

## Crawley Borough Council

### Licensing Sub-Committee

Agenda for the **Licensing Sub-Committee** which will be held in  
**Committee Rooms A & B - Town Hall**, on **30 August 2022** at **11.00am**

Nightline Telephone No. 07881 500 227



**Chief Executive**

**Membership:**

Councillors

J Hart, I T Irvine and K L Jaggard  
(Reserves: M G Jones and C J Mullins)

From:

Councillors

B Noyce, Z Ali, M L Ayling, J Bounds, B J Burgess, J Hart, I T Irvine,  
K L Jaggard, M G Jones, P K Lamb, K McCarthy, M Morris,  
C J Mullins, A Nawaz and D M Peck

Please contact Democratic Services if you have any queries regarding this agenda.  
[democratic.services@crawley.gov.uk](mailto:democratic.services@crawley.gov.uk)

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Town Hall  
The Boulevard  
Crawley  
West Sussex  
RH10 1UZ

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

## Part A Business (Open to the Public)

	Pages
1. <b>Appointment of Chair</b>	
2. <b>Apologies for Absence</b>	
3. <b>Disclosures of Interest</b>	
In accordance with the Council's Code of Conduct, councillors are reminded that it is a requirement to declare interests where appropriate.	
4. <b>Application to Vary the Premises Licence - Turtle Bay, Unit 1, 100 High Street, Crawley, RH10 1BQ (Northgate and West Green Ward)</b>	3 - 44
To consider report HCS/044 of the Head of Community Services.	
The Licensing Handbook is available to Sub-Committee members (if required) from the Democratic Services team.	

**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](mailto:democratic.services@crawley.gov.uk)**

# Agenda Item 4

## Crawley Borough Council

### Report to Licensing Sub-Committee

30 August 2022

#### Application to Vary the Premises Licence Licensing Act 2003 for

**Turtle Bay, Unit 1, 100 High Street, Crawley, RH10 1BQ  
(Northgate & West Green Ward)**

Report of the Head of Community Services - **HCS/044**

#### 1. Application

Applicant and premises			
<b>Application type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received &amp; consultation commenced date:</b>	6 <sup>th</sup> July 2022		
<b>Consultation period &amp; deadline for representations:</b>	28 day consultation period Deadline for representations: 3 <sup>rd</sup> August 2022		
<b>Applicant:</b>	Turtle Bay Hospitality Limited		
<b>Premises:</b>	Turtle Bay		
<b>Premises address:</b>	Unit 1 100 High Street Crawley RH10 1BQ	<b>Ward:</b>	Northgate & West Green
		<b>Location:</b>	Town Centre
<b>Premises description:</b>	Existing licensed premises offering the following licensable activities: <ul style="list-style-type: none"><li>- Alcohol for consumption on and off the premises</li><li>- Late Night Refreshment</li></ul>		
<b>Variation description:</b>	Application seeks to: <ol style="list-style-type: none"><li>1. Add live and recorded music to the licence. The hours requested for live and recorded music mirror those permitted for the sale of alcohol.</li><li>2. Remove condition 18 currently on the premises licence, which states "No speakers for amplification of music shall be placed on the outside of the premises or on the outside of the building forming part of the premises".</li><li>3. Include the provision of British Summer Time (BST) for all licensable activities.</li></ol>		

# Agenda Item 4

<b>Premises licence history &amp; current licence:</b>	The premises has traded as a restaurant, bar, and take away since 2014 with background music. A location plan is included at <b>Appendix A</b> , with a layout plan of the premises and the current licence included at <b>Appendix B</b> .
<b>Application &amp; applicant submissions:</b>	<p>The application form in respect of this case is included at <b>Appendix C</b>.</p> <p>In relation to the current variation application before the Licensing Sub Committee, the Applicant has not provided any further information other than they wish to provide live and recorded music as well as varying the licence as follows:</p> <ol style="list-style-type: none"> <li>1. To add live and recorded music to the licence. The hours requested for live and recorded music mirror those permitted for the sale of alcohol.</li> <li>2. To remove Condition 18, which states "No speakers for amplification of music shall be placed on the outside of the premises or on the outside of the building forming part of the premises".</li> <li>3. To include the provision of British Summer Time (BST) for all licensable activities.</li> </ol>

Current and proposed licensable activities and hours				
Late night refreshment (food)				
Indoors, outdoors or both:				
Current: Both			Proposed (NO CHANGE)	
	Current Hours		Proposed Hours	
	Start:	End:	Start:	End:
<b>Monday</b>	2300	0100	NO CHANGE	
<b>Tuesday</b>	2300	0100		
<b>Wednesday</b>	2300	0100		
<b>Thursday</b>	2300	0100		
<b>Friday</b>	2300	0200		
<b>Saturday</b>	2300	0200		
<b>Sunday</b>	2300	0100		
Seasonal variations/ non-standard timings:	Current		Proposed Variation	
	<u>Non Standard Timings</u> From the end of licensed hours on New Years Eve to the start of licensed hours on New Years Day		<u>Non Standard Timings</u> On the day that British Summer Time commences, one additional hour to disapply its effect.	

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Additional Activities				
Live Music				
Recorded Music				
Indoors and Outdoors				
	Proposed Hours		(Mirrors the sale & supply of alcohol)	
	Start:	End:		
Monday	1000	0100		
Tuesday	1000	0100		
Wednesday	1000	0100		
Thursday	1000	0100		
Friday	1000	0200		
Saturday	1000	0200		
Sunday	1000	0100		
Seasonal variations/ Non-standard timings:		Proposed		
		<i>On the day that British Summer Time commences, one additional hour to disapply its effect</i> <i>From the end of licensed hours on New Years Eve to the start of licensed hours on New Years Day</i>		

Sale by Retail of Alcohol				
Current On & Off The Premises			Proposed (NO CHANGE) On & Off the Premises	
	Current Hours		Proposed Hours	
	Start:	End:	Start:	End:
Monday	1000	0100	1000	0100
Tuesday	1000	0100	1000	0100
Wednesday	1000	0100	1000	0100
Thursday	1000	0100	1000	0100
Friday	1000	0200	1000	0200
Saturday	1000	0200	1000	0200
Sunday	1000	0100	1000	0100
Seasonal variations/ Non-standard timings:		Current:		Proposed Variation
		<i>From the end of licensed hours on New Years Eve to the start of licensed hours on New Years Day.</i>		<i>On the day that British Summer Time commences, one additional hour to disapply its effect.</i>

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Open to the Public	Current Hours		Proposed Hours (NO CHANGE)	
	Start:	End:	Start:	End:
<b>Monday</b>	1000	0130	NO CHANGE	
<b>Tuesday</b>	1000	0130		
<b>Wednesday</b>	1000	0130		
<b>Thursday</b>	1000	0130		
<b>Friday</b>	1000	0230		
<b>Saturday</b>	1000	0230		
<b>Sunday</b>	1000	0130		
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current</b>		<b>Proposed Variation</b>	
	<i>From the end of licensed hours on New Years Eve to the start of licensed hours on New Years Day.</i>		<i>On the day that British Summer Time commences, one additional hour to disapply its effect</i>	

Conditions being varied, added or removed by the application	
Condition	Proposed variation
18 "No speakers for amplification of music shall be placed on the outside of the premises or on the outside of the building forming part of the premises"	Remove condition

## 2. Representations

Responsible Authorities	
<b>Responsible Authority:</b>	<b>Environmental Health, Pollution and Public Health (Noise)</b>
<b>Representative:</b>	Mr Alan Rimington
<b>Received:</b>	15/07/22
<p>A full copy of this representation is listed at <b>Appendix D.</b></p> <p><i>"Formal representation is hereby given by the Environmental Health Authority (a responsible authority under the above Act) to the variation of premises licence on the grounds of:</i></p> <p><i>Prevention of public nuisance.</i></p> <p><i>The purpose of this variation has been given as follows:</i></p>	

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- "1. To add live and recorded music to the licence. The hours requested for live and recorded music mirror those permitted for the sale of alcohol.*
- 2. To remove condition 18, which states "No speakers for amplification of music shall be placed on the outside of the premises or on the outside of the building forming part of the premises".*
- 3. To include the provision of BST for all licensable activities..."*

*Environmental Health objects to the removal of condition 18, restricting the placement of speakers and production of amplified music outside of the premises or on the outside of the building forming part of the premises.*

**Reasons:**

*External speakers playing amplified music are likely to give rise to statutory nuisance to nearby noise sensitive residents with respect to noise."*

There have been ongoing discussions with Mr Rimington as the Responsible Authority representative which has resulted in general discussions taking place but nothing more substantive. These are included at **Appendix E**. Matters remain unresolved hence the matter being placed before a Licensing Sub-Committee.

**Other Representations Received:**

None

### 3. Licensing Act 2003, Council's Statement of Licensing Policy & Other Considerations

Crawley Borough Council is the Licensing Authority for the borough of Crawley and determines all matters under the Licensing Act 2003 – any current licence holder, and/or where there is a new application or variation to an existing premises licence.

Crawley Borough Council's Statement of Licensing Policy must seek to promote the Licensing Objectives:

- The prevention of crime and disorder
- The prevention of public nuisance
- Public safety
- Protection of children from harm.

The Council has a current [Statement of Licensing Policy \(2019 – 2024\)](#). This provides a framework for decisions under the Licensing Act 2003, along with the revised Guidance issued under [Section 182](#) of the same Act (April 2018).

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## 4. Options Open to the Licensing Sub-Committee

The Licensing Sub-Committee must consider each application on its merits, in accordance with the provisions within the Licensing Act 2003, and must be satisfied that the Licensing Objectives will be met and promoted if an application is granted.

The Licensing Sub-Committee must have regard to any relevant representations received, and take such steps, if any, it considers necessary for the promotion of the Licensing Objectives.

This can be one or more of the following steps:

- (i) Grant the licence in the terms sought
- (ii) Grant the application and modify conditions to the licence
- (iii) Reject all or part of the application.

## 5. Implications

There are no extra staffing or financial implications to the Council, save for those in respect of possible appeal(s) against any decision taken. The Licensing Service is self-financing via fees and charges set by statute.

The Council is required to consider the impact any decision may have on an individual's human rights.

The Council is required to consider the impact any decision may have on crime and disorder in the area (Section 17, Crime and Disorder Act, 1998) which states as follows:

Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent:

- (a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and
- (b) the misuse of drugs, alcohol and other substances in its area; and re-offending in its area.



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## 6. Appendices

<b>Appendix A</b>	Premises Location Plan
<b>Appendix B</b>	Premises Layout Plan
<b>Appendix C</b>	Application Form
<b>Appendix D</b>	Environmental Health (Pollution & Public Health – Noise) Representation
<b>Appendix E</b>	Correspondence between Applicant and Mr Rimington, Environmental Health (Pollution & Public Health – Noise)
<b>Appendix F</b>	Licensing Sub-Committee (Hearings) Procedure Rules

## 7. Background Documents – Local Government (Access to Information) Act 1972

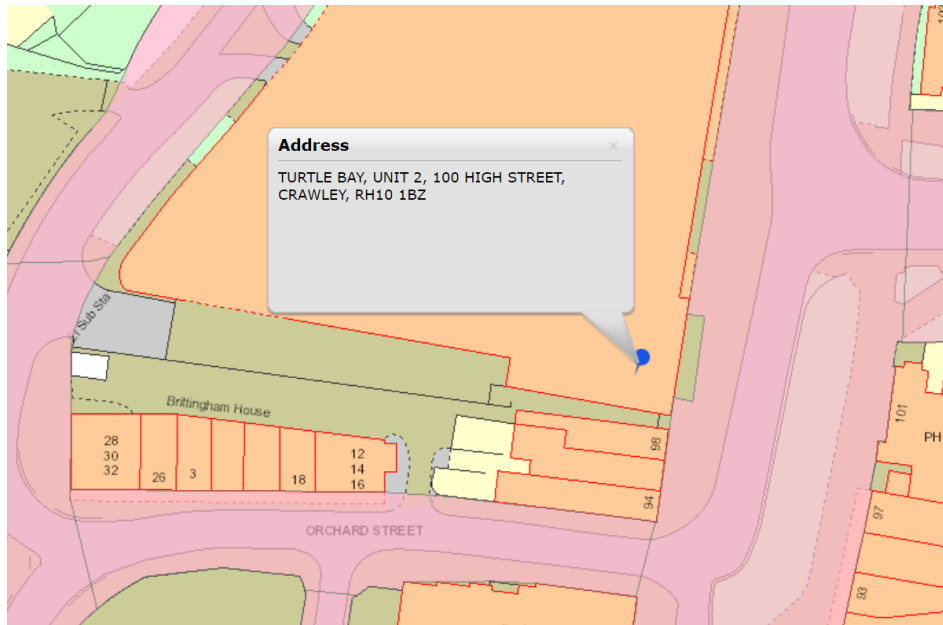
<b>1</b>	<a href="#">Licensing Act 2003</a>	N/A
<b>2</b>	<a href="#">Crawley Borough Council Statement of Licensing Policy</a>	2019 - 2024
<b>3</b>	<a href="#">Revised Guidance issued under Section 182 of the Licensing Act 2003</a>	April 2018
<b>4</b>	<a href="#">Local Government Association: Licensing Act 2003 Councillors' Handbook</a>	July 2021
<b>5</b>	<a href="#">Licensing Act 2003 (Hearings) Regulations 2005</a>	2005

Report Author: Kareen Plympton, Team Leader – Health, Safety and Licensing  
01293 438023 kareen.plympton@crawley.gov.uk

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## Location Plan

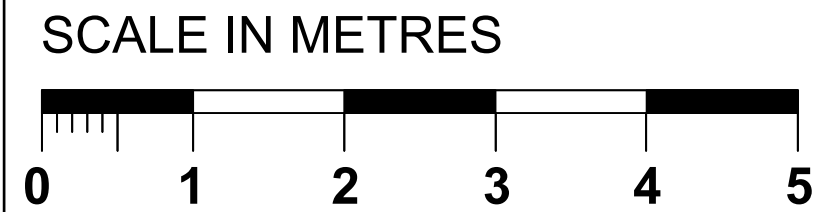
Turtle Bay, Crawley



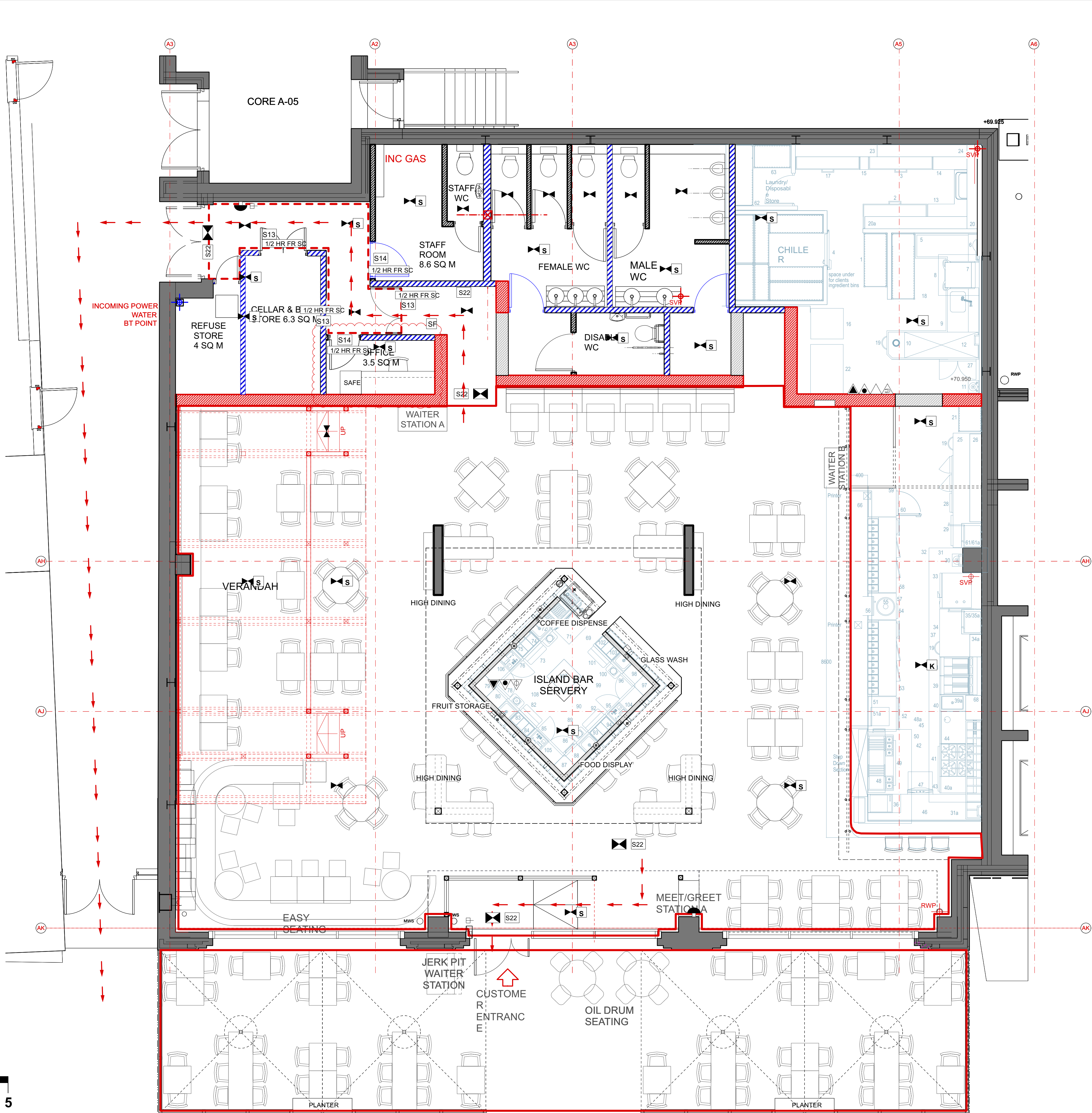
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KEY TO SYMBOLS	
	ALARM SOUNDER
	FIRE INDICATOR PANEL
	EMERGENCY LIGHTING
	3 HOUR NON MAINTAINED SMOKE DETECTOR
	HEAT DETECTOR
	CO2 EXTINGUISHER
	FOAM EXTINGUISHER
	WATER EXTINGUISHER
	WET CHEMICAL EXTINGUISHER
	CALL POINT
	FIRE BLANKET
	1/2 HOUR FIRE RESISTANT SELF CLOSING DOOR WITH SMOKE SEALS AND INTUMESCENT STRIPS
	1 HOUR FIRE RESISTANT SELF CLOSING DOOR WITH SMOKE SEALS AND INTUMESCENT STRIPS
	FIRE EXIT DOORS FITTED WITH EMERGENCY PUSH BAR FACILITY
	SIMPLE FASTENING
	VISION PANEL
	SIGN - EMERGENCY EXISTING
	SIGN- EMERGENCY EXIT NOTICE - INDICATES THAT THE NOTICE IS INTERNALLY ILLUMINATED
	SIGN- FIRE DOOR KEEP SHUT
	SIGN- FIRE DOOR KEEP LOCKED
	FIRE ESCAPE ROUTE
	POINT OF CUSTOMER ACCESS
KEY TO AREAS	
	INDICATES EXTENT OF LICENSABLE ACTIVITIES

COVERS:	
DINING COVERS -	86
HIGH DINING -	40
EASY SEATING -	
EXTERNAL	70
TOTAL	220



LICENSING PLAN



Notes

This drawing should not be scaled. The contractor is to verify all dimensions and conditions on site. This drawing is the property of Fusion and they reserve the copyright. It is issued on the understanding that it will not be copied, reproduced or disclosed in whole or in part to any unauthorised party without written permission from Fusion

D 07.08.14 AS BUILT  
C 10.07.14 LICENSING PLAN AMENDED  
B 05.06.14 LAYOUT AMENDED  
A 27.05.14 LAYOUT AMENDED

**FUSION**  
design and architecture

4 Risborough Street London SE1 0HE  
Tel: 020 7928 9982 Fax: 020 7928 9994  
email : mail@fusiondna.co.uk

Job Name:	TURTLE BAY CRAWLEY		
Site Address:	UNIT 1, 100 HIGH STREET CRAWLEY, WEST SUSSEX RH10 1BZ		
Drg Name:	LICENSING LAYOUT		
Status:	AS BUILT		
Drawn by:	MB	Checked by:	
Scale:	1:50@A1/ 1:100@A3	Date:	JAN 2014
Job/Drg N°:	110/28-205D		

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**Crawley**  
**Application to vary a premises licence**  
**Licensing Act 2003**

For help contact  
[licensing@crawley.gov.uk](mailto:licensing@crawley.gov.uk)  
 Telephone: 12934381

\* required information

## Section 1 of 18

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference  This is the unique reference for this application generated by the system.

Your reference  You can put what you want here to help you track applications if you make lots of them and they are passed to the authority.

Are you an agent acting on behalf of the applicant?

☒ Yes ☐ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

### Applicant Details

\* First name

\* Family name

\* E-mail

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

☒ Applying as a business or organisation, including as a sole trader  
☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

### Applicant Business

Is the applicant's business registered in the UK with Companies House? ☒ Yes ☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If the applicant's business is registered, use its registered name.

VAT number

Put "none" if the applicant is not registered for VAT.

Legal status



**Continued from previous page...**

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

## Registered Address

Address registered with Companies House

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

## Agent Details

\* First name

\* Family name

\* E-mail

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

- ☒ An agent that is a business or organisation, including a sole trader
- ☐ A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

## Agent Business

Is your business registered in the UK with Companies House? ☒ Yes ☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status



*Continued from previous page...*

Your position in the business

Home country

The country where the headquarters of your business is located.

## Agent Registered Address

Address registered with Companies House

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

## Section 2 of 18

### APPLICATION DETAILS

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

\* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description

### Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

### Premises Contact Details

Telephone number

*Continued from previous page...*

Non-domestic rateable  
value of premises (£)

88,500

## Section 3 of 18

### VARIATION

Do you want the proposed  
variation to have effect as  
soon as possible?

☒

Yes

☐

No

Do you want the proposed variation to have effect in relation to the  
introduction of the late night levy?

☐

Yes

☐

No

You do not have to pay a fee if the only  
purpose of the variation for which you are  
applying is to avoid becoming liable to the  
late night levy.

If your proposed variation  
would mean that 5,000 or  
more people are expected to  
attend the premises at any  
one time, state the number  
expected to attend

### Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

The purpose of this variation is as follows:

1. To add live and recorded music to the licence. The hours requested for live and recorded music mirror those permitted for the sale of alcohol.
2. To remove condition 18, which states "No speakers for amplification of music shall be placed on the outside of the premises or on the outside of the building forming part of the premises".
3. To include the provision of BST for all licensable activities.

There are to be no further changes.

## Section 4 of 18

### PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to  
vary is successful?

☐

Yes

☒

No

## Section 5 of 18

### PROVISION OF FILMS

[See guidance on regulated entertainment](#)

*Continued from previous page...*

Will the schedule to provide films be subject to change if this application to vary is successful?

☐ Yes ☒ No

## Section 6 of 18

### PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

☐ Yes ☒ No

## Section 7 of 18

### PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

☐ Yes ☒ No

## Section 8 of 18

### PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

☒ Yes ☐ No

### Standard Days And Timings

#### MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

#### TUESDAY

Start

End

Start

End

#### WEDNESDAY

Start

End

Start

End

#### THURSDAY

Start

End

Start

End

*Continued from previous page...*

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the performance of live music take place indoors or outdoors or both?

☐ Indoors ☐ Outdoors ☒ Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed, above below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

From the end of licensed hours on New Years Eve to the start of licensed hours on New Years Day.

On the day that British Summer Time commences, one additional hour to disapply its effect.

## Section 9 of 18

### PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

☒ Yes ☐ No

### Standard Days And Timings

*Continued from previous page...*

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

☐ Indoors ☐ Outdoors ☒ Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for playing recorded music.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

*Continued from previous page...*

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those list above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

From the end of licensed hours on New Years Eve to the start of licensed hours on New Years Day.

On the day that British Summer Time commences, one additional hour to disapply its effect.

## Section 10 of 18

### PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

☐ Yes ☒ No

## Section 11 of 18

### PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

☐ Yes ☒ No

## Section 12 of 18

### PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

☐ Yes ☒ No

## Section 13 of 18

### SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

☒ Yes ☐ No

### Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

*Continued from previous page...*

## TUESDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

## WEDNESDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

## THURSDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

## FRIDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

## SATURDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

## SUNDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the sale of alcohol be for consumption?

- ☐ On the premises
 ☐ Off the premises
 ☒ Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

From the end of licensed hours on New Years Eve to the start of licensed hours on New Years Day.



*Continued from previous page...*

On the day that British Summer Time commences, one additional hour to disapply its effect.

## Section 14 of 18

### ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

n/a

## Section 15 of 18

### HOURS PREMISES ARE OPEN TO THE PUBLIC

#### Standard Days And Timings

#### MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

#### TUESDAY

Start

End

Start

End

#### WEDNESDAY

Start

End

Start

End

#### THURSDAY

Start

End

Start

End

#### FRIDAY

Start

End

Start

End

#### SATURDAY

Start

End

Start

End



*Continued from previous page...*

SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

From the end of licensed hours on New Years Eve to the start of licensed hours on New Years Day.

On the day that British Summer Time commences, one additional hour to disapply its effect.

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please see description in part 2.

☒ I have enclosed the premises licence

☐ I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

## Section 16 of 18

### LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

As per the conditions attached to the existing premises licence.

*Continued from previous page...*

b) The prevention of crime and disorder

As per the conditions attached to the existing premises licence.

c) Public safety

As per the conditions attached to the existing premises licence.

d) The prevention of public nuisance

As per the conditions attached to the existing premises licence.

e) The protection of children from harm

As per the conditions attached to the existing premises licence.

## Section 17 of 18

### NOTES ON REGULATED ENTERTAINMENT

*Continued from previous page...*

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

## Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

## Section 18 of 18

### PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00\*

Band E - £125001 and over £635.00\*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

\* Fee amount (£)

315.00

### DECLARATION

I/WE UNDERSTAND THAT IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.



Ticking this box indicates you have read and understood the above declaration

**Continued from previous page...**

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name	<input type="text" value="Kuit Steinart Levy LLP"/>
* Capacity	<input type="text" value="Solicitors and Authorised Agents"/>
* Date	<input type="text" value="06"/> / <input type="text" value="07"/> / <input type="text" value="2022"/> <div>dd mm yyyy</div>

[Add another signatory](#)

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/crawley/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**OFFICE USE ONLY**

Applicant reference number	<input type="text" value="TUR140/24"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

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## COMMUNITY SERVICES DIVISION

Contact: **Alan Rimington** Email: **Alan.rimington@crawley.gov.uk**  
Direct Line: **01293 438557** Date: **15/07/2022**

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Mrs K Plympton  
Team Leader, Health, Safety & Licensing  
Crawley Borough Council  
Town Hall  
The Boulevard  
RH10 1UZ

Dear Mrs Plympton

**LICENSING ACT 2003 (aa)**  
**REPRESENTATION BY A RESPONSIBLE AUTHORITY TO A LICENCE APPLICATION**  
**VARIATION**

**Your ref:** 22/00855/JLIC  
**Application:** Variation of premises licence  
**Location:** Turtle Bay Unit 1 - 100 High Street, West Green, Crawley RH10 1BZ

Formal representation is hereby given by the Environmental Health Authority (A responsible authority under the above Act) to the variation of premises licence on the grounds of:

Prevention of public nuisance.

The purpose of this variation has been given as follows:

- “1. To add live and recorded music to the licence. The hours requested for live and recorded music mirror those permitted for the sale of alcohol.
2. To remove condition 18, which states "No speakers for amplification of music shall be placed on the outside of the premises or on the outside of the building forming part of the premises".
3. To include the provision of BST for all licensable activities...”

Environmental Health objects to the removal of condition 18, restricting the placement of speakers and production of amplified music outside of the premises or on the outside of the building forming part of the premises.

**Reasons:**

External speakers playing amplified music are likely to give rise to statutory nuisance to nearby noise sensitive residents with respect to noise.

Yours sincerely

**Alan Rimington**  
**Senior Environmental Health Officer**

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**From:** Rimington, Alan  
**Sent:** 01 August 2022 18:00  
**To:** [REDACTED]  
**Subject:** Turtle Bay Hospitality Ltd, 100 High Street

Dear [REDACTED],

I am writing to you regarding the above premises application, and in particular the application to remove the condition which would allow external speakers in the street. I tried to contact you today but unfortunately you were otherwise engaged and left a message with your colleague.

Following our earlier conversation, I informed you that Environmental Health would object to the removal of the said condition owing to the proximity of the nearest noise sensitive premises and exposure of residents to a statutory nuisance.

In addition, I have subsequently reviewed the relevant legislation and we would also object on the grounds that it would breach S62 of the Control of Pollution Act 1974 which requires consent to the operation of a loud speaker in a street. The consent scheme operates only if the Local authority has adopted its provisions by resolution of the council. No such scheme is in place within Crawley therefore my representations to the licensing authority stand.

I would like to apologise to you for the slight delay in this response, due in part by an administrative oversight in the protocol for negotiating between the interested parties. Please feel free to contact me if you require further information.

Kind regards,

**Alan Rimington BSc MCIEH DMS Grad-IOSH**  
**Senior Environmental Health Practitioner – Pollution**  
Crawley Borough Council

Tel. 01293 438557

Mob. [REDACTED]

Fax. 01293 438604

<http://www.crawley.gov.uk>

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## 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') and 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.

#### 2. SPECIFIC LICENSING SUB-COMMITTEE RULES

- 2.1. **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.
- 2.2. **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.
- 2.3. **Quorum:** The quorum of a Sub-Committee will be three.
- 2.4. **Appointment of Chair:** A Chair will be elected from the membership of the panel.
- 2.5. **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.
- 2.6. **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.

- 2.7. **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.
- 2.8. **Procedure at the Meeting:** The procedure to be followed at Sub-Committee meetings is outlined later in these Rules.
- 2.9. **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.
- 2.10. **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.
- 2.11. **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.

### 3. HEARING PROCEDURE

- 3.1. **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.
- 3.2. The Sub-Committee will appoint a Chair for the duration of the meeting.
- 3.3. The Chair will explain the Hearing Procedure.
- 3.4. The Chair will ask all parties present to introduce themselves.
- 3.5. The Legal Clerk will ask if any of the parties at that point have an application to make (for example for an adjournment).
- 3.6. The Sub-Committee will consider and decide on any applications made.
- 3.7. The Legal Clerk will inform the meeting whether, during any pre-meeting, the Sub-Committee sought clarification on any aspect of the application.
- 3.8. The Council's Licensing Officer will present the report which details the application and relevant representations.
- 3.9. The Sub-Committee may ask the Licensing Officer any questions in relation to the report.

- 3.10. 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.

<b>Hearings of an application for a review of a premises licence or club premises certificate</b>	<b>All other Hearings</b>
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"> <li>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.</li> <li>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.</li> </ul>	2. Those who made a relevant representation in respect of the application, in this order: <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul>
3. The licence/certificate holder	

- 3.11. 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.
- 3.12. Any closing statements will be made in the same order as described in 3.10 above.
- 3.13. 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.
- 3.14. When the Sub-Committee returns from its deliberations, the Legal Clerk will summarise any legal advice given during the Sub-Committee's deliberations.
- 3.15. The Sub-Committee's decision will be given by the Chair (or the Chair may invite the Legal Clerk to do so).
- 3.16. A full written version of the decision will be provided to all parties within the timeframe prescribed by the Act.

## SECTION B: PROCEDURE FOR VIRTUAL MEETINGS

NB. This section will only come into force if, and when, fully virtual Sub-Committee meetings are able to place.

### 4. SCOPE OF THESE RULES

- 4.1. 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').
- 4.2. These Rules form part of the Council's Hearings Procedures and should be read in conjunction with the Virtual Committee Procedure Rules as well as paragraphs 9 (Declarations of Interest) and 17 (Disturbance by Public) of the General Committee Procedure Rules as appropriate.
- 4.3. These Rules will replace the previously published Licensing Sub-Committee (Hearings) Procedure Rules to reflect that all Licensing Sub-Committee (Hearings) will be held virtually via Microsoft Teams Live until such time as it is deemed safe by the Government to hold public meetings.
- 4.4. 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.

### 5. CONSULTATION PERIOD AND SUBMISSION OF RELEVANT REPRESENTATIONS/DOCUMENTATION

#### Consultation Period and Relevant Representations

- 5.1. 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](mailto: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.
- 5.2. As all Hearings until further notice will be held virtually through Microsoft Teams Live Event, when submitting representations/documentation parties are asked to provide a contact email address.

#### Submission of Documentation Supporting an Application, Notice or Representation

- 5.3. All parties must use their best endeavours to submit documentation in support of their application, notice or representation electronically via email to [licensing@ Crawley.gov.uk](mailto:licensing@ Crawley.gov.uk).
- 5.4. 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.
- 5.5. Parties should endeavour to submit all documentation they wish to be considered by the Sub-Committee 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](mailto:democratic.services@crawley.gov.uk).

## **Submission of CCTV and Audio Evidence**

- 5.6. 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.
- 5.7. 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.

## **6. NOTICE OF HEARING, AGENDA DOCUMENTS AND NOTICE OF INTENTION TO ATTEND**

### **Notice of Hearing and Agenda**

- 6.1. 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 online 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 Virtual Licensing Sub-Committee (Hearings) Procedure Rules.
  - g) A copy of the Virtual Committee Procedure Rules.

### **Notice of Intention to Attend**

- 6.2. 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 email to the Council at [democratic.services@crawley.gov.uk](mailto:democratic.services@crawley.gov.uk) within the appropriate timeframe as set out below:
- a) For Hearings under section 48(3)(a) (cancellation of interim authority notice following police objection), or section 105(2)(a) (counter notice following police objection to temporary event notice) – **no later than one working day before the day or the first day on which the Hearing is to be held.**

- b) For a Hearing under section 167(5)(a) (review of premises licence following closure order), section 53C (review of premises licence following review notice), paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence), paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate), or paragraph 26(3)(a) of Schedule 8 (determination of application by holder of justices' licence for grant of personal licence) – **no later than two working days before the day or the first day on which the Hearing is to be held.**
  - c) For all other Hearings, **no later than 72 hours before the day (or the first day) on which the Hearing is to be held.**
- 6.3. Applicants are encouraged to attend the Hearing online 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.

## **In Advance of the Hearing**

- 6.4. The Sub-Committee, in discussion with the Democratic Services Officer and Legal Clerk, will decide upon a practical protocol for management of the Hearing and decision-making in an online environment (e.g. self-introduction before speaking, asking all participants to keep their microphones on mute when not speaking, etc). Such a protocol can be amended from time to time and does not require Committee approval for any change.
- 6.5. The Council will email an invitation to join the Hearing to all parties (and their representatives/witnesses) who registered their wish to participate within the time set out in Paragraph 3.2 above and where an email address has been provided.
- 6.6. All parties are requested to join the Microsoft Teams Live Event meeting 15 minutes before the scheduled start time of the Hearing to ensure that communication between the Sub-Committee, officers and all parties is working correctly.

## **7. SPECIFIC LICENSING SUB-COMMITTEE RULES**

- 7.1. **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.
- 7.2. **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.
- 7.3. **Quorum:** The quorum of a Sub-Committee will be three.
- 7.4. **Appointment of Chair:** A Chair will be elected from the membership of the panel.
- 7.5. **Participation in the Hearing:** Members of the Sub-Committee, officers, and all relevant parties, including Applicants, Interested Parties and Responsible Authorities will be invited to join (attend) the meeting remotely via a Microsoft Teams



participation feed. Such invitation links must not be shared. Microsoft Teams enables individuals to view and participate in a video-conference using a desktop computer or laptop.

- 7.6. **Officer Participation:** A Council legal advisor ('Legal Clerk'), Democratic Services Officer/s (which may include a Producer) and Licensing Officer/s will usually participate in a Sub-Committee for the purposes of facilitating the meeting and providing advice on law and procedure.
- 7.7. **Observation of the Hearing:** To meet the legal requirement for Hearings to be held in public, members of the press and public will be able to observe (but not participate in) the Hearing meetings online via a public feed. Councillors who are not members of the Sub-Committee must also view the meeting through the public feed rather than directly participating in the meeting.
- 7.8. **Sub-Committee Pre-Meeting:** The Sub-Committee will usually meet virtually with the Democratic Services Officer and Legal Clerk in advance of a Hearing. This pre-meeting will be held in private, and will not be streamed via the public feed. The purpose of this meeting will be to identify any matters upon which the Sub-Committee may require clarification (see Paragraph 5.6 – 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.
- 7.9. **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.
- 7.10. **Procedure at the Meeting:** The procedure to be followed at Sub-Committee meetings is outlined later in these Rules.
- 7.11. **Additional Information:** When making their presentation/s, parties may only refer to the documentation/information submitted in advance of the Hearing. Additional/abled information may only be referred to with the consent of all parties at the Hearing.
- 7.12. **Exclusion of the Public/Retiring for Deliberation:** By virtue of Regulation 14 of the Regulations, the Sub-Committee may 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.

## 8. HEARING PROCEDURE

It should be noted that particular reference should be made to the Virtual Committee Procedure Rules in regard to issues such as adjournments and voting procedures.

**Order of Business:** Each virtual meeting of the 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.

- 8.1. At the commencement of the meeting the Democratic Services Officer will seek nominations for a Chair for the duration of the meeting.
- 8.2. The Chair will ask all parties present to introduce themselves.
- 8.3. The Chair will make reference to this Hearings Procedure.
- 8.4. The Legal Clerk will ask if any of the parties have an application to make at that point (for example for an adjournment).
- 8.5. The Sub-Committee will consider and decide on any applications made.
- 8.6. The Legal Clerk will inform the meeting whether, during any pre-meeting, the Sub-Committee sought clarification on any aspect of the application.
- 8.7. The Council's Licensing Officer will present the report which details the application and relevant representations.
- 8.8. The Sub-Committee may ask the Licensing Officer any questions in relation to the report.
- 8.9. In the order listed below, each party will be given 10 minutes to present their application/representation to the Sub-Committee (their written representations having been considered).

<b>Hearings of an application for a review of a premises licence or club premises certificate</b>	<b>All other Hearings</b>
1. The Applicant for the review	1. The Applicant
2. Those who made a relevant representation in respect of the application, in this order: <ol style="list-style-type: none"> <li>c) 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.</li> <li>d) 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.</li> </ol>	2. Those who made a relevant representation in respect of the application, in this order: <ol style="list-style-type: none"> <li>c) 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.</li> <li>d) 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.</li> </ol>
3. The licence/certificate holder.	

- 8.10. 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.
- 8.11. Any closing statements will be made in the same order as described in 5.9 above.
- 8.12. The Sub-Committee's deliberations will take place without other participants, the press, and members of the public being able to hear or see those deliberations. At this point in the Hearing the live public feed will end and deliberations will take place by way of a separate virtual meeting between the Sub-Committee members, the Legal Clerk (to provide legal advice) and the Democratic Services Officer (for minuting purposes).
- 8.13. The summary decision and reasons will be sent via email to all those who have provided the Democratic Services Officer with a valid email address in advance of the Hearing.
- 8.14. A full written version of the decision will be provided to all parties within the timeframe prescribed by the Act.

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