

Licensing and Regulatory Committee Agenda

The 3 members highlighted in bold/underline below:

Cllr D King - Chairman

Cllr J L Thomas - Vice Chairman

Cllr P E Bulman

Cllr S J Catchpole

Cllr J Davis

Cllr R R Foulger

Cllr D G Harrison

Cllr C Karimi-Ghovanlou

Cllr N Harpley

Cllr K S Kelly

Cllr K G Leggett MBE

Cllr M L Murrell

Cllr S M Prutton

Date & Time:

Wednesday 23 November 2022 at 11:15 am

Place:

Council Chamber, Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich, NR7 0DU

Contact:

Dawn Matthews tel (01603) 430404 Email: committee.bdc@southnorfolkandbroadland.gov.uk

Website: www.southnorfolkandbroadland.gov.uk

PUBLIC ATTENDANCE:

If a member of the public would like to speak at the meeting, please email your request to committee.bdc@southnorfolkandbroadland.gov.uk no later than **5.00pm on Friday 18 November 2022**.

Large print version can be made available

If you have any special requirements in order to attend this meeting, please let us know in advance.

AGENDA

1. **To receive declarations of interest from members;**
(guidance and flow chart attached – page 3)
2. **To report apologies for absence and to identify substitute members;**
3. **Exclusion of the Public and Press**

To exclude the public and press from the meeting under Section 100A of the Local Government Act 1972 for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1, 3 and 7 of Part 1 of Schedule 12A to the Act (as amended).

The procedure to be followed for agenda item 4 below is attached – page 5.

4. **Personal Licence – Conviction of a Relevant Offence** (report attached – page 8)

Please note that some of the documents contained within the reports at items 4 have been provided by external sources and we cannot guarantee they are fully accessible.

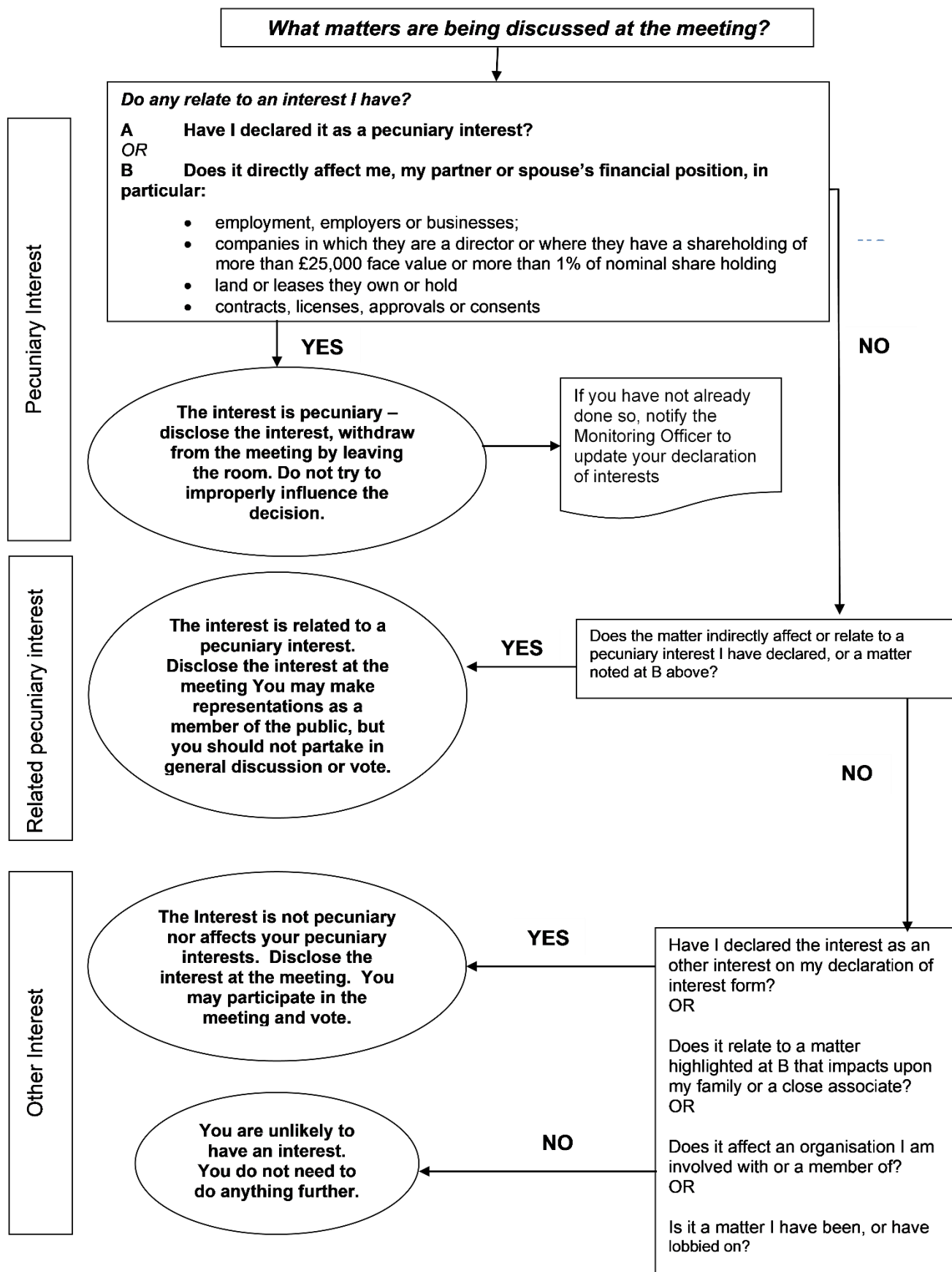
DECLARATIONS OF INTEREST AT MEETINGS

When declaring an interest at a meeting Members are asked to indicate whether their interest in the matter is pecuniary, or if the matter relates to, or affects a pecuniary interest they have, or if it is another type of interest. Members are required to identify the nature of the interest and the agenda item to which it relates. In the case of other interests, the member may speak and vote. If it is a pecuniary interest, the member must withdraw from the meeting when it is discussed. If it affects or relates to a pecuniary interest the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting. Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.

Have you declared the interest in the register of interests as a pecuniary interest? If Yes, you will need to withdraw from the room when it is discussed.
<p>Does the interest directly:</p> <ol style="list-style-type: none">1. affect yours, or your spouse / partner's financial position?2. relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner?3. Relate to a contract you, or your spouse / partner have with the Council4. Affect land you or your spouse / partner own5. Affect a company that you or your partner own, or have a shareholding in <p>If the answer is "yes" to any of the above, it is likely to be pecuniary.</p> <p>Please refer to the guidance given on declaring pecuniary interests in the register of interest forms. If you have a pecuniary interest, you will need to inform the meeting and then withdraw from the room when it is discussed. If it has not been previously declared, you will also need to notify the Monitoring Officer within 28 days.</p>
<p>Does the interest indirectly affect or relate any pecuniary interest you have already declared, or an interest you have identified at 1-5 above?</p> <p>If yes, you need to inform the meeting. When it is discussed, you will have the right to make representations to the meeting as a member of the public, but you should not partake in general discussion or vote.</p>
<p>Is the interest not related to any of the above? If so, it is likely to be an other interest. You will need to declare the interest, but may participate in discussion and voting on the item.</p>
<p>Have you made any statements or undertaken any actions that would indicate that you have a closed mind on a matter under discussion? If so, you may be predetermined on the issue; you will need to inform the meeting, and when it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.</p>

**FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF.
PLEASE REFER ANY QUERIES TO THE MONITORING OFFICER IN THE FIRST
INSTANCE**

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



QUASI-JUDICIAL PROCEDURE RULES

Hearings for licensing matters under the Licensing Act 2003 (“the act”) and the Licensing Act 2003 (Hearings) Regulations 2005 (“the regulations”)

When dealing with licensing matters, the rules of natural justice must be seen to be applied in that all parties must be afforded an equal opportunity to present their cases. Thus, when determining an application, the Licensing and Regulatory Committee (in these rules “the committee” unless the context requires otherwise) will be required to act in a judicial manner and to conduct the proceedings in accordance with the following rules. In these rules words and expressions not defined in the rules have the same meaning as they have in the act and the regulations.

1. Declarations of interest

- 1.1 The committee will receive any declarations of interest under the members’ code of conduct.

2. Apologies for absence

- 2.1 The committee will receive any apologies for absence.

3. Quorum

- 3.1 The committee shall comprise three members and a quorum shall be three.

4. Opening remarks by the chairman of the committee

- 4.1 The chairman will introduce those present at the hearing and will ensure those present understand the procedure to be followed.
- 4.2 The chairman will give brief details of the matter before the committee.
- 4.3 The committee shall determine the matter before them in accordance with this procedure.

5. Admission of the public

- 5.1 The hearing shall normally take place in public which expression includes:

- (1) any person assisting or representing a party,
- (2) any member of the council who is not a member of the committee making the determination and
- (3) any officer or legal advisor of the council.

- 5.2 The committee may exclude the public (except the committee officer and legal advisor) where it considers that the public interest in doing so outweighs the public interest in the hearing, or part of it, taking place in public.

- 5.3 The public will normally be excluded at the conclusion of the hearing when the committee is deliberating on the determination to be made.

6. Absence of parties

- 6.1 If a party has told the committee that they do not intend to attend or be represented at the hearing, the hearing may proceed in his absence.

- 6.2 If a party otherwise fails to attend or be represented the committee may
- (1) where necessary in the public interest, adjourn the hearing to a date specified by the committee before the adjournment, or
 - (2) conduct the hearing in the party's absence, considering the matter, representations or notice made by them.

7. **Documents**

7.1 The committee may take into account documentary or other information produced by a party in support of their case, representations or notice (as applicable). Such material should be provided to the committee before the hearing.

7.2 Documentary or other information provided by parties at the hearing may be considered by the committee provided that all other parties consent.

8. **Report from licensing officer**

8.1 The licensing officer or his representative will present their report on the matter to be determined by the committee.

8.2 Members of the committee may ask questions of the licensing officer.

8.3 The applicant/licence holder or their representative may ask questions of the licensing officer.

8.4 The other parties or their representatives may then ask questions of the licensing officer.

9. **The applicant's case**

9.1 The applicant/licence holder or his representative will be asked to speak in support of their application.

9.2 The applicant/licence holder or their representative may call witnesses.

9.3 The committee may then ask questions of the applicant/licence holder or their witnesses.

9.4 The other parties or their representatives may then question the applicant/licence holder, their representative or witnesses.

9.5 The applicant/licence holder or their representative will be invited to respond to any new point arising from the questions.

10. **The representations of other parties to the hearing**

10.1 The representations of the other parties to the hearing will then be considered in turn by the committee in the order determined by the committee and in accordance with the following procedure:

10.2 The other parties will be invited to speak in support of their representations.

10.3 The other parties or their representatives may call witnesses.

10.4 The committee may then ask questions of the other parties or their witnesses.

10.5 The applicant/licence holder or their representative may then question the other parties, their representatives or witnesses.

- 10.6 The other parties or their representatives will be invited to respond to any new points arising from the questions.
11. **Closing statements**
- 11.1 Closing statements will then be made in the following order:
- (1) the parties who made representations or their representatives;
 - (2) the applicant/licence holder or their representative.
12. **The committee's decision**
- 12.1 The committee will then consider its decision. This will normally take place in the absence of the public.
- 12.2 During the decision making process, the committee may seek the advice and guidance of its legal advisor.
- 12.3 When it has made a determination the committee will announce its decision in public with a summary of the reasons.
- 12.4 A detailed decision with reasons shall follow no later than five days after the hearing.

**NOT FOR PUBLICATION BY VIRTUE OF SCHEDULE 12A OF PART 1
PARAGRAPH 1, 3, 7, OF THE LOCAL GOVERNMENT ACT 1972 (AS AMENDED)
THE LOCAL AUTHORITIES (ACCESS TO INFORMATION) (VARIATION) ORDER
2006 (Contains information relating to: an individual; the financial or business
affairs of any particular person and action to be taken in connection with the
prosecution of a crime)**

Pages 8 to 20 are not available to the
public because the information is
confidential as it includes exempt
information about the financial or business
affairs of a person