

# Licensing and Regulatory Sub- Committee

<b>Title</b>	<b>Agenda</b>
<b>Date</b>	<b>Monday 28 February 2022</b>
<b>Time</b>	<b>9.30pm – Briefing for Members of the Sub-Committee 10.00 am – Hearing commences</b>
<b>Venue</b>	<b>Conference Chamber West West Suffolk House</b> Western Way Bury St Edmunds, IP33 3YU
<b>Full Members</b>	Patrick Chung Roger Dicker Pat Hanlon
<b>Substitute</b>	Don Waldron
<b>Membership is drawn from the full membership of the Licensing and Regulatory Committee and is politically balanced as far as is practicable.</b>	
<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>	Three Members
<b>Committee administrator</b>	<b>Helen Hardinge</b> Democratic Services Officer <b>Telephone</b> 01638 719363 <b>Email</b> helen.hardinge@westsuffolk.gov.uk

## Hearing procedure

### Pre-hearing matters

1. Declaration of interests
2. Legal Advisor will introduce members of the Hearing Panel
3. Legal Advisor 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 Democratic Services Officer 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 Legal Advisor will ask all parties to the hearing whether they wish to withdraw their application or representation.
5. The Legal Advisor 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 Chair 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 Chair's opinion render it necessary and appropriate for the said material to be presented to the Hearing Panel. In this regard the Chair's decision will be final.
6. The Legal Advisor 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 Chair 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 Chair, and only through the Chair of the Hearing, each member of sub-committee, officer of the licensing authority or any party may raise questions of any other party or witness/witnesses.
  - Where a party was unable to attend by virtue of it being held virtually, the Chair shall request the Democratic Services Officer to read any written submissions received in place of an oral statement.
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 Democratic Services Officer, 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 Chair 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 five 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 five working days after the hearing date.
7. In the event of the licensing authority making its determination at the conclusion of the Hearing the Chair 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.

## Agenda

### Part 1 – public

#### Procedural matters

**1. Election of Chair**

To seek nominations for the election of Chair for this sub-committee meeting.

**2. Apologies for absence**

**3. Substitutes**

Any member who is substituting for another member should so indicate, together with the name of the relevant absent member.

**4. Declarations of interest**

Members are reminded of their responsibility to declare any pecuniary or local non pecuniary interest which they have in any item of business on the agenda, **no later than when that item is reached** and, when appropriate, to leave the meeting prior to discussion and voting on the item.

**5. Exclusion of press and public**

To consider whether the press and public should be excluded during the consideration of the following items because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items, there would be disclosure to them of exempt categories of information as prescribed in Part 1 of Schedule 12A of the Local Government Act 1972, and indicated against each item and, in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

### Part 2 – exempt

The attached hearing procedure will be adopted in considering the undermentioned item:

**6. Application for a Private Hire/Hackney Carriage Driver's Licence (Exempt: Paragraphs 1 & 2)**

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Report No: **LSC/WS/22/002**