

# Licensing Act 2003 Sub Committee



Forest Heath  
District Council

<b>Title:</b>	<b>Agenda</b>
<b>Date:</b>	<b>Monday 23 November 2015</b>
<b>Time:</b>	<b><u>9.30am</u> – Briefing for the Members of the Sub-Committee to be held in Room 4 (next door to the Council Chamber)</b> <b><u>10.00am</u> – Hearing Commences</b>
<b>Venue:</b>	<b>Council Chamber District Offices College Heath Road Mildenhall</b>
<b>Full Members (3):</b>	David Bimson John Bloodworth Carol Lynch
<b>The membership of this Sub-Committee is drawn from Members of the full Licensing Committee and needs not to be politically balanced.</b>	
<b>Substitutes:</b>	Named substitutes are not appointed
<b>Interests – Declaration and Restriction on Participation:</b>	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.
<b>Quorum:</b>	Two Members
<b>Committee administrator:</b>	<b>Helen Hardinge</b> Committee Administrator & FHDC Scrutiny Support <b>Tel:</b> 01638 719363 <b>Email:</b> <a href="mailto:helen.hardinge@westsuffolk.gov.uk">helen.hardinge@westsuffolk.gov.uk</a>

## **LICENSING ACT 2003 – HEARING PROCEDURE**

### **Pre-Hearing Matters**

1. Declaration of Interests
2. Chairman will introduce members of the Hearing Panel
3. Chairman will ask those present to introduce themselves in the following order:
  - Applicant and any person representing or assisting them (Confirmation also should be given that copies of the relevant representations to be considered at the Hearing have been received);
  - The Officer of the Licensing Authority, the Committee Administrator and the Legal Advisor to the Hearing Panel;
  - Responsible authorities that have made a relevant representation;
  - Interested parties who have made a relevant representation (Interested parties should confirm whether a spokesperson has been nominated and, if so identify them);
  - In the event of a review hearing, the respondent.
4. The Chairman will ask all parties to the Hearing whether they wish to withdraw their application or representation.
5. The Chairman will ask the Officer of the Licensing Authority to report:
  - Any requests from a party to the Hearing for permission for a witness to appear in support of their representation. Any such requests will be determined by the Hearing Panel.
  - Any documentary or other information that a party to the Hearing wishes to present. If there is any such material, the Chairman will ask all the other parties to the Hearing whether they consent to it being presented. If they agree, the material will be distributed. If not, the said material may not be distributed unless there are exceptional circumstances which in the Chairman's opinion render it necessary and appropriate for the said material to be presented to the Hearing Panel. In this regard the Chairman's decision will be final.
6. The Chairman will invite the applicant or his representative to estimate the time required to present their case and ask questions of other parties to the Hearing. He will then ask the other parties to the Hearing whether they will require a longer period to present their representation and question the applicant. The Hearing Panel will determine the maximum period of time allowed for each party to put their

case. This decision will be final.

### **THE HEARING**

Immediately the pre-Hearing matters have been dealt with the Hearing will commence.

1. The Chairman will ask the Officer of the Licensing Authority to summarise the matter under consideration.
2. The members of the Hearing Panel, the applicant, and those making representations may ask questions of the Officer of the Licensing Authority.
3. Starting with the applicant and, in the event of a review, concluding with the respondent, each party will exercise their rights within the identified maximum time, as follows:
  - Each party to present their case, including responding to any points of which the Licensing Authority has previously given notice, and call any approved witness or witnesses in support of their case.
  - If given permission by the Chairman, and only through the Chairman of the Hearing, each member of Sub Committee, office of the Licensing Authority or any party may raise questions of any other party or witness/witnesses.
4. Starting with the applicant and, in the event of a review hearing, concluding with the respondent, each party will be asked to sum up their case.
5. All those present, other than the members of the Hearing Panel, their Legal Advisor and the Committee Administrator, will be asked to leave the meeting to allow Members to determine the application.
6. All parties will be recalled. The Legal Advisor to the Hearing Panel will advise those present of any advice that has been provided during the determination. The Chairman will then:
  - either announce the decision, together with the reasons for it if it is a Hearing in relation to an application for which the Licensing Authority may make its determination at the conclusion of the Hearing;or
  - advise all the parties that the Licensing Authority will make its determination within 5 working days, in which case notification of the determination will be sent out in writing (including the rights of appeal) to

all relevant parties not later than 5 working days after the Hearing date.

7. In the event of the Licensing Authority making its determination at the conclusion of the Hearing the Chairman will outline the rights of appeal. The decision and rights of appeal will also be confirmed in writing by the Officer of the Licensing Authority forthwith.
  8. Nothing within paragraph 6 above will preclude a Licensing Authority from making its determination at the conclusion of any Hearing, should the Hearing Panel so decide. It is entirely within the discretion of the Members of the said Panel whose decision in this regard will be final.
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# **Agenda**

## **Procedural Matters**

### **Part 1 - Public**

- 1. Apologies for Absence**
- 2. Substitutes**
- 3. Election of Chairman**
- 4. The attached Hearing Procedure will be adopted in considering the undermentioned item: **1 - 88****

Report No: **LSC/FH/15/004**

- (a) Application for the Renewal of a Sex Establishment Licence (Sexual Entertainment Venue) in Respect of Heaven Awaits Ltd, 109-111 High Street, Newmarket