

East Lindsey District Council – Licensing Team



Licensing Act 2003

Alcohol, Regulated Entertainment and Late Night Refreshment Licensing

Interested Parties - Guidance for
making representations regarding
a premises licence and attending
Licensing Sub-Committee hearings

(July 2020)

Licensing Hearings

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1. Introduction

The Licensing Act 2003 significantly changed the licensing laws relating to the sale of alcohol, late night refreshment premises, regulated entertainment and members clubs.

In 2005 this new system became the responsibility of the Council who deal with applications for licences and representations from those who may be affected by the licence proposals.

One of the main aims of the new licensing system was the introduction of more proportionate regulations to give businesses greater freedom and flexibility to meet customer's expectations, for example by extending or altering opening hours. The new system also aimed to provide the necessary protection for local residents whose lives can be blighted by disturbance and anti-social behaviour associated with those visiting licensed premises.

This guidance booklet is designed to assist those interested parties who feel they may be adversely affected by a licensing application or current premises licence to make representations to the Licensing Authority.

Where an applicant wishes to apply for a new licence or vary the conditions of their current licence, interested parties can make representations.

This guidance booklet outlines the procedures that should be followed:

- When making representations.
- On receiving the Notice of the subsequent Licensing Hearing.
- Before, during and after the Licensing Hearing.

It is important that you carefully read these procedures before you make a representation in relation to a licence application or wish to attend and be heard at a Licensing Sub-Committee hearing.

2. Making representations (objections) in relation to a premises licence application

Am I eligible to make a representation?

Representations and objections to a premises licence application can only be made by parties or authorities entitled to do so under the Licensing Act 2003. The Responsible Authorities or other interested parties that can make representations are set out below:

An interested party would normally be anyone who is affected by activity at the licensed premises in question. Examples of such a person can include:

- A person living in the vicinity of the premises.
- A body representing persons living in the vicinity of the premises.
- A person involved in a business in the vicinity.
- A body representing persons involved in such business.
- An East Lindsey District Council Councillor.

However, it is important to remember that the above are examples. Interested parties are not solely limited to the above.

(N.B: Representations may be made on behalf of the above by a representative e.g. MP, solicitor, or a friend.)

A Responsible Authority, namely:

- Lincolnshire Police.
- Health and Safety Authority.
- Environmental Protection Team, East Lindsey District Council.
- Development Control (Planning) Team, East Lindsey District Council.
- Lincolnshire Fire and Rescue.
- Lincolnshire Safeguarding Children's Board.

- Trading Standards Department.
- NHS Lincolnshire.
- Home Office (Immigration Enforcement Team)

Public Notices and Representations

Interested Parties will be made aware of variation applications (and applications in respect of a new premises licence) through notices displayed at the premises in question and a public notice in the local newspaper. These notices must include relevant information including time limits for representations to be made and of where the full application details can be viewed. The Council will also advertise the licence application on its website (www.e-lindsey.gov.uk).

In most cases representations must be made within 28 days of the application being made.

Representations must not be frivolous or vexatious and must be relevant to at least one of the four licensing objectives. The licensing objectives are:

- The Prevention of Public Nuisance.
- Public Safety.
- The Prevention of Crime and Disorder.
- The Protection of Children from Harm.

The structure and content of any written representation is very important. With this in mind the Licensing Team has drafted a simple template for any interested party who may wish to make a representation regarding a licensing application. In addition **Appendix A** of this guidance booklet offers advice on how to draft a representation.

If you wish to make a representation in relation to a licence application you should contact the Council's Licensing Team and obtain the appropriate form. Contact details are provided at the end of this guidance booklet.

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Please note that:

1. All representations received will be open to public inspection and available for inspection on the Council's website.
2. You can be fined if you make a false statement in respect of a representation.

What happens if nobody makes any representations in relation to a premises licence application?

It is important to note that under the terms of the Licensing Act 2003 the Licensing Authority must grant all new premises licence applications and variation applications if no relevant representations are received either from interested parties or Responsible Authorities.

When do I make a representation?

Any interested party or Responsible Authority may make written representations about an application. These must be made at any time up to and including 28 working days after the day on which the application was received.

You should make your representations within the time limit specified in the notice put up at the premises or contained in the newspaper advertisement relating to the particular application. Representations received after the time limit cannot be accepted.

What information should I provide in the representation?

When making your representation you must give details of the reasons for objection. As mentioned previously representations will only be relevant if they relate to one or more of the licensing objectives. The four licensing objectives are:

- The Prevention of Crime and Disorder;
- Public Safety;
- The Prevention of Public Nuisance; and
- The Protection of Children from Harm.

For more information about the Licensing Objectives please read East Lindsey District Council's Licensing Policy carefully as this document outlines the issues the Licensing Authority will consider in respect of applications that have received relevant representations. A copy of the Policy is available on our website: www.e-lindsey.gov.uk.

Representations should:

- fully explain the nature of the points made,
- reflect the licensing objectives outlined above, and
- provide in detail any evidence relied upon to back up those points.

Concerns or fears about what might happen if the licence is granted cannot be taken into account unless they are evidence based and relate to one or more of the licensing objectives.

It is important to be aware that the Licensing Authority can only base its decision in relation to licence applications on evidence, and not mere speculation. Where empirical evidence is not available any evidence used in the decision making process should leave the Authority to conclude that

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there is a very real threat of the fears or the dangers being described actually occurring. The Authority will examine the potential for harm and if it is satisfied that this is real, then it may take sufficient measures to prevent this harm from occurring. This principle has been approved by the High Court, in the case of *Daniel Thwaites Plc v Wirral Borough Magistrates' Court* (6 May 2008). This High Court case also established the principle that regulation by a local Licensing Authority should be a 'light touch', and that conditions should be attached to licences only so far as is necessary to promote the licensing objectives.

The power to review a licence (described later in this guidance booklet) provides the Licensing Authority with a suitable mechanism to tackle problems that may subsequently arise.

What format should the representation take?

All representations must be given in writing. However, the Licensing Service will agree to accept relevant representations, with accompanying evidence, by email to allow compliance with the time limits, but where this is done, the full name and postal address of the interested party must be given in the email.

Representations should ideally:

- Be in black ink on single sides of A4 paper.
- Indicate the proximity of the premises to the person making the objection. (A sketch map or plan may be helpful to show this.)

Representations must:

- Indicate the premises to which the objection relates.
- Indicate the name and addresses of the person or organisation making the representation.
- Clearly set out the reasons for making the representation and make specific reference to one or more of the licensing objectives.

Can we send in a petition?

Yes, petitions can be submitted in accordance with the same rules that apply for representations. Petitions should outline their purpose and potential signatories should note that the document will be a matter of public record and that a copy will be supplied by the Licensing Team to the applicant. Each person signing the petition should print their full name and address.

A copy of the petition will be given to the licence applicant and a copy will also be placed on the Council's website for public inspection.

Can the Licensing Team reject a representation?

Representations can be rejected if they:

- are received after the time limits set,
- are anonymous, or
- in the opinion of the Licensing Team they are found to be vexatious, frivolous or repetitive.

In the appropriate circumstances the writer will be notified of this decision.

The Licensing Team may also seek to mediate between the parties to see if agreement can be reached without the need for a licensing hearing.

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Where do I send the representation?

Please send your representation to the Licensing Team at:

- Licensing Team, East Lindsey District Council,
Tedder Hall, Manby Park, Louth, LN11 8UP.

If sent elsewhere, it may not be received by the Licensing Team in time to be allowed.

It is important to remember that Members (Councillors) of the Licensing Sub-Committee, considering the licence application, should not be approached with any representations as this may prejudice the process.

What if there are a number of similar representations?

It is possible that there may be a number of similar representations, which if all heard would make the licensing hearing unmanageable. With this in mind, a Licensing Officer may ask that you agree a spokesman to speak at the licensing hearing on behalf of all the related representations.

What happens next?

If a relevant representation is made (unless any agreement can be reached beforehand), a Licensing Act 2003 Sub-Committee hearing (consisting of Councillors) will be held to consider the representation. At this hearing relevant parties will be invited to comment on the representation made. The interested party may choose to rely on their written representation if they so wish.





The Sub-Committee may then:

- vary the licence application in accordance with the representation,
- grant the licence without variation, or
- reject the application.

If you wish to withdraw any representations you may do so confirming this in writing, providing you do so no later than 24 hours before any hearing, or otherwise orally at the hearing.

A copy of all relevant representations will be provided, in full, to the applicant. Relevant representations will then be considered as part of the business at a Licensing Sub-Committee hearing along with the licence application.

The papers for the Sub-Committee hearing, including relevant representations, will be available to the press and public as part of the Notice of Hearing. The papers will also be available on the Council's website (www.e-lindsey.gov.uk).

Applicants and those who have made relevant written representations in connection with the application, will receive copies of the relevant documentation and be invited to attend the Sub-Committee hearing, at which they will have speaking rights.

3. Premises Licence Reviews

If problems arise following the granting of a licence, interested parties can apply for a review of the licence. The procedures followed will be very similar to that of above.

What is a licence review?

Any Responsible Authority (Police, Lincolnshire Fire and Rescue, etc.) or interested party can apply to the Council at any time for a review of the premises licence. The review is a request for the Council to look at the existing licence and decide whether its conditions are adequate to meet the four licensing objectives defined under the Licensing Act 2003. This is because these licences last for the lifetime of the business and would not otherwise be subject to review by the Council.

On what grounds can I seek a review of a licence?

You can only seek a review if:

- You are classed as an interested party or Responsible Authority under the Act;
- Your request relates to the failure of the business to address one or more of the four licensing objectives;
- Your request is not frivolous, repetitious or vexatious.

What is the meaning of “frivolous, vexatious or repetitious”?

A frivolous complaint is one so trivial it would be unreasonable to consider. For example, a pub may have run without any problems for ten years, but on New Years Eve have a noisy party ending at 1.00am. No other noise has occurred before, or since, that time. The Council would probably consider a request for a review to be frivolous on this occasion, as it concerned a one off event on a night of the year when it would be normal to expect a certain degree of noise nuisance.

A complaint is vexatious if it is not genuine and is made as a result of a dispute between neighbouring residents and businesses. Council officers will make their own observations to establish whether complaints are being made for vexatious reasons.

A complaint is defined as repetitious under the Act if:

It is identical, or substantially similar to:

- A ground for review that has already been considered by the Council; or
- A representation made by a Responsible Authority or interested party to the grant of a premises licence; or
- A representation about a provisional statement which was excluded; and
- A reasonable interval has not elapsed since that earlier time.

The Council will decide what a “reasonable interval” is, depending on the circumstances of the case. However, Government guidance says the minimum period between reviews should be at least twelve months in any case, unless there are particularly compelling circumstances.

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If we decide to reject your application for review, we will write to you and explain our decision and our reasons for it. If you are unhappy with a decision you may apply (in certain limited circumstances) to the High Court for a judicial review of the Council's decision.

Alternatively you may use the Council's complaint procedure and subsequently (if needed) contact the Local Government Ombudsman.

How do I apply for a review?

You must complete an application for review form. The form asks you what your name and address is. It also asks under which of the four licensing objectives you are applying for review. You are then asked to say why you are asking for a review. You must state whether you have made any such applications before, and when. You can be fined if you make a false statement on the application form.

The original copy of the application must be sent to the Council's Licensing Team:

- The Licensing Team, East Lindsey District Council, Tedder Hall, Manby Park, LOUTH, Lincolnshire. LN11 8UP

You must supply a copy of your review application to the following persons:

- The premises licence holder.
- Licensing Officer (Alcohol), Lincolnshire Police, Myle Cross Centre, Macaulay Drive, St. Giles, LINCOLN, LN2 4EL.
- Health & Safety Team Manager, East Lindsey District Council, Tedder Hall, Manby Park, LOUTH, LN11 8UP.
- Environmental Protection Manager, East Lindsey District Council, Tedder Hall, Manby Park, LOUTH, LN11 8UP.
- Development Control Manager, East Lindsey District Council, Tedder Hall, Manby Park, LOUTH, LN11 8UP.

- Trading Standards Service, Lincolnshire County Council, Myle Cross Centre, Macaulay Drive, St Giles, LINCOLN, LN2 4EL
- Lincolnshire Fire & Rescue, Harlaxton Road, GRANTHAM, NG31 7SG
- Lincolnshire Safeguarding Children Board, Lincolnshire County Council, Room 131 - County Offices, Newland, LINCOLN, LN1 1YL
- Programme Officer (Substance Abuse), Public Health Division, Adult Care & Wellbeing, Room 3A, Orchard House, Orchard Street, LINCOLN, LN1 1BA

Home Office (Immigration Enforcement Section)

Premises licence review applications, regarding the sale of alcohol and/or provisions of late night refreshment, must also be copied to the Home Office (Immigration Enforcement Section) at:

- Alcohol Licensing Team, Home Office (Immigration Enforcement Section), Lunar House, 40 Wellesley Road, CROYDON, CR9 2BY

You may wish to obtain proof of postage or receipt when sending the above copies. When submitting an application the Council may also ask you to confirm that you have forwarded the relevant copies to each of the above responsible authorities.

You must also send a copy of your application to the premises licence holder.

Your application will not be valid unless you comply with these requirements.

The Council is required to publish notice of your review application by way of a notice displayed on or near the premises for at least 20 working days. This advertisement does not give your name and address. Notice of the review application will also be displayed on the Council's website and at the Council's main offices.

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Can I apply anonymously for a review?

No. This is forbidden under the Act.

What happens with my review application?

If your application is accepted, the Council may initially try to resolve the matter by mediation. In certain limited instances a meeting may be held between the Council, the person or body requesting the review, and the premises licence holder.

What if we cannot reach a compromise?

The Council will hold a Licensing Sub Committee meeting to determine your application. The Committee is comprised of elected Members of the Council. They will listen to evidence from both parties at a public hearing, before deciding what action to take. They can:

1. Modify the licence conditions;
2. Exclude a licensable activity from the licence;
3. Give a warning to the licence holder;
4. Remove the Designated Premises Supervisor (DPS);
5. Suspend the licence for a period of not more than three months;
6. Revoke the licence.

Items 1 and 2 above can also be imposed for a period of not more than three months at the authority's discretion.

At the hearing, you are only allowed to comment on the matters raised in your request for a review, or to amplify them. You are not permitted to raise any other issues other than those referred to by you in your application for review.



After the review hearing

Any decision taken at the hearing will not take effect until the period within which an appeal to the Magistrates' Court can be brought has passed (21 days), or until the determination of such an appeal.

Appeals in relation to review hearings

A right of appeal to the Magistrates' Court is provided for all the relevant parties against a decision by the Licensing Authority.

4. On Receiving the Licensing Hearing Notice

You will receive a written notice (or emailed notice) of the hearing.

The Licensing Sub-committee hearing will normally be held within 20 working days from when the consultation period ends. The Licensing Team will give appropriate notice of the hearing. The period of notice will depend on the type of application to be considered.

A Notice of the Hearing will be sent to all parties accompanied by:

- Date, time and location of the actual hearing;
- A procedure note and the Report from the Council's Licensing Officer with relevant representations attached;
- Confirmation that any party to the hearing may be assisted / represented by a person and that person does not have to be legally qualified;
- Confirmation that a party to the hearing may address the Authority, give further information on a point on which the Authority

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requires clarification and, if considered by the Authority to be required or appropriate, 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 Licensing Authority wants clarification.

What do I do when I receive the Notice of Hearing?

On receipt of the Notice of Hearing, all parties must inform the Licensing Team whether they:

- Intend to attend or to be represented at the hearing;
- Consider a hearing to be unnecessary; and
- Wish to request that another person appear at the hearing (other than their representative) as a witness. 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 hearing.

IT IS IMPORTANT THAT YOU REPLY TO THE NOTICE: If a party does not notify the above to the Licensing Team before the relevant deadline they may not be entitled to speaking rights at the hearing.

N.B. *The notice of hearing will give the full details of the deadline by which you should give your notice.

All objectors and applicants are also reminded of their right to have a legal representative at the hearing.



If I want to withdraw my representations - how do I do this?

Any party may withdraw their representations by contacting the Licensing Team by phone, letter or email, providing they give notice no later than 24 hours before the hearing. If, during the hearing, any party wishes to withdraw their representations they may do so orally by informing the Chairman of the meeting.

What happens if I cannot attend the Sub-Committee hearing?

The Sub-Committee hearing will normally go ahead and the Sub-Committee will consider your written representation.

However, the Sub-Committee will take into account, in considering the importance to be attached to your objection, that you were not available to be questioned about your statement.

Can you accommodate any special needs I may have?

Yes, 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) this should be brought to the attention of the Licensing Team at least 72 hours prior to the hearing in order that appropriate provision may be made. However, in most cases the Licensing Team would appreciate being advised considerably earlier than 72 hours before the hearing (wherever possible).

There is also a hearing loop facility provided in the meeting room. If you require use of the hearing loop please advise the Licensing Team at least 72 hours in advance of the licensing hearing.

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Hearings are normally held at the Council's Tedder Hall Offices where the above facilities are available. In certain limited circumstances an alternative venue may be used in which case some of the above facilities may not be available.

Can the date of the hearing be changed?

Unfortunately, the Licensing Team cannot be flexible in the dates for licensing hearings as the Licensing Act 2003 sets a strict legal deadline by which hearings must be heard.

5. Before the Licensing Hearing

You will have been notified of the date and time of the Licensing Sub-Committee hearing. The hearings will normally take place at The Council's Tedder Hall Offices in one of the Committee Rooms.

How do I get to Tedder Hall?

A map showing the location of the Council's Tedder Hall Offices is attached at **Appendix B** of this guidance booklet. There is ample off street car parking available at the site.

Please note there are five disabled parking spaces at the front of the Tedder Hall building if you require disabled parking. The parking spaces are operated on a first come first served basis.

Please enter Tedder Hall from the main reception where you will be escorted to the relevant Committee Room. Please switch off your mobile phone (or switch it to silent mode) when entering the room. Smoking is not permitted in the Council buildings or at the entrance to the buildings.

Will the hearing be in public?

There may be other members of the public and press that attend the hearing to observe the proceedings, but they will not be allowed to speak. At any hearing, the applicant may attend in person or, if the application is made by an organisation or corporate body, a duly authorised representative may be present, who is able to speak on their behalf.

The hearing will normally take place in public and not private session. 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 (and not the evening).

I have some new evidence - may I present it?

The Sub-Committee will not normally allow the production of new written evidence unless it was submitted to the Licensing Team prior to the day of the licensing hearing. In the case where the Sub-Committee does allow new evidence that was submitted on the day of the hearing, all other parties to the hearing must give their consent before it is heard. If all parties do not give their consent then the evidence cannot be heard.

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.

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Will I be briefed on procedure before the hearing?

Yes, normally in the notice of hearing, you will be asked to attend a procedural briefing before the hearing starts. All parties will be asked to attend this briefing so that the Council's Licensing Officer or Legal Advisor can outline the procedures to be followed at the hearing.

The procedural briefing will normally take place 30 minutes before the start of the hearing.

However, in some circumstances the procedural briefing will be dispensed with.

What if there are a large number of objectors present?

At the briefing, in the event of a large number of representations, the Licensing Officer or Legal Advisor will ask that a spokesman is agreed amongst those present who have made similar representations.

Who are the people on the Licensing Sub-Committee?

Three elected Councillors of the East Lindsey District Council sit on a Licensing Sub-Committee and it is only they who can determine the application. Councillors who sit on the Sub-Committees have been trained in the licensing legislation and have experience of determining applications of various kinds.

One of the Councillors will be the Chairman of the hearing and it will be he/she who will call interested parties and Responsible Authorities to speak and ensure any time limits are adhered to as set out in the procedures.

Other people who will be present along with the Councillors include:

- The Council's Licensing Officer who will introduce the Officer report and outline his/her role.

- A Legal Adviser whose role is to assist the Committee with legal advice and to ensure that a fair and balanced hearing takes place.
- A Clerk to the Committee whose role is to record the minutes of the meeting and to provide help and assistance to members of the public attending such meetings.

6. During the Licensing Hearing

The procedure at the Sub-Committee hearing will, in general, be similar to those used in a court of law. Although the strict court rules of evidence will not apply to a licensing hearing, they will be observed (as much as possible), because this is the best way of hearing the evidence from all parties. The hearing will take the form of a discussion led by the Chairman. The Sub-Committee will seek clarification on the issues from the parties as it considers appropriate.

Where shall I sit at the hearing?

On reporting to the Council Offices, you will be directed into the relevant Committee Room. The set up of the room for those involved will generally be as shown below:

Legal Advisor	Chairman & Councillors	Committee Clerk
Licensing Officer		Applicant
Responsible Authorities		
Interested Parties		
General Seating for Public and Press		

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Are you able to give any advice on speaking at the hearing?

Advice on public speaking at a licensing hearing can be found at **Appendix A** of this guidance booklet.

In general, how will the hearing be conducted?

The procedure to be followed at the licensing hearing will normally follow the format detailed below, although all procedural matters will be subject to the discretion of the Chairman. All persons present will be requested to identify themselves and to give the reason for their presence. The Sub-Committee may consider any request from a party for another person to appear at the hearing as their representative.

It is important to note that cross-examination will only be permitted with the consent of the Chairman. Evidence, discussion and address must be relevant to one or more of the licensing objectives. Repetition should be avoided. The Sub-Committee will seek to prevent irrelevant and repetitive matters.

The Sub-Committee can ask for procedural, technical or legal advice from Officers present at any time during the proceedings.

What is the order of proceedings?

The Chairman of the Sub-Committee will open the hearing by introducing the Councillors. The Chairman will then check that there are no additions or alterations to the list of those appearing at the hearing, which will have been prepared in advance by the Licensing Team. The procedure will then be as follows:

Introduction by the Council's Licensing Officer

The Licensing Officer will introduce the Report and will outline the matter before the Sub-Committee, giving any relevant background information.

The Applicant

The applicant presents their case and brings forward any supporters or witnesses

Responsible Authorities (if present)

The Chairman calls on any of the Responsible Authorities present to present their case, give factual information about their involvement with the premises and bring forward any witnesses as required. They make reference to the comments in the Report and provide any necessary updates.

Interested Parties' Case (residents etc...)

Interested parties present their case and bring forward any witnesses as required

OPTIONAL – DISCUSSION LED BY THE SUB-COMMITTEE

A discussion will only occur if the Sub-Committee feels it is appropriate to do so. The Chairman will lead the discussion

Closing remarks from each party

The Responsible Authorities and interested parties make brief closing remarks on the application under question.
The applicant makes the final closing remarks.

Sub-Committee deliberates

The Sub-Committee will retire in private to deliberate and make their decision, with only the Legal Advisor and Clerk to the Committee present.

Chairman announces the decision

The Sub-Committee, Legal Advisor and the Clerk will return to the room and the Chairman (or Legal Advisor) will announce the decision. The Chairman (or Legal Advisor) reminds the applicant (and all other relevant parties) that the decision will be sent to them in writing. There can be no further questions or statements.

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Can a Councillor sit on a Sub-Committee if the application is in their Ward?

The Council will not appoint a particular Councillor to sit on a Licensing Sub-Committee when the matter to be considered concerns a premises in his / her Ward.

Councillors who sit on a Sub-Committee are advised to take steps to minimise their involvement in any application prior to its consideration by the Sub-Committee so that decisions are seen to be reached at the hearing impartially and with an open mind. Councillors should not appear to be acting both as an advocate on behalf of their residents and as an adjudicator on an application.

If a Councillor on the Sub-Committee has already taken a view on an application in advance of the hearing, they should not be present for the hearing of the application and should leave the meeting room for that item. They should also not visit any premises under consideration prior to the hearing. In any cases of doubt, the Councillor should not sit on the Sub-Committee for a particular application. In this instance, a substitute Councillor will need to be found from the main Licensing Committee of the Council.

Can a Councillor make a representation?

Councillors can represent the views of interested parties. Councillors, who do not sit on the Sub-Committee, may speak at a Sub-Committee hearing as an advocate or witness for either the applicant or an Interested Party, unless the Councillor believes they have a personal interest that is also prejudicial.

In addition East Lindsey District Council Councillors, as interested parties, can make their own representations in relation to licence applications. However, such representations must have been made before the closing date for representations (as detailed earlier in this guidance booklet).

What power does the Chairman have to control the meeting?

Under the Licensing Act 2003, the Chairman 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 the Chairman may specify.

How will the Sub-Committee make its final decision?

Once the Sub-Committee has heard from Officers and the parties to the hearing and has had answers to its questions, the Sub-Committee will withdraw to make its decision on the licence application. The Sub-Committee will disregard any information given or evidence produced by a party or witness, which is not relevant to the licence application, representations or notice or the promotion of the licensing objectives.

Members of the Sub-Committee have a duty to behave impartially, not to predetermine the issue and not to discuss matters with press or residents. In making its decision the Sub-Committee must state in respect of premises licences why refusal or attachment of conditions is appropriate in order to promote a particular licensing objective, and in respect of all other applications the reasons why applications are refused or revoked, taking into account the evidence presented by all parties during the hearing.

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7. After the Hearing

When will we get formal notice of the decision?

The Chairman (or the Legal Advisor) will normally announce the Sub-Committee's decision in public at the end of the hearing and the reasons for the Sub-Committee's decision. This decision will then be communicated in writing to the parties as soon as possible after the hearing.

The Licensing Team will send applicants a decision letter shortly after the meeting outlining the decision and any conditions that are attached to the application. In addition, a letter will be sent to all those who made relevant written representations in connection with the application. This will confirm the decision made, as well as, any conditions attached to an approval or the reasons for refusal.

Details of the respective appeal rights to the Magistrates Court will also be sent with this notice.

The minutes of the meeting will be made available on the Council's website at: www.e-lindsey.gov.uk.

Can we appeal against the decision?

Following the decision, the applicant or any person who has made a relevant representation in respect of a particular application can appeal to the Lincoln Magistrates Court at The Court House, 358 High Street, Lincoln, LN5 7QA (Tel: 01522 528218).

You should state the grounds of your appeal in the notice to the Court. When submitting an appeal we would ask persons to be aware that if their appeal is not successful the Council may decide to ask the Court to award it the costs of defending the appeal. If awarded such costs would be payable by the person or persons who submitted the appeal. However, it is important to be aware that just because the Council asks for its costs that does not mean that they will be awarded by the Court.

8. How can I find out about other applications in my area?

Applicants for new premises licences and club premises certificates; applications for provisional statements and applications for major variations of existing premises licences or club premises certificates must display a notice on the premises and advertise the application in a local newspaper. In addition the Council will advertise licence applications on its website.

For further information please contact the Licensing Team at:

Licensing Team
East Lindsey District Council
Tedder Hall
Manby Park
Louth
Lincolnshire
LN11 8UP
Tel: 01507 601111
Email: licensing@e-lindsey.gov.uk
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Licensing Hearings

APPENDIX A

Public speaking at Licensing Act 2003 Sub-Committee Hearings and drafting a Representation

Please Note: This Advice Note is intended as a general guide only.

When the need may arise:

There may be times when the public want, or need, to speak on licensing issues. This may be at a Licensing Act 2003 Sub-Committee hearing to support, or make representations regarding a licensing application being considered by the Council.

Such an experience can be frightening for many people. This advice note is therefore designed to help you try and overcome your fears and provide tips on how to improve the information, or evidence, that you give.

It covers the areas of what to expect; what to say and how to say it; and how to ask and answer questions.

What to Expect:

The main point of any committee hearing is to allow those making the decision to have all the facts in front of them. In this way a fully reasoned decision can be made.

This part of the decision-making process is necessarily procedural. The Licensing Act 2003 Committee consists of elected District Councillors who will make the decision. They will be supported by Council Officers who will give the Committee advice. Meetings normally take place at the Council's Tedder Hall offices, at Manby Park, Louth, LN11 8UP.

The licence applicant will normally be present at the meeting. In some instances a solicitor or legal advisor may represent the applicant.

Persons (interested parties) making representations may also attend and address the meeting. Where a large number of persons making representations are involved in a particular hearing, they may be encouraged to appoint a spokesperson(s), in order to avoid duplication of evidence. All meetings are held in public, unless the matter to be considered is of a confidential nature.

Interested Parties Making a Representation

How to prepare a written representation:

The structure and content of any written representation is very important.

The Licensing Team has drafted a simple template for any interested party who may wish to make a representation regarding a licensing application.

Representations must not be frivolous or vexatious and must be relevant to at least one of the four licensing objectives:

- The Prevention of Public Nuisance.
- Public Safety.
- The Prevention of Crime and Disorder.
- The Protection of Children from Harm.

Please Note - You can be fined if you make a false statement in respect of a representation.

The main objective in submitting a representation is to put forward a clear case. Ask yourself, "How can I best assist the decision making process in a way that puts my case in the best possible light?"

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We recommend that the following tips should be borne in mind:

- Before you start set out the issues on what you want to say. Only then should you start to write your argument based on these points.
- Don't make assertions that you cannot support as you may be questioned on them at a later date.
- Your representation should avoid repetition and long-windedness. Try to avoid things that are irrelevant, or which are imprecise. Don't refer to matters that don't support your case.
- The style of written objection is a matter for the individual, but try to sound professional. An overly aggressive representation sometimes suggests arrogance, or possibly attempts to hide weaknesses in the argument.
- Appendices can be useful, but should be kept to a minimum (if possible). They should be of, or folded to, A4 size.
- Always give your name, full postal address and the basis on which you are putting forward your representation. Where possible pages and paragraphs should always be numbered. This makes your representation easier to read and refer to.

Applicants and Persons Making Representations

How to present your argument to the Licensing Act 2003 Sub-Committee – General Points:

- Be comfortable. Dress according to the occasion. Make sure there is water to drink if possible.
- Persons making representations should have a copy of their representation and applicants a copy of their licence application in front of them.

- Stick to licensing issues and only those, which are relevant to the matter in question.
- Speak slowly. Speak clearly. Speak too fast and your audience may miss some important point you are making.
- Try and maintain eye contact with your audience. This keeps their attention and gives them the impression you are talking with authority.
- Try and answer any questions in a few words and as straightforwardly as possible.
- Read your argument to a friend before it is formally presented. Let them critically assess the strengths and weaknesses in it. In this way you can make any changes before it is too late.
- At the end of the day there is no substitute for experience, or knowledge of the subject. This will give you the necessary confidence to present your views, as you would like them to be heard.

Speaking at Licensing Act 2003 Sub-Committee Hearings:

In some circumstances the time given for applicants and persons making representations to speak may be limited. It is therefore essential that you use this time effectively.

In addition to the general points above, the main points to bear in mind are:

- It is often better to concentrate on one strong, main point rather than making several weaker ones. This gives those making the decision something positive to think about.

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- Keep it impersonal and polite. Don't tell Members what they should do, or offer personal criticism of Council Officers.

When speaking the main points to bear in mind are:

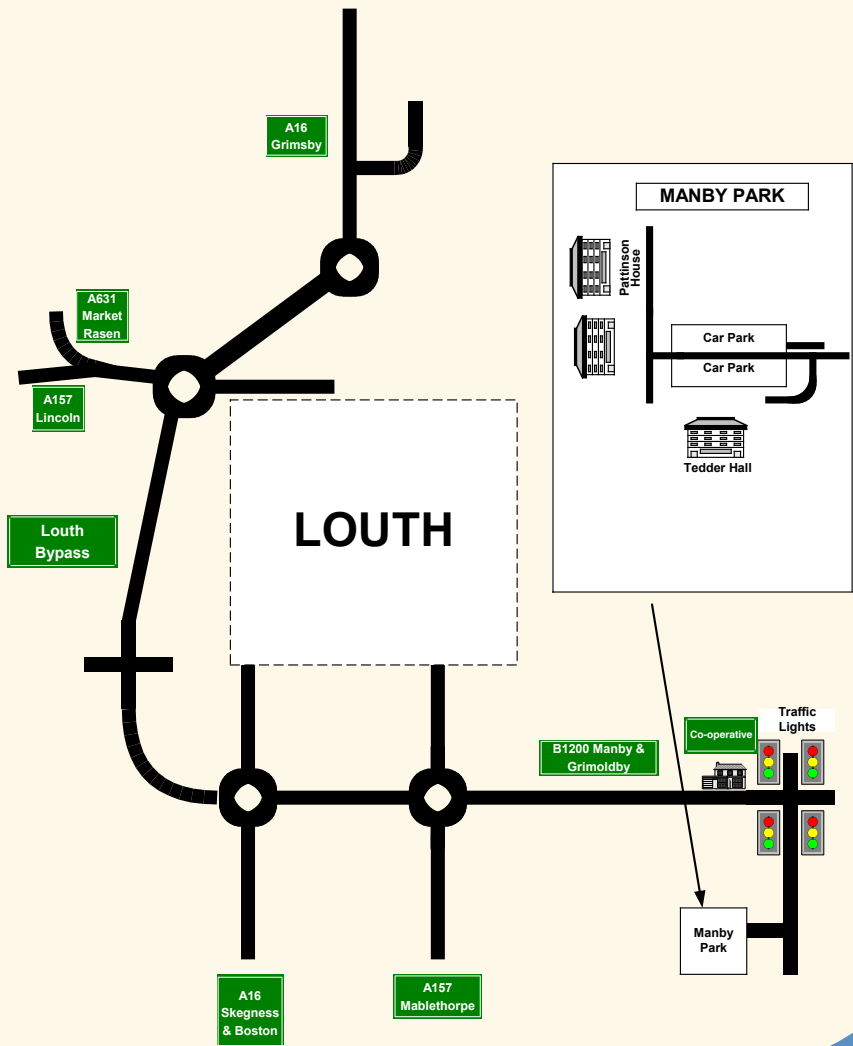
- Make sure you know exactly what is under discussion. Be familiar with the application, any national or local guidance and what other people have said.
- When giving evidence, expect to be questioned. The secret is to anticipate any questions you may be asked. Don't ignore any weaknesses in your case, as you are likely to be questioned on them.
- When answering questions stay calm. Don't get angry with the questioner. Don't feel you need to rush your answers.
- Think about the question. You must do all you can to answer it fairly. If you don't understand it, don't be afraid to get it repeated or rephrased.
- If you don't know the answer to a question, say so. Guesswork may lead to a further awkward question and put you in a situation where you cannot properly defend what you have already said.
- A common technique is to be asked questions, which only require a yes or no answer. This approach can sometimes lead you into a corner where you are forced to agree certain aspects of a proposal. Try and answer questions with a "yes/no but..." response. This allows you to qualify your position.

Decisions

The Licensing Act 2003 Sub-Committee will reach its decisions in private. A public announcement of the decision is normally made at the end of the hearing.

APPENDIX B

MANBY PARK LOCATION MAP



Licensing Hearings

Further Help and Advice:

Licensing Team
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If you would like this information in a different format, please contact us on 01507 601111.