



Licensing Sub-Committee

Wed 30 Mar
2022
11.30 am

Council Chamber

REDDITCH BOROUGH COUNCIL

*making
a
difference*

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**If you have any queries on this Agenda please contact
Pauline Ross
Democratic Services Officer**

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Tel: 01527 881406
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GUIDANCE ON FACE-TO-FACE MEETINGS

At the current time, seating at the meeting will be placed in such a way as to achieve as much space as possible for social distancing to help protect meeting participants.

Please note that this is a public meeting and is open to the public to attend

If you have any questions regarding the agenda or attached papers, please do not hesitate to contact the officer named above.

GUIDANCE FOR ELECTED MEMBERS ATTENDING MEETINGS IN PERSON

In advance of the Committee meeting, Members are strongly encouraged to take a lateral flow test on the day of the meeting, which can be obtained from the NHS website. Should the Member test positive for Covid-19 on the day of the meeting or up to 5 full days before the meeting then the Member is expected not to attend the Committee meeting and should provide their apologies to the Democratic Services Officer.

Whilst the Council acknowledges that it is no longer a legal requirement to wear face masks, we would really appreciate if the Members who attend a meeting in person would consider wearing a face covering throughout the meeting unless they are exempt or speaking.

Hand sanitiser will be provided for Members to use throughout the meeting.

The meeting venue will be fully ventilated and Members and officers may need to consider wearing appropriate clothing in order to remain comfortable during proceedings.

Members of the public will be able to access the meeting if they wish to do so. However, due to social distancing arrangements to ensure the safety of participants there may be limited capacity and members of the public will be allowed access on a first come, first served basis. Whilst the Council acknowledges that it is no longer a legal requirement to wear face masks, we would really appreciate if members of the public who attend a meeting in person would consider wearing a face covering throughout the meeting unless they are exempt or speaking. It should be noted that members of the public who choose to attend in person do so at their own risk.

Members of the public are strongly encouraged not to attend a Committee meeting if they test positive for Covid on the day of a meeting or up to 5 full days before a meeting. Should the member of the public test positive for Covid-19 on the day of the meeting or up to 5 full days before the meeting then they are expected not to attend the meeting.

Notes:

Although this is a public meeting, there are circumstances when the Sub-Committee might have to move into closed session to consider exempt or confidential information. For agenda items that are exempt, the public are excluded.

COMMITTEE PROTOCOL – LICENSING SUB-COMMITTEE

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 promotion of the four licensing objectives, namely:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm,

and will also have regard to the Guidance issued under Section 182 of the Licensing Act 2003 and the Redditch Borough Council Statement of Licensing Policy.

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

1. 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.
2. The Chair will then ask all parties present for that agenda item to introduce themselves.
3. The Chair will give a brief outline of the procedure to be followed at the hearing.
4. The Licensing Officer will present the report, outlining any relevant representations and relevancies to the Redditch Borough Council Statement of Licensing Policy and Guidance issued under Section 182 of the Licensing Act 2003.
5. The Licensing Officer may be questioned by members of the Sub-Committee and, if given permission by the Sub-Committee, the other parties present.

(Similar rights of questioning will apply, with the Sub-Committee's permission, in relation to paragraphs 7, 9 and 11 below.)

6. The Applicant / Licence Holder and / or his / her representative will speak in support of the application.
7. The Applicant / Licence Holder and / or his / her representative may be questioned by members of the Sub-Committee.
8. Any witnesses called, with due notice, by the applicant will, with the permission of the Sub-Committee, then make representations to the Sub-Committee.

(Similar rights will apply in relation to witnesses called by other parties.)

9. The witnesses may be questioned by members of the Sub-Committee.

10. Any person who has given notice that they wish to make representations to the Sub-Committee will be invited to do so, having stated the nature of his / her interest in the matter.
 - (a) In the case of any person who has made representations but fails to attend, the hearing will normally proceed, taking into consideration the written representations, but ensuring appropriate weight is given to the representations.
 - (b) No person wishing to make representations may raise any ground or objection at the hearing not previously referred to in the written submission, unless all parties give their consent to this.
11. Once a person making representations has concluded their case, he / she may be questioned by the members of the Sub-Committee Committee.
12. The Licensing Officer will be invited to make a closing statement.
13. Any persons who have made representations will be invited to sum up.
14. The Applicant / Licence Holder and / or his / her representative will be invited to sum up.
15. The Chair will ask the Legal Advisor if there is any legal advice to be given.
16. 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 it's decision in private.
17. The Sub-Committee may return to the meeting room to seek clarification on any point. The Sub-Committee, Legal Advisor and Democratic Services Officer will then withdraw again.
18. 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

19. The Sub-Committee's decision will not be announced on the day of the hearing but will be sent to the Applicants 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. *Late representations and evidence will only be considered with the agreement of all parties present.*
5. *Parties to the hearing will not normally be entitled to cross-examine any other party unless given permission by the Sub-Committee to do so.*
6. *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.
7. *Decisions will generally be taken regardless of whether the applicant is present.*
8. *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.*
9. *Applicants have a right to appeal, details of which can be obtained via the Licensing Officer.*
10. *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.*
11. *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.*
12. *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.*
13. *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.*



Licensing Sub-Committee

Wednesday, 30th March, 2022

11.30 am

Council Chamber Town Hall

Agenda

Membership:

Cllrs: Tom Baker-Price David Thain
Joanne Beecham Lucy Harrison (Reserve)

1. Election of Chair for the Meeting

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

2. Chairs Welcome

3. Apologies

4. Declarations of Interest

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

5. Premises Licence Application: Pink Flamingo, 22 Unicorn Hill, Redditch, Worcestershire, B97 4QU (Pages 1 - 34)

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 on the grounds that it involves 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;

Licensing Committee

Sub-

Wednesday, 30th March, 2022

- Para 4 – labour relations matters;
- 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'.