

APOLOGIES Committee Services
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HEAD OF PAID SERVICE'S OFFICE
HEAD OF PAID SERVICE
Richard Holmes

05 June 2019

Dear Councillor

You are summoned to attend the meeting of the;

LICENSING SUB-COMMITTEE on THURSDAY 13 JUNE 2019 at 9:30am.

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

To consider an application for a Premises Licence, under the provisions of the Licensing Act 2003, and an application for the renewal of a Hackney Carriage / Private Hire Dual Driver's licence, under the provisions of the Local Government (Miscellaneous Provision) Act 1976.

A Briefing for Members will not be held unless specifically requested. If clarification is needed or there are issues regarding the Hearing, procedural issues or any legal matters, please telephone Tara Bird to arrange this.

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

A copy of the agenda is attached.

Yours faithfully



Head of Paid Services

COMMITTEE MEMBERSHIP

COUNCILLORS

B S Beale MBE
M F L Durham, CC
A S Fluker
Mrs M E Thompson

Please note: Limited hard copies of this agenda and its related papers will be available at the meeting.
Electronic copies are available via the Council's website www.maldon.gov.uk.

(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).

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MALDON DISTRICT COUNCIL

LICENSING ACT 2003 – HEARINGS OF THE LICENSING SUB-COMMITTEE

AIDE MEMOIR – PREMISES LICENCE

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.

MALDON DISTRICT COUNCIL

LOCAL GOVERNMENT (MISCELLANEOUS PROVISION) ACT 1976 - HEARINGS OF THE LICENSING SUB-COMMITTEE

AIDE MEMOIR – HACKNEY CARRIAGE / PRIVATE HIRE DUAL DRIVERS LICENCE

The Chairman of the Hearing will open the Hearing and explain that the Sub-Committee's role is to determine applications and other matters relating to the licensing of taxi and private hire drivers, vehicles and operators. He will then introduce Members and Officers present.

1. The Chairman of the Hearing will outline the procedure to be followed. They should ensure that all hearing papers (by stating what they are) have already been read.
2. All people present to identify themselves by name and address and (if necessary) who they represent.
3. The Licensing Officer to read the report.
4. The Applicant (or their representative) will be invited to make a statement on their behalf, in support of their application.
5. 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.
6. Members will then have the opportunity to ask questions of the applicant to seek further information or clarify anything which has been mentioned in the Officers report or by the applicant themselves.
7. Each Once Members are satisfied that they have all the information that they require to enable them to make a decision, the applicant will be given the opportunity to make a final statement to the Sub-Committee.
8. 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.
9. 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.
10. Where required, the Sub-Committee will announce its determination at the conclusion of the hearing and will give its reasons for it.
11. In any other cases the determination will be given within five working days (beginning with the day on which the hearing was held).

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

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

We are sitting today under the Licensing Act 2003 and Local Government (Miscellaneous Provision) Act 1976 to hear and determine applications made under these Acts.

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 Tara Bird who is on my left.

The Legal Advisor is Mr Simon Quelch and the Licensing Officer is Mr Daniel Winter

Mr Winter will now introduce the matter that is before us today.'

THE CHAIRMAN WILL NOW FOLLOW THE AIDE MEMOIR FROM POINT 2

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**AGENDA
LICENSING SUB-COMMITTEE**

THURSDAY 13 JUNE 2019

1. **To appoint a Chairman for hearing**
2. **Chairman's notices (please see overleaf)**
3. **Apologies for Absence**
4. **Licensing Act 2003 - To consider an application for a Premises Licence - Crouch Ridge Vineyards, Fambridge Road, Althorne, Nr Chelmsford, Essex, CM3 6BZ**
(Pages 9 - 40)

To consider the report of the Director of Service Delivery, (copy enclosed).

5. **Exclusion of the Public and Press**

To resolve that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

6. **Application for the Renewal of Hackney Carriage / Private Hire Dual Driver's Licence** (Pages 41 - 62)

To consider the report of the Director of Service Delivery, (copy enclosed).

NOTICES

Sound Recording of Meeting

Please note that the Council will be recording any part of this meeting held in open session for subsequent publication on the Council's website. At the start of the meeting an announcement will be made about the sound recording. Members of the public attending the meeting with a view to speaking are deemed to be giving permission to be included in the recording.

Fire

In event of a fire, a siren will sound. Please use the fire exits marked with the green running man. The fire assembly point is outside the main entrance to the Council Offices. Please gather there and await further instruction.

Health and Safety

Please be advised of the different levels of flooring within the Council Chamber. There are steps behind the main horseshoe as well as to the side of the room.

Closed-Circuit Television (CCTV)

This meeting is being monitored and recorded by CCTV.