



REGULATORY LICENSING AND APPEALS COMMITTEE

LOCATION OF HEARING:
Committee Room 1, Council Offices, Corks Lane, Hadleigh IPSWICH IP7 6SJ

DATE AND TIME OF HEARING:
Thursday 28 November 2013 at 9:30a.m.

LICENSING ACT 2003
NOTICE OF 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, under section 105(2)(a), of a sub-committee of the Authority's Regulatory Committee has been arranged as set out above in order to consider the following authorisation:

Temporary Event Notices (section 100)	
Date received:	15 November 2013
Application reference:	TENs (x 3) reference 426-428/13
Premises-user:	Mr Derek Smith
Premises:	Infinity Nightclub, East Street, SADBURY CO10 2TP
Date(s) of event:	Various as specified in report

Please ensure that the attached 'Attendance at Hearing Notice' is completed and returned a minimum of 1 working day prior to the hearing date - see Page 3.

<u>Committee Members</u>	
1. Mr D G Grutchfield	<u>Reserve Members</u>
2. Mr R E Kemp	1. Mr M J Deacon
3. Mr A J Ward	2.

A G E N D A

ITEM	BUSINESS
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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 - HEARING REPORT (TEMPORARY EVENT NOTICES) TENS 426-428/13 – INFINITY NIGHTCLUB, SADBURY CO10 2TP

Paper [N84](#) 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.

Any 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 licensing@babergh.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.

PREMISES-USER & POLICE/EHO

Attached

Please ensure that you complete and return the attached 'Attendance at Hearing Notice' NO LATER than 1 (one) working day before the date of the hearing.

If the OBJECTOR wishes to withdraw the Objection Notice given under section 104 he/she should do so as soon as possible.

If you consider that the hearing is not necessary, the Licensing Authority may dispense with a hearing providing all parties subject to the hearing agree that a hearing is not necessary. If you consider this to be the case, then you should give notice to the authority as soon as possible.

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 Linda Sheppard on Ipswich (01473) 826610 or via email at committeeservices@babergh.gov.uk



HEARINGS PROCEDURE: LICENSING ACT 2003 **TEMPORARY EVENT NOTICES (TENS)**

(Where relevant person has issued objection notice under section 104 of the Licensing Act 2003)

1. The Licensing Officer will present a report to the Committee outlining details of the temporary event notice(s), the 'relevant person' (i.e. Police/EHO*) objection notice and reasons for the hearing.
2. The Licensing Officer may then be questioned on his report by the premises-user (i.e. the person giving the TEN) and/or his advocate, relevant person representative and members of the Committee.
3. The Police/EHO representative will then present their case, confirming the reasons for issuing the objection notice and clarifying why the Police/EHO are satisfied that the temporary event(s) would undermine the licensing objectives. Repeat steps 3-5 if more than one objection notice.
4. The Police/EHO representative calls any witnesses.
5. The Police/EHO representative and his witnesses may then be questioned on their submissions by the premises-user and/or his advocate, Licensing Officer and members of the Committee.
6. The premises-user or his advocate makes an opening address to the Committee.
7. The premises-user or his advocate calls any witnesses.
8. The premises-user and/or his advocate, and his witnesses if applicable, may then be questioned on their submissions by the Police/EHO representative, Licensing Officer and members of the Committee.
9. The premises-user or his advocate may then question the witness to clarify any points.
10. The Licensing Officer gives any closing address to the Committee.
11. The Police/EHO representative gives a closing address to the Committee.
12. The premises-user and/or his advocate gives a closing address to the Committee.
13. The 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 Committee Chairman or Legal Adviser to the Committee. The premises user and/or his advocate will be given opportunity to clarify any points on the decision if the Chairman consents. The decision notice, counter notice and any statement of conditions (if applicable) will follow in writing.

* EHO = Environmental Health Officer

NOTES:

- (a) The hearing will take the form of an informal discussion led by the Licensing Authority.
- (b) The Committee Chairman and, with his consent, any member of the Committee may at any time question the premises-user, Police/EHO representative, Licensing Officer or any witnesses. The Committee Chairman may deviate from this procedure as he considers 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 Committee will be aware that the Licensing Act 2003 (Hearings) Regulations 2005 have application to the hearing.



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

ATTENDANCE AT HEARING NOTICE

(Temporary Event Notices - where objection notice given under section 104)

For completion by Licensing Authority:

Authorisation type:	Temporary Event Notice (section 100)	Application no:	TENS 426-428/13
Premises:	Infinity Nightclub East Street SUDBURY CO10 2TP	Date of Application:	15 November 2013
Premises-user:	Mr Derek Smith		
Date(s) of event:	3 (three) separate TENs for various dates as below 07/14/20/21 December 2013		

For completion by YOU:

Please tick box to indicate whether you are:

Premises-user:	<input type="checkbox"/>
Objection Notice-giver:	<input type="checkbox"/>

		YES	NO
Q1.	Do you intend to attend the hearing? (Note: If you wish to withdraw your objection or notice, you should notify the Licensing Authority as soon as possible)	<input type="checkbox"/>	<input type="checkbox"/>
Q2.	Will you be bringing someone to speak on your behalf? (If YES to above please specify name and occupation of speaker):	<input type="checkbox"/>	<input type="checkbox"/>
Q3.	Do you consider the hearing to be necessary? (Note: The Licensing Authority may dispense with the hearing if all parties agree)	<input type="checkbox"/>	<input type="checkbox"/>
Q4.	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), 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
ONE WORKING DAY before **28 November 2013**