

# Minutes

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## Licensing Sub-Committee Tuesday, 6th November, 2018

### Attendance

Cllr Haigh (Chair)  
Cllr Mrs Pound

Cllr Reed

### Also Present

Cllr Hossack

### Officers Present

Paul Adams	-	Principal Licensing Officer
Surinder Atkar	-	Planning Solicitor
Steve Blake	-	Environmental Health Officer
Zoe Borman	-	Governance and Member Support Officer
David Carter	-	Environmental Health Manager
Dave Leonard	-	Licensing Officer
Jean Sharp	-	Governance and Member Support Officer
Maria Moses	-	Licensing Officer

### 175. Appointment of Chair

Members agreed that Cllr Haigh should chair the meeting.

### 176. Administrative Function

Members were respectfully reminded that, in determining the matters listed below, they were exercising an administrative function with the civil burden of proof, i.e. 'on the balance of probabilities'. The matter would be determined on the facts before the Sub-Committee and the rules of natural justice would apply.

### 177. Declarations of Interest

No declarations of interest were received.

**178. Application to Review a Premises Licence - The Skew Bar and Grill, Rayleigh Road, Hutton, CM13 1SG**

The Chair welcomed all present to the meeting.

Before business commenced, Mr Dadds – representing the licence holder, Mr Leach – asked a point of clarification which was that, as Cllr Hossack had entered the meeting room with the sub-committee members, whether he had had a discussion with them. Cllr Hossack was a Ward councillor who had submitted an emailed representation within the 28-day consultation period for the application for reviewing the licence and advised all present that he had spoken to his fellow councillors for two minutes when he had arrived at the venue. Mr Aktar, the legal advisor to the committee, confirmed that Cllr Hossack had not been present during the pre-meeting he had held with the sub-committee members.

In view of Cllr Hossack – an objector and therefore an interested party – having been in the same room as the sub-committee before the meeting commenced, Mr Dadds asked for the sub-committee meeting to be adjourned as this was inappropriate conduct and there was a perceived bias as the four councillors had all been together.

Cllr Hossack advised that he was a facilitator rather than an objector in that he was merely putting forward his residents' views as stated in his emailed representation.

Mr Dadds advised that there was a code of conduct and plenty of case law about perceived bias and insisted that the sub-committee be reconvened with three different Members as justice had to be seen to be done.

Mr Aktar advised that he had been unaware that the four councillors had all met together before the meeting but agreed that the strict procedure had to be followed and that the perception of bias interfered with the impartiality of the procedure and therefore the licensing sub-committee should be reconstituted.

The Chair accepted Mr Aktar's advice and closed the meeting.