the end of the hearing, submit in writing any such information which they would have given orally had they not been required to leave.*
5. *Decisions will generally be taken regardless of whether the applicant is present.*
6. *The Sub-Committee will make its decision within 5 working days beginning with the day or the last day on which the hearing was held, and will inform the applicant as soon as is practicable thereafter of its decision.*
7. *Applicants have a right to appeal, details of which can be obtained via the Licensing Officer.*
8. *It is not the general policy of the Council to enter into discussions or correspondence on matters relating to the hearing or any decision made at the hearing.*
9. *Any irregularity resulting from any failure to comply with any provision of the relevant Regulations before the Sub-Committee has made a determination shall not of itself render the proceedings void. In the case of such irregularity, the Sub-Committee shall, if it considers that any person may have been prejudiced as a result of such irregularity, take such steps as it thinks fit to cure the irregularity prior to determination.*
10. *Clerical errors in any document recording a determination of the Sub-Committee or errors arising in such document from accidental slip or omission may be corrected by the Sub-Committee.*
11. *Parties are not normally permitted to cross-examine or question other parties at Licensing Sub-Committee hearings except with the permission of the Sub-Committee. It is important that questions should not be hostile or seek to unfairly undermine the position of any party.*
12. *In the event of any conflict between this procedure and the relevant regulations, namely The Gambling Act 2005 (Proceedings of Licensing Committees and Sub-Committees) (Premised Licences and Provisional Statements) (England & Wales) Regulations 2007, then the Regulations will prevail.*



Licensing Sub-Committee

Friday, 11th May, 2018

1.00 pm

Committee Room 3 Town Hall

Agenda

Membership:

Cllrs: Tom Baker-Price Anita Clayton
Pat Witherspoon
Antonia Pulsford (Reserve)

1. Election of Chair

To elect a Councillor from the Sub-Committee to act as Chair for the meeting.

2. Chair's Welcome

3. Apologies

4. Declarations of Interest

To invite Councillors to declare any Disclosable Pecuniary Interests and / or Other Disclosable Interest they may have in items on the agenda, and to confirm the nature of those interests.

5. Application for an Adult Gaming Centre Premises Licence - 8/10 Unicorn Hill, Redditch, Worcestershire, B97 4QR (Pages 1 - 114)

6. Exclusion of the Public and Press

Should it be necessary, in the opinion of the Borough Director, during the course of the meeting to consider excluding the public from the meeting on the grounds that exempt information is likely to be divulged, it may be necessary to move the following resolution:

“That, under S.100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting for the following matter(s) on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs (to be specified) of Part 1 of Schedule 12 (A) of the said Act”.

These paragraphs are as follows:

Subject to the “public interest” test, information relating to:

- Para 1 – any individual;
- Para 2 – the identity of any individual;
- Para 3 – financial or business affairs;
- Para 4 – labour relations matters;

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- Para 5 – legal professional privilege;
- Para 6 – a notice, order or direction;
- Para 7 – the prevention, investigation or prosecution of crime;

and may need to be considered as 'exempt'.