



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

Municipal Buildings
Boston
Lincolnshire PE21 8QR
Tel: **01205 314200**
Fax: **01205 364604**

Joint Chief Executive
Rob Barlow

29 July 2022

NOTICE OF MEETING OF THE LICENSING SUB-COMMITTEE

Dear Councillor

You are invited to attend a meeting of the Licensing Sub-Committee on
Monday, 8th August, 2022 at 10.00 am
in the Committee Room, Municipal Buildings, West Street, Boston PE21 8QR

ROB BARLOW
Joint Chief Executive

Membership: Councillors Tom Ashton, Katie Chalmers and Judy Welbourn

A G E N D A

PART I - PRELIMINARIES

APOLOGIES

To receive apologies for absence.

DECLARATIONS OF INTERESTS

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

PART II - AGENDA ITEMS

**REVIEW OF PREMISES LICENCE - TATRY, 17 WEST STREET, BOSTON,
PE218QE**

(A report by Anna McDowell, Senior Licensing Officer)

TO FOLLOW

Notes:

The person to contact about the agenda and documents for this meeting is Pippa Rose, Democratic Services Officer, Municipal Buildings, Boston, Telephone: 01205 314228 e-mail: pippa.rose@boston.gov.uk

Council Members who are not able to attend the meeting should notify Pippa Rose, 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 – DELETE THE ONE NOT APPLICABLE

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.
- Explain the procedure for a video conference hearing.

Legal Advisor to explain the procedure to the parties.

Licensing Officer 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 written notification of that advice will be given with the decision notice.

The hearing will not be reconvened for the decision to be announced. The decision, the reasons for the decision, including any conditions that have been attached to the licence and the right of appeal will be formally notified to the Applicant for the Review and the Premises Licence Holder or their representatives in writing by the Licensing Officer within 5 working days.

LICENSING ACT 2003

HEARING PROCEDURE – APPLICATIONS AND VARIATIONS

Introduction

The **Chairman** will:

- Welcome everyone
- Ask for any Declarations of Interest
- State the purpose of the hearing
- Introduce the Members of the Sub-Committee
- *Introduce the:*
Legal Representative
Licensing Officer and the
Democratic Service Clerk
- 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.

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.

1. **The Licensing Officer** will address the hearing and provide details of the premises and a summary of the premises' licensing history (*if applicable*)
2. **The Applicant or the Applicants' representative** will then present their case.
 - They will call any witnesses to give evidence in support of their case.
 - The Representatives (*who have made representations/objections*) may then question the Applicant and / or their witnesses.
 - The Members of the Sub-Committee may then ask questions of the Applicant of their witnesses.
 - The Applicant of their representative will then be offered the final opportunity of asking any further questions of their witnesses in order to clarify any points raised in earlier questioning.
3. **Each individual Objector will then present their case in turn:**
 - The Objector and / or their representative will provide the reasons for their objection.
 - The Objector and / or their representative will then call any witnesses in support.

- The Applicant and / or their representative may then question the Objector / witnesses
 - The Members of the Sub-Committee may then question the Objector / witnesses
 - The Objector and / or their representative will then be given the final opportunity of asking any further questions of their witnesses to clarify any points raised in earlier questioning.
- 4 The Applicant will then be asked by the Chairman of the Sub-Committee if, in light of the objections, they wish to amend their application. *(When the Sub-Committee retires they will only consider the application before them at that time)*

If the Applicant wishes to amend the application, or indicates that they are prepared for Members to give consideration to an amended application if they are minded to refuse the original application, the Objectors are to be allowed to comment on the amended application.

5. **Closing Statement or Summary**

- Each individual objector can, in turn, summarise any points they wish to make and comment briefly on the Applicant's replies to questions.
They cannot introduce any new issues at this stage.
- The Applicants can summarise any points they wish to make and comment briefly on the Objector's replies to questions.
They cannot introduce any 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 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 in summary form to the hearing when the hearing is reconvened.

- If any party to the hearing, or the Licensing Officer, are required to address the Sub-Committee during its deliberations, all parties will be invited to hear these issues.
- Once a decision has been made, the Sub-Committee will return and the Chairman announces the decision and gives 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 and the Objector in writing by the Licensing Authority within 5 working days.