

# Cambridge City Council Licensing Sub Committee

**Date:** Tuesday, 30 March 2021

**Time:** 10.30 am

**Venue:** Virtual Meeting via Microsoft Teams

**Contact:** [democratic.services@cambridge.gov.uk](mailto:democratic.services@cambridge.gov.uk), tel:01223 457000

## Agenda

- 1 Appointment of a Chair
- 2 Declarations of Interest
- 3 Meeting Procedure
- 4 Rutherfords Punting

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## **Information for the public**

Details how to observe the Sub Committee meeting can be found on the main agenda page of this meeting on the City Council website.

The public may record (e.g. film, audio, tweet, blog) meetings which are open to the public. For details go to:

[www.cambridge.gov.uk/have-your-say-at-committee-meetings](http://www.cambridge.gov.uk/have-your-say-at-committee-meetings)

For full information about committee meetings, committee reports, councillors and the democratic process:

- Website: <http://democracy.cambridge.gov.uk>
- Email: [democratic.services@cambridge.gov.uk](mailto:democratic.services@cambridge.gov.uk)
- Phone: 01223 457000

## Licensing Act 2003 Sub-Committee

### Virtual Hearings Procedure

#### 1. Before the hearing

- To assist in the conduct of the remote hearing, all parties should submit by email to [democratic.services@cambridge.gov.uk](mailto:democratic.services@cambridge.gov.uk) , written submissions no later than 24 hours before the hearing is due to start, summarising the points they wish to make at the hearing and the outstanding issues.
- All parties should notify the Licensing Officer how they will be joining the remote hearing (by video or audio conferencing). All parties should provide to the Licensing Officer no later than 48 hours before the hearing, their telephone number and/or email address. This is to allow for arrangements to be made to enable parties to join the remote hearing.
- All parties should log-in/dial-in to the remote meeting, 15 minutes before the start of the hearing in case of technical difficulties.
- The sub-committee will consider any requests from any of the parties to call witnesses. Any such requests must be submitted to the Licensing Officer at least two working days before the hearing. This is to enable arrangements to be made for witnesses to be able to join the hearing remotely should permission be granted

#### 2. Virtual Meetings-introductory notes

- Questions will be asked at the conclusion of each party's submission. On the conclusion of each party's submission, the Chair will invite each sub-committee member in turn, whether they wish to ask a question/s. If any member of the sub-committee subsequently wishes to ask further questions, they should indicate this wish to the Chair by using the meeting chat function.
- When not speaking, all members and participants should mute their microphones.
- Any person behaving in a disruptive manner will be removed from the meeting. Such a person may, before the end of the hearing, submit to the authority in writing by email to [democratic.services@cambridge.gov.uk](mailto:democratic.services@cambridge.gov.uk), any information which they would have been entitled to give had they not been required to leave.

- In the event that the Chair or Clerk identifies a failure of the remote participation facility, a recess will be announced while the fault is addressed.
- If it is not possible to address the fault, the meeting will be adjourned until such time as it can be reconvened.

### **3. Preliminary**

- The Chair will commence the hearing by introducing him/herself, the other two members of the Sub-Committee and the officers present.
- The Chair will ask the applicant(s)/the responsible authorities/the interested parties present, and their representatives (if applicable), to introduce themselves and identify their interest in the proceedings.
- The Chair will explain the procedure to be followed at the hearing.
- The Clerk to the Sub-Committee will indicate whether any party has requested permission for any other person(s) (other than his/her representative) to appear at the hearing to assist the Sub-Committee in relation to the application, representations or notice of the party making the request. The Sub-Committee will decide whether to grant permission to allow any other person(s) to appear at the hearing on behalf of the party; such permission will not be unreasonably withheld.
- The Clerk to the Sub-Committee will ask whether any party is seeking to introduce any document(s) or other information not previously disclosed to all the other parties to the hearing and the licensing authority. If all the other parties consent, the previously undisclosed document(s) or other information can be produced by a party in support of their application, representations or notice (as applicable).
- The hearing will take the form of a discussion led by the Chair of the Sub-Committee. Cross-examination will not be permitted unless the Sub-Committee considers that cross-examination is required to consider the representations, application or notice as the case may require.
- The Sub-Committee will consider any requests to permit cross-examination on a case-by-case basis. When permission is given to one party, it will also normally be extended to all other parties.
- The Sub-Committee will decide the equal maximum period of time that each party will have to present their case.

#### 4. Failure of a party to attend the hearing

- If a party has informed the licensing authority that he/she does not intend to attend or be represented at a hearing, the hearing may proceed in his/her absence.
- If a party who has not so indicated fails to attend or be represented at a hearing, the Sub-Committee may – (a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or (b) hold the hearing in the party's absence.
- Where the Sub-Committee holds the hearing in the absence of a party, the Sub-Committee will consider at the hearing the application, representations or notice made by that party.

#### 5. The Hearing

- The Licensing Officer will present the report to the Sub-Committee. Members may ask any relevant questions of the Licensing Officer.
- The applicant, or the party who has initiated the hearing, will present their case first.
- The party shall be entitled to:
  - a. give further information in support of their application, representations or notice (as applicable) in response to a specific request by the licensing authority prior to the hearing;
  - b. question any other party (if permission has been given by the Sub-Committee);
  - c. address the Sub-Committee.
- If the Police are a party to the hearing, they will present their case. The Police have the rights listed in (a) – (c) above.
- If any other “responsible authority” are a party to the hearing, they will present their case in turn after the Police and have the rights listed in (a) – (c) above.
- Any other interested parties will then present their case in turn and have the rights listed in (a) – (c) above.
- Members of the Sub-Committee may ask questions of the/each party or any other person permitted to appear at the hearing in support of the party.
- The Chair will invite the applicant, or the party who has initiated the hearing, and any parties making representations, to briefly summarise their points if they wish.
- The Chair will ask the applicant, or the party who has initiated the hearing, and all parties making representations, that they are satisfied that they have said all they wish to.

## **6. Legal advice**

Once all parties have presented their cases to the sub-committee, and the members of the sub-committee have no more questions for any of the parties, the Council's Legal Officer will be asked by the Chair, to outline any relevant legal guidance.

## **7. Decision-making**

The Live Feed will be closed to allow the sub-committee to consider its decision in private. All attendees apart from the sub-committee members, Council's Legal Officer and Clerk, will be asked to leave the virtual meeting while the sub-committee considers its decision. The Council's Legal Officer and Clerk may remain in the meeting with the sub-committee members to advise where necessary and take notes of the decision.

The applicant and interested parties will be asked to remain on the virtual meeting for 15 minutes to allow the sub-committee to return to the virtual meeting to seek any clarifications or ask questions that they have.

## **8. The Decision**

In considering any representations or notice made by a party, the Sub-Committee may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.

In reaching its decision, the Sub-Committee will disregard any information given by a party, or any person who has been permitted to appear at the hearing, which is not relevant to – (a) the application, representations or notice (as applicable) or in the case of another person, the application, representations or notice of the party requesting their appearance, and (b) the promotion of the licensing objectives or, in relation to a hearing to consider a notice given by the Police, the crime prevention objective.

## **9. Notification of decision**

A determination of the case will be made at the conclusion of the hearing and all parties will be notified of the decision in writing within 5 days and it will be published on the Democracy page of the Council website.

May 2020

