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Municipal Buildings
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Joint Chief Executive
Rob Barlow

8 September 2022

NOTICE OF MEETING OF THE LICENSING SUB-COMMITTEE

Dear Councillor

You are invited to attend a meeting of the Licensing Sub-Committee on
Friday, 16th September, 2022 at 2.30 pm
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

TATRY, 17 WEST STREET, BOSTON, PE21 8QN (Pages 1 - 54)

**TO REVIEW THE PREMISES LICENCE FOLLOWING A CLOSURE ORDER
BEING ISSUED BY LINCOLNSHIRE MAGISTRATES COURT**

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.

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.

Agenda Item 1

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

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