

Agenda

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Licensing & Gambling Acts Casework Sub-Committee

This meeting will be held on:

Date: **Tuesday 7 March 2023**

Time: **6.00 pm**

Place: **Long Room - Oxford Town Hall**

For further information please contact:

Committee & Member Services Team, Committee Services Officer

☎ 01865 252946

✉ democraticservices@oxford.gov.uk

Access to all or the majority of this meeting is limited to committee members; officers attending to assist the committee or present reports; and those invited to attend. The reasons for these restrictions are set out for each item later in the agenda

Members of the public may only observe during the open part(s) of the meeting and must leave the meeting during the restricted parts.

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All public papers are available from the calendar link to this meeting once published

Committee Membership

Councillors: Membership 3: Quorum 3 substitutes are permitted.

Councillor Barbara Coyne

Councillor Rae Humberstone

Councillor Jo Sandelson

Apologies and notification of substitutes received before the publication are shown under *Apologies for absence* in the agenda. Those sent after publication will be reported at the meeting. Substitutes for the Chair and Vice-chair do not take on these roles.

Agenda

	Pages
1 Election of Chair for the hearings To confirm the Chair of this Sub-Committee for the duration of this hearing.	
2 Procedure for the hearing The hearing procedures are attached.	7 - 12
3 Exempt Matters If the Sub-Committee wishes to exclude the press and the public from the meeting during consideration of any aspects of the preceding or following agenda items it will be necessary for the Sub-Committee to pass a resolution in accordance with the provisions of Section 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005 if and so long, as in all the circumstances of the case, the public interest in so doing outweighs the public interest in the hearing taking place in public.	
4 Application for variation of a Premises Licence to specify an individual as designated premises supervisor (12/00283/RVPREM) The Head of Regulatory Services and Community Safety has submitted a report to inform the determination of an application to vary the designated premises supervisor for Hi-Lo Jamaican Eating House.	13 - 24

Information for those attending

Recording and reporting

Members of public and press can record, or report in other ways, the parts of the meeting open to the public.

It is not permitted to record or report or make public any part which is not open to the public apart from the formal record of the meeting.

The Council asks those recording to follow the protocol which can be found on the Council's [website](#). Those speaking in the open part of the meeting should be aware that they may be recorded during their speech and any follow-up. Those attending a meeting should be aware that recording may take place and that they may be inadvertently included in these.

The Chair of the meeting has absolute discretion to suspend or terminate any activities that in his or her opinion are disruptive.

Councillors declaring interests

General duty

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you.

What is a disclosable pecuniary interest?

Disclosable pecuniary interests relate to your* employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licenses for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

Declaring an interest

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest. If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

Members' Code of Conduct and public perception

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member "must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself" and that "you must not place yourself in situations where your honesty and integrity may be questioned". The matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

Members Code – Other Registrable Interests

Where a matter arises at a meeting which directly relates to the financial interest or wellbeing** of one of your Other Registrable Interests*** then you must declare an interest. You must not participate in discussion or voting on the item and you must withdraw from the meeting whilst the matter is discussed.

Members Code – Non Registrable Interests

Where a matter arises at a meeting which **directly relates** to your financial interest or wellbeing (and does not fall under disclosable pecuniary interests), or the financial interest or wellbeing of a relative or close associate, you must declare the interest.

Where a matter arises at a meeting which affects your own financial interest or wellbeing, a financial interest or wellbeing of a relative or close associate or a financial interest or wellbeing of a body included under Other Registrable Interests, then you must declare the interest.

You must not take part in any discussion or vote on the matter and must not remain in the room, if you answer in the affirmative to this test:

“Where a matter affects the financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest You may speak on the matter only if members of the public are also allowed to speak at the meeting.”

Otherwise, you may stay in the room, take part in the discussion and vote.

*Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those member’s spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

** Wellbeing can be described as a condition of contentedness, healthiness and happiness; anything that could be said to affect a person’s quality of life, either positively or negatively, is likely to affect their wellbeing.

*** Other Registrable Interests: a) any unpaid directorships b) any Body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority c) any Body (i) exercising functions of a public nature (ii) directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management.

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OXFORD CITY COUNCIL

LICENSING CASEWORK SUB-COMMITTEE PROCEDURES

Housekeeping Matters

- Mobiles must be switched off
- No smoking throughout the building
- Consumption of food is not permitted

The Meeting

1. The Licensing Casework Sub-Committee shall consist of three members of the Council (councilors). At the start of each Sub-Committee meeting a Chair shall be elected from among the three members. The Sub-Committee is responsible for reaching a decision upon the application being heard by the Sub-Committee, having received addresses and representations from all parties.

The Paperwork

2. Officers of the Licensing Authority (the City Council) will prepare the paperwork for the application that is to be heard by the Sub-Committee. The paperwork will include:-
 - A summary of the application, the representations received and of any other relevant material
 - The application and any other supporting material supplied by the applicant
 - Representations made by the responsible authorities
 - Representations made by interested parties

Introductions

3. The Chair will commence the hearing by introducing her or himself and the other two Sub-Committee members. The Chair will then ask all of the other parties present to introduce themselves and explain in what capacity they are attending.

Conduct of Proceedings

4. The role of the Chair is to control the proceedings. All questions must be put through the Chair.
5. The Chair will indicate that the members of the Sub-Committee have read and familiarised themselves with the papers and issues. The Chair will stress that the Sub-Committee does not therefore require points to be made or repeated at length.
6. The hearing shall take the form of a discussion. Formal cross-examination shall not be permitted unless the Chair considers that cross-examination in a particular circumstance would assist. In exercising this discretion to permit cross-examination, the Chair must have regard to the rules of natural justice and the right to a fair hearing.
7. Members of the Sub-Committee may ask questions to any party to elicit further information. The representative of the Licensing Authority may also ask questions of any party in order to clarify the evidence and any issues in the case.
8. The Sub-Committee will determine the application in accordance with the Council's Statement of Licensing Policy, the Licensing Act 2003 and Guidance and Regulations under the Act, taking into consideration the overriding need to promote the four Licensing Objectives.
9. In considering any representation or notice made by a party the Sub-Committee may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.
10. The Sub-Committee will generally not expect any of the parties to take more than 20 minutes to address it, to give further information or to call witnesses.
11. Where a person attending the hearing is acting in a manner that the Sub-Committee consider to be disruptive, the Sub-Committee may require that the person leave the hearing and may:
 - (a) refuse to permit that person to return; or
 - (b) permit him / her to return only on such conditions as the Authority may specify.

12. Before the end of the hearing any person who was required to leave the hearing under paragraph 11 may submit in writing any information which they would have been entitled to give orally had they not been required to leave.

Order of Proceedings

13. All parties have a right to attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified.

The Licensing Authority

14. The representative of the Licensing Authority shall present the report relating to the application to be heard by the Sub-Committee. The representative shall say who the applicant is, what the application is for and explain the paperwork before the Sub-Committee.

Applicant case

15. The applicant must fully outline their application and address the licensing objectives, and then may call witnesses if desired.
16. Where a responsible authority or interested party seeks to cross-examine the applicant or any of their witnesses, he / she must seek the permission of the Chair who will exercise the discretion as to whether to allow such questioning.

Responsible Authorities case

17. Each responsible authority must fully outline the nature of their representation and address the licensing objectives, and then may call witnesses if desired.
18. Where the applicant or an interested party seeks to cross-examine the responsible authority or any of their witnesses, he / she must seek the permission of the Chair who will exercise the discretion as to whether to allow such questioning.

Interested parties case

19. Each interested party must fully outline the nature of their representation and address the licensing objectives, and then may call witnesses if desired.

20. Where there are a number of interested parties and the nature of the representations are similar, such parties may decide to appoint a spokesperson to represent the group.
21. Where a person is representing an interested party, the representative will be required to state the full name and address of the interested party.
22. Where the applicant or responsible authority seeks to cross-examine the interested party or any of their witnesses, he / she must seek the permission of the Chair who will exercise the discretion as to whether to allow such questioning.

Closing submissions

23. All parties will then be given the opportunity briefly to summarise their key points. The order shall be:-
 - Applicant
 - Responsible authorities
 - Interested parties
24. Interested parties may choose to appoint a spokesperson to briefly summarise the key points.

Determinations

25. At the end of a hearing, the Chair will announce that the hearing is adjourned while the Sub-Committee retires to deliberate in private.
26. The Sub-Committee must make its determination at the conclusion of the hearing in the following cases:
 - application for a variation and conversion of an “existing licence” (“existing licence” defined at paragraph 1 of Schedule 8);
 - application for variation and conversion of an existing club premises certificate;
 - counter notice following police objection to temporary event notice;
 - review of a premises licence following closure order;
 - determination of application for conversion of existing licence;
 - determination of application for conversion of existing club premises certificate;
 - determination of application by holder of a justices’ licence for grant of a personal licence.

27. In other cases (not mentioned in paragraph 26), excluding where a hearing has been dispensed with, the Sub-Committee must make its determination within the period of five working days beginning with the day or the last day on which the hearing was held.
28. A written decision outlining the reasons for the decision will be sent to the parties forthwith on making its determinations.

Closed hearing

29. The hearing shall take place in public. However, the Sub-Committee may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public.

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