



Crawley Borough Council

Licensing Sub-Committee

Agenda for the **Licensing Sub-Committee** which will be held in **Committee Room A - Town Hall**, on **24 January 2024** at **10.30 am**

Pre-meeting (for councillors only) begins at 09.45 am in meeting room 1.3

A handwritten signature in black ink, appearing to be 'J. D.', written in a cursive style.

Chief Executive

Membership:

Councillors

Z Ali, I T Irvine and A Nawaz

Please contact Democratic Services if you have any queries regarding this agenda.
democratic.services@crawley.gov.uk

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crawley.gov.uk
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Town Hall
The Boulevard
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RH10 1UZ

The order of business may change at the Chair's discretion

Part A Business (Open to the Public)

1. **Appointment of Chair**

2. **Apologies for Absence**

3. **Disclosures of Interest**

In accordance with the Council's Code of Conduct, councillors are reminded that it is a requirement to declare interests where appropriate.

4. **Application to Vary the Premises Licence - Mon Ami, 20 Broad Walk, Northgate, Crawley, RH10 1HQ**

9 - 72

To consider report HCS/075 of the Head of Community Services (*report to follow*).

The application to vary the premises licence is available to view on the Council's website [here](#).

5. **Supplemental Agenda**

Any urgent item(s) complying with Section 100(B) of the Local Government Act 1972.

This information is available in different formats and languages. If you or someone you know would like help with understanding this document please contact the Democratic Services team on 01293 438549 or email: democratic.services@crawley.gov.uk

LICENSING SUB-COMMITTEE (HEARINGS) PROCEDURE RULES

These Rules are divided into two sections relating to the format of the meeting:

- **Section A:** Procedures for In-Person Meetings.
- **Section B:** Procedures for Virtual Meetings.

SECTION A: PROCEDURES FOR IN-PERSON MEETINGS

1. SCOPE OF THESE RULES

- 1.1. These Rules apply specifically to Licensing Sub-Committee Hearings under the Licensing Act 2003 ('the Act') and the *Licensing Act 2003 (Hearings) Regulations 2005* ('the Regulations').
- 1.2. These Rules should be read in conjunction with paragraphs 9 (Declarations of Interest), 16 (Councillors' Conduct) and 17 (Disturbance by Public) of the General Committee Procedure Rules as appropriate.
- 1.3. In these Rules all references to "party" and "parties" is a reference to all persons to whom a Notice of Hearing must be given pursuant to Regulation 6 of the Regulations.

2. CONSULTATION PERIOD AND SUBMISSION OF RELEVANT REPRESENTATIONS/DOCUMENTATION

Consultation Period and Relevant Representations

- 2.1. The Council encourages that all representations made in relation to an application/notice be submitted by e-form on the Council's website or by e-mail to licensing@ Crawley.gov.uk (rather than by post or other means) to reduce the risk that they may not be received or considered by the Council. The Council's website will clearly state this.
- 2.2. When submitting representations/documentation parties are encouraged to provide a contact email address.

Submission of Documentation Supporting an Application, Notice or Representation

- 2.3. All parties must use their best endeavours to submit any documentation in support of their application, notice or representation which they wish to be included within the Notice of Hearing electronically to licensing@ Crawley.gov.uk.
- 2.4. The Council encourages parties to follow these principles when drafting submissions in support of their application, notice or representation:
 - a) Focus on the promotion of one or more of the four Licensing Objectives as defined by the Act.
 - b) Make reference to the relevant parts of the Council's Licensing Policy Statement and Section 182 Guidance.
 - c) Be relevant.
 - d) Be evidence-led not based on speculation.

- 2.5. Parties should endeavour to submit all additional documentation they wish to be considered by the Sub-Committee (which was not included in the Notice of Hearing) no later than 48 hours before the Hearing so that it can be circulated to all other parties. All submissions and supporting documentation/evidence should be submitted by email to democratic.services@ Crawley.gov.uk.

Submission of CCTV and Audio Evidence

- 2.6. Any video evidence submitted before a Hearing which a party wishes the Sub-Committee to view should be submitted in MP4 format. Parties are asked to ensure that any recording is edited to only contain relevant matters which relate to their representation. Parties are encouraged to submit any video evidence with a description of how, when and where the video was recorded and a summary of its contents.
- 2.7. Parties should endeavour to submit any video evidence they wish to rely upon at least 72 hours before the Hearing to allow sufficient time for it to be made available to the other parties.

3. NOTICE OF HEARING, AGENDA DOCUMENTS, NOTICE OF INTENTION TO ATTEND AND CANCELLATION OF THE HEARING

Notice of Hearing and Agenda

- 3.1. A Notice of Hearing (in the form of an agenda) will be sent via email to all parties at least ten clear working days before the meeting. The Notice will also be published via the Council's website in line with normal procedure. The Notice will include:
- a) Details of the date and time of the Hearing.
 - b) The report of the Council's Licensing Officer.
 - c) The application/notice.
 - d) Any relevant representations/notices received.
 - e) Any other supporting documentation submitted.
 - f) A copy of these Licensing Sub-Committee (Hearings) Procedure Rules.
 - g) A "Parties' Notice of Intention" form.

Notice of Intention to Attend

- 3.2. All parties wishing to participate in the Hearing must register their wish to participate and provide their own email address and the email address(es) of any representatives/witnesses they wish to speak at the meeting. This **must** be done by returning the "Parties' Notice of Intention" form via email to the Council at democratic.services@ Crawley.gov.uk no later than five working days before the day of the Hearing.
- 3.3. Applicants are encouraged to attend the Hearing although they may choose not to attend and instead allow the decision to be considered on the basis of the written representations, and for the decision to be taken based on the information available at the Hearing.

Cancellation of the Hearing

- 3.4. If the application is withdrawn or an agreement is reached between the applicant and those who have submitted a representation, the Hearing will be cancelled as there will be no business to be considered. However, should the withdrawal or agreement be confirmed less than 24 hours before the Hearing is due to take place, the meeting will not be cancelled on that basis.

4. SPECIFIC LICENSING SUB-COMMITTEE (HEARINGS) RULES

- 4.1. **Establishment of a Sub-Committee:** A Sub-Committee will only be arranged when there is a requirement for a Hearing as defined in the Act.
- 4.2. **Membership:** A Sub-Committee will consist of a panel of three Councillors drawn from a pool of four Councillors who have confirmed that they are available to attend the scheduled Hearing. (The purpose of having four is to ensure that there is a reserve Councillor available to substitute for one of the other three Councillors in the event that one of the others cannot attend due to unforeseen circumstances.) The pool of four Councillors will be drawn from the Councillors appointed to the Licensing Committee. Endeavours will be made for the Sub-Committee membership to be drawn from different political parties where possible, although this is not a requirement in law.
- 4.3. **Quorum:** The quorum of a Sub-Committee will be three.
- 4.4. **Appointment of Chair:** A Chair will be elected from the membership of the panel.
- 4.5. **Officer Attendance:** A Council legal advisor ('Legal Clerk'), Democratic Services Officer and Licensing Officer will usually attend a Sub-Committee for the sole purpose of providing advice on law and procedure.
- 4.6. **Sub-Committee Pre Meeting:** The Sub-Committee will usually meet with the Democratic Services Officer and Legal Clerk in advance of a Hearing. The purpose of this meeting will be to identify any matters upon which the Sub-Committee may require clarification (see Paragraph 3.1 – Order of Business), to ensure the Sub-Committee members have all the documentation for the Hearing, and to remind themselves of the Hearing Procedure. During any pre-meeting **no** decisions will be made and **no** discussions will take place regarding the substantive merits of the application or representations.
- 4.7. **Minutes:** The minutes of the Sub-Committee remain the responsibility of the Licensing Committee and will be brought before a minimum of ten Committee Members for their approval at a Licensing Committee meeting. Only a member of the relevant Sub-Committee is permitted to question the accuracy of the minutes. Once the minutes have been agreed, they shall be signed by a member of that Sub-Committee, which would normally be the Chair of the Panel.
- 4.8. **Procedure at the Meeting:** The procedure to be followed at Sub-Committee meetings is outlined later in these Rules.
- 4.9. **Additional Information:** When making their presentation/s, parties may only introduce documentary or other information produced either before the Hearing or, with the consent of all the other parties, at the Hearing.

- 4.10. **Duration of Representations:** Each party will be given an equal amount of time to make representations. The amount of time will be at the Chair's discretion based on the number of parties present.
- 4.11. **Exclusion of the Public/Retiring for Deliberation:** By virtue of Regulation 14 of the Regulations, the Sub-Committee shall exclude from all or part of the Hearing any member of the public and/or any other person present at the Hearing if it believes that the public interest in doing so outweighs the public interest in allowing the person(s) in question to remain.

This exclusion will be used when the Sub-Committee retires for its deliberations.

5. HEARING PROCEDURE

- 5.1. **Order of Business:** Each Sub-Committee will usually follow the procedure below. However, a Sub-Committee may decide to vary the order of business below if it considers it appropriate, after it has first sought and considered any views of the parties present.
- 5.2. The Sub-Committee will appoint a Chair for the duration of the meeting.
- 5.3. The Chair will explain the Hearing Procedure.
- 5.4. The Chair will ask all parties present to introduce themselves.
- 5.5. The Legal Clerk will ask if any of the parties at that point have an application to make (for example for an adjournment).
- 5.6. The Sub-Committee will consider and decide on any applications made.
- 5.7. The Legal Clerk will inform the meeting whether, during any pre-meeting, the Sub-Committee sought clarification on any aspect of the application.
- 5.8. The Council's Licensing Officer will present the report which details the application and relevant representations.
- 5.9. The Sub-Committee may ask the Licensing Officer any questions in relation to the report.
- 5.10. In the order listed below, each party will present their application/representation to the Sub-Committee, including, with the permission of the Sub-Committee, presenting evidence from any witness they have brought with them.

Hearings of an application for a review of a premises licence or club premises certificate	All other Hearings
1. The Applicant for the review	1. The Applicant
2. Those who made a relevant representation in respect of the application, in this order: <ul style="list-style-type: none"> a) Any responsible authorities (as defined in the Act) other than the Applicant. If more than one, in the order determined between themselves, or as decided by the Sub-Committee in the absence of an agreement. b) Any other person. If more than one, in the order determined between themselves, or as decided by the Sub-Committee in the absence of an agreement. 	2. Those who made a relevant representation in respect of the application, in this order: <ul style="list-style-type: none"> a) Any responsible authorities (as defined in the Act). If more than one, in the order determined between themselves, or as decided by the Sub-Committee in the absence of an agreement. b) Any other person. If more than one, in the order determined between themselves, or as decided by the Sub-Committee in the absence of an agreement.
3. The licence/certificate holder	

- 5.11. After each party's presentation (including any evidence from witnesses):
- a) the Sub-Committee will lead a discussion on the issues raised, including asking any questions of the presenting party and/or their witnesses, and the Legal Clerk will ensure that any such requests are satisfactorily addressed; and
 - b) each other party (in the order set out above) may, with the permission of the Sub-Committee, ask questions of the presenting party and/or their witnesses.
- 5.12. Any closing statements will be made in the same order as described in 3.10 above.
- 5.13. The Sub-Committee shall retire in private for its deliberation (along with the Legal Clerk, to provided legal advice, and the Democratic Services Officer, for minuting purposes) to consider the application and other representations made, both written and oral.
- 5.14. When the Sub-Committee returns from its deliberations, the Legal Clerk will summarise any legal advice given during the Sub-Committee's deliberations.
- 5.15. The Sub-Committee's decision will be given by the Chair (or the Chair may invite the Legal Clerk to do so).
- 5.16. A full written version of the decision will be provided to all parties within the timeframe prescribed by the Act.