

Crawley Borough Council

Minutes of Licensing Sub Committee

Monday 5 October 2009 at 6.30pm

Present:

Councillors S Kaur, B J Burgess and B McCrow

Officers Present:

Mike Lyons	Licensing Officer
Angela Tanner	Head of Regulatory Services
Sharon Rana	Legal Clerk
Chris Pedlow	Committee Clerk

25. Appointment of Chair

RESOLVED

That Councillor S Kaur be appointed Chair for the meeting.

26. Members' Disclosure of Interests

No disclosures of interest were made by Members.

27. Supplemental Agenda

Councillor Kaur commented that she had received a requested from the Licensing Authority, following the publication of the Licensing Sub Committee agenda, for a Supplemental Agenda with the item: *Request for an Extension*. Councillor Kaur then confirmed that she agreed that due to special circumstances involved with that item there was justification for urgent consideration, even though it had not been available for the minimum of five clear days prior to the meeting.

The Chair then confirmed that she would be dealing with the Supplemental Agenda item, Request for an Extension, before *Application for a New Premise Licence – BP Oil Ltd – Tilgate Services Station*, item number (4) on the Agenda as a preliminary matter.

**28. Request for an Extension of time within which the Hearing must be heard
(with regards to the Application for a New Premise Licence – BP Oil Ltd –
Tilgate Services Station)**

The Council's Licensing Officer addressed the Sub Committee and informed the Members that on 30 September 2009, that the Licensing Department of the Council had received an email from the Solicitor for BP Oil Ltd ("the Applicant") asserting that he, as representative for the Applicant, had not received notice that the Hearing to determine the Application for a New Premise Licence – BP Oil Ltd – Tilgate Services Station was due to be heard on Monday 5 October 2009 at 6:30 pm.

The Sub Committee were informed that the Licensing Officer on 17th September had on, behalf of the Licensing Authority, sent out the requisite notice to all the Parties, including the Applicant's Solicitor, by first class post. The notice advised that the Application for the new Premises licence BP Oil Ltd – Tilgate Services Station would be considered by the Sub Committee on 5 October 2009 at 6:30pm.

It was noted that the Licensing Act 2003 (Hearings) Regulations 2005 required that all Parties were required to be given a least 10 working days notice.

In his email of 30 September 2009 the Applicant's Solicitor asserted that the first that he and therefore the Applicant knew that the matter was to be heard on 5 October 2009, was on 30 September 2009 when he had received a copy of the agenda for the meeting. Consequently, the proposed Designated Premises Supervisor (DPS) had also not received notice of the date and time of the hearing.

The Sub Committee were further informed that the both the Solicitor for the Applicant and the proposed DPS were unable to attend this evening's meeting. The Applicant's Solicitor further submitted that it would be in the public interest to extend the period of time within which the Hearing must be heard, so that they are able to attend.

Whilst the Licensing Authority could only confirm that the notice was posted first class on 17 September 2009 in accordance with the regulations there was no reason to disbelieve the assertion of the Solicitor of the Applicant, that he had not received it.

Where relevant representations had been made the hearing must be commenced within 20 days. However regulation 11 of the Licensing Act 2003 (Hearings) Regulations 2005 provided the power to extend the time within which the hearing must be held. The Council's constitution delegated the function of determining applications for premises licences where relevant representations had been made to the Licensing Sub Committee.

It was therefore the recommendation of the Licensing Officer, on behalf of the Licensing Authority, that the period of time within which the hearing could be heard be extended until the end of November 2009. It was the view of the Licensing Authority that an extension of time would ensure a fair hearing, so that the proposed DPS would be able to attend, and that it would therefore be in the public interest to extend the time in accordance with Regulation 11.

The Sub Committee commented that they felt that in order to ensure a fair and balanced hearing they were mindful to extend the period. The Sub Committee commented that the scheduled date of the hearing to determine the Application for the Premises Licence would be primarily determined by the availability of the Sub Committee, rather than be influenced by the availability of any of the Parties. However the Sub Committee would ask that the Licensing Authority, once the date of the

Hearing had been confirmed, that it be endeavoured that the maximum amount of notice possible be provided to all the Parties to ensure that everyone could attend.

RESOLVED

That the period of time within which the hearing, to determine the Application for a New Premise Licence – BP Oil Ltd – Tilgate Services Station, must be heard, be extended to 54 days, equating to the end of November 2009.

29. Closure of Meeting

With the business of the Sub Committee concluded, the Chair declared the meeting closed at 6.47 p.m.

S Kaur
Chair