

MAIDSTONE BOROUGH COUNCIL LICENSING COMMITTEE

Hearing Procedure for Determining Applications for Sex Establishment Licences Following Representations

Introduction and Procedure

- i)** The Chairman will request those persons participating in the hearing to identify themselves, starting with the:
- ✘ Members of the Committee.
 - ✘ Head of Democratic Services.
 - ✘ Legal Advisor.
 - ✘ Committee Clerk.
 - ✘ The applicant.
 - ✘ Those making representations, who wish to speak. If they do not consent to their name and address being revealed to the applicant then by indication of the page number/s of their representation and those of any others who have made representations they act as spokesperson for.
- ii)** The Chairman will:
- ✘ Confirm that all parties are aware of the Committee hearing procedure and have a copy.
 - ✘ Confirm that all Committee Members have read all the report and any other documents regarding this application.
 - ✘ Ask whether there are any amendments to the application and/or whether any conditions put forward by objectors are considered acceptable to the applicant.

The Hearing

- ✘ The Chairman will ask the Legal Advisor or Head of Democratic Services to briefly outline the application and his report and the representations regarding the application.

The Applicant

- ✘ Opening remarks by the applicant (or representative).
- ✘ Evidence from the applicant and any witnesses.

- ✘ Any questions of each person giving evidence by persons making representations (at the discretion of the Committee) through the Chairman.

- ✘ Any questions of each person giving evidence by Members.

- ✘ If necessary the applicant (or representative) may clarify any matter that arose during questioning.

Those making representations:-

The Chairman will ask, where appropriate, whether a spokesperson has been appointed. At the discretion of the Committee those making representations may each or through the spokesperson, in the order determined by the Committee:

- ✘ Make opening remarks.

- ✘ Present any evidence and/or witnesses.

- ✘ Any questions of each person giving evidence by the applicant, (at the discretion of the Committee) through the Chairman.

- ✘ Where appropriate, at the discretion of the Committee, a question may be asked between parties making representations.

- ✘ Any questions of each person giving evidence by Members.

- ✘ If necessary those making representations may clarify any matter that arose during questioning.

The Legal Advisor will indicate if any further matters should be raised by the Committee.

Closing Speeches

- ✘ Those making representations will be given the opportunity to sum up their case.

- ✘ The applicant will be given the opportunity to sum up their case.

End of Hearing

The Chairman will confirm with the Members of the Committee and then the Legal Advisor that there are no further matters to be raised or resolved before the hearing is closed.

The Chairman will bring the hearing to a close and declare that the Committee will consider the application, all relevant representations, evidence, legislation, any guidance and policy in private session if it so wishes.

The Chairman may ask the Legal Advisor to remain to advise, if necessary, during deliberations.

The Chairman shall ask all other persons to withdraw.

The Decision

- ✘ The decision will be confirmed to the applicant and those making representations in writing within 7 days.
- ✘ The applicant can appeal a refusal or against conditions [in relation to mandatory grounds of refusal, only where it is said the ground does not apply to the applicant and NOT in relation to discretionary grounds sch3 para 12(3) (c) and (d), (character of locality, number of premises in locality, use of premises in the vicinity or layout character or condition of premises) within 21 days of notification of decision to the Magistrates' Court. Those making representations have no statutory right of appeal but can apply to the Court to permit them to take part in any appeal made.

N.B. The Committee may amend the above procedure should it consider it necessary on the grounds of fairness or to meet the need to establish facts.