

Licensing and Regulatory Sub-Committee



Forest Heath
District Council

Title:	Agenda
Date:	Wednesday 14 November 2018
Time:	<u>9.30am</u> – Briefing for Members of the Sub-Committee to be held in Room 4 <u>10.00am</u> – Hearing Commences
Venue:	Council Chamber District Offices College Heath Road Mildenhall
Full Members (3):	Simon Cole Brian Harvey Nigel Roman
The membership of this Sub-Committee is drawn from Members of the full Licensing & Regulatory Committee and needs not to be politically balanced.	
Substitutes:	Named substitutes are not appointed
Interests – Declaration and Restriction on Participation:	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.
Quorum:	Two Members
Committee administrator:	Helen Hardinge Democratic Services Officer Tel: 01638 719363 Email: helen.hardinge@westsuffolk.gov.uk

Procedure for the Conduct of Sex Establishment Licensing Hearings

Procedure

1. The Chairman should ask whether the applicant, if unaccompanied, was aware that they could be represented.
2. The Chairman should introduce those present at the meeting and state their position if Officers.
3. The Chairman should then request the appropriate Officer of the Council to outline the matter under consideration.
4. The Applicant should then present their opening submission.
5. Members of the Committee and Council Officers will then have the opportunity to question the applicant regarding their opening submission.
6. Anyone who has submitted a representation would then be invited to address the Committee in relation to the relevant parts of their previously submitted representation. This may be subject to a time limit, which will be advised in advance of the hearing.

N.B. This will occur only if Chairman has exercised his/her discretion to allow Objectors to address the Committee. As case law and legislation restricts objectors addressing the Committee, the Committee and the applicant are not permitted to ask questions of the objectors.

7. The applicant should then present their main submission which should include their response to objections, and call any necessary witnesses.
8. Members of the Committee and Council Officers will then have the opportunity to question the applicant regarding their main submission.
9. The applicant will then have the opportunity to sum up and generally have the right of final reply.
10. The Committee will then retire to obtain legal advice (see note i). The Legal Officer will retire with them.
11. The Committee will, unless an adjournment or deferral is necessary, return and the Decision will be read out.

NOTES:

Note i – Exclusion of the Public Procedure: - Paragraph 5 of Part 1 of Schedule 12A Local Government Act 1972, as amended. (Chairman will call for a proposal to exclude press and public, followed by a Secorder and vote will be taken.)

GENERAL

1. The case for any party should only be put in the presence of the others, unless one party voluntarily chooses to leave the meeting. It is vital that all Members of the Committee present at the opening of the meeting remain present throughout the hearing, any Member arriving after consideration of the item has commenced should not take part in deliberations.
2. Members of the Committee should, during the hearing, confine themselves to questions and not embark upon discussion of the merits of the application.
3. Applications for adjournments should be granted if refusal would deny the applicant a fair hearing.
4. The Chairman may after consultation with the Solicitor present at the meeting vary the provisions of this Code of Conduct if deemed appropriate in the particular circumstances of an item of business being considered by the Committee.
5. The Chairman's ruling, in relation to this code and the conduct of the hearing, is final.

Agenda

Procedural Matters

Part 1 – Public

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- 1. Apologies for Absence**
- 2. Substitutes**
- 3. Election of Chairman**
- 4. Application for the Renewal of a Sex Establishment Licence
(Sexual Entertainment Venue - Heaven Awaits Ltd)** **1 - 84**

Report No: **LSC/FH/18/005**