



B O S T O N B O R O U G H C O U N C I L

Municipal Buildings
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Chief Executive
Phil Drury
MCIAT, ACIOB

3 January 2020

NOTICE OF MEETING OF THE LICENSING SUB-COMMITTEE

Dear Councillor

You are invited to attend a meeting of the Licensing Sub-Committee on
Monday, 13th January, 2020 at 10.00 am
in the Council Chamber, Municipal Buildings, West Street, Boston, PE21 8QR

PHIL DRURY
Chief Executive

Membership: Councillors Jonathan Noble, Judith Skinner and Stephen Woodliffe

A G E N D A

PART I - PRELIMINARIES

A APOLOGIES

To receive apologies for absence.

B DECLARATIONS OF INTERESTS

To receive declarations of interests in respect of any item on the agenda.

PART II - AGENDA ITEMS

1 REVIEW OF A PREMISES LICENCE - EUROPEAN FOOD 43 WIDE BARGATE
(Pages 1 - 86)

(A report by the Licensing and Land Charges Manager)

Notes:

The person to contact about the agenda and documents for this meeting is Janette Collier, Senior Democratic Services Officer, Municipal Buildings, Boston, 01205 314227 email: janette.collier@boston.gov.uk

Council Members who are not able to attend the meeting should notify Janette Collier, Senior Democratic Services Officer as soon as possible.

Alternative Versions

Should you wish to have the agenda or report in an alternative format such as larger text, Braille or a specific language, please contact Democratic Services on direct dial (01205) 314226

Emergency Procedures

In the event of a fire alarm sounding all attendees are asked to leave the building via the nearest emergency exit and make their way to the Fire Assembly Point located in the car park at the rear of the Municipal Buildings.

The procedures for the hearing appear overleaf

LICENSING ACT 2003

HEARING PROCEDURE – REVIEW OF PREMISES LICENCE

1. Chairman's welcome and opening remarks
 - Name of the premises address
 - The introduction of Members on the Sub-Committee and Officers
 - Introduction of the Applicant for the Review and the Premises Licence Holder.
 - Chairman to explain that all parties have been given notice to attend the hearing and that the hearing will proceed notwithstanding a party's failure to attend the hearing.

Legal Advisor to explain the procedure to the parties

Licensing & Land Charges Manager will present details of the review.

*The **Legal Advisor** will explain the following procedure:*

If any party intends to make reference to information which they believe should be private and confidential they are advised to make an application under The Licensing Act 2003 (Hearings) Regulation 2005 regulation 14 upon which the Sub-Committee will determine whether the public should be excluded from the hearing in accordance with that regulation.

2. Applicant for the Review to present case for review

- **The Applicant for the Review or their representative presents their case**
- The Applicant for the Review or their representative will then call any witnesses and/or give evidence in support of their case
- The Premises Licence Holder or their representative may then question the Applicant for the Review and their witnesses
- The Members of the Sub-Committee may ask questions of the Applicant for the Review and their witnesses
- The Applicant for the Review or their representative will then be given a final opportunity of asking any further questions of their witnesses to clear up any points raised in the earlier questioning.

3. Any further parties to the review to present their case

This procedure will be followed for each individual party.

- **The further parties or their representative presents their case**
- The further parties or their representative will then call any witnesses and/or give evidence in support of their case
- The Premises Licence Holder or their representative may then question the Applicant for the Review and their witnesses
- The Members of the Sub-Committee may ask questions of the Applicant for the Review and their witnesses

- The further parties or their representative will then be given a final opportunity of asking any further questions of their witnesses to clear up any points raised in the earlier questioning.

4. The Premises Licence Holder Case

- The Premises Licence Holder or their representative will give their reasons for defending the review.
- The Premises Licence Holder or their representative will then call any witnesses
- The Applicant for the Review and any further parties to the review or their representatives may then question the Premises Licence Holder or his/her representative.
- The Members of the Sub-Committee may ask questions of the Premises Licence Holder and any witnesses
- The Premises Licence Holder or his/her representative will then be given a final opportunity of asking any further questions of their witnesses to clear up any points raised in the earlier questioning

5. Closing Statement or Summary

The Premises Licence Holder can summarise any points they wish to make and comment briefly on the Applicants for the Review's replies to questions. They cannot introduce any new issues at this stage

The Applicants for the Review can summarise any points they wish to make and comment briefly on the Premises Licence Holder's replies to questions. They cannot introduce new issues at this stage

6. Conclusion

The Chairman will then ask the Legal Advisor whether there are any other matters to be raised or resolved before the Sub-Committee retires to begin its deliberations. The Sub-Committee will exclude the press and public from its deliberations and its decision making.

The Chairman will advise the hearing that the Members of the Sub-Committee will retire to consider the application and that the Legal Advisor will be retiring with them but will take not part in the deliberation. If legal advice is given by the Legal Advisor in the course of deliberations the Legal Advisor will reiterate this advice to the hearing when it is reconvened.

Once a decision has been made everybody will be invited back in and the Chairman will announce the decision and give reasons for the decision including any conditions that have been attached and the right of appeal if necessary. The decision will subsequently be formally notified to the Applicant for the Review and the Premises Licence Holder or their representatives in writing by the Licensing & Land Charges Manager within 5 working days.