

MEETING

LICENSING SUB-COMMITTEE

DATE AND TIME

WEDNESDAY 13TH JULY, 2022

AT 10.30 AM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

TO: MEMBERS OF LICENSING SUB-COMMITTEE (Quorum 3)

Cllr Barnes Cllr Farrier TBC

*The Licensing authority will only allow licensing decisions to be taken by a minimum of three Councillors. In the event of one Member being unable to attend their place will be substituted by another Member taken from the membership of the full Licensing Committee. In the event of this substitution taking place, all parties will be informed of the change of Membership at the beginning of the hearing.

You are requested to attend the above meeting for which an agenda is attached.

Andrew Charlwood – Head of Governance

Governance Service contact: Governance Service governanceservice@barnet.gov.uk

Media Relations Contact: Tristan Garrick 020 8359 2454 Tristan.Garrick@Barnet.gov.uk

ASSURANCE GROUP

Please consider the environment before printing.

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Appointment of Chairman	
2.	Absence of Members (If any)	
3.	Declaration of Members' Disclosable Pecuniary interests and Non Pecuniary interests (If any)	
4.	Licensing Sub-Committee Hearing Procedure	5 - 8
5.	Report of Trading Standards and Licensing Manager - Personal Licence application LAPERS/22/66155	9 - 12
6.	Motion to exclude the Press and Public	
7.	Exempt Report of the Trading Standards and Licensing Manager - Personal Licence application LAPERS/22/66155	13 - 38
8.	Deliberation by the Sub-Committee in Private Session	
9.	Re-admission of the Press and Public: Announcement of the decision of the Sub-Committee	
10.	Any other Item(s) the Chairman decides are urgent	

FACILITIES FOR PEOPLE WITH DISABILITIES

Hendon Town Hall has access for wheelchair users including lifts and toilets. If you wish to let us know in advance that you will be attending the meeting, please telephone Governance Service governanceservice@barnet.gov.uk. People with hearing difficulties who have a text phone, may telephone our minicom number on 020 8203 8942. All of our Committee Rooms also have induction loops.

FIRE/EMERGENCY EVACUATION PROCEDURE

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Do not stop to collect personal belongings

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LONDON BOROUGH OF BARNET

LICENSING SUB COMMITTEE

HEARINGS PROCEDURE

AGENDA ITEM 4

General points

The following procedure is based on Regulations made by the Secretary of State under the Licensing Act 2003 (“the Hearings Regulations”) which may be viewed or downloaded from the website of the Department for Culture, Media and Sport by following links from www.culture.gov.uk

The procedure is intended as a general framework to ensure natural justice and a fair hearing. The conduct of individual hearings may vary slightly according to circumstances and the discretion of the Chairman. In all cases, however, this general framework will be followed.

The procedure allows each party a maximum period of 5 minutes in which to present their case (Regulations 16 & 24). At the end of the time allowed, the Chairman will terminate the presentation and the hearing will proceed in the form of a discussion led by the authority to explore points of dispute. The discussion will not be timed.

The procedure is subject to periodic review and amendment to reflect best practice and relevant legislative changes. An updated version of this procedure is published as soon as possible following any such amendments.

Governance Officer

- To seek nominations for Chairman
- Elect Chairman
- Hand over to the Chairman

Chairman

- Introduces him/herself and Members of the Committee, and outlines their roles.
- Introduces Licensing, Legal and Governance Officer.
- Explains that Legal and Governance Officers will be present during the Committee’s deliberations to advise only, and that the Licensing Officer will be excluded from deliberations.
- Asks parties present to introduce themselves.
- Outlines procedure to be followed.
- Asks all parties to confirm their understanding of the procedure.
- Clarifies any aspect(s) of the procedure where any parties are uncertain or asks Legal or Governance Officer as appropriate to clarify.

Governance Officer

- Informs Committee of absent parties.
- Details persons whom a party is seeking permission to represent them at hearing.
- Panel confer regarding permission.
- Chairman announces decision regarding permission.

Licensing Officer presents the report to the Committee

- Is a statement of the facts including details of the application and operating schedule, relevant policy details, detail representations made, a chronology of events and highlights the points on which the Authority requires clarification.

Applicant

- Presents opening submissions and clarifies points raised by Authority in notice of hearing. Time allowed 5 mins.

Other parties

- Presents opening submissions either in person or by spokes person
Time allowed 5 mins per interested party.

Note regarding use of video evidence

Video evidence must be in DVD format and will form part of the relevant party's five minutes opening submission. Any party wishing to use video evidence must submit a copy to the Authority along with sufficient, identical extra copies to serve on all the opposing parties – i.e. if the applicant is submitting it, there must be enough copies for all parties making representations and if a party making representations is submitting it there must be a copy for the applicant. The recording must be edited down to the highlights, containing only relevant matter which relates to the written representation previously submitted. In addition, a description of how, when and where the video was recorded and what it contains must be submitted. These must be supplied to the Authority at least five working days before the hearing.

Members question Licensing Officer on Policy

Discussion

Chairman leads a discussion concentrating on points of dispute:

Chairman asks Applicant what he disputes in other parties' submissions, and asks other parties to comment.

Chairman proceeds through all objectors dealing with all matters of contention.

When Chairman feels all matters have been thoroughly discussed and all parties have been given a fair and equal opportunity to comment and make representations, she/he closes discussion.

Determination

There are two procedures depending on whether or not determination is to be made at the end of the Hearing or within five working days of the Hearing. This later announcement of determination is permitted in terms of the Legislation for certain types of applications.

Chairman informs all present that the Committee will deliberate, that Legal and Governance Officer will remain to advise but will not be part of decision-making process, and that all others must leave (under Regulation 14).

- Parties, apart from Legal and Governance Officer, leave the room.
- The Committee deliberates, with advice as required from Legal and Governance Officer, and reaches a conclusion. The Legal officer may assist, as required, in formulating the wording of the determination.
- Parties return.

- Chairman reads out determination, and advises it will be sent in writing to all parties.
- Opportunity for determination to be clarified by any interested party who is unclear.
- Chairman gives advice about appealing against the determination.
- Chairman thanks all for attending and closes the meeting.


...Within five working days of the hearing

- Chairman explains requirement to determine the Hearing within five working days, and advises that the Committee will proceed to deliberate and announce the determination within that time.
- During deliberations, Legal and Governance Officers remain to advise on law and procedure as required. The Legal Officer may assist, as required, in formulating the wording of the determination. The Licensing Officer plays no part in the determination and withdraws for this part of the proceedings.
- Chairman advises all parties that they will receive written notification of the determination within five working days of the Hearing date, together with general information on how to appeal against the determination.
- Chairman thanks all parties for attending and invites the applicant, objector(s), other party(ies) and the Licensing Officer to leave.

Information on Appealing against the decision

You may at any time before the expiration of a period of 21 days from notification appeal to Willesden Magistrates' Court, 448 High Road London England NW10 2DZ (Telephone 020 8955 0555, DX 110850 Willesden 2) by way of Complaint for an Order. The Court may either dismiss the appeal, substitute for the decision appealed against any other decision which could have been made by the Licensing Authority or remit the case to the Licensing Authority to dispose of it in accordance with the directions of the court, and can make such order as to costs as it thinks fit.

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	<p>Licensing Sub-Committee</p> <p>Wednesday 13th July 2022</p> <p>10.30am</p>
<p>Title</p>	<p>Personal Licence application – LAPERS/22/66155</p>
<p>Report of</p>	<p>Trading Standards & Licensing Manager</p>
<p>Wards</p>	<p>Colindale South</p>
<p>Status</p>	<p>Public with accompanying exempt report (Exempt under The Licensing Act 2003 (Hearings Regulations) 2005, regulation 14. The Local Government Act 1972 does not apply section 101 (15)</p>
<p>Urgent</p>	<p>N/A</p>
<p>Key</p>	<p>No</p>
<p>Enclosures</p>	<p><i>Report of the Licensing Officer</i></p> <p>Annex 1 – Application Form</p> <p>Annex 2 – Police Objection</p> <p>Annex 3 – Matters for Decision</p>
<p>Officer Contact Details</p>	<p>Elisabeth Hammond 020 8359 5639</p> <p>Elisabeth.hammond@barnet.gov.uk</p>
<p>Summary</p>	
<p>This report asks the Sub-Committee to consider an application for a Personal Licence for LAPERS/22/66155</p>	

Officers Recommendations

- 1. This report asks the Sub-Committee to consider an application for a Personal Licence for LAPERS/22/66155.**

1. WHY THIS REPORT IS NEEDED

- 1.1 The licensing authority having received valid objection notice from the Police against the application for a new personal licence is expected to hold a hearing to consider those objections. The application can be determined by the licensing authority without a hearing in certain circumstances.

2. REASONS FOR RECOMMENDATIONS

Where an objection notice is submitted in respect of a personal licence application, under Section 120(5) of the Licencing Act 2003, the authority must hold a hearing to consider such objections, unless the authority, the applicant agree that a hearing is not necessary, or if the objection is withdrawn.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 The Licensing Sub-Committee is required to give appropriate weight to the objections (including supporting information) presented by the Police, the Guidance issued pursuant to section 182 of the Licensing Act 2003, the Council's statement of licensing policy and the steps that are appropriate to promote the four licensing objectives.

Having considered those relevant matters, the Licensing Sub-Committee is required to take such of the following steps (if any) as it considers appropriate for the promotion of the licensing objectives.

The steps are—

- (a) to grant the licence
- (b) to refuse the licence

4. POST DECISION IMPLEMENTATION

- 4.1 The decision will have immediate effect unless appealed.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 Members are referred to the Council's Licensing Policy for consideration

- 5.1.2 Timely legal and fair decisions support objectives are contained within the Corporate Plan.

In particular in relation to a “successful London borough” by ensuring that only legal, well-regulated licensable activities occur within the borough.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.1 N/A

5.3 Legal and Constitutional References

5.3.1 The Licensing Act 2003 sets out how applications for personal licences should be dealt with where an objection notice has been submitted.

5.3.2 Under the Council’s Constitution, Article 7, the licensing sub-committee has responsibility delegated to it (from the Licensing Committee) for licensing hearings concerning all licensing matters.

5.3.3 The licensing sub-committee is being asked to determine the application for a grant of personal licence. The application for a personal licence would normally be granted without the need for a hearing provided certain conditions are met by the applicant but if s/he has been convicted of a relevant offence then the Chief Officer of Police for the area must be given notice of this. If the Chief Officer of the Police is satisfied that granting the licence would undermine the crime prevention objective, s/he must within 14 days give notice to the licensing authority objecting to it..

5.3.4 A hearing must be held to consider this unless the applicant, the objector and the authority agree that a hearing is unnecessary. It is important to distinguish the application for grant/renewal of a personal licence under the Licensing Act 2003 from the type of applications usually heard by the sub-committee, such as for a new premises licence or variation.

The sub-committee members must consider the objection and either reject the application if it considers it appropriate for the promotion of the crime prevention objective to do so or grant it.

5.4 Risk Management

5.4.1 N/A

5.5 Equalities and Diversity

5.5.1 Licence applications are dealt with according to the provisions of the Licensing Act 2003 and associated Regulations which allow both applications and representations to applications to be made by all sectors.

5.6 Consultation and Engagement

5.6.1 The statutory consultation process has been followed in accordance with the Licensing Act 2003.

6. BACKGROUND PAPERS

- 6.1 The application and report of the Licensing Officer and appendices are attached to this report.

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

AGENDA ITEM 7

Document is Restricted

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