

Democratic Services

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Date: 17 April 2014

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To: All Members of the Licensing Sub-Committee

Councillors:- Manda Rigby, Patrick Anketell-Jones and Gerry Curran

Chief Executive and other appropriate officers
Press and Public

Dear Member

Licensing Sub-Committee: Wednesday, 23rd April, 2014

You are invited to attend a meeting of the **Licensing Sub-Committee**, to be held on **Wednesday, 23rd April, 2014 at 8.30 am** in the **Kaposvar Room - Guildhall, Bath.**

Briefing

Members of the Sub-Committee are reminded that the meeting will be preceded by a briefing at 9.30am.

The agenda is set out overleaf.

Yours sincerely

Enfys Hughes, Sean O'Neill
for Chief Executive

If you need to access this agenda or any of the supporting reports in an alternative accessible format please contact Democratic Services or the relevant report author whose details are listed at the end of each report.

This Agenda and all accompanying reports are printed on recycled paper

NOTES:

- 1. Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact Enfys Hughes, Sean O'Neill who is available by telephoning Bath democratic_services@bathnes.gov.uk or by calling at the Riverside Offices Keynsham (during normal office hours).
- 2. Details of Decisions taken at this meeting** can be found in the minutes which will be published as soon as possible after the meeting, and also circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting Enfys Hughes, Sean O'Neill as above.

Appendices to reports are available for inspection as follows:-

Public Access points - Riverside - Keynsham, Guildhall - Bath, Hollies - Midsomer Norton, and Bath Central, Keynsham and Midsomer Norton public libraries.

For Councillors and Officers papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Rooms.

- 3. Attendance Register:** Members should sign the Register which will be circulated at the meeting.
- 4. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.**
- 5. Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted.

Arrangements are in place for the safe evacuation of disabled people.

Licensing Sub-Committee - Wednesday, 23rd April, 2014

at 8.30 am in the Kaposvar Room - Guildhall, Bath

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

The Chair will draw attention to the emergency evacuation procedure as set out under Note 5 on the previous page.

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

3. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** *or* **an other interest**,
(as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer or a member of his staff before the meeting to expedite dealing with the item during the meeting.

4. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

5. SUMMARY REVIEW PROCEDURE (Pages 7 - 10)

The Chair will, if required, explain the summary review procedure.

6. EXCLUSION OF THE PUBLIC

If appropriate, the Sub-Committee may consider passing a resolution to exclude the public for one or both of the following items of business in accordance with the provisions of section 100(A)(4) of the Local Government Act 1972.

7. LICENSING ACT 2003: INTERIM STEPS FOLLOWING SERVICE OF SUMMARY REVIEW APPLICATION IN RESPECT OF THE STONES CROSS, 2 NORTH ROAD, MIDSOMER NORTON, BA3 2QD (Pages 11 - 42)

8. LICENSING ACT 2003: INTERIM STEPS FOLLOWING SERVICE OF SUMMARY REVIEW APPLICATION IN RESPECT OF WUNDERBAR, 2 HIGH STREET, MIDSOMER NORTON, BA3 2LE (Pages 43 - 74)

The Committee Administrator for this meeting is Enfys Hughes, Sean O'Neill who can be contacted on 01225 395090
democratic_services@bathnes.gov.uk.

Protocol for Decision-making

Guidance for Members when making decisions

When making decisions, the Cabinet/Committee must ensure it has regard only to relevant considerations and disregards those that are not material.

The Cabinet/Committee must ensure that it bears in mind the following legal duties when making its decisions:

- Equalities considerations
- Risk Management considerations
- Crime and Disorder considerations
- Sustainability considerations
- Natural Environment considerations
- Planning Act 2008 considerations
- Human Rights Act 1998 considerations
- Children Act 2004 considerations
- Public Health & Inequalities considerations

Whilst it is the responsibility of the report author and the Council's Monitoring Officer and Chief Financial Officer to assess the applicability of the legal requirements, decision makers should ensure they are satisfied that the information presented to them is consistent with and takes due regard of them.

Agenda Item 5

LICENSING SUB COMMITTEE HEARING PROCEDURE SUMMARY REVIEW OF PREMISES LICENCE / CLUB PREMISES CERTIFICATE

*The Chair will allow the parties an equal maximum period of time in which to make representations not normally exceeding **twenty minutes**. Where more than one party makes relevant representations time will be split between the parties and where several parties make similar representations it is suggested one representative is appointed to avoid duplication.*

The term “party” or “parties” will mean anyone to whom notice of this meeting has been given.

- 1 The Chair will introduce Members of the Sub Committee, Officers present and explain the procedure to be followed.
- 2 The Licensing Officer will outline the nature of the matter to be considered by the Sub Committee.
- 3
 - (i) The Applicant, or representative, addresses the Sub Committee who may be asked questions by the Sub Committee, Licence Holder and other parties.
 - (ii) Witnesses may be called in support of the application who may be asked questions by the Sub Committee, Licence Holder and other parties
- 4
 - (i) Any other party making relevant representations, or their representative, will address the Sub Committee who may be asked questions by the Sub Committee, Applicant, Licence Holder and other parties.
 - (ii) Witnesses may be called in support of representations who may be asked questions by the Sub Committee, Applicant, Licence Holder, other parties.
- 5 Responsible Authorities making representation will address the Sub Committee and may be asked questions by the Sub Committee, Applicant, Licence Holder, other parties.
- 6 The Licence Holder (or their representative) will address the Sub Committee and may be asked questions by the Sub Committee, Applicant and other parties.
- 7 The other parties will be invited to summarise their representations.

Responsible Authorities will be invited to summarise their representations

The Licence Holder will be invited to summarise their representations

The Applicant will be invited to summarise the application.

- 9 *The Chair will invite the Committee to move into private session to enable the Members to deliberate in private. The Committee will reconvene publicly if clarification of evidence is required and/or legal advice is required. The Committee may retire to a private room, or alternatively require vacation of the meeting room by all other persons.*

Whilst in deliberation the Committee will be accompanied by Legal and Democratic Service Officers for the purpose of assisting them in drafting their reasoning for the decision.

The Committee will reconvene the meeting and the Chair will announce the Committee's decision with reasons.

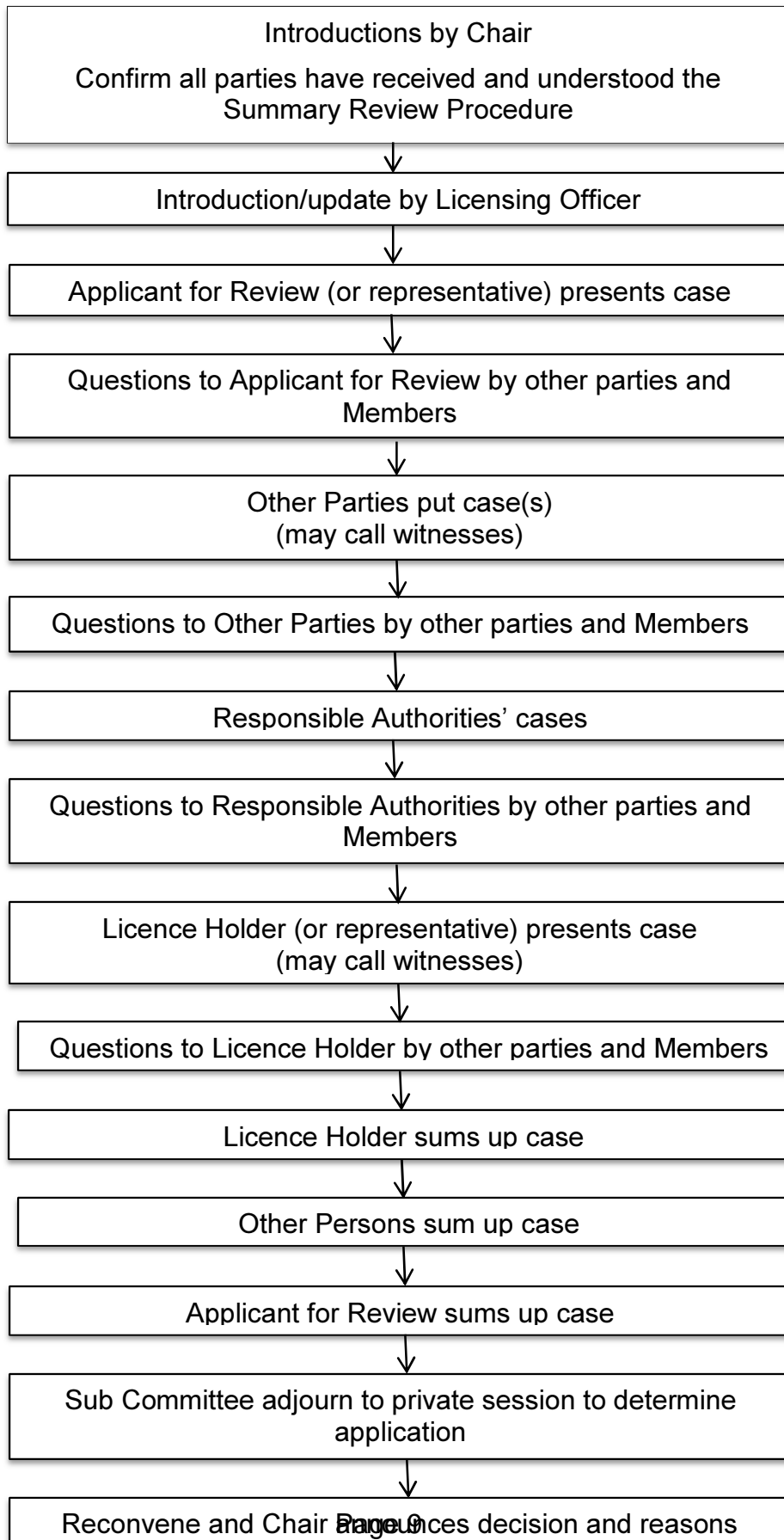
PLEASE NOTE:

- Where the Sub-Committee considers it necessary to do so, it may vary this procedure.
- In circumstances where a party fails to attend the will be determined in absence.
- The hearing will take the form of a discussion and parties will be able to ask questions as set out above. However, formal cross examination will be discouraged.
- The Authority will disregard any information or representation given by a party which is not relevant to the Application and the Licensing Act 2003.
- Where there is more than one party making relevant representations the time allocated will be split between those parties.
- The Chair may request that persons behaving in a disruptive manner should leave the hearing and their return refused, or allowed subject to conditions. An excluded person is however, entitled to submit the information they would have been entitled to present had they not been excluded.

Bath & North East Somerset Council is committed to taking decisions in an honest, accountable and transparent fashion. On occasion however, it may be necessary to exclude members of the press and public pursuant to the Local Government Act 1972 Schedule 12 (a). In those circumstances reasons for such decisions will be given.

**LICENSING SUB-COMMITTEE
PROCEDURE FOR SUMMARY REVIEW OF PREMISES LICENCE
(INTERIM STEPS)**

*The parties will be allowed an equal maximum period of time not normally exceeding **twenty minutes**. Where more than one party make representations the time should be split equally between them. Where several parties make similar representations one representative should be appointed avoiding duplication and making the best use of the available time*



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By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

Agenda Item 7

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By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

Agenda Item 8

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