

Cambridge City Council

Licensing Sub Committee



Date: Monday, 19 September 2022

Time: 10.00 am

Venue: Committee Room 1 - The Guildhall, Market Square, Cambridge, CB2 3QJ

Contact: democratic.services@cambridge.gov.uk, tel:01223 457000

Agenda

- 1 Appointment of a Chair
- 2 Declarations of Interest
- 3 Meeting Procedure
- 4 Exclusion of Press and Public
It is recommended that the committee resolves to exclude the press and public by virtue of paragraphs 1 & 2 of Part 1 of Schedule 12A of the Local Government Act 1972.
- 5 Personal Licence Hearing (Pages 5 - 34)

Licensing Sub Committee Members: McPherson, Gilderdale and Scutt,

Information for the public

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

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
- Phone: 01223 457000

Should you have to attend in person, we always ask you to maintain social distancing. Hand sanitiser will be available on entry to the meeting.

Sub-Committee Hearing Procedure for Revoking or Suspending a Personal Licence

1. Licensing Sub-Committee Hearings to consider a Personal Licence under the Licensing Act 2003 will not be open to the public to attend.
2. Present at the hearing will be members of the Licensing Sub-Committee, the Licensing Officer, and a Legal Officer who will be the Sub-Committee's legal advisor. A Committee Manager and the applicant may also be present.
3. At the start of the hearing the Chair of the Sub-Committee will open the meeting, introduce the members of the committee and officers present and explain the procedure to be followed.
4. The Officer will outline the report and present any information considered relevant in relation to the case.
5. Members may ask any relevant questions of the Officer.
6. The Chair will invite the personal licence holder or her/his representative to ask any questions of the Officer.
7. The Chair will invite the personal licence holder or a representative to put the applicant's case to the committee. The Chair will have the discretion to determine whether the Sub-Committee will hear from additional speakers (for example a character witness for the personal licence holder).
8. Members may ask any relevant questions of the personal licence holder and/or her/his witnesses.
9. The Officer may ask any relevant questions to clarify the information that has been given.
10. If the police or Home Office (as appropriate) are a party at the hearing, they will present their case.
11. Members may ask any relevant questions of the police / Home Office representative.
12. The Officer may ask any relevant questions to clarify the information that has been given.
13. The Chair will invite any additional relevant parties (for example the police or Home Office) to put forward any additional information relevant to the Hearing.
14. When all the information has been offered, the Chair will invite all parties to summarise their points if they wish.
15. The Chair will ask all parties if they are satisfied that they have had the opportunity to say everything that they wish to say.
16. The Chair will invite the Legal Advisor to the Sub-Committee to give any legal advice that the Adviser considers to be appropriate.

17. If the Sub-Committee wish to consider their decision in private, everyone, except the members of the Sub-Committee, will be asked to leave the room; alternatively the Sub-Committee will withdraw to another room. The Sub-Committee may invite the Legal Advisor to join them. Any legal advice given to the Sub-Committee when they are withdrawn will be reported back to the hearing before the Chair resumes it.
18. The Sub-Committee may reconvene the meeting in order to seek clarification of the facts.
19. 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.
20. For the Hearing, the decisions open to members are as follows:
 - To take no action
 - To issue a warning letter
 - To suspend the personal licence for a period not exceeding 6 months
 - To revoke the personal licence
21. When the decision has been made the Chair will announce this to the applicant.
22. Members must give their reasons for any decision made.
23. Following the full hearing process (first Sub-Committee Hearing and second Sub-Committee decision/Hearing) and the final decision made, the Council will write to both the applicant and police / Home Office with formal notification of the final decision of the Licensing Sub-Committee, and also informing them both of any right of appeal to the Magistrates Court and the time within which the appeals must be submitted.