



**Licensing Act 2003
Regulation 6**

NOTIFICATION OF HEARING

Date of Notification: 20 January 2006

Type of Hearing: Objection to Temporary Event Notice

Premises: Blue, Unit 3 Centre North East, Albert Road, Middlesbrough

Hearing Details: 30 January 2006 10.00am

Location: Mandela Committee Room, Town Hall, Middlesbrough

A copy of this notice has been sent to:

Premises User – Phillip Parker
Cleveland Police

Information for Applicant(s), Responsible Authorities, Interested Parties

Attendance

All parties may attend this hearing. You may find it useful to be accompanied by your legal representative(s) or any other person who may be able to assist you.

Rights of Parties

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, representations or notice (as applicable),
- b) if given permission by the authority, question any other party; and

- c) address the authority.

Procedure at the Hearing

You will find attached, at Appendix 2, the procedure which will be followed at the hearing. The hearing will take place in public unless it is deemed in the public interest to exclude the public or any party to the hearing from all or part of the hearing. If a party is excluded from the hearing (s)he will be able to provide written information to cover any verbal representation (s)he may have made if (s)he had not been so excluded.

Appendix 2 also gives information in relation to the objectives, basis of the decision and certain specific procedural issues.

Withdrawal of Objection

The Police may withdraw their objection notice at any stage if the proposed premises user agrees to modify his proposal to meet their concerns. The Licensing Authority should then be sent or delivered a copy of the modified notice by the Police as proof of their agreement.

Outcome of Hearing

A decision will be made at the end of the hearing, although this may take some time. In addition, each party will be sent written notification of the outcome.

Points for Clarification

The following matters will need to be clarified by Cleveland Police at the hearing:

- Information in relation to the objection on the grounds the prevention of crime and disorder.

LICENSING ACT 2003 – SUB COMMITTEE HEARINGS PROCEDURE

1. **Introduction of the Matter Before the Committee by the Chair :-**
 - a) The Chair welcomes the parties and introduces Members and officers.
 - b) The Chair briefly explains the application and the procedure.
 - c) Chair deals with Membership changes (if any).
 - d) Chair deals with issue of absent parties (if any).
 - e) Chair confirms that the parties have been sent the papers.
 - f) Licensing Officer summarises report and Regulation 6 Notice.
 - g) Chair confirms whether report and Notice are accurate.
 - h) Members and parties (if permission granted) ask questions in respect of the report and Notice.
2. **Premises User Presents Their Case :-**
 - a) Chair asks whether the premises user is represented.
 - b) The Committee considers requests for witnesses to appear (if any).
 - c) Premises user presents his case.
 - d) Members ask questions.
 - e) Police ask questions if permission is granted.
3. **Police Present Their Case**
 - a) The Committee considers any requests by the Police for witnesses to appear.
 - b) The Police present their case.
 - c) Members ask questions.
 - d) Premises User ask questions if permission is granted.
4. **Police Sum Up Their Case**
5. **Premises User Sums Up Their Case**
6. **Members Go Into Closed Session To Discuss And Make Their Decision**
7. **Premises User And Police Are Advised Of The Decision Of The Committee With Reasons**

LICENSING OBJECTIVES

The four Licensing Objectives, as given by the Licensing Act 2003, are:-

1. The prevention of crime and disorder.
2. Public safety.
3. The prevention of public nuisance.
4. The protection of children from harm.

BASIS OF THE DECISION

Each Temporary Event Notice that comes before this Committee will be treated on its own merits and this Licensing Authority will make its decision having regard to:-

1. The merits of the Notice.
2. The promotion of the Licensing Objective – The Prevention of Crime and Disorder.
3. Middlesbrough Council's Licensing Policy.
4. Government guidance.

PLEASE NOTE:-

1. Changes of Membership will be given at the beginning of the meeting.
2. Decisions will generally be taken regardless of whether the Premises User or other parties are present. All Notices and representations received from absent parties will be considered.
3. Generally, late representations and evidence (including petitions) will only be considered if they are relevant to the application or representations and the Licensing Objective with the agreement of all other parties present.
4. A decision will be made at the end of the Hearing.
5. Premises Users have a right to appeal, details of which can be obtained via the Licensing Officer.
6. This Council is committed to taking decisions in an honest, accountable and transparent fashion but on occasion may find it necessary to exclude members of the press and public based upon the framework given in Middlesbrough Council's constitution. On these occasions decisions based on the above framework will be given. Similarly, this authority generally will allow all parties to ask questions of another party present but this decision will be taken on a case by case basis and in some exceptional circumstances questioning may be prohibited.
7. The Authority has the right to exclude any parties disrupting the Hearing, at its discretion.