

LICENSING & GAMBLING ACTS SUB COMMITTEE

Minutes of a meeting of the Licensing & Gambling Acts Sub Committee of the Bolsover District Council held in Committee Room 1, The Arc, Clowne on Friday, 30th August 2024 at 10:14 hours.

PRESENT:-

Members:-

Councillors Amanda Davis, Emma Stevenson and Rita Turner.

Officers:- Louise Arnold (Legal Team Manager (Deputy Monitoring Officer)), Lindsey Delamore (Licensing and Enforcement Officer) and Matthew Kerry (Governance and Civic Officer).

Also in attendance at the meeting, observing, was Councillor Anne Clarke.

LGASC11-24/25 ELECTION OF CHAIR FOR THE MEETING

Moved by Councillor Rita Turner and seconded by Councillor Amanda Davis
RESOLVED that Councillor Emma Stevenson be elected as Chair for the meeting.

Councillor Emma Stevenson in the Chair

LGASC12-24/25 APOLOGIES FOR ABSENCE

There were no apologies for absence.

LGASC13-24/25 DECLARATIONS OF INTEREST

There were no declarations of interest made.

LGASC14-24/25 MINUTES

Moved by Councillor Amanda Davis and seconded by Councillor Emma Stevenson
RESOLVED that the minutes of the meeting of the Licensing & Gambling Acts Sub Committee held on 29th July 2024 be approved as a true and correct record.

LGASC15-24/25 TO HEAR REPRESENTATIONS MADE UNDER THE LICENSING ACT 2003 AND DETERMINE WHETHER TO GRANT AN APPLICATION FOR A PREMISES LICENCE AT BENNIES KITCHEN, THE OLD SCHOOL, MILL STREET, CLOWNE, CHESTERFIELD, S43 4JN

In attendance for this item was the Applicant, Mr. Peter Hopkinson, and his son, Mr. Peter Luke Hopkinson.

The Chair introduced the item and welcomed those present.

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The Legal Officer explained it had been brought to the attention of the Council on Tuesday, 27th August 2024 that the objectors listed in the Report had not been notified of the hearing until Tuesday, 27th August 2024, and had therefore not had the requisite 10 working days advance notice, unlike the Applicant who had been notified.

On attempting to make contact with the objectors, one had commented that they would have attended the hearing had they been given more notice, and the other objector had not responded to attempts.

The Legal Officer further advised Members that Regulation 32 of the Licensing Act 2003 (Hearing) Regulations 2005 stated "*the authority shall, if it considers that any person may have been prejudiced as a result of the irregularity, take such steps as it thinks fit to cure the irregularity before reaching its determination*". Members needed to therefore consider whether to continue the hearing or adjourn to prevent prejudice towards the objectors.

The Chair stated in her view, to prevent prejudice and ensure fairness, it would be appropriate to adjourn the hearing to enable the 10 working days necessary to inform the objectors.

The Legal Officer noted, if the objectors were not present at the rescheduled hearing, Members would need to determine whether it would be in the public interest to proceed in their absence, but with knowledge and confirmation that the objectors had been given the opportunity to attend.

The Members unanimously **RESOLVED** that the hearing be adjourned and a new hearing take place.

Apologies were expressed for the need for the hearing to be adjourned, and the Chair thanked all those for attending.

The meeting concluded at 10:25 hours.