



LICENSING SUB-COMMITTEE

LOCATION OF HEARING:

Council Chamber, Council Offices, Corks Lane, Hadleigh, IPSWICH IP7 6SJ

DATE AND TIME OF HEARING:

Monday 17 December 2012 at 9.30 a.m.

LICENSING ACT 2003 (s.53A) NOTICE OF REVIEW HEARING

In accordance with Regulation 6(1) of the Licensing Act 2003 (Hearings) Regulations 2005, the Licensing Authority of Babergh District Council hereby gives notice that a hearing of a sub-committee of the Authority's Licensing and Appeals Committee has been arranged as set out above in order to determine the following application:

Application for the SUMMARY REVIEW of a premises licence (section 53A)

Application date: 21 November 2012
Application reference: BPL0072/S53A
Applicant for Review: Chief Officer of Police, Suffolk Constabulary
Premises: Easterns Station Lounge, Sudbury CO10 2SS

Please ensure that the attached 'Attendance at Hearing Notice' is completed and returned – see Page 3.

Sub-Committee Members

- | | |
|--------------------|------------------------|
| 1. Mr P J Holbrook | <u>Reserve Members</u> |
| 2. Mr A J Ward | 1. Mr R W Thake |
| 3. Mr L H Young | 2. |

A G E N D A

ITEM

BUSINESS

PART I

- 1 APOLOGIES
- 2 ELECTION OF CHAIRMAN FOR HEARING
- 3 DECLARATION OF INTERESTS

Members to declare any interests as appropriate in respect of items to be considered at this meeting.

- 4 LICENSING ACT 2003 – SUMMARY REVIEW HEARING REPORT
EASTERNS STATION LOUNGE, SUDBURY CO10 2SS

[Paper](#)
[M122](#)

Report attached.

Right of attendance, assistance and representation

Subject to regulations 14(2) - concerning exclusion of the public from all or part of a hearing where the Licensing Authority considers doing so to be in the greater public interest, and regulation 25 - concerning the exclusion of any person attending the hearing who is behaving in a disruptive manner:

- A party may attend the hearing and may be assisted or represented by any person, whether or not that person is legally qualified.

At the hearing a party shall be entitled to –

- (a) in response to a point upon which the authority has given notice to a party that it will want clarification under regulation 7(1)(d), give further information in support of their application, representation or notice (as applicable,
- (b) if given permission by the authority, question any other party; and
- (c) address the authority.

Failure of parties to attend hearing

- (1) If a party has informed the Authority that he does not intend to attend or be represented at a hearing, the hearing may proceed in his absence.
- (2) If a party who has not so indicated fails to attend or be represented at a hearing the authority may –
 - (a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or
 - (b) hold the hearing in the party's absence.
- (3) Where the Authority holds the hearing in the absence of the party, the Authority shall consider at the hearing the application, representations or notice made by that party.
- (4) Where the Authority adjourns the hearing to a specified date it must forthwith notify the parties of the date, time and place to which the hearing has been adjourned.

Points the Authority considers that it will want clarification on (if any):

Please clarify to the Licensing Authority whether you intend to submit any documentary or other format of evidence as part of your submission – please confirm to **licensingsection@babbergh.gov.uk**

Reference should be had by all parties to Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005. The Licensing Authority *may* take into account such information either before the hearing, or with the consent of all parties, at the hearing.

Any documents or other evidence may helpfully be provided to the Licensing Authority as far in advance of the hearing as viable in an accessible format, with any protected information being redacted by the provider as appropriate. The Licensing Authority may exercise its right under regulation 14(2) to exclude the public from all or part of the hearing where that is considered to be in the public interest.

If you have any special requirements or requests for taking part in the hearing then please also let us know as soon as possible.

**APPLICANT FOR REVIEW, LICENCE HOLDER,
RESPONSIBLE AUTHORITIES AND OTHER PERSONS**

Attached

Please ensure that you complete and return the attached 'Attendance at Hearing Notice' **NO LATER than 2 (two) working days** before the date of the hearing.

A party who wishes to withdraw any representations they have made should do so as soon as possible. A review hearing must take place once instigated even if representations are withdrawn.

Procedure to be followed at the hearing

Attached

The Procedure is attached.

For further information on any of the Part 1 items listed above, please contact Steve Ellwood on Ipswich (01473) 825876 or via email at committeeservices@babergh.gov.uk



Licensing Authority
Babergh District Council
 Corks Lane, Hadleigh, IPSWICH IP7 6SJ
 DX NO: 85055 Exchange: Babergh
 Main Switchboard: **01473 822801**
 Website: www.babergh.gov.uk
 email: licensingsection@babergh.gov.uk

ATTENDANCE AT HEARING NOTICE

(Application for the **SUMMARY REVIEW** of premises licence under **Section 53A**)

For completion by Licensing Authority:

Application type:	Summary Review application (Section 53A of the Licensing Act 2003)	Application no:	BPL0072
Premises:	Easterns Station Lounge 31 Station Road SUDBURY CO10 2SS	Date of Application:	21 November 2012
Name and address of Applicant:	Easterns Café-Bar Limited c/o Easterns Station Lounge, 31 Station Road, SUDBURY, Suffolk CO10 2SS		

For completion by YOU:

Please tick box to indicate whether you are:

Applicant for review:	<input type="checkbox"/>
Responsible Authority:	<input type="checkbox"/>
Other person (e.g. resident):	<input type="checkbox"/>

		YES	NO
Q1.	Do you intend to attend the hearing? (Note: If you wish to withdraw your representation, you should notify the Licensing Authority as soon as possible)		
Q2.	Will you be bringing someone to speak on your behalf? (If YES to above please specify name and occupation of speaker):		
Q3.	Please give an estimate (in minutes) of how long you believe you will need to make your points concerning this application?	minutes

If you want any other person to attend as a witness to support you (other than the person whom you intend to represent you), please complete the box below in order to comply with the hearings procedure:

Describe in the space below the matter(s) on which this person be giving evidence on in relation to this application, representation or notice. Please use continuation sheet/reverse if necessary:	
YOUR NAME:	
SIGNATURE:	Date:

Please complete and return this form not later than
TWO WORKING DAYS before **17 December 2012**



**PROCEDURE FOR HEARING TO DETERMINE AN APPLICATION FOR
SUMMARY (EXPEDITED) REVIEW MADE UNDER SECTION 53A OF THE
LICENSING ACT 2003:**

1. The Licensing Officer will present a report to the Sub-Committee outlining details of the review application and reasons for the hearing. This will include reference to any prior interim steps.
2. The Licensing Officer may then be questioned on his/her report by the Applicant for Review, Licence-holder (and his/her advocate if applicable), any other persons making relevant representations and Members of the Sub-Committee.
3. The Applicant for Review will then present their case, detailing the grounds for review. The Applicant may amplify the grounds stated within the application.
4. The Applicant for Review calls any witnesses (if applicable).
5. The Applicant for Review and his witnesses (if applicable) may then be questioned on their submissions by the Licence-holder and/or his advocate, any other person making relevant representations, Licensing Officer and Members of the Sub-Committee.
6. Steps 3-5 will be repeated for any Responsible Authority making relevant representations.
7. Steps 3-5 will be repeated for any Other Person making relevant representations.
8. The Licence-holder and/or his advocate make an opening address to the Sub-Committee.
9. The Licence-holder and/or his advocate call any witnesses.
10. The Licence-holder and/or his advocate, and his witnesses if applicable, may then be questioned on their submissions by the Applicant for Review, any other person making relevant representations, Licensing Officer and Members of the Sub-Committee.
11. The Licence-holder and/or his advocate may then question the witnesses to clarify any points.
12. The Licensing Officer may give a closing address to the Sub-Committee.
13. Any person raising representations, who is not the Applicant for Review, may give a closing address to the Sub-Committee.
14. The Applicant for Review gives a closing address to the Sub-Committee.
15. The Licence-holder and/or his advocate give a closing address to the Sub-Committee.
16. The Sub-Committee retires to deliberate in private session. All parties will then be called back into the meeting for the announcement of the decision and reasons for the decision will be given by the Sub-Committee Chairman or Legal Adviser to the Sub-Committee. The Sub-Committee will determine the application at the conclusion of the hearing in accordance with Regulation 26(1)(a)(ab). A written decision notice will follow forthwith to all parties including reference to the status of any interim steps (if any) and rights of appeal.

NOTES:

- (a) The hearing will take the form of an informal discussion led by the Licensing Authority.
- (b) The Sub-Committee Chairman and, with his consent, any Member of the Sub-Committee may at any time question any party or any witnesses. The Sub-Committee Chairman may deviate from this procedure as he considers necessary or appropriate, to allow a discussion to flow and to allow all parties fair and equal opportunity to raise all points they may wish to make.
- (c) The Sub-Committee will be aware that the Licensing Act 2003 (Hearings) Regulations 2005 have application in full to the summary review hearing, unlike in the case of a hearing to determine interim steps.

‘APPLICANT FOR REVIEW’:

This means the person(s) who made the original application to review the licence. This will be the Chief Officer of Police in respect of any summary review under section 53A.

‘LICENCE-HOLDER’:

This means the holder of the premises licence subject to the review, or their authorised representative.