



**Licensing Act 2003
Regulations 6 and 7**

NOTIFICATION OF HEARING

Date of Notification: 21 October 2005

Type of Hearing: Application for Premises Licence

Premises: Iqbal's Balti Raj, 424a Marton Road, Middlesbrough

Hearing Details: 1.30pm Monday 7 November 2005

Location: Mandela Committee Room, Town Hall, Middlesbrough

A copy of this notice has been sent to:

Applicant – Aqbal Uddin
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. Please complete the attached form (Appendix 1) and return it to the Community Protection Service, Licensing Section, PO Box 65, Vancouver House, Gurney Street, Middlesbrough, TS1 1QP, to arrive no later than Monday 31 October 2005.

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 Representations

Anyone wishing to withdraw representations should do so as soon as possible. Although this can be done at the hearing, you are requested, where possible, to give at least 24 hours notice as it may no longer be necessary for the hearing to proceed.

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 Licensing Authority considers that the following matters will need to be clarified by Cleveland Police at the hearing:

- Information in relation their representation on the grounds of crime and disorder.

NOTICE OF ATTENDANCE

Please complete the following notice in block capitals and return to the address detailed below.

Date of Hearing:

Name of Premises:

Your Name:

***I will/*will not be attending the hearing.**

***I will/*will not be legally represented.**

Name of legal representative: (if applicable)

***I do/*do not consider a hearing to be necessary.**

* Delete as appropriate

If you wish to be accompanied by any other person, please provide details of their name and an outline of what they wish to say and how this will assist you:

Name:

Details:

**Please return this form to:
Principal Licensing Officer
Community Protection Service
Middlesbrough Council
PO Box 65
Vancouver House
Gurney Street
Middlesbrough
TS1 1QP**

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. Applicant Presents His Case :-

- a) Chair asks whether the applicant is represented.
- b) The Committee considers requests for witnesses to appear (if any).
- c) Applicant presents his case.
- d) Members ask questions.
- e) Interested parties and responsible authorities ask questions if permission is granted.

3. Interested Parties / Responsible Authorities Present Their Case

- a) The Chair determines the order of such representations.
- b) The Chair asks each party if they are represented.
- c) The Committee considers any requests by the parties for witnesses to appear.
- d) The party presents his case.
- e) Members ask questions.
- f) Applicant or other party ask questions if permission is granted.

4. Interested Parties / Responsible Authorities Sum Up Their Cases

5. Applicant Sums Up His Case

6. Members Go Into Closed Session To Discuss And Make Their Decision

7. Applicant Is Advised Of The Decision Of The Committee With Reasons Or Advised He Will Be Notified Of The Decision With Reasons Within 5 Working Days.

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 application 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 application.
2. The promotion of the four Licensing Objectives.
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 applicant 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 Objectives with the agreement of all other parties present.
4. In cases where a decision cannot be given at the end of the Hearing, the Licensing Officer will inform the applicant that they will be notified of the decision within 5 working days.
5. Applicants 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.