

LICENSING SUB-COMMITTEE C

A meeting of the Licensing Sub-Committee C was held on 21 May 2015.

PRESENT: Councillors B E Taylor (Chair), T Mawston and J A Walker

ALSO IN ATTENDANCE: T S Gilbert - Trading Standards Legal Representative
C Holland - Council Legal Representative
J Langley - Police Legal Representative and PC/1541 and PC/2202
Ms Khan - Applicant's Legal Representative
Mr Abbasi - Applicant
Mr Kareem - Applicant

OFFICERS: B Carr, J Hedgley, T Hodgkinson, E Kunonga and S Upton

DECLARATIONS OF INTERESTS

There were no Declarations of Interest made at this point of the meeting.

14/14 APOLOGIES FOR ABSENCE

There were no apologies for absence.

14/15 REPRESENTATION BY APPLICANT'S LEGAL REPRESENTATIVE

The applicant's legal representative requested permission to address the Committee.

Members were advised that the legal representative wished to have the hearing adjourned as she was a Crown Court Criminal Barrister and was currently involved in a trial. The trial was due to end on 20 May, however there had been significant delays as a result of witnesses non-attendance and the trial had commenced late.

The Lead Barrister involved in the trial had a medical problem which meant that he was required to attend a medical appointment. Usually, the Junior Barrister was able to absent themselves from the trial but as the Lead Barrister was incapacitated, an application had been made to the Recorder to stand the trial down, however the application had been rejected. As a consequence, the legal representatives attendance at the trial was required at 11.00am and she would be required to leave at 10.40am.

An email had been sent to the Licensing Section on the Tuesday to request that the Committee be deferred to the afternoon. As a response to the email had not been received until 4pm, it was too late to instruct another Counsel or to hold a case conference. Efforts had been made to obtain an alternative legal representative but to no avail. The legal representative advised that her clients were entitled to proper legal representation.

The applicant's legal representative referred to the delay from other parties in serving evidence in relation to the case which had resulted in reduced time to review the evidence. The Committee was advised that Cleveland Police had not served their evidence until 16 May 2015 and Public Health had served their evidence on 18 May 2015. The legal representative advised that Public Health had been the first body to call for the review but the last to submit their evidence. Watson Woodhouse had not received the evidence from Trading Standards and Public Health until 19 May 2015. The Committee was advised that it was not realistic to expect the applicant to be able to request a case conference when a Barrister was in the middle of a trial.

The legal representative advised that there had been insufficient time to put forward supporting documents and obtain witnesses and on this basis and the fact that she was unable to attend the hearing because of the trial she was currently involved in, the legal representative requested an adjournment to enable her to represent her clients properly.

The Trading Standards legal representative advised that in his view, three days was an

adequate timescale for a legal representative to read the evidence that had been submitted. He advised that if the applicant's legal representative had telephoned his chambers, they would have been able to provide a representative. It was suggested that the case be deferred to the following Tuesday or Wednesday. The Director of Public Health had submitted evidence in support of the review and it was requested that his evidence be taken as read so that he would not have to attend the rearranged hearing.

The Police legal representative advised that in his view, although he sympathised with the applicant's legal representative, alternative representation could have been sought, however he accepted that there was no alternative but to adjourn the matter for a short period. He requested that the evidence of the Police Officers be accepted to enable the hearing to proceed in their absence.

The Chair advised that Committee would go into Private Session to consider the applicant's legal representative's request to adjourn the hearing to a later date.

All interested parties other than the officers of Legal Services and Members Office, withdrew whilst the Committee determined the request to adjourn the hearing.

DECISION

All interested parties were called back into the room and the Chair announced that the Committee had reluctantly agreed to the applicant's legal representative's application to adjourn the hearing to a later date. The date had been set for 10.00am on 27 May 2015 however the Committee would not look favourably upon any further requests for an adjournment. It was emphasised that if the barrister was not available for the revised date, then the applicants would need to find an alternative legal representative.

It was suggested that in respect of the Director of Public Health that if the applicants had any questions in relation to his evidence, they could put them in writing prior to the meeting to enable him to provide a written response.

- 14/16 **APPLICATION FOR REVIEW OF PREMISES LICENCE - 39 PRINCES ROAD: REF: OL/15/6**
ADJOURNED
- 14/17 **APPLICATION TO TRANSFER PREMISES LICENCE - 39 PRINCES ROAD: REF: OL/15/7**
ADJOURNED
- 14/18 **APPLICATION TO VARY PREMISES LICENCE BY CHANGE OF DESIGNATED PREMISES SUPERVISOR - REF NO: OL/15/5**
- 14/19 **APPLICATION FOR REVIEW OF PREMISES LICENCE - 9 PARLIAMENT ROAD - REF NO: OL/15/4**
ADJOURNED