

# LICENSING SUB-COMMITTEE HEARING PROTOCOL FOR VIRTUAL HEARINGS

## LICENSING ACT 2003

Proceedings at the Sub-Committee will be held in line with the 2005 Licensing Act Regulations and the Hearings Protocol applicable for normal licensing hearings together with this Licensing Sub-Committee Protocol for Virtual Hearings as set out below:

1. **Notice of a Remote Meeting** - The Proper Officer will give notice of the date and time of any remote meeting called under the Council Procedure Rules and shall provide details of how the remote meeting shall be conducted. The Notice, reports and background papers will be placed on the Local Authority Website – <https://www.threerivers.gov.uk/listing/council-meetings> (Licensing)
2. **The Committee** meeting is a virtual/remote meeting in that it is being conducted at no specific location and all participants are at various locations, communicating via audio and online.
3. **The Regulations** (The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 made under the Coronavirus Act 2020 enable Council/Committee meetings to be held in a virtual format and enables remote attendance.
4. **Remote Attendance - means a person is able at that time:**
  - (a) to hear, and where practicable see, and be so heard and, where practicable, be seen by, the other members in attendance,
  - (b) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting, and
  - (c) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.
5. **Remote Access** - means by electronic means, including by telephone conference, videoconference, live webcasts, and live interactive streaming.
6. **Types of Remote Link** - Licensing hearings and meetings will be using ZOOM Sub-Committee Members will establish videoconference capability when they sit as part of a Licensing Sub-Committee and when they speak.
7. **The Conduct** – details provided below are set out in relation to Committee meetings held as virtual/remote meetings.
8. **The Meeting** will comprise the stated Members of the Sub-Committee as per the Agenda with a Substitute Member available if so stated.
9. **Declaration of Interests** - Any Sub-Committee Member will confirm if there is any issue to be declared in advance of a Sub-Committee hearing.
10. **Members of the public wishing to speak** – Only those having made valid representations are able to speak at a Licensing Sub-Committee. Those who wish to speak must register in accordance with the Licensing Sub-Committee protocol.

11. **Other members of the public** Other members of the public who wish to hear the meeting discussion and view the remote meeting but who cannot speak under the Regulations, will be able to live stream the remote meeting using the virtual meeting link published on the agenda page on the Council's website.

12. **Ward Councillors/Other Councillors/Parish Councillors** are subject to same requirement to have provided valid representations to be entitled to speak at a Licensing Sub-Committee.

13 **Opening of the Meeting** - The Chair will open the remote meeting by confirming who is present: Members of the Sub-Committee will then introduce themselves, then the Council Officers present, the Applicant, other responsible authorities officers if present and members of the public who have registered to speak at the remote Licensing Sub-Committee.

14. **Members of the Sub-Committee** will be asked by the Chair if they wish to speak/ask questions. Members should indicate using the hand symbol on ZOOM if they wish to speak and when not speaking will be asked to have their microphone on "mute". The Chair will then call on each Sub-Committee Member in turn of who indicated a wish to speak and ask them to activate their speaker when invited to speak and give their name.

15. **Speakers outside the Committee** The Applicant and/or its legal representative, Licensing Officer, Police or other responsible authorities' representatives who are registered with the Committee Team to speak will be allowed to speak in order as directed by the Chair. Before addressing the remote meeting, each person will be asked to state their name and asked to show respect to each other and not to talk over someone who is already speaking. They will be asked to put on the mute button if not speaking. They may use the camera function if they wish when unmuted.

16. **Other Members of the Public** - Any other persons who are listening in via the Auditel live stream are accessing the Sub-Committee Hearing but are not entitled to take any active part in the meeting/hearing. The Chair has the discretion to remove any member of the public from the remote meeting by any remote means if they interrupt, try to engage in the meeting, or are abusive having been warned about their behaviour.

17. **Disruption to remote conferencing** - should any aspect of the videoconference fail, the Chair may call a short adjournment of up to ten minutes to determine whether the link can quickly be re-established. In the event of individual link failures, the Legal Adviser will determine whether it is possible to restart the proceedings or whether an adjournment needs to be called. In the event of any interruption/loss of contact with a Sub-Committee member or registered attendee, the proceedings will be halted for a short period to allow reconnection. The hearing may continue in the absence of the Applicant or those making representations dependent on the status of the proceedings. An adjournment will only be agreed in the event that proceedings are no longer quorate or if deemed necessary in the interests of all parties registered to speak.

18. **Summing up** - The Chair will direct the parties to sum up their positions before the Sub-Committee retires to consider its decision.

19. **Decision** – The Sub-Committee will retire to a separate room with the Legal Adviser/Clerk to agree its Decision and may return to ask questions of the parties if necessary. The Determination will be given in writing within 5 working days unless

the Sub-Committee states that it will return to announce its determination and confirm it in writing within 5 working days thereafter.

20. **Recording** - All meetings will be recorded and the recording placed on the Council's website for a period of 12 months.

21. **The Chair** has the discretion to amend this Protocol as necessary

In addition, for Virtual/Remote Licensing Sub-Committee Hearings will also be subject to the following:

## **ADDITIONAL INFORMATION**

### **1. ACTIONS TO BE UNDERTAKEN IN ADVANCE OF HEARING:**

1.1. Parties are encouraged to submit brief email submissions, **at least 3 days before the hearing** is due to start summarising the points they wish to make at the hearing and the outstanding issues. Although this is voluntary, these written submissions are likely to assist in the conduct of the remote hearing and the decision making process. These should be sent to [CommitteeTeam@threerivers.gov.uk](mailto:CommitteeTeam@threerivers.gov.uk).

1.2. Any documentary evidence that is not submitted to the Licensing Authority 3 days before the hearing will not be admitted without the agreement of all parties (in accordance with 2005 Regulation 18).

1.3. Should any party wish to rely on any points of law, specific references in the s.182 Guidance, specific references in the TRDC's Licensing Policy or any other external resources, these should be detailed in an electronic document and submitted to the Council **3 days before the hearing** and sent to [CommitteeTeam@threerivers.gov.uk](mailto:CommitteeTeam@threerivers.gov.uk).

1.4. Any group of persons, e.g. local residents, can appoint a representative to act as their appointed spokesperson and make representations on their behalf and thus avoid duplication. The name of such representative and persons for whom he will speak, should be notified to the Sub-Committee in advance of the Sub-Committee hearing.

1.5. As this is a Public meeting, any members of the public who wish to hear the discussion but, have not made a valid representation entitling him/her to take part, may use the link published with the agenda.

1.6. Attendees are asked to familiarise themselves with the operating system used for the Virtual hearings – ZOOM. Attendees are to log in 15 minutes before the hearing starts and ensure that all possible sources of noise/interruption are controlled (e.g. pets/telephones etc.)

## **2. ADDITIONAL POINTS OF ORDER TO BE NOTED DURING HEARING:**

- 2.1. Each party shall normally be given the same amount of time in which to address the Sub-Committee. A time limit may be placed on presentations at the discretion of the Sub-Committee.
- 2.2. Any person behaving in a disruptive manner (e.g. being abusive, continuous interruption whilst others are speaking etc.) will be asked to leave the hearing. However, the Sub-Committee will still give such weight to any written evidence or representation submitted by that person.
- 2.3. Before addressing the meeting, each person will be asked to state their name and asked to show respect to each other and do not talk over someone who is already speaking.
- 2.4. The Chair will invite those attending to speak so no person should interrupt the proceedings.
- 2.5. The Chair will ask each party whether they wish to ask questions of any of the other parties. The Sub-Committee will consider any requests for permission to ask questions of other parties. The Sub-Committee will decide if questions are required in order for it to consider the case properly.
- 2.6. The Sub-Committee make their decision in a quasi-judicial manner and therefore have a duty to view all evidence presented before them impartially. The Sub-Committee is not bound by the formal rules of evidence. However, the Sub-Committee will carry out their duty by placing what weight they feel is appropriate given the nature of the evidence and the manner in which it was obtained, and communicated.

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## **ORDER OF PROCEEDINGS AT THE VIRTUAL HEARING Licensing Sub-Committee**

### **1. CHAIR'S INTRODUCTION, OPENING COMMENTS, DECLARATION OF INTERESTS**

The Chair (with assistance of the Clerk and/or Legal Adviser) will welcome those present and ask those in attendance at the hearing to introduce themselves. The Chair will then deal with declaration of interests (if any) and then outline the procedure to be followed.

## **2. LEAD LICENSING OFFICER**

2.1 To outline the application.

## **3. THE APPLICATION**

3.1 The Applicant and/or their representative to address the Sub-Committee, present information in support of the application, and to call any witnesses in support of the application, one witness at a time.

3.2 The Applicant and each of their witnesses may be questioned by: -

- Members of the Sub-Committee
- The Sub-Committee's Legal Adviser

## **4. THE REPRESENTATIONS**

4.1 Any Party making representations and/or their representative to address the Members of the Sub-Committee, providing any information in support of their representation, and to call any witnesses in support of their representation.

4.2 These representations will be taken in the following order: -

- Police Representation
- Fire Service Representation
- Environmental Health Representation
- Social Services Representation
- Public Representation
- Other interested parties

4.3 The party and any of their witnesses may be questioned by: -

- Members of the Sub-Committee
- The Sub-Committee's Legal Adviser

This will be repeated for each person making representations.

4.4 Where there are groups of individuals with a common interest, for example Local Residents, presentation through an appointed spokesperson is preferred but not mandated.

## **5. CROSS EXAMINATION**

- 5.1 Cross-examination of another party is not normally permitted. However, the Sub-Committee will consider any application for permission to cross examine another party should any party wish to make such an application.

## **6. SUMMARISATION.**

Those making representations will briefly summarise their representation.  
(Max 5 minutes)

The Applicant will be briefly summarise their application. (Max 5 minutes)

The Licensing Officer or Legal Adviser may provide further guidance to the members of the Sub-Committee if appropriate.

## **7. DETERMINATION**

The Sub-Committee will then withdraw to a separate Virtual meeting room to consider their decision with the Legal Adviser/Clerk. The Decision will be made in writing within 5 working days of the date of the hearing. A copy of the Decision will be sent to all parties attending together with details of their rights of appeal.