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CHIEF EXECUTIVE'S OFFICE
CHIEF EXECUTIVE
Fiona Marshall

8 January 2013

Dear Councillor

You are summoned to attend the meeting of the;

LICENSING SUB-COMMITTEE on WEDNESDAY 16 JANUARY 2013

Please note that the hearing will be held in the **COUNCIL CHAMBER, MALDON DISTRICT COUNCIL OFFICES, PRINCES ROAD, MALDON, ESSEX CM9 5DL.**

To consider an application for a Premises Licence, under the provisions of the Licensing Act 2003, at **2:00pm.**

We ask that Members ensure they arrive at least 15 minutes prior to the Hearing to agree who will be Chairman.

A copy of the agenda is attached.

Yours faithfully

A handwritten signature in black ink, appearing to read 'F. R. Marshall', enclosed within a hand-drawn oval.

Chief Executive

COMMITTEE MEMBERSHIP

COUNCILLORS

H M Bass
B S Beale MBE
S J Savage
Mrs M Thompson

(Members are reminded that the Sub-Committee comprises of three Members and therefore one Member will be asked to stand down provided three other members called to the meeting attend and can sit on the Sub-Committee).

MALDON DISTRICT COUNCIL

LICENSING ACT 2003 – HEARINGS OF THE LICENSING SUB-COMMITTEE

AIDE MEMOIR

The Chairman of the Hearing will open the Hearing and explain that the Sub-Committee's role is to determine applications and other matters under the Licensing Act 2003. He will then introduce Members and Officers present.

1. A brief outline of the application will be given by the Licensing Officer.
2. The Chairman of the Hearing will then outline the procedure to be followed. He should ensure that all representations, witness statements and hearing papers (by stating what they are) have already been read and that there is no need to repeat these. Should there be any late documentation in support of a representation or application, it may be introduced with the consent of all parties.
3. All people present to identify themselves by name and address and who they represent.
4. The Applicant to make an opening statement.
5. The Applicant to call witnesses.
6. Any person calling a witness must not ask leading questions of him/her, i.e. by phrasing a question in such a way that the answer is suggested in that question.
7. Each Responsible Authority and/or Interested Party (or their spokesperson) will take turns (in an order to be determined by the Chairman) and may make an opening statement and may then call witnesses until every party has been heard.
8. Members of the Sub-Committee may ask questions to elicit information from any party at any time during the Hearing.
9. The Hearing shall take the form of a discussion led by the Members of the Licensing Authority. Cross examination of applicants, witnesses and persons making representations shall not be permitted unless it is considered to be required in order to properly consider the matter to be determined.
10. Each Responsible Authority and/or Interested Party (or their spokesperson) then makes closing statements in turn.
11. The Applicant then makes a closing statement.
12. The Chairman to then deal with issues arising from any person excluded from the Hearing and to ask if everyone has said what they want to say.
13. Members of the Sub-Committee should then discuss the evidence and representations made before reaching their decision. All parties (except the Committee Clerk and if requested the Legal Advisor to the Sub-Committee) will be asked to leave whilst the Sub-Committee Members make their determination. Alternatively, the Members of the Sub-Committee may retire to another room.
14. Where required, the Sub-Committee will announce its determination at the conclusion of the hearing and will give its reasons for it.
15. In any other cases the determination will be given within five working days (beginning with the day on which the hearing was held).

Note: Any reference in these Procedure Notes to an Applicant, Responsible Authorities or Interested Parties includes a person who may be representing them.

Suggestion for Chairman's introduction at the commencement of the Hearing.

'Good evening and welcome to the meeting of the Licensing Sub-Committee of the Maldon District Council.

We are sitting today under the Licensing Act 2003 to hear and determine applications made under the Act.

I am Councillor and I have been appointed Chairman for this meeting.

The other Members are Councillors and

The notes of this meeting are being taken by Philippa Turvey who is on my left.

The Legal Advisor is Mr Derek Jones and the Licensing Officer is Ms Alex Maschas.

Ms Maschas will now introduce the matter that is before us today.'

THE CHAIRMAN WILL NOW FOLLOW THE AIDE MEMOIR FROM POINT 2

Suggestion for the Chairman's announcement of the determination of the application.

'Having heard the submissions from both parties and having particular regard to the licensing objective for the (*detail appropriate licensing objective*), we hereby determine that the application for a Premises Licence (*or Club Premises Certificate if appropriate*) is granted as applied for subject to the following conditions:-

(Chairman to read out any amendments to the schedule of times for each Licensable Activity by referring to the relevant boxes on the Officer's Report).

(Chairman to read out any additional conditions imposed)

The Chairman to conclude Hearing by saying:

'This concludes the Hearing. Thank you for your attendance. The formal decision will be notified to all parties by the Officers within the next few days.'