

BRISTOL CITY COUNCIL

LICENSING COMMITTEE

29 May 2012

1. ANNUAL BUSINESS

(Report of the Head of Legal Services)

A. MEMBERSHIP OF COMMITTEE

- To note the following council members appointed to serve on the committee for the 2012/13 municipal year:-

Councillors:

Tim Leaman
Alex Woodman
Christopher Davies
Steve Comer
Glenise Morgan
Bev Knott
Fi Hance
Jay Jethwa
David Morris
Peter Abraham
Ron Stone
Mike Wollacott
Brenda Hugill
Brenda Massey
Barry Clark

B. ELECTION OF CHAIR - MUNICIPAL YEAR 2012/2013

- To elect the Chair of this Committee for the municipal year 2012/13.

C. ELECTION OF VICE-CHAIR - MUNICIPAL YEAR 2012/2013

- To elect the Vice Chair of this Committee for the municipal year 2012/13

D. TERMS OF REFERENCE

- to note the following terms of reference:

Overview

Functions relating to licensing and gambling as set out below.

Licensing Act 2003 (“the 2003 Act”)

1. All those matters relating to the discharge of licensing functions that are referred to that committee by virtue of section 7(1) of the 2003 Act;
2. Other functions which full Council has arranged for the Licensing Committee to discharge, namely:
 - a) Power to grant permission for provision etc of services, amenities, recreation and refreshment facilities on the highway and related powers (sections 115E, 115F & 115K of the Highways Act 1980);
 - b) Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption (section 13(2) of the Criminal Justice and Police Act 2001 (c.16));
 - c) Power to make or revoke an order designating a locality as an alcohol disorder zone (Section 16 Violent Crime Reduction Act 2006);
 - d) The Council’s functions under the third schedule to the Local Government (Miscellaneous Provisions) Act 1982 (as amended); and
 - e) Powers to make and cancel closure notices; make applications for closure orders; issue certificates of termination of closure orders; defend applications for the discharge of closure orders; appeal against the refusal to make closure orders; enforce closure orders; and prosecute for obstruction of authorised officers or for offences in connection with closure orders (sections 19 to 28) of the Criminal Justice and Police Act 2001);

Gambling Act 2005 (“the 2005 Act”)

3. All of those functions under Part 8 of the 2005 Act that are delegated to the Committee by virtue of section 154 of the 2005 Act;
4. Other gambling functions which the full Council has arranged for the Licensing Committee to discharge, namely:
 - a) Duty to comply with requirements to provide information to the Gambling Commission (s.29 of the 2005 Act);
 - b) Functions relating to exchange of information (s.30 of the 2005 Act);
 - c) Functions relating to occasional use notices (s.39 of the 2005 Act);
 - d) Power to designate officer of a licensing authority as an Authorised Person for a purpose relating to premises (section 304 of the 2005 Act);
 - e) Power to make order disapplying section 279 or 282(1) of the Act in relation to specified premises (s. 284 of the 2005 Act);
 - f) Power to exchange information (section 350 of the 2005 Act);
 - g) Power to institute criminal proceedings (section 346 of the 2005 Act);
 - (h) Functions relating to the determination of fees for premises licences (the Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (S.I. 2007/479));
 - (i) Functions relating to the registration and regulation of small society lotteries (Part 5 of Sch 11 to the 2005 Act);

(ii)

E. DATES AND TIMES OF MEETINGS

- to note that meetings of the Licensing Committee and its Sub Committees will be held on a Thursday throughout the forthcoming municipal year. Members' attendance at meetings will be confirmed on a meeting by meeting basis. All dates are printed in the Council diary, with a starting time of 10.00am. Additional meetings may be convened if required to meet statutory deadlines.

F. ESTABLISHMENT OF SPECIAL PURPOSES SUB-COMMITTEE

In accordance with Licensing committee Procedure Rule (LCR) 1(iii) the annual meeting needs to establish a special purposes sub committee comprising the Chair of the Licensing committee, its Vice chair and one other committee member. Its terms of reference must enable it to deal with any matters of business which would ordinarily be referred to the next ordinary meeting of the committee but which are, in the opinion of the Licensing Manager (in consultation with the Chair) of such urgency that they cannot await the date of the next ordinary meeting.

RECOMMENDED

- That the Licensing committee establish a Licensing (Special Purposes) Sub-Committee with the terms of reference set out in Appendix A;
- that the membership of the special purposes sub committee comprise the Chair, the Vice Chair and one other member;
- that the committee appoint from amongst its number one other member to serve on the sub committee

G. ESTABLISHMENT OF OTHER SUB-COMMITTEES

LCR1(iv) requires that the annual meeting establish any other sub committees considered necessary and in respect of each of them

- (a) agree the membership;
- (b) agree the terms of reference.

In accordance with the Licensing Act 2003 sub committees may be established but they must comprise no more and no less than three members each.

At its meeting on 9 February 2005 the Licensing Committee established Licensing (Hearings) sub committees comprising any three members of the Licensing committee. That meeting appointed each member of the Licensing Committee to serve on any such sub committee (of three) which is convened so as to include him/her in its membership.

It is recommended that this year the Licensing committee continue with this approach.

The recommended terms of reference are set out in Appendix A.

RECOMMENDED

- (a) that the Licensing committee establish Licensing (Hearings) sub committees comprising any three members of the Licensing committee and that each member of the licensing committee be appointed to serve on any such sub committee which is convened so as to include him or her in its membership; and
- (b) that each of the sub committees so established shall have the terms of reference as set out in Appendix A

H. DELEGATIONS TO SUB COMMITTEES AND OFFICERS

Section 10 of the Licensing Act 2003 allows the Licensing committee to arrange for the discharge of any functions exercised by it –

- a) by a sub committee established by it, or
- b) subject to certain statutory limitations, by an officer of the licensing authority

Section 10 of the Licensing Act 2003 also applies to certain Gambling Act 2005 functions that fall within this Committee's terms of reference, that is, those gambling functions that are referred to in paragraph 3 of the Committee's terms of reference.

In previous years the Committee conferred delegated power on each of the sub committees it established to discharge all functions falling within their terms of reference (which for the avoidance of doubt includes all matters ancillary thereto). It is recommend the annual meeting do the same in respect of any sub committees it decides to establish having considered this report.

The functions referred to in paragraphs 2 and 4 of the committee's terms of reference are governed by different law as far as the ability to delegate the decision making process is concerned. Those matters are delegated to the Committee by the full council in exercise of its powers of delegation under section 101 of the Local Government Act 1972. Under that section the Committee itself enjoys the power to delegate those matters to

one or more of its sub committees and/or to an officer of the council.

It is anticipated that some applications made under the paragraph 2 and 4 functions may prompt the right to be heard in accordance with the rules of natural justice and/or the rights enjoyed by citizens to a public hearing where Article 6 of the Convention applies. Therefore, whilst it is anticipated that most decisions connected with the discharge of these functions will fall to be made by a delegated officer, provision has been made in the recommended Terms of Reference of the hearings sub committees for applications to be referred to such a sub committee by a delegated officer (paragraph 22 of the terms of reference set out in Appendix A refers). This particular provision also enables applications under the Licensing or Gambling Act to be decided by a sub committee notwithstanding the law does not absolutely require this (e.g. because there are no representations). Whilst it is not expected this will often be utilised it does enable matters to be given a public airing where that is judged to be reasonable and appropriate.

Officer delegations

In accordance with LCR1 the annual meeting should review the delegations to officers. The Committee's responsibilities have greatly expanded since its first annual meeting and this report recommends comprehensive delegations to sub committees and officers covering the vast majority of the Committee's responsibilities whilst continuing to ensure that:

- (i) Officers are not authorised to make any decision which by law may only be made by Members meeting as a Committee or duly authorized sub committee; and
- (ii) The delegations reflect the policy of Bristol city Council with regard to the decision whether certain representations are to be disregarded by virtue of being judged to be frivolous or vexatious

Licensing Act 2003 and Gambling Act 2005

In the discharge of its licensing functions the committee must have regard to the guidance issued by the Secretary of State or the Gambling Commission (as appropriate) and to the Council's own adopted statements of policy. The recommendations in such national guidance reflect the fact that there are many decisions which the law simply does not allow an officer to take. For example an officer cannot determine an application for a premises

licence under either Act where relevant representations have been made.

The Council's published statements of licensing policy recommend that the Licensing Committee follow the delegations recommended in national guidance but that, for the reasons set out in the Council's policy statements, the committee should depart from that guidance in respect of decisions about whether or not representations are frivolous or vexatious.

In previous years the committee has effected its delegations in accordance with the Council's adopted statement of licensing policy and it is recommended that this practice should continue for Gambling Act functions as well as for the Licensing Act functions. This is covered in recommendation 1 below.

In respect of the functions referred to in paragraphs 2 and 4 of the Committee's Terms of Reference the Committee will know that the full council has itself effected delegations to the relevant Director in Part 3 of its constitution. The Committee is informed that the relevant Directors have, in line with what is recommended in that constitution, made arrangements under which appropriate subordinate officers assist them in the discharge of these tasks on behalf of the Council as a whole. It is recommended that the Committee note and approve these arrangements.

It is therefore recommended that:

1. In respect of the functions referred to in paragraphs 1 and 3 of its Terms of Reference the Committee makes the following arrangements:

Subject to the limitations set out in (a) and (b) below officers occupying the following posts:-

- Enforcement and Regulatory Services Manager
- Regulatory and Compliance Unit Manager
- Licensing Administration Manager
- Enforcement Co-ordinator
- Senior Enforcement Officer
- Licensing Officer
- Enforcement Officer

are authorised to discharge any function which in law may be discharged by an officer of the licensing authority.

Limitations

(a) The power to decide whether representations are frivolous or vexatious may only be made in respect of applications that officers would be empowered to proceed to determine themselves should it be decided that the representation under consideration is either frivolous or vexatious.

(b) An Officer may not decide whether to grant or refuse an application under the Licensing Act 2003 for a personal license in any case where there are unspent convictions.

2. In respect of the functions referred to in paragraphs 2 (a) and (b), 4(a) – (f) and 4(g) to (i) inclusive of the Committee's Terms of Reference the committee notes the arrangements made by the full council and the delegated Director under which his subordinate officers assist him in discharging functions on behalf of the Council. The Committee approves the continuation of such arrangements as if they had been made directly and particularly by this committee
3. For the avoidance of doubt the Head of Legal Services and officers within his team who assist him in this task shall continue to be authorised to institute and defend legal proceedings of any kind falling within this Committee's terms of reference
4. The possession of delegated powers shall not prevent a delegated officer bringing a matter before an appropriate body of Members but this should only be done following consultation with the Chair of the Licensing committee.

RECOMMENDED:

1. That all sub committees established by the Licensing committee shall have delegated authority to discharge all functions falling within their terms of reference;
2. That the Committee approves delegations to officers as recommended in paragraph H of this report; and
3. that for the avoidance of doubt any authority conferred upon a sub committee or an officer in connection with the discharge of any function includes the power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of the function concerned

Contact Officer:

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TERMS OF REFERENCE

Licensing (Hearings) Sub-Committees

Any three members of the Licensing committee may constitute a Licensing (Hearings) Sub-Committee having the following terms of reference:

To discharge the following functions:-

Under the Licensing Act 2003:

1. Determination of application for premises licence where representations have been made;
2. Determination of application for provisional statement where presentations have been made;
3. Determination of application for variation of premises licence where representations have been made;
4. Determination of application to vary designated premises supervisor following police objections;
5. Determination of application for transfer of premises licence following police objections;
6. Consideration of police objection made to interim authority notice;
7. Determination of application for club premises certificate where representations have been made;
8. Determination of application to vary club premises certificate where representations have been made;
9. Decision to give counter-notice following police objection to temporary event notice;
10. Determination of application for grant of personal licence following police objections;
11. Determination of application for renewal of personal licence following police objections;
12. Revocation of personal licence where convictions come to light after grant etc;

13. Determination of application for review of premises licence in a case where relevant representations (within the meaning of Section 52 (7) of the Act) have been made;
14. Determination of application for review of club premises certificate in a case where relevant representations (within the meaning of Section 88 (7)) have been made;
15. Review following closure order in a case where relevant representations have been made;
16. Determination of application for grant of personal licence where unspent convictions;
and the following Gambling Act functions:
17. Determination of application for premises licence where representations have been made;
18. Determination of application for variation of a premises licence where representations have been made;
19. Determination of application for to transfer a premises licence following representations by the Commission;
20. Determination of an application for a provisional statement in respect of which representations have been made
and generally:
21. Determination of an application of any type falling within the terms of reference of the Licensing Committee that has been referred by a delegated officer for consideration by the Committee

Licensing (Special Purposes) Sub-Committee

The Licensing (Special Purposes) Sub-Committee shall have the following terms of reference:-

To discharge the following functions on behalf of the Licensing Authority:-

1. Any matter of business which would ordinarily be referred to an ordinary meeting of the full Licensing Committee but which is judged by the Licensing Manager (in consultation with the Committee Chair) to be of such urgency that a decision cannot await the next ordinary meeting of the Licensing Committee;

2. To discharge any other licensing function as authorised by the Licensing Committee from time to time.

PROCEDURE TO BE FOLLOWED AT HEARING

The procedure to be followed at hearing (information provided in accordance with regulation 7 (1))

In accordance with regulation 21 the following procedure has been determined for this hearing, subject to the provisions of the regulations and of the council's Licensing Procedure Rules:

General

The hearing will take place in public. The sub committee may exclude the public from all or part of the hearing but may only do so where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public. Any party considering that the greater public interest is served by the public (which can include another party or parties) being excluded from all or any part of the hearing should make this view known to the Licensing Authority (in writing to the Licensing Manager) as soon as possible and in any event not less than two working days before the hearing is due to commence. The party asserting this should provide in writing full reasons supporting the request.

The Authority will make a record of the hearing. The form of that record is a matter of choice for the Authority and may include the hearings being subject to digital or tape recording.

The hearing will take the form of a discussion led by the Authority. The Authority has taken steps to ensure it is well placed to lead the discussion, for example by seeking clarification on certain points and requesting that this clarification be provided in writing and in advance of the hearing. All parties are asked to give full co-operation in ensuring the hearing can proceed smoothly and as anticipated in the regulations and under the Council's procedure rules.

All parties are reminded that, whilst this hearing will be conducted fairly and the decision will be made by Councillors who are committed to acting judicially, these are not court proceedings and should not be treated as such. This is a meeting of the local authority; the sub committee will conduct the hearing in accordance with the governing legislation. Parties must bear in mind that the hearing is not intended to be adversarial and this is reinforced in the regulations, for example the general prohibition on cross-examination contained in regulation 23. The Authority can only permit cross-examination where that would be required for it to "consider the representations,

application or notice as the case may be". If at any stage of the hearing the Authority considers cross-examination to be necessary on this ground the Chair will so rule, give directions for the conduct of that part of the meeting and the procedure set out below will be varied accordingly. The Authority expects all parties and their representatives to fully co-operate in ensuring the discussion it is bound to lead proceeds in an appropriate manner; it is expected that the parties will deal with the sub committee and each other with mutual respect. The parties and their representatives are informed that any disruptive behaviour may result on the person responsible being required to leave the meeting.

Appointment of Chair

The sub committee will appoint one of its number to Chair the meeting;

Outlining the procedure

The chair will explain the procedure the sub committee proposes to follow at the hearing (as set out in detail in the following paragraphs).

Administrative announcements

The Chair will make necessary announcements (e.g. reference to the evacuation procedure, requiring all present to switch off any mobile telephones or other equipment which may disturb the meeting).

Identification of persons participating in the hearing

The chair will ensure that all members of the sub committee, the parties and their representatives identify themselves for the record and for the benefit of those present.

Withdrawal of Representations [Regulation 10.]

The Licensing Manager will inform the sub committee if any Party has given Notice under regulation 10 withdrawing the representations they have made (Regulation 10 permits a party to withdraw their representations by giving notice to the authority no later than 24 hours before the day the hearing is due to commence).

The Chair will then ascertain if any Party wishes to exercise their rights under regulation 10 (b) to withdraw any representations they have made and, if so, will permit the Party to do so at this stage of the hearing.

Non appearance of parties

If any party fails to attend or to be represented at the hearing the Licensing Manager will inform the sub committee whether or not the party had informed the authority in accordance with regulation 8 of his/her non-attendance. The sub committee will consider how to proceed in consequence of that non-attendance in accordance with the rules indicated above.

Appearance of other persons at the hearing

The Licensing Manager (or his representative) will advise the sub committee if any request has been made by any Party, in accordance with and within the time provided for in regulation 8, seeking permission for any other person (other than a person the party intends to represent him/her) to appear at the hearing. Where such a request has been made it will be considered in accordance with regulation 22.

Additional material

The Licensing Manager (or his representative) will inform the sub committee if any documentary or other information has been produced by a party prior to the hearing in support of their application, representations or notice (applicable); if so, the sub committee will decide (in accordance with regulations 18 and 19) whether or not to take the material into account. Where such material has been provided at the hearing (rather than prior to it) the Chair will ascertain if all parties consent to the material being taken into account.

Identifying who will be addressing the sub committee

The Chair will ascertain which parties seek to exercise their right to address the sub- committee during the hearing and whether those party will personally exercise that right or will appear by their representative. Where a large number of interested parties are involved in a hearing, the Chair will inform all parties of their rights under regulation 24 and will ascertain if the interested parties are agreeable to the appointment of a spokesperson/spokespersons so as to avoid duplication and prevent the hearing becoming unnecessarily prolonged.

Exercise of other rights/other preliminary business

If there is a preliminary issue remaining to be determined (e.g. if the Authority considers a decision remains to be made concerning the relevance of any representations from interested parties) then the Chair will ensure the sub committee deals with the issue at this stage of the hearing.

The Chair will then ascertain if any party has any procedural point to raise before the hearing gets underway. It is anticipated the parties will have notified this in advance so that the sub committee can review the procedure if necessary prior to the beginning of the main part of the meeting. Parties are therefore discouraged from raising procedural points at this late stage and should only do so where they consider that they would otherwise not be likely to receive a fair hearing if the sub committee proceeded in the manner indicated here. When raising any point at this stage Parties will be asked to explain why they have not given prior notice to the sub committee.

Maximum time for parties to exercise their rights under section 16

The Chair will indicate the maximum time allowed for each party to exercise their rights under section 16 (set out in detail above in this Notice – in summary: provide clarification on points notified by the Authority, if permitted, question any other party and address the authority. See the Notice of hearing for the time provisionally directed by the sub committee).

Points of clarification

The Licensing manager (or his representative) will inform the meeting of any written responses received in response to any requests for clarification made by the Licensing Authority prior to the hearing. The Chair will indicate whether or not those written responses have been read by the members of the sub-committee. The Chair may adjourn the meeting for a sufficient period so as to enable those responses to be read where appropriate. The chair, assisted by the licensing manager (or his representative), will ensure that any responses which ought to have been provided to any other party have in fact been received by them. Where appropriate the Chair will ask the Licensing Manager (or his representative) to summarise the responses received for the benefit of the public hearing.

The Licensing Manager (or his representative) will inform the sub committee if any parties have not responded in writing to the points of clarification sought from them.

Where points of clarification remain outstanding the parties will be asked to give the further information at this stage of the hearing. The time taken to do so will be deducted from the maximum time allowed for that party to exercise its regulation 16 rights (and as this rule is binding on the sub committee parties are strongly urged to take the opportunity afforded to them to provide any points of clarification (as set out in the next section of this document) in writing prior to the meeting)

Opening address

The Chair will ascertain if the applicant (either in person or through a representative) wishes to utilise any of his/her maximum allocated time to make an opening address and if so how much of it is to be used in this manner. If the Applicant decides to make an opening speech the same facility will be afforded to the other parties should they wish to avail themselves of it, but otherwise the meeting will move directly to a discussion of the relevant issues.

Questions

Once any opening speeches are completed the Chair will begin the discussion by posing any relevant questions which have been

brought forward by any of the Parties in response to the Authority's request for clarification.

The Chair will then ask any questions s/he wishes to pose to any of the parties. When questions concern matters of fact the sub committee requires the party (and not their representative, if any) to provide the response in person. Where the question focuses upon issues concerning law, statutory guidance or local policy, a party may either respond directly or through his/her representative but, particularly where some other parties are unrepresented, not both.

The other members of the sub committee will then each have an opportunity to put any further questions they may have to any of the parties present.

The Chair will then ask the Licensing Manager (or his representative) and the Committee's legal advisor if there are any further questions they consider the sub committee may need answers to in order to make their decision.

The Chair will ascertain if the parties agree that all areas which can be explored questioning of the parties have been dealt with; if the Chair is satisfied that some relevant questions have not been put then this will be done at this stage.

Closing speeches

The chair will then ask each of the parties in turn if they wish to make a closing speech to the sub committee. Any party making a closing speech must not exceed the maximum allocated time remaining to them. The order in which the closing speeches may be made shall be a matter for the chair to determine but where there are a large number of parties present s/he will indicate if asked why the particular order has been chosen (e.g. order of the date of receipt of the representations, or by reference to the particular points or licensing objectives they principally relate to). In any event the Chair will ensure that the Applicant, if using some or all of his/her maximum allocated time to make a closing speech, is the last party to make such an address and therefore has the final word.

Once any closing addresses are completed the Chair will bring the hearing to a conclusion. The committee will then proceed to deliberate in accordance with Rule 20.3 of the Council's licensing procedure rules

APPENDIX A - RIGHTS OF PARTIES AT HEARING

Rights of a party at the hearing. [Regulation 15]

1. A party may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified, subject to points 2. and 3. below.
2. The licensing authority may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing take place in public.
3. For the purposes of point 2 above a party and any person assisting or representing a party may be treated as a member of the public.
4. 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, give further information in support of their application, representations or notice.
 - (b) If given permission by the authority, question any other party; and
 - (c) Address the authority.

Representations and supporting information. [Regulation 16]

1. 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(d), give further information in support of their application, representations or notice,
 - (b) if given permission by the Authority, question any other party; and
 - (c) address the Authority.

Consequences of not attending or not being represented. [Regulation 20]

1. If a party has informed the authority that he does not intend to attend or be represented at a hearing, the hearing may proceed in his absence
2. If a party who has not so indicated fails to attend or be represented at a hearing the authority may:
 - (a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or
 - (b) hold the hearing in the parties absence.
3. Where the authority holds the hearing in the absence of a party, the authority shall consider at the hearing the application, representations or notice made by that party.
4. Where the authority adjourns the hearing to a specified date it must notify the parties of the date, time and place to which the hearing has been adjourned.

Withdrawal of Representations [Regulation 10.]

A party may withdraw representations they have made either by giving notice

to the authority no later than 24 hours before the day on which the hearing is to be held or orally at the hearing

Behaviour during Hearing [Regulation 25]

The Authority may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may-

- a) refuse to permit that person to return, or
- b) permit him to return only on such conditions as the Authority may specify,

but such a person may, before the end of the hearing, submit to the Authority in writing any information which they would have been entitled to give orally had they not been required to leave.

APPENDIX B

POINTS FOR CLARIFICATION

Please note: All parties are asked to provide clarification on these points in advance of the hearing. Ideally the sub committee would wish to receive the response at the same time as you serve the Notice required under regulation 8, or as soon as possible thereafter. You are reminded that if you do not provide the response in writing and in advance then the time you take to exercise your regulation 16 rights will be reduced by the time you take to provide the clarification sought at the meeting. The sub committee is keen to narrow the issues as much as possible in advance of the hearing, in the interest of ensuring a properly focussed discussion and to ensure that the hearing itself is not unduly prolonged. Your co-operation is appreciated.

1. Points of clarification sought from all Parties

1(a) Guidance issued by the secretary of state

- (i) Are there any parts of the Secretary of States Guidance that you consider to be relevant to your application/representations/notice as appropriate?
- (ii) If so please specify the paragraph(s) of that Guidance and the relevance to the point(s) you are making.
- (iii) If you are asking the Licensing Authority to depart from (that, is, not to apply) any of the guidance that you consider to be relevant, please clarify the reasons why you think it should do as you wish

1(b) Statement of Licensing Policy for the City of Bristol

- (i) Are there any parts of the Council's policy that you consider to be relevant to your application/representations/notice as appropriate?
- (ii) If so please specify the paragraph(s) of that policy and the relevance to the point(s) you are making. If you are asking the Licensing Authority to depart from (that, is, not to apply) any of the policy please clarify the reasons why you think it should do as you wish

1(c) Questions of other parties

- (i) Having considered the application/representations/Notice of each of the other parties, are there any questions you consider should be answered by any one or more of them at the hearing? If so, please provide a list of such questions and identify the party you consider should answer them

1(d) Exclusion of the public

- (i) Having first considered the procedure set out in Appendix B and the relevant regulation, do you consider the meeting or any part of it should be conducted in private? If so, please set out what part of the hearing should be held in private and why you consider that should be permitted under the

regulations (please note the sub committee cannot promise that any request for all or part of the hearing will be held in private will be conducted in private as each such request will have to be considered on its merits and in accordance with the regulations. The usual rule is that the hearing will be conducted in public)

2. Points of clarification sought from the applicant

2(a) Agreed/disputed matters of fact

In respect of each and every allegation made in the representations/notice as appropriate of the other Parties, please state

- whether you agree or disagree with the details contained in the representation
- whether you consider it affects your application
- whether there are any conditions you have offered, or would be willing to offer, in support of your application and which you consider should address any of the concerns raised by the other Parties.

Points of clarification sought from the Chief Officer of Police (where representations have been made)

- In respect of each part of your representations please provide particulars / evidence in support;
- State in each case your assessment of the impact on any / all of the licensing objectives (identifying those objectives you consider to be relevant) in each case state whether the matter(s) are such that you consider it necessary for the Licensing Authority to refuse the application for that reason, or whether you consider the particular matter could be addressed through an appropriate condition.
- Where you consider conditions may be appropriate and you have not already done so, please indicate the conditions you would suggest.

Points of clarification sought from the Local Planning Authority (where representations have been made)

- In respect of the representation that the application is contrary to the provisions of the local plan, please provide details of the section it is said the application contravenes.
- State your assessment of the impact on any/all of the licensing objectives (identifying those objectives you consider to be relevant).
- Provide any specific evidence supporting that assessment and/or a general summary of the reasoning behind the planning policy insofar as it relates to the licensing objective(s) you have identified;
- State whether a planning consent would be required to enable the licence to be lawfully implemented;
if so, state:
(a) whether such an application has been made or indicated;

(b) if appropriate, whether a failure to secure consent could ultimately result in the commission of any criminal offences should the licence be granted and implemented in the terms sought in the application; and

(c) identify the offences, if any, referred to in your response to (b) above.

Points of clarification sought from the Child Protection Authority (where representations have been made)

- In respect of each part of your representations please provide particulars / evidence in support;
- State in each case your assessment of the impact on any / all of the licensing objectives (identifying those objectives you consider to be relevant) in each case state whether the matter(s) are such that you consider it necessary for the Licensing Authority to refuse the application for that reason, or whether you consider the particular matter could be addressed through an appropriate condition.
- Where you consider conditions may be appropriate and you have not already done so, please indicate the conditions you would suggest.

Points of clarification sought from the Pollution Control Authority (where representations have been made)

- In respect of each part of your representations please provide particulars / evidence in support;
- State in each case your assessment of the impact on any / all of the licensing objectives (identifying those objectives you consider to be relevant) in each case state whether the matter(s) are such that you consider it necessary for the Licensing Authority to refuse the application for that reason, or whether you consider the particular matter could be addressed through an appropriate condition.
- Where you consider conditions may be appropriate and you have not already done so, please indicate the conditions you would suggest.

Points of clarification sought from the Health and Safety Authority (where representations have been made)

- In respect of each part of your representations please provide particulars / evidence in support;
- State in each case your assessment of the impact on any / all of the licensing objectives (identifying those objectives you consider to be relevant) in each case state whether the matter(s) are such that you consider it necessary for the Licensing Authority to refuse the application for that reason, or whether you consider the particular matter could be addressed through an appropriate condition.

- Where you consider conditions may be appropriate and you have not already done so, please indicate the conditions you would suggest.

Points of clarification sought from the Trading Standards Authority (where representations have been made)

- In respect of each part of your representations please provide particulars / evidence in support;
- State in each case your assessment of the impact on any / all of the licensing objectives (identifying those objectives you consider to be relevant) in each case state whether the matter(s) are such that you consider it necessary for the Licensing Authority to refuse the application for that reason, or whether you consider the particular matter could be addressed through an appropriate condition.
- Where you consider conditions may be appropriate and you have not already done so, please indicate the conditions you would suggest.

Points of clarification sought from the Fire Authority (where representations have been made)

- In respect of each part of your representations please provide particulars / evidence in support;
- State in each case your assessment of the impact on any / all of the licensing objectives (identifying those objectives you consider to be relevant) in each case state whether the matter(s) are such that you consider it necessary for the Licensing Authority to refuse the application for that reason, or whether you consider the particular matter could be addressed through an appropriate condition.
- Where you consider conditions may be appropriate and you have not already done so, please indicate the conditions you would suggest.