



LICENSING COMMITTEE

— Agenda —

MONDAY
7 FEBRUARY 2005

6.00 PM*
*** [NOTE START TIME]**

COMMITTEE ROOM 1
HAMMERSMITH TOWN HALL
LONDON W6 9JU

Membership

Councillor Chris Allen (Chair)
Councillor Colin Aherne
Councillor Brendan Bird
Councillor Min Birdsey
Councillor Michael Cartwright
Councillor Dominic Church
Councillor Huw Davies
Councillor Fiona Evans
Councillor Wesley Harcourt
Councillor Jafar Khaled
Councillor Reg McLaughlin
Councillor Colin Pavelin
Councillor Melanie Smallman
Councillor Charlie Treloggan
Councillor David Williams

If you require further information relating to this agenda, please contact the Co-ordinator:

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LICENSING COMMITTEE

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LICENSING COMMITTEE

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7 FEBRUARY 2005

**DEPUTY FOR
ENVIRONMENT &
CONTRACT
SERVICES**
*Councillor Michael
Cartwright*

LICENSING COMMITTEE CONSTITUTION & TERMS OF REFERENCE

ALL WARDS

This report details the Constitution and Terms of Reference for the Licensing Committee for 2005.

CONTRIBUTORS

PAD

Recommendation:

That the Committee :

Note its Constitution and Terms of Reference, as set out in Appendix A to the report.

1. PURPOSE

- 1.1 At its first meeting, the Committee must deal with any constitutional matters.
- 1.2 The Council agreed the establishment of a Licensing Committee at its Annual meeting on 26 May 2004 and appointed Councillor Allen as its Chair. The Council meeting held on 26 January 2005 gave final approval to the Licensing Committee's Constitution and Terms of Reference (attached as **Appendix A**).
- 1.3 The Licensing Committee must discharge the authority's functions under the 2003 Licensing Act, other than approving the Council's Statement of Licensing Policy which must be done by Full Council. The Licensing Committee may establish sub-committees, comprising 3 members, drawn from the full members of the Committee.
- 1.4 The Council has a number of other functions relating to the regulation and licensing of activities, including street trading, nurses agencies and sex establishments. These functions are currently discharged by the Council's Licensing Panel, which is an ordinary committee constituted under s.101 of the Local Government Act 1972. They are not "licensing functions" for the purposes of the 2003 Licensing Act.
- 1.5 In order for the Council to deal effectively with its functions under the 2003 Licensing Act and its existing functions, it will be necessary for the Licensing Committee (and any sub-committees it establishes) to be constituted as both a licensing committee under s.6 of the 2003 Act, and an ordinary committee under s.101 of the Local Government Act 1972. The only practical difference between the two, other than the business with which they may deal, is that s.6 committees must be comprised between 10 and 15 members (no restriction for s.101 committees), and are excluded from the political balance rules (which of course apply to s.101 committees). Because the Licensing Committee will sit with "two hats", it will therefore be treated as a committee to which the political balance rules apply.
- 1.6 Annual Council on 24 May 2004 agreed that the Licensing Committee would comprise 15 members. Under normal political balance rules, this would give a proportionality of 9 Administration members and 6 Opposition members. However, at the Council meeting held on 26 January 2005, the Opposition Leadership stated that it had been decided no opposition members would be nominated to sit on the Licensing Committee, so the normal proportionality rules no longer apply. The Licensing Committee therefore comprises:

Councillor Chris Allen (Chair)
Councillor Colin Aherne
Councillor Brendan Bird
Councillor Min Birdsey
Councillor Michael Cartwright
Councillor Dominic Church

Councillor Huw Davies
 Councillor Fiona Evans
 Councillor Wesley Harcourt
 Councillor Jafar Khaled
 Councillor Reg McLaughlin
 Councillor Colin Pavelin
 Councillor Melanie Smallman
 Councillor Charlie Treloggan
 Councillor David Williams

1.7 The Licensing Committee's terms of reference are as set out in **Appendix A** attached to this report.

2. COMMENTS OF THE HEAD OF LEGAL SERVICES

2.1 These are as set out in the report.

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

No.	Description of Background Papers	Name/Ext. of Holder of File/Copy	Department/ Location
1	Licensing Committee Constitution file	Richard Leigh Ext 2076	Councillor Services Room 203/ HTH

**LICENSING COMMITTEE
TERMS OF REFERENCE**

MEMBERSHIP

- 1.1 The Committee shall comprise 15 Councillors (9 Administration and 6 Opposition members normally).
- 1.2 There shall be no Ex-Officio members
- 1.3 The quorum of the Committee shall be 7 Councillors.
- 1.4 The Committee may establish Sub-Committees comprising 3 members drawn from the parent Committee, and may delegate any, or all, of its functions to such Sub-Committees or to an Officer, subject to any statutory restrictions.
- 1.5 The Licensing Committee is constituted as Licensing Committee under s6 of the Licensing Act 2003 in respect of licensing and related functions under that Act, and as an ordinary committee under s101 of the Local Government Act 1972 in respect of its licensing, regulatory and registration functions.

OPERATIONAL MATTERS

- 1.6 In the event of an equality of votes, the Chair of the Committee shall have a second or casting vote.
- 1.7 No member shall consider any matter affecting his/her Ward, or in which he/she (or their spouse/partner) has a personal or prejudicial interest.
- 1.8 Ward Councillors may attend meetings where permitted under the Code of Conduct to make representations on behalf of their constituents.
- 1.9 Meetings will take place during the Municipal Year on dates & times as notified and as required.

DECISION-MAKING POWERS

- 2.1 All matters relating to the discharge of the Council's licensing and related functions under the Licensing Act 2003, (other than the adoption of the Licensing Policy, which shall be a matter for Full Council), shall be discharged by the Licensing Committee
- 2.2 The Committee (or any Sub-Committee established for the purpose) shall consider all matters relating to the discharge by the licensing authority of its

licensing and related functions under the Licensing Act 2003, with a view to promoting the licensing objectives, viz.:

- The prevention of crime & disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

- 2.3 The Committee (or any Sub-Committee) shall have regard to the Statement of Licensing Policy published by the licensing authority, and to any Guidance issued by the Secretary of State.
- 2.4 To consider and resolve all other matters relating to the Licensing, Certification and Registration functions of the Council undertaken by the Director of Environment Department and the Director of Policy and Administration.
- 2.5 To hear appeals against decisions made by officers carrying out delegated functions in respect of the matters set out in paragraph 2.4.
- 2.6 To hear and determine all applications for full or partial waivers of the rule of Management No. 1A (for small establishments) or 3a (for large establishments) relating to striptease/activity which could require a Sex Establishment licence if the Council has so resolved.

7 FEBRUARY 2005

**DEPUTY FOR
ENVIRONMENT &
CONTRACT
SERVICES**

*Councillor Michael
Cartwright*

**ESTABLISHMENT OF A LICENSING SUB
COMMITTEE**

ALL WARDS

This report details proposals for the establishment of a Licensing Sub-Committee to hear and determine applications under s.6 of the Licensing Act 2003 and s.101 of the Local Government Act 1972.

CONTRIBUTORS

PAD

Recommendations:

That the Committee :

- 1. Agrees to establish a Licensing Sub-Committee and to delegate powers and functions to the Sub-Committee, as set out in Appendix A to the report.**
- 2. Elects a Chair of the Sub-Committee and appoints its two other members.**
- 3. Authorises the Director of Policy & Administration to arrange substitutes for the above, drawn from the full membership of the Licensing Committee, in the event that the appointed members are unable to attend meetings.**

1. PURPOSE

- 1.1 Under the Licensing Act 2003, the Licensing Committee may establish one or more Sub-Committees comprising 3 members drawn from its own membership. The Committee may also delegate any, or all, of its functions to the sub committee or an officer, subject to any statutory restrictions.
- 1.2 It is proposed to establish a Licensing Sub-Committee of 3 members, the membership of which will be appointed and drawn as required for the purpose of hearings from among the members of the Licensing Committee, as set out below:

Councillor Chris Allen
Councillor Colin Aherne
Councillor Brendan Bird
Councillor Min Birdsey
Councillor Michael Cartwright
Councillor Dominic Church
Councillor Huw Davies
Councillor Fiona Evans
Councillor Wesley Harcourt
Councillor Jafar Khaled
Councillor Reg McLaughlin
Councillor Colin Pavelin
Councillor Melanie Smallman
Councillor Charlie Treloggan
Councillor David Williams

- 1.3 The Licensing Sub Committee is constituted as a Sub-Committee under s6 of the Licensing Act 2003 in respect of licensing and related functions under that Act, and as an ordinary committee under s101 of the Local Government Act 1972 in respect of its other licensing, regulatory and registration functions.
- 1.4 The Terms of Reference of the Sub-Committee will be as set out in the **Appendix** attached to this report.

2. COMMENTS OF THE HEAD OF LEGAL SERVICES

- 2.1 The establishment of the Sub-Committee and delegation contained in this report is in line with the relevant legislative framework.

LOCAL GOVERNMENT ACT 2000 **LIST OF BACKGROUND PAPERS**

No.	Description of Background Papers	Name/Ext. of Holder of File/Copy	Department/ Location
	Licensing Committee constitution file	Richard Leigh x 2076	Councillor Services, Room 203/HTH

APPENDIX A

LICENSING SUB COMMITTEE TERMS OF REFERENCE

MEMBERSHIP

- 1.1 The Sub-Committee shall comprise 3 Councillors.
- 1.2 There shall be no Ex-Officio members
- 1.3 The quorum of the Sub-Committee shall be 2 Councillors.
- 1.4 The Licensing Sub-Committee is constituted as a Sub-Committee under s6 of the Licensing Act 2003 in respect of licensing and related functions under that Act, and as an ordinary committee under s101 of the Local Government Act 1972 in respect of its licensing, regulatory and registration functions.

OPERATIONAL MATTERS

- 1.5 In the event of an equality of votes, the Chair of the Sub Committee shall have a second or casting vote.
- 1.6 No member shall consider any matter affecting his/her Ward, or in which he/she (or their spouse/partner) has a personal or prejudicial interest.
- 1.7 Ward Councillors may attend meetings where permitted under the Code of Conduct to make representations as interested parties themselves, or on behalf of their constituents, where permitted by the relevant legislation.
- 1.8 Meetings will take place during the Municipal Year on dates & times as notified and as required.

DECISION-MAKING POWERS

- 2.1 All matters relating to the discharge of the Council's licensing and related functions under the Licensing Act 2003, (other than the adoption of the Licensing Policy, which shall be a matter for Full Council).
- 2.2 The Sub-Committee shall consider all matters relating to the discharge by the licensing authority of its licensing and related functions under the Licensing Act 2003, with a view to promoting the licensing objectives, viz.:
 - The prevention of crime & disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm

- 2.3 The Sub-Committee shall have regard to the Statement of Licensing Policy published by the licensing authority, and to any Guidance issued by the Secretary of State.
- 2.4 To consider and resolve all other matters relating to the Licensing, Certification and Registration functions of the Council undertaken by the Director of Environment Department and the Director of Policy and Administration.
- 2.5 To hear appeals against decisions made by officers carrying out delegated functions in respect of the matters set out in paragraph 2.4.
- 2.6 To hear and determine all applications for full or partial waivers of the Rules of Management No. 1A (for small establishments) or 3a (for large establishments) relating to striptease/activity which could require a Sex Establishment licence if the Council has so resolved.

jpc/28/01/05

7 FEBRUARY 2005

LICENSING COMMITTEE DELEGATION OF FUNCTIONS

ALL WARDS

This report recommends the scheme of delegation by the Licensing Committee under the Licensing Act 2003. The suggested scheme follows the approved S. 182 guidance and would reduce the burden upon both the Committee and Sub-Committees as far as is legally possible. The report also amends the existing scheme of delegation in relation to Public Entertainment Licences and Night Café Licences that are subject to the transitional arrangements.

CONTRIBUTORS

Legal Services
ENV. D

Recommendation:

That the Committee :

Agree the scheme of delegation in relation to the existing and new licensing regimes.

INTRODUCTION

1.1 The new Licensing regime will require the council to administer approximately 1500 personal licences and 750 premises licences. In addition there will be a requirement to deal with interim authority applications, license transfers and to review licences where complaints are made. During the transition period there will also be a requirement to administer the existing Public Entertainment and Night Café licences.

2. BACKGROUND

2.1 In order to meet the statutory targets for determination of applications and in the interests of speed, efficiency and cost effectiveness the Licensing Committee may delegate functions to sub – committees or in appropriate cases to officers. Proposals to establish a sub committee are dealt with in a separate report.

2.2 The Secretary of State has recommended a scheme of delegation in the approved guidance issued under section 182 Licensing Act. Officers have explored with the Legal Services Department whether the council could go further than the recommendations in the guidance by delegating additional tasks from the sub- committees to officers. This is not legally possible.

3.0 RECOMMENDED SCHEME OF DELEGATION – LICENSING ACT 2003

3.1 Officers recommend to the Licensing Committee that it adopt the following scheme of delegation:

Matter to be dealt with	Sub- Committee	Officers
Applicant for personal licence	If a Police objection	If no objection made
Applicant for personal licence with unspent conviction	All cases	
Application for Premises licence/ club premises	If a relevant representation made	If no relevant representation made
Application for provisional statement *	If a relevant representation made	If no relevant representation made
Application to vary premises/club premises certificate.	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a Police objection	All other cases

Matter to be dealt with	Sub- Committee	Officers
Request to be removed as designated premises supervisor		All Cases
Transfer of premises licence	If a Police objection	All other cases
Decision on whether a complaint is irrelevant, frivolous, vexatious		All Cases
Application for interim authority **	If a Police Objection	All other cases
Application to review premise/club premises certificate	All cases	
Decision to object when local authority is a consultee and not the relevant authority considering the application.	All cases	
Determination of a police objection to a temporary event notice	All cases	

* Provisional Statement - allows uncompleted venue's to receive provisional approval.

**Application for interim authority – allows the continuation of an existing licence where the holder has died, become incapacitated or insolvent.

3.2 It is recommended that all “Officer” level decisions be delegated down to Service Manager level with the exception of decisions on whether complaints are irrelevant, frivolous or vexatious. This would be decided at Head of Service/ Assistant Director level. Decisions to rule complaints as irrelevant, frivolous or vexatious cannot be appealed against, although the aggrieved party may chose to request a Judicial Review. Officers will report annually on all cases deemed irrelevant etc.

3.3 A minor amendment in the Licensing Act transfers to the council the responsibility for the issuing of Section 34 permits for AWP (Amusements with prizes) machines, in premises licensed for the sale of alcohol. It is recommended that the decisions about the issuing of such permits be delegated to service manager level. Where an application is refused a right of appeal to the Licensing Sub Committee will be permitted.

3.4 Currently the borough does not allow these machines in any venues other than those holding a full on-licence. It is not intended to change this policy.

4.0 RECOMMENDED SCHEME OF DELEGATION – EXISTING POWERS

4.1 During the transition period every effort will be made to minimise the duplication between the existing and new systems. In order to do so it is

necessary to amend the existing scheme of delegation, which remains in force, in relation to Public Entertainment and Night Café Licences.

- 4.2 Premises with existing Night Café and Public Entertainment Licences (PEL's) will be required to renew their existing licences when they expire next year, to ensure they remain in force until the commencement of the new regime on 2nd appointed day (2AD)
- 4.3 Currently the 2AD is thought likely to be sometime in November 2005. This means Night Café's will need to renew for 6 months and PEL venues for 1 or 2 months. The legislation does not allow the Council to extend the existing licenses beyond 12 months and the income for a month's renewal is likely to be significant.
- 4.4 At present all new applications for Night Café's or Public Entertainment venues go in front of the Council's Licensing Panel. Similarly the Licensing Panel also decides any renewals that are subject to objection or variation.
- 4.5 To reduce the sub-committee workload it is recommended that decisions about the existing licenses be delegated to the Head of Environmental Protection, or equivalent, with two caveats.
- The premises must already hold a licence under the new regime.
 - The premises are not requesting a variation beyond the hours/days of operation already granted by the licensing sub-committee.

5.0 COMMENTS OF THE HEAD OF LEGAL SERVICES

- 5.1 The functions, which may be delegated to officers, are restricted by the Act. In essence an officer may not deal with a matter in respect of which representations or police objections have been made. The proposed scheme of delegation in respect of Licensing Act functions complies with the requirements of the Act and the guidance

LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT 1985) BACKGROUND PAPERS

	Brief description of background papers	Name/Ext of holder of file/copy	Department/ Location
1	Licensing Act 2003	Ian Davis ext. 3904	Env. 5 th Floor HTHX
2	S. 182 Guidance issued under Licensing Act 2003	Ian Davis ext. 3904	Env. 5 th Floor HTHX

7 FEBRUARY 2005

**LICENSING SUB COMMITTEE HEARING
PROCEDURES.**

ALL WARDS

This report recommends the procedures to be adopted by the licensing sub committee for hearing applications and reviews under the Licensing Act 2003. It also recommends that these procedures form the basis of any hearings conducted by the licensing sub committee in respect of other licensing functions conducted under its S. 101 status.

CONTRIBUTORS

Legal Services
PAD
Env.D

Recommendation:

That the Committee:

Agrees the procedures in Appendix A for hearings conducted by the Licensing Sub-Committee under the Licensing Act 2003, and the same procedures (with all appropriate amendments to meet statutory requirements) for matters to be decided under other legislation.

1. PURPOSE

- 1.1 The Licensing Committee needs to agree the procedures that will be adopted by the Licensing Sub Committee to hear applications, where representations have been made, and reviews under the Licensing Act 2003.
- 1.2 The Sub Committee will also hear applications in respect of other licensing functions. Amongst others, these include matters such Public Entertainment Licences and Night Café Licences during the transition period, street-trading licences, sex establishment licences and appeals against section 34 Amusement Permits.
- 1.3 Adopting a single hearing procedure for all these functions ensures a uniform and transparent approach to all licensing hearings. There has also been a significant step towards streamlining the existing procedures to improve efficiency and cost effectiveness.
- 1.4 Appendix A details the proposed procedure for hearings held under the Licensing Act 2003. It is considered that the same procedure, with appropriate amendments to reflect the different legislative regimes, should be adopted for the Council's other licensing functions.

2. COMMENTS OF THE HEAD OF LEGAL SERVICES

- 2.1. The Head of Legal Services has been involved in drawing up the proposed procedure and considers that it is appropriate and permits the flexibility required to meet the requirements of the regulations made under the Licensing Act 2003. He also considers that it can be readily be adapted to reflect the procedural demands of other licensing legislation .

LOCAL GOVERNMENT ACT 2000 **LIST OF BACKGROUND PAPERS**

No.	Description of Background Papers	Name/Ext. of Holder of File/Copy	Department/ Location
	Licensing Committee constitution file	Richard Leigh x 2076	Councillor Services, Room 203 HTH

LICENSING ACT 2003

PROCEDURE FOR LICENSING HEARINGS

1.0 **Scope**

- 1.1 This procedure note applies to applications, representations and requests for review made, and to hearings held, under the Licensing Act 2003.

2.0 **Representations**

- 2.1 Any person who wishes to make a representation regarding an application for a licence or who wishes to request a review of a licence should write to the Licensing Section, Environment Protection, 5th floor, Town Hall Extension, King Street, Hammersmith, London W6 9JU or email the licensing section on licensing@lbhf.gov.uk. Each representation and request for review should fully explain the nature of the points made and outline, in detail, the evidence relied upon to substantiate those points.
- 2.2 Representations and requests for review must be relevant and made by persons so entitled under the legislation (for example in the case of a premises' licence persons living or involved in a business in the vicinity of the premises or bodies representing such persons).
- 2.3 Accordingly, the Council is unable to accept anonymous representations or requests for review. Representations or requests for review will only be relevant if they relate to the four licensing objectives:
- (a) The Prevention of Crime and Disorder;
 - (b) Public Safety;
 - (c) The Prevention of Public Nuisance; and
 - (d) The Protection of Children from Harm.
- 2.4 Representations must be made in accordance with the time limits set. The time limits are given in the appendix to this procedure note. Representations not made in accordance with stipulated time limits will not be considered.

3.0 **Arrangements For Licensing Hearings**

- 3.1 Licensing hearings shall normally take place at the Town Hall, King Street, Hammersmith. The hearing will take place before a sub-committee of the Council's licensing committee. The sub-committee will comprise three councillors. Its quorum shall be two.
- 3.2 The hearing will take place in public. However, in exceptional circumstances, when the sub-committee considers that it is in the public interest, it may exclude the public from all or any part of a hearing. Hearings will normally take place during the day.

- 3.3 If any person, who intends to be present at the hearing, has any special needs, (for example in connection with access, hearing, language or vision) it is appropriate that they be brought to the attention of the Council prior to the hearing in order that appropriate provision may be made.
- 3.4 The licensing hearing will normally be held within the period of 20 working days from the day when the consultation period ends. Details of the timescales are given in the appendix. The Council will give appropriate notice of the hearing. The period of notice will depend upon the type of hearing. The minimum periods of notice are contained in the appendix.
- 3.5 Notice of the hearing will be accompanied by:
- a copy of this procedure note;
 - confirmation that a party may be assisted or represented by a person whether or not that person is legally qualified;
 - confirmation that a party to the hearing may address the authority, give further information on a point on which the authority requires clarification and, if considered by the Council to be required, question another party to the hearing;
 - the consequences of not attending or being represented at a hearing (which normally will be that the hearing will proceed in the party's absence); and
 - a note of any particular points on which the Council wants clarification.
- 3.6 The Council's licensing officer (licensing officer refers to an authorised officer of the Council acting in the capacity of a licensing officer) will normally prepare a report for consideration by the panel. This report will be sent to the parties and will be accompanied by the relevant documentary material that has been submitted by the parties.
- 3.7 All parties upon whom a notice of hearing has been served are required to give to the Council notice of:
- whether they intend to attend or to be represented at the hearing;
 - whether or not they consider a hearing to be unnecessary; and
 - whether they wish to request that another person appear at the hearing (other than their representative). If such a request is made, it should be accompanied by details of the name of that person and a full description of the points about which that person may be able to assist the Council.

This notice has to be given to the Council no later than the day indicated in Appendix 2 to this procedure note.

4.0 **Procedure at the Hearing**

- 4.1 The licensing sub-committee shall be made up of a chairperson (the "chair") and two other councillors. The quorum of the sub-committee shall be two

councillors. The sub-committee will normally be advised by a legal officer and attended by a committee co-ordinator.

- 4.2 The chair of the sub-committee will open the hearing by introducing members of the sub-committee and by explaining the purpose of the proceedings and the general procedure.
- 4.3 The procedure to be followed at the hearing will normally be in accordance with this procedure note although all procedural matters will be subject to the discretion of the chair.
- 4.4 All persons present will be requested to identify themselves and to give the reason for their presence. The sub-committee shall consider any request from a party (made in accordance with paragraph 3.7 of this procedure note) for another person to appear at the hearing.
- 4.5 The hearing shall take the form of a discussion led by the sub-committee. The sub-committee will seek clarification on the issues from the parties as it considers appropriate.
- 4.6 At the conclusion of the discussion, the licensing officer will be invited to address the sub-committee and each party will have the right to make a closing address. The usual order will be that the licensing officer will be invited to speak first, followed by the responsible authorities, the interested parties and the applicant. Each address shall not exceed a maximum of five minutes.
- 4.7 Cross-examination will not normally be permitted.
- 4.8 Evidence, discussion and address must be relevant to the four licensing objectives. Repetition should be avoided. The sub-committee will seek to prevent irrelevant and repetitive matters.
- 4.9 The sub-committee may allow the production of documentary or other evidence produced by a party in support of its case at the hearing provided all other parties give their consent. Even if new material is permitted, the hearing may need to be adjourned to allow time to consider it and for other parties to respond to it. Accordingly, any application to have new material considered should demonstrate exceptional reasons for its admission. It is, therefore important for parties to ensure that all evidence is submitted in writing as soon as possible and in accordance with the relevant timescales.
- 4.10 The chair of the panel may require any person attending the hearing who is behaving in a disruptive manner to leave the hearing and may refuse to permit that person to return or may permit the person to return only on such conditions as he may specify
- 4.11 The sub-committee will consider the application in the light of all the evidence before it and the submissions made. Consideration by the sub-committee will take place in private. The sub-committee will normally request the legal

adviser and committee co-ordinator to be present during its consideration of the matter.

- 4.12 If, during its deliberations, the sub-committee considers that it is necessary for any person present at the hearing to provide further information or clarification on a particular point the hearing will be reconvened to deal with that issue.
- 4.13 It should be noted that the Council has no power to award costs to any party to the hearing.

5.0 **Procedure following the hearing**

- 5.1 The Council will notify the parties to the hearing of the decision in writing. Where required by the Licensing Act 2003, the Council will also notify the chief officer of the police even though the chief officer was not a party to the hearing. The decision notice will be accompanied by information regarding the right of the parties to appeal against the Council's decision.

6.0 **Assistance**

- 6.1 If you need any further explanation about application/representation procedures please contact:

Licensing Section, Environmental Protection, 5th Floor, Town Hall Extension,
King Street, Hammersmith W6 9JU.
Phone number: 020 8753 1081
Fax: 020 8753 3922
E-mail enquiries: **licensing@lbhf.gov.uk**
Website: www.lbhf.gov.uk

1. Time limits for an interested party or a responsible authority to make representations

	Provision	Period of time within which representations must be made.
1.	(a) in the case of a review of a premises licence following a closure order	At any time up to and including seven days starting on the day after the day on which the authority received the notice under section 165(4) in relation to the closure order and any extension to it
2.	(b) In any other case for a premises licence / club certificate applications.	At any time during a period of 28 consecutive days starting on the day after the day on which the application to which it relates was given to the authority by the applicant.
3.	Chief officer of Police giving an objection notice in regard to a personal licence application.	Within 14 days beginning with the day he received notice under subsection (2)
4.	Chief officer of Police giving an objection notice in regard to an e application to vary licence to specify individual as premises supervisor	Within 14 days beginning with the day he is notified of the application under subsection (4)
5.	Chief officer of Police giving a counter notice in regard to a temporary event or an interim authority notice	No later than 48 hours after the chief officer of police is given a copy of the notice.

2. Period within which hearings should be held

	Provision under which hearing is held.	Period of time within which hearing must be commenced.
1.	Section 18(3)(a) (determination of application for premises licence).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c).
2.	Section 31(3)(a) (determination of application for a provisional statement).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c) by virtue of section 30.
3.	Section 35(3)(a) (determination of application to vary premises licence).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c) by virtue of section 34(5).
4.	Section 39(3)(a) (determination of application to vary premises licence to specify individual as premises supervisor).	20 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 37(5).
5.	Section 44(5)(a) (determination of application for transfer of premises licence).	20 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 42(6).
6.	Section 48(3)(a) (cancellation of interim authority notice following police objection).	5 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 48(2).

	Provision under which hearing is held.	Period of time within which hearing must be commenced.
7.	Section 52(2) (determination of application for review of premises licence).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 51(3)(c).
8.	Section 72(3)(a) (determination of application for club premises certificate).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 71(6)(c).
9.	Section 85(3) (determination of application to vary club premises certificate).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 71(6)(c) by virtue of section 84(4).
10.	Section 88(2) (determination of application for review of club premises certificate).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 87(3)(c).
11.	Section 105(2)(a) (counter notice following police objection to temporary event notice).	7 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under section 104(2).
12.	Section 120(7)(a) (determination of application for grant of personal licence).	20 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under section 120(5).
13.	Section 121(6)(a) (determination of application for the renewal of personal licence).	20 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under section 121(3).
14.	Section 124(4)(a) (convictions coming to light after grant or renewal of personal licence).	20 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under section 124(3).
15.	Section 167(5)(a) (review of premises licence following closure order).	10 working days beginning with the day after the day the relevant licensing authority receives the notice given under section 165(4).
16.	Paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence).	10 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under paragraph 3(2) or (3) of Schedule 8.
17.	Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate).	10 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under paragraph 15(2) or (3) of Schedule 8.
18.	Paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for grant of personal licence).	10 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under paragraph 25(2) of Schedule 8.

3. Hearing Notice Periods

	Provision under which hearing is held.	Notice of hearing shall be given
1.	Section 48(3)(a) (cancellation of interim authority notice following police objection),	No later than two working days before the day or the first day on which the hearing is to be held.
2.	Section 105(2)(a) (counter notice following police objection to temporary event notice).	No later than two working days before the day or the first day on which the hearing is to be held
3.	Section 167(5)(a) (review of premises licence following closure order)	No later than five working days before the day or the first day on which the hearing is to be held
4.	Paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence)	No later than five working days before the day or the first day on which the hearing is to be held
5.	Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate)	No later than five working days before the day or the first day on which the hearing is to be held
6.	Paragraph 26(3)(a) of Schedule 8 (determination of application by holder of justices' licence for grant of personal licence)	No later than five working days before the day or the first day on which the hearing is to be held

4. Action period following receipt of notice of hearing

Provision under which hearing is held.	Notice by a party shall be given
Section 48(3)(a) (cancellation of interim authority notice following police objection),	No later than one working day before the day or the first day on which the hearing is to be held.
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.
Section 167(5)(a) (review of premises licence following closure order)	No later than two working days before the day or the first day on which the hearing is to be held.
Paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence)	No later than two working days before the day or the first day on which the hearing is to be held.
Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate)	No later than two working days before the day or the first day on which the hearing is to be held.

Appendix

Provision under which hearing is held.	Notice by a party shall be given
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.
In any other case	No later than five working days before the day or the first day on which the hearing is to be held.
A party who wishes to withdraw any representations they have made may do so	(a) by giving notice to the authority no later than 24 hours before the day or the first day on which the hearing is to be held; or (b) orally at the hearing