

George Thompson

The licensing section is dealing with this matter:

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Our Ref: */Ein*

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Your Ref: */Eich*

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Date: 19th May 2017

Dear Sir

RE: APPLICATION IN RESPECT OF A TEMPORARY EVENT NOTICE UNDER THE 2003 ACT – TRIPLICITY

The Council has received an objection to your application for a temporary event notice. Under the provisions of the Licensing Act 2003, the authority must hold a hearing if a representation is made, unless all parties are in agreement that a hearing is not necessary. On this occasion no agreement has been reached with the objector who wishes to proceed with the representation.

As such a report has been drafted outlining the nature of this objection, which will be brought before the Sub-Committee. I have enclosed this report for your attention and a copy will also be forwarded to the objector as per the guidelines outlined in the Licensing Act 2003.

The procedure for the hearing before the Sub-Committee is also enclosed. To assist you further at this hearing can you please ensure the following:-

- (a) Either you or a representative of your choice may address the Sub-Committee in support of your application. If you intend to be represented you should ensure that you also attend, in order that members of the Sub-Committee and other parties present may seek information directly from you.
- (b) In the interest of a fair hearing we will endeavor to send to you a copy of any other documents or information which will be placed before the Sub-Committee prior to that hearing. However, the Chair of this Sub-Committee has the right to consider any relevant admissible written evidence.
- (c) If any documentation is being brought to the Sub-Committee in support of your application e.g. references, please let the Licensing Officer know in advance in order for copies to be made and handed to Committee Members and Responsible Authorities/Interested Parties before the meeting starts.

The Licensing and Regulatory Sub-Committee will consider your application on the 23rd May 2017 at County Hall, Rhaydr, Usk, Monmouthshire, NP15 1GA.

It would be very helpful if within the next 4 days you confirm whether or not you will be attending. If you attend you should report to Reception on the ground floor at 14.50hrs at the latest. The meeting will start at 15.00hrs. However, you should be prepared for a delay for which I apologise but it is difficult at this stage to assess with any certainty at what precise time your application will be considered.

If you do not attend the meeting and no good reason for non attendance is given, the Committee have the right to either deal with the application in your absence or defer it to another meeting.

If you need any further information on the procedure, please telephone Mrs Samantha Winn on 01633 644221.

Yours sincerely,

Mrs Samantha Winn
Licensing Officer

LICENSING ACT COMMITTEE PROCEDURE

The Chair will introduce members of the Panel and Officers present, and explain the procedure to be followed.

1. The Chair will identify those persons or representatives entitled to address the hearing and to submit questions, including any nominated representatives. In appropriate cases, and subject to applicable regulations or government guidance, the Chair will propose a time allocation of **up to a maximum of 10 minutes for the initial address and up to a maximum of 10 minutes for summing-up** (Rule 11). **This time allocation shall be on the basis of equality for all parties. However, this is a guidance time and the chair must ensure that sufficient time is given to ensure a fair hearing.**
2. The Licensing Officer will present his/her statement of facts, summarising:
 - The facts of the Application before the Panel
 - Any objections or representations made by Responsible Authorities.
 - Any representations made by Interested Parties.
 - Those sections of the government guidance and Licensing Policy document applicable to the case.
 - The statement of facts/report will not contain a recommendation.
3. If the Applicant is not present, the Panel may either:
 - Proceed with the hearing in the absence of the Applicant, or
 - Where it considers it necessary in the public interest, adjourn the hearing to another date (Rule 20).
4. The Chair will invite the representatives of the Responsible Authorities who have made objections or representations to address the Panel and submit relevant evidence. The Chair will then invite any questions from the Applicant & Interested Parties and finally from the Panel.
5. The Chair will invite Interested Parties who have made relevant representations to address the Panel. Any such address must relate to the representations submitted to the Licensing Officer prior to the hearing and may not introduce new representations or evidence. The Chair will then invite any questions from the Applicant and the Responsible Authorities and finally from the Panel.
6. The Panel will consider any relevant admissible written representations lodged by Responsible Authorities or Interested Parties not present at the hearing. The Chair may, if he/she considers it appropriate, adjourn the hearing for a period to facilitate this. The Chair (advised by the Legal Adviser) will remind the Panel of the weight to be attached to such evidence.
7. The Chair will invite the Applicant or his/her representative to address the Panel and submit the relevant evidence. The Chair will then invite questions from the Responsible Authorities and Interested Parties and finally from the Panel.

8. The Chair will invite in the following order:
- The Responsible Authorities present who have made objections or representations.
 - Those Interested Parties present who have made representations.
 - The Applicant.

To respectively sum up their cases.

9. If the proceedings are in the opinion of the Chair being disrupted by the behaviour of any person attending the hearing, the Chair may (as an alternative to adjourning the hearing) require that person to leave the hearing and may:

- (a) refuse to permit that person to return to the hearing,
or
- (b) permit him/her to return only on such conditions as the Chair may specify.

But such a person may, before the end of the hearing, submit to the Panel in writing any information which that person would have been entitled to give orally had he/she not been required to leave.

10. The Panel will retire to consider the application and make their decision without any other person being present, save that:
- The Panel may ask the Legal Adviser to join them at any time to advise on any legal issue arising out of the hearing.
 - When the Panel have reached their conclusion they will invite the Legal Adviser and the Committee Clerk to join them for the purpose of recording and reporting their decision and the reasons for it.
12. The Panel will return to the hearing room and the Chair will announce the decision of the Panel including the reasons for it and any conditions imposed. This Rule will apply save where (pursuant to the Licensing Act 2003) the Panel's decision may be, and is, deferred.