

**Committee Name and Date of Committee Meeting**

Licensing Sub-Committee – 8<sup>th</sup> September 2021 (9:30 am)

**Report Title**

Consideration of an application (made in accordance with s.17 of the Licensing Act 2003) for the Grant of a Premises Licence for Fika Coffee Lounge, 212 Bawtry Road, Wickersley, Rotherham, S66 1AA.

**Report Author(s)**

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01709 254955

**Report Summary**

On the 16<sup>th</sup> July 2021, the Council's Licensing Service accepted an application for a Premises Licence at Fika Coffee Lounge, 212 Bawtry Road, Wickersley, Rotherham, S66 1AA. The premises is described by the applicant as a coffee lounge providing food and refreshments, serving alcohol on the premises as an accompaniment to meals. The applicant is seeking a licence to permit the provision of regulated entertainment and the sale of alcohol for consumption on the premises only.

As the premises is located within Wickersley, the application falls under the scope of the Council's Cumulative Impact Policy. This application should be considered in accordance with this policy along with the Council's overarching Licensing Act 2003 Statement of Licensing Policy.

Following the submission of the application paperwork, two representations were received. One from Wickersley Parish Council objecting to the application, and a second from a local resident supporting the application. In addition, Rotherham MBC Licensing Service (acting in its role as a responsible authority) have agreed conditions with the applicant that are intended to address any concerns that the service may have had in relation to the application. Further detail on these matters is provided within the main body of the report.

## **Recommendations**

1. That the Licensing Sub-Committee considers the information contained within this report (and associated appendices) along with any additional information presented at the hearing and subsequently determines the application that has been made.
2. The Licensing Sub-Committee should inform the Licensing Manager of the decision in accordance with the requirements of the Licensing Act 2003 and Regulations made thereunder.

## **List of Appendices Included**

- Appendix 1 Location details
- Appendix 2 Application form accepted on 16<sup>th</sup> July 2021 (including premises plan)
- Appendix 3 Conditions agreed with Rotherham MBC Licensing Service
- Appendix 4 Representation received from Wickersley Parish Council
- Appendix 5 Representation received from a local resident
- Appendix 6 Rotherham MBC Cumulative Impact Policy

## **Background Papers**

Rotherham MBC Statement of Licensing Policy 2020 -2025  
(available at [www.rotherham.gov.uk/licensing](http://www.rotherham.gov.uk/licensing))

Rotherham MBC Cumulative Impact Policy 2020 – 2023 (available at [www.rotherham.gov.uk/licensing](http://www.rotherham.gov.uk/licensing) - also attached as Appendix 5)

Revised guidance issued under section 182 of the Licensing Act 2003 (April 2018)  
(available at <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>)

## **Council Approval Required**

No

## **Exempt from the Press and Public**

No

**Consideration of an application (made in accordance with s.17 of the Licensing Act 2003) for the Grant of a Premises Licence for Fika Coffee Lounge, 212 Bawtry Road, Wickersley, Rotherham, S66 1AA.**

**1. Background**

- 1.1 The application has been made in relation to Fika Coffee Lounge, 212 Bawtry Road, Wickersley, Rotherham, S66 1AA. The applicant is seeking a licence to permit regulated entertainment and the retail sale of alcohol for consumption on the premises. The location of the premises is shown at Appendix 1.
- 1.2 The premises does not currently have the benefit of a Premises Licence prompting the submission of the application to which this report relates. A copy of application can be found at Appendix 2.
- 1.3 There is a prescribed period of 28 days following the submission of an application during which time interested parties / responsible authorities may submit representations in relation to the application.
- 1.4 At the end of the prescribed period, two representations had been received. One was from Wickersley Parish Council (objecting to the application) and the other from a local resident (Mr B W) in support of the application.
- 1.5 In addition to the representations that have been received, Rotherham MBC Licensing Service have put forward a number of conditions that should be added to the licence should it be granted, these have been discussed with the applicant who has agreed to offer these conditions for inclusion on the licence.

**2. Key Issues**

The application

- 2.1 The applicant is seeking authority for the following licensable activities to take place at the premises:
  - Provision of regulated entertainment (in the form of live and recorded music – indoors only) between the hours of 0800hrs and 2300hrs Monday to Sunday.
  - Retail sale of alcohol (for consumption on the premises only) between the hours of 1100hrs and 2300hrs Monday to Sunday.
- 2.2 The applicant has stated that the opening times of the premises are 0800hrs until 2300hrs Monday to Sunday.

As this application refers to the provision regulated entertainment (live and recorded music) the report author would like to draw members attention to

section 2.13 (important considerations in relation to regulated entertainment) and section 3.17 (conditions relating specifically to regulated entertainment).

#### Conditions agreed with Rotherham MBC Licensing Service

- 2.3 The applicant has engaged with the Council's Licensing Service and has agreed a number of conditions that are considered appropriate for the promotion of the Licensing Objectives. Further detail is provided at Appendix 3 to this report.
- 2.4 The conditions detailed in Appendix 3 will be added to the licence should the Sub-Committee decide to grant the application under consideration.

#### Representations received

- 2.5 Two representation have been received, one from Wickersley Parish Council and the other from a local resident (Mr B W).
- 2.6 The representation from Wickersley Parish Council cited the following concerns in objection to the application:
- That the premises could be used principally as a drinking establishment which could add to the cumulative impact of premises already in the area.
  - Worsening of the existing issues already prevalent in the area.
- 2.7 Full details of the representation can be found in Appendix 4.
- 2.8 Since the submission of this representation, the Parish Council have been approached and asked to consider the validity of the representation in light of the conditions agreed with the Licensing Service. The Parish Council provided the following in response:

*“Wickersley Parish Council are not satisfied that the proposed conditions satisfy our concerns. The requirement for the premises to operate primarily as a cafe/restaurant with the sale of alcohol being ancillary is not sufficiently precise to allow effective enforcement as it is open to interpretation and would still allow a significant patronage visiting simply to drink. This would be of particular concern with regard to evening events even if these need to be pre-booked.*

*The Parish Council consider that the conditions should be consistent with those imposed on the proposed restaurant known as ‘Seasons’ on the other side of Bawtry Road. It is therefore the view of the Parish Council that the first condition should require the premises to operate solely as a café / restaurant*

*with alcohol served only to seated customers as an accompaniment to food. The Parish Council consider that it is entirely reasonable to impose such tight restrictions to avoid additional adverse impact from yet another licensed premise in Wickersley.”*

- 2.9 The applicant was approached and did not accept the addition of a condition on the licence along the lines proposed by the Parish Council. In response the Parish Council made the following submission (25<sup>th</sup> August):

*“Further to the response from Fika Coffee Lounge with regards to their application for 212, Bawtry Road, Wickersley, the Parish Council have considered the matter further.*

*“The Parish Council appreciate that the proposed operating model should not cause nuisance to local residents and that a coffee lounge selling breakfasts, brunch, lunches and afternoon teas will be a welcome addition to the current provision in Wickersley. We also have no objection to a limited number of pre-booked evening events of the type proposed so long as alcohol is only served as an accompaniment to food.*

*However, we have a remaining concern that, should the premises change hands at a future date, the suggested licence conditions would not prevent the premises being used as a mixed use cafe and bar so long as the primary use remained a cafe/restaurant. We have seen this happening at other venues within Wickersley.*

*We would therefore like to see the suggested condition 1 being amended to read ‘The premises shall operate primarily as a coffee shop/restaurant with alcohol served only with a substantial food provision or buffet. ‘*

*The Parish Council considers this would allow Fika Coffee Lounge to operate as intended and allay our concerns about its future use.”*

- 2.10 Due to time constraints, the above proposal has not been brought to the attention of the applicant. In addition, the Licensing Service are of the view that such a condition would be unenforceable in the absence of a clear definition of terms such as “substantial” and “buffet”.

- 2.11 The second representation was from a local resident, Mr B W. Mr B W was supportive of the application and cited the following:

- That the proposed usage of the premises is unlikely to generate criminal or disorderly conduct.
- The positive impact of the premises for the local community.
- Availability of alternative enforcement sanctions should issues arise at the premises.

2.12 Full details of the representation can be found in Appendix 5.

2.13 Those that have made representations have been invited to the hearing today and if attending will be given the opportunity to address the Sub-Committee in relation to the matters of concern.

2.14 Members of the Sub-Committee should give full consideration of the issues raised by interested party when determining the application.

#### Important considerations in relation to Regulated Entertainment

2.15 As the applicant has indicated an intention for there to be live and / or recorded music at the premises, it is important that the following information is brought to the attention of the Licensing Committee.

2.16 There are a number of exemptions that mean that a licence (or other authorisation) under the 2003 Act is not required. The following activities are examples of entertainment which are not licensable:

- Incidental music – the performance of live music or the playing of recorded music if it is incidental to some other activity (see below).
- A spontaneous performance of music, singing or dancing.
- Stand-up comedy.

2.17 Whether or not music is “incidental” to another activity will depend on the facts of each case. In considering whether or not live or recorded music is incidental, one relevant factor could be whether, against a background of the other activities already taking place, the addition of music will create the potential to undermine the promotion of one or more of the four licensing objectives of the 2003 Act. Other factors might include some or all of the following:

- Is the music the main, or one of the main, reasons for people attending the premises and being charged?
- Is the music advertised as the main attraction?
- Does the volume of the music disrupt or predominate over other activities, or could it be described as ‘background’ music?

2.18 In addition to the above, as a result of deregulatory changes that have amended the 2003 Act, no licence is required for the following activities:

- Live music: no licence permission is required for:
  - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises.

- a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that does not have a licence, provided that the audience does not exceed 500 (a workplace could include an external area to a licensed premises – for example a beer garden or other outdoor space provided for patrons to consume alcohol).
- Recorded Music: no licence permission is required for:
  - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.

2.19 The deregulatory changes mean that, for example, a performance of live music taking place between 07.00 and 23.30 on a particular day is licensable in respect of activities taking place between 07.00-08.00 and 23.00-23.30. Similarly, where the audience for a performance of recorded music, those activities are licensable if, and for so long as, the number of people in the audience exceeds 500.

2.20 Anyone involved in the organisation or provision of entertainment activities – whether or not any such activity is licensable under the 2003 Act – must comply with any applicable duties that may be imposed by other legislation relevant to the event (e.g. in areas such as crime and disorder, fire, health and safety, noise, nuisance and planning). Any such person should take steps to be aware of relevant best practice, and may find responsible authorities a useful source of expert support and advice.

2.21 If the Licensing Committee grant the licence, and the licence includes permission for the retail sale of alcohol, then any live or recorded music taking place at the premises (subject to the above requirements) will not be licensable between the hours of 0800hrs and 2300hrs. In addition, any conditions that are applied to live or recorded music will not be effective during these hours (subject to certain conditions being met). Further detail in relation to conditions is contained within section 3 of this report.

### **3. Options available to the Licensing Sub-Committee**

3.1 A licensing authority must carry out its functions under the Licensing Act with a view to promoting the licensing objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

- 3.2 In considering this matter, the Committee should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council's licensing policy statement. In relation to this application, the options available to the Committee are:
- To grant the licence subject to the conditions consistent with the operating schedule accompanying the application, which the Panel may modify to such extent as they consider appropriate; or
  - To reject the whole or part of the application.
- 3.3 The statutory guidance makes it clear that Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.
- 3.4 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 3.5 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. The licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business (if appropriate).
- 3.6 The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against

making the determination. Conditions may be placed on the licence (if granted) – further information in relation to conditions is provided later in this report.

- 3.7 All licensing determinations should be considered on the individual merits of the application. The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.
- 3.8 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.

### Conditions

- 3.9 Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the premises licence or the club premises certificate will be required to take or refrain from taking in relation to the carrying on of licensable activities at the premises in question. Failure to comply with any condition attached to a licence or certificate is a criminal offence, which on conviction is punishable by an unlimited fine or up to six months' imprisonment. The courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided.
- 3.10 There are three types of condition that may be attached to a licence or certificate: proposed, imposed and mandatory. Each of these categories is described in more detail below.

### Proposed conditions

- 3.11 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.

3.12 It is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention.

#### Consistency with steps described in operating schedule

3.13 The 2003 Act provides that where an operating schedule or club operating schedule has been submitted with an application and there have been no relevant representations made by responsible authorities or any other person, the licence or certificate must be granted subject only to such conditions as are consistent with the schedule accompanying the application and any mandatory conditions required under the 2003 Act.

3.14 Consistency means that the effect of the condition should be substantially the same as that intended by the terms of the operating schedule. If conditions are broken, this may lead to a criminal prosecution or an application for a review and it is extremely important therefore that they should be expressed on the licence or certificate in unequivocal and unambiguous terms. The duty imposed by conditions on the licence holder or club must be clear to the licence holder, club, enforcement officers and the courts.

#### Imposed conditions

3.15 The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises.

3.16 It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.

#### Conditions relating specifically to live and recorded music

3.17 Any existing licence conditions (or conditions added on a determination of an application for a premises licence) which relate to live music or recorded music remain in place, but are **suspended** between the hours of 08.00 and 23.00 on the same day where the following conditions are met:

- at the time of the music entertainment, the premises are open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;

- if the music is amplified, it takes place before an audience of no more than 500 people; and
- the music takes place between 08.00 and 23.00 on the same day.

3.18 Whether a licence condition relates to live or recorded music will be a matter of fact in each case. In some instances, it will be obvious that a condition relates to music and will be suspended, for example “during performances of live music all doors and windows must remain closed”. In other instances, it might not be so obvious: for example, a condition stating “during performances of regulated entertainment all doors and windows must remain closed” would be suspended insofar as it relates to music between 08.00 and 23.00 on the same day to an audience of up to 500, but the condition would continue to apply if there was regulated entertainment after 23.00.

3.19 More general licence conditions (e.g. those relating to overall management of potential noise nuisance) that are not specifically related to the provision of entertainment (e.g. signage asking patrons to leave quietly) will continue to have effect.

3.20 Licence conditions imposed for live or recorded music activities will only apply if the activity meets the criteria of having more than 500 people present, and / or the activities are taking place between 23.00 and 08.00.

3.21 These conditions will, in effect, be suspended between 08.00 and 23.00 if a performance of live music or the playing of recorded music takes place before an audience of 500 people or fewer, but will remain on the face of the licence for when these activities may take place under other circumstances.

3.22 Where a performance of live music or the playing of recorded music on relevant licensed premises is not licensable, it remains possible for anyone to apply for a review of a licence or certificate, if there are appropriate grounds to do so.

### Proportionality

3.23 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment might include requiring a premises licence holder to undertake right to work

checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check is retained at the licensed premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

#### **4. Consultation**

- 4.1 The application has been subject to the statutory consultation process involving a newspaper advertisement and display of public notices in the vicinity of the site for 28 days.
- 4.2 The public consultation period ended on 13<sup>th</sup> August 2021.
- 4.3 All Responsible Authorities, relevant ward members, and the Town / Parish Council have been notified of the application and all statutory requirements in relation to notification requirements have been complied with.

#### **5. Timetable and Accountability for Implementing this Decision**

- 5.1 Any decision made by the Licensing Sub-Committee does not have effect until:
  - the end of the period given for appealing against the decision; or
  - if the decision is appealed, until the appeal is disposed of.
- 5.2 An appeal may be lodged by either the applicant or a party to the hearing that has made a relevant representation.
- 5.3 Parties to the hearing must be informed of the decision within 5 working days of the hearing (or within 5 working days from the last day of the hearing if it takes place over multiple days).

#### **6. Financial Implications**

- 6.1 There are no specific financial implications arising from this application.
- 6.2 However, additional costs may be incurred should the matter go to appeal. In such an eventuality it may not be possible to recover all of the costs incurred. The impact of these additional costs (if any) will therefore need to be met from within existing revenue budgets.

## **7. Legal Advice and Implications**

- 7.1 A Council Solicitor will be in attendance at the hearing to provide appropriate legal advice to the Licensing Sub-Committee in relation to specific aspects of the application / hearing, however the advice below is generally applicable to all applications.
- 7.2 Hearings under the Licensing Act 2003 operate under the Licensing Act 2003 (Hearings) Regulations 2005.
- 7.3 In accordance with Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005, the authority may take into account documentary or other information produced by a party in support of their application, representations or notice either before the hearing or, with the consent of all parties, at the hearing.
- 7.4 The Panel may accept hearsay evidence and it will be a matter for the Licensing Sub-Committee to attach what weight to it that they consider appropriate. Hearsay evidence is evidence of something that a witness neither saw nor heard, but has heard or read about.
- 7.5 The Secretary of State's guidance to the Licensing Act 2003 is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.
- 7.6 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The guidance is therefore binding on all licensing authorities to that extent. However, the guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this guidance, they may depart from it if they have good reason to do so and can provide full reasons.
- 7.7 In addition to the above, members are reminded that all decisions must be taken in accordance with the Council's Statement of Licensing Policy (adopted 3<sup>rd</sup> June 2020).
- 7.8 Departure from the guidance and / or Statement of Licensing Policy could give rise to an appeal or judicial review, and the reasons given will then be a key

consideration for the courts when considering the lawfulness and merits of any decision taken.

### Cumulative Impact Policy

- 7.9 As this application relates to a premises in Wickersley, the application falls within the scope of the Council's Cumulative Impact Policy. This policy is attached for information as Appendix 6.
- 7.10 The Cumulative Impact Policy makes reference to a Cumulative Impact Assessment that has been carried out in the Wickersley area (in accordance with Section 5(a) of the Licensing Act 2003).
- 7.11 The assessment has been published as the Council believe that the number of licensed premises within the area described in the assessment is such that granting any further licences, or varying existing licenses, would be inconsistent with the Council's duty under the Act to promote the licensing objectives. There is therefore a presumption against the granting of new (or the varying of existing) licences in the area covered by the assessment.
- 7.12 When considering the presumption against granting or varying a licence in a CIZ, the Council must be satisfied that the applicant will not impact any further on the cumulative impact of existing licensed premises.
- 7.13 Applicants may suggest measures which they believe will demonstrate there will be no further impact from their premise. Examples that the Council may consider as demonstrating that there will be no further impact include:
- Small premises who operate outside of the peak hours of disruption, as described in the CIA.
  - Premises which are not alcohol-led and operate during the day-time economy.
  - Instances where a business is relocating to a new premise but retaining the same style of business.
  - Conditions which ensure the premise will operate in a particular manner, such as a minimum number of waiting staff to secure a food-led premise.
- 7.14 Examples of factors the Council will not consider include:
- That the premise will be well managed and well run.
  - That the premise will be constructed to a high specification
  - That the applicant operates similar premises in other areas without complaint.

7.15 Any representation made which supports the grant of a licence within a Cumulative Impact Zone will also be taken into account by the Council.

## **8. Risks and Mitigation**

8.1 The statutory requirements in relation to the consideration of this application are detailed in this report. It is essential that the Sub-Committee act in accordance with these statutory provisions and take account of statutory guidance.

8.2 Failure to do this exposes the Council to significant risk of legal challenge, the consequences of which could result in financial and / or reputational damage to the Council.

8.3 Members are therefore urged to fully consider the information in this report when making a decision regarding this application, and to ensure that any decision made is justifiable, proportionate and based on the promotion of one or more of the Licensing Objectives.

8.4 Council officers are present at the meeting today and can provide additional advice to members of the Sub-Committee should this be required. In addition, a copy of the statutory guidance and Statement of Licensing Policy is available for members to review should they wish to do so.

## **9. Accountable Officer(s)**

Alan Pogorzelec, Licensing Manager, Community Safety and Street Scene

This report is published on the Council's [website](#).

## Hearing Procedure

- 1 The Chair of the Licensing Committee will introduce the Committee and ask officers to introduce themselves.
- 2 The Chair will ask the applicants to formally introduce themselves.
- 3 The Licensing Officer will outline the procedure to be followed at the hearing.
- 4 Hearing Procedure:-
  - i. The Licensing Officer will introduce the report.
  - ii. Questions concerning the report can be asked both by Members and the applicant.
  - iii. The Licensing Officer will introduce the applicant / licensee (or his/her nominated representative) who will then be asked to detail the application.
  - iv. The Licensing Officer will introduce in turn representatives for the Responsible Authority and Interested Parties who will be asked to detail their relevant representations.
  - v. Members may ask questions of those parties
  - vi. With the leave of the Chair the applicant or his representative may ask questions of the representatives of the Responsible Authorities and Interested Parties.
  - vii. The applicant / licensee (or his/her nominated representative) may then be asked questions by members and with the leave of the Chair from the other parties present.
  - viii. The applicant / licensee (or his/her nominated representative) will then be given the opportunity to sum up the application and provide any clarification. The Licensing Officer will then detail the options.
  - ix. There will then be a private session for members to take legal advice and consider the application.
- 5 The decision of the Licensing Committee will be given in accordance with the requirements of the Licensing Act 2003 and regulations made there under.

### Notes:

- At any time in the Licensing Process Members of the Committee may request legal advice from the Solicitor to the Committee. This advice may be given in open session or in private.
- The Committee Hearing will be held in public unless and in accordance with the Regulations the Committee determine that the public should be excluded.