

Licensing and Regulatory Sub- Committee

Title	Agenda
Date	Tuesday 6 September 2022
Time	10.00 am (Briefing for Members at 9.30 am)
Venue	Conference Chamber West West Suffolk House Western Way Bury St Edmunds IP33 3YU
Full Members	Carol Bull Roger Dicker Pat Hanlon
Substitutes	Patrick Chung
Membership is drawn from the full membership of the Licensing and Regulatory Committee and is politically balanced as far as is practicable.	
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	Three Members
Committee administrator	Helen Hardinge Democratic Services Officer Telephone 01638 719363 Email helen.hardinge@westsuffolk.gov.uk

Procedure for the conduct of sex establishment licensing hearings

Procedure

1. The Legal Advisor should ask whether the applicant, if unaccompanied, was aware that they could be represented.
2. The Legal Advisor should introduce those present at the meeting and state their position if Officers.
3. The Chair 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 sub-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 Sub-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. 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.

N.B. This will occur only if the Chair has exercised his/her discretion to allow objectors to address the Sub-Committee. As case law and legislation restricts objectors addressing the Sub-Committee, the Sub-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 sub-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 right of final reply.
10. The Sub-Committee will then retire to obtain legal advice (see note i). The Legal Officer will retire with them.
11. The Sub-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. (Chair will call for a proposal to exclude press and public, followed by a seconder 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 sub-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 sub-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 Chair 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 Sub-Committee.
5. The Chair's ruling, in relation to this code and the conduct of the hearing, is 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.

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

5. Application for the Renewal of a Sex Establishment Licence (Sexual Entertainment Venue - Heaven Awaits Ltd)

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Report No: **LSC/WS/22/010**