

APPENDIX 5

LICENSING SUB-COMMITTEE
Procedure for the Conduct of Sex Establishment Licensing
Hearings

Procedure

1. The Chairman should introduce those present at the meeting and state their position if Officers.
2. The Chairman should then request the appropriate Officer of the Council to outline the matter under consideration and to detail any objections that need to be considered by the Licensing Sub-Committee for exclusion on the grounds that they are irrelevant, unreasonable or frivolous.
3. The Applicant should then present their opening submission.
4. Members of the Licensing Sub-Committee and Council Officers will then have the opportunity to question the applicant regarding their opening submission.
5. Any Objectors would then be invited to address the Licensing 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.

N.B. This will occur only if Chairman has exercised his/her discretion to allow Objectors to address the Licensing Sub-Committee. As case law & legislation restricts objectors addressing the Licensing Sub-Committee, the Licensing Sub-Committee and the applicant are not permitted to ask questions of the objectors.
6. The applicant should then present their main submission which should include their response to objections, and call any necessary witnesses.
7. Members of the Licensing Sub-Committee and Council Officers will then have the opportunity to question the applicant regarding their main submission.
8. The applicant will then have the opportunity to sum up and generally have the right of final reply.
9. The Licensing Sub-Committee will then retire to consider its decision on the application. (see note 1 below). The Legal Officer will retire with them.
10. The Licensing Sub-Committee will, unless an adjournment or deferral is necessary, return and the Decision will be read out.

NOTES: -

Note 1 – Exclusion of the Public Procedure: - Paragraph 5 of Part 1 of Schedule 12A Local Government Act 1972, as amended. (Chairman will call for a proposer and a seconder to exclude press and public, and thereafter a 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 Licensing 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 Licensing 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 Chairman may after consultation with the Legal Adviser present at the meeting vary the provisions of this Procedure if deemed appropriate in the particular circumstances of an item of business being considered by the Licensing Sub-Committee.
5. The Chairman's ruling, in relation to this Procedure and the conduct of the hearing, is final.