

**LICENSING SUB COMMITTEE A**

A meeting of the Licensing Sub Committee A was held on Wednesday 24 March 2021.

**PRESENT:** Councillors R Arundale (Chair), S Dean and A Waters

**ALSO IN ATTENDANCE:** On behalf of the Applicant  
L Enderwick – Applicant  
Mr Araf – Applicant's partner  
Mr Sarwar – Proposed DPS  
M Foster – Legal Representative  
D Lester – D&B Licensing Consultants

On behalf of those Making Representations  
Councillor L Lewis – Ward Councillor (Central Ward)  
F Helyer – Public Health  
R Littlewood – Licensing Department  
PC J Arbuckle – Cleveland Police  
Mr Balsasingham – local business owner

**OFFICERS:** S Bonner, J Dixon, C Cunningham, T Hodgkinson and S Morris

20/6 **DECLARATIONS OF INTEREST**

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

20/7 **LICENSING ACT 2003 - APPLICATION FOR A PREMISES LICENCE - GO LOCAL CONVENIENCE STORE, 136 MARTON ROAD, MIDDLESBROUGH, TS1 2ED, REF: OL/21/02**

**DECISION**

The Chair of the Licensing Committee and the Director of Legal and Governance Services decided that the application for a Premise Licence at 136 Marton Road, Middlesbrough ("Go Local") was to be considered by way of a re-hearing by a Licensing Sub Committee of the Council consisting of three Members of the Licensing Committee and that the hearing held by the Licensing Sub Committee on 24 March 2021 in respect of the application be hereby abandoned.

It was agreed to extend time for the re-hearing of the application under Regulation 11 of the Licensing Act 2003 (Hearings) Regulations 2005 as it considered it to be in the public interest for a Licensing Sub Committee consisting of Members of the Licensing Committee who were not participants in the Hearing of 24 March 2021 to re-hear the Parties' representations to the application in order to make a determination under Section 18 of the Licensing Act 2003.

The Council, as Licensing Authority, was satisfied that the Hearing was to be adjourned and re-heard under Regulation 12 of the said Regulations in order for a new Panel of the Licensing Sub Committee to hear the representations of the Parties in order for a determination to be made.

It was noted under Regulation 31 of the said Regulations that any irregularity resulting from any failure to comply with any provisions of the said Regulations before a determination on the matter had been made shall not itself render the proceedings void. A decision in relation to the application heard on 24 March 2021 had not been made. It was, therefore, decided that a re-hearing of the application by a new Panel of the Licensing Sub Committee would cure any prejudice to any party to the Hearing, in accordance Regulation 32.

The Council was satisfied that the abandonment of the Hearing on 24 March 2021 was in the interests of natural justice and in the interest of all Parties to the Hearing. It was, therefore, in the public interest for the application to be heard by a new Panel of the Licensing Sub Committee. All parties would be given notice of the new hearing date as soon as it was

arranged.

The decision was made as the Panel of the Licensing Sub Committee was inquorate under the Constitution before a formal decision had been made on the matter and that the applicant considered their application had been prejudiced as a result of the proceedings at the Hearing on 24 March 2021.