

AGENDA

Please be aware there will be a short briefing for Members prior to the start of the hearing

**Regulatory Sub-Committee
Monday, 28th January, 2019 at 1.30 pm
The Council Chamber - The Guildhall**

Members: Councillor Paul Howitt-Cowan
Councillor Mrs Angela Lawrence
Councillor Mrs Jessie Milne
Councillor Mrs Judy Rainsforth (Reserve Member)

1. **To Elect a Chairman for this meeting only**
2. **Apologies for Absence**
3. **Members Declarations of Interest**

Members may make any declarations of interest at this point but may also make them at any time during the course of the meeting.

4. **Procedure** 3 - 4

The Following Item(s) will be dealt with in accordance with the Principles of Natural Justice adopted by the Council.

A Copy of which is attached to this agenda.

Note 1

This licensing authority will only allow licensing decisions to be taken by a minimum of three Councillors. In the event of one member being unable to attend, their place will be substituted by another member. In the event of this substitution taking place all parties will be informed of the change of membership at the beginning of the hearing.

5. Exclusion of Public and Press

To resolve that under Section 100 (A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act.

6. Review of the Suitability of this Person to Remain a Fit and Proper Driver 5 - 21

Mark Sturgess
Head of Paid Service
The Guildhall
Gainsborough

Thursday, 17 January 2019

Procedure to follow in respect of applications which are to be dealt with in accordance with the principles of Natural Justice – Private Session

1 Introduction

- 1.1 The Chairman welcomes the Applicant and, where applicable, his/her solicitor or other adviser to the meeting.
- 1.2 If unaccompanied, the Chairman should ask whether the Applicant was aware that he/she could be represented.
- 1.3 Those present at the meeting should be given the opportunity to identify themselves.
- 1.4 Members should be reminded not to leave the room whilst the application is being heard.
- 1.5 The Council's Senior Licensing Officer or his/her representative refers to the matter in hand being conducted in accordance with the rules of Natural Justice and briefly outlines the procedure to be adopted for the benefit of the Sub-Committee and the Applicant and his/her adviser.

2 The Senior Licensing Officer's Report

- 2.1 The Council's Senior Licensing Officer or his/her representative to open the proceedings with an outline of the application under debate and call witnesses if appropriate. (A copy of this procedure, the report and any relevant background papers having been supplied in advance of the hearing to the Applicant or his/her adviser which details the nature of any representations made.)
- 2.2 The Applicant and the Sub-Committee will be given an opportunity to question the Senior Licensing Officer or his/her representative and witnesses, if any, on the details of his report.

3 The Applicant's Case

- 3.1 Opening remarks by the Applicant or his/her representative.
- 3.2 The Applicant or his/her representative will then call any witnesses and/or give evidence in support of his case.
- 3.3 The Senior Licensing Officer or his/her representative and members of the Sub-Committee will be given the opportunity to question the Applicant or his/her representative and any of his/her witnesses.
- 3.4 The Applicant or his/her representative will be given the opportunity of asking any further questions of each witness after they have been questioned by the other parties in (3.3) above.

4 Statutory Representatives

- 4.1 Statutory Representatives to be invited to address the Sub-Committee and call witnesses if appropriate.
- 4.2 The Applicant or his/her representative and the Sub-Committee will be given an opportunity to question the Statutory Representatives and any of their witnesses.

5 Concluding Remarks

- 5.1 The Senior Licensing Officer or his/her representative will sum up the Council's case.
- 5.2 The Applicant or his/her representative will be given the opportunity to sum up.

6 The Decision

- 6.1 The Sub-Committee will deliberate in private. (All parties to the proceedings will be requested to withdraw and only the Committee Administrator and Legal Advisor will remain to give procedural advice and to record the decision.)
- 6.2 Once the Sub-Committee has reached a decision, the Applicant and the Senior Licensing Officer together with all other parties will be invited to re-enter the meeting and the Chairman will announce the decision to the Applicant. (Any conditions, provisos, restrictions etc or the reasons for refusal should be given.)
- 6.3 The Applicant to be informed that the decision will be notified in writing as soon as possible, together with any statutory rights of appeal which may be available.
- 6.4 The Chairman concludes the proceedings by thanking all parties for their attendance.

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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