

## Protocol on Remote Licensing Hearings

### **1. Introduction**

- 1.1 The purpose of this Protocol is to clarify how the Licensing Sub-Committee will conduct remote licensing hearings. This Protocol only applies where all Parties agree to proceed with a remote hearing. Applicants may still request that their hearing is held in-person.
- 1.2 This Protocol should be read in conjunction with the Council's Licensing Committee and Sub-Committee Hearings Procedure. All hearings will be conducted with due regard to the Council's Constitution and the Licensing Act 2003 (Hearings) 2005 Regulations.

### **2. Preparation for Remote Licensing Hearings**

- 2.1 Remote Licensing Hearings will be held on the platform of Microsoft Teams.
- 2.2 All Applicants, Responsible Authorities and other persons who have submitted a valid representation ("Parties") will be provided with a link to access the meeting prior to the commencement of the hearing. Only these Parties will be able to participate in the hearing (together with their advisers) provided they have registered, in advance, with the Licensing Authority, as specified below. A link for the general public to watch the meeting will be available on the Council's website.
- 2.3 Any documentary evidence that is not submitted to the Council in advance of the meeting will not be admitted without the agreement of all Parties. If it is essential to a Party's case that the material be admitted, then the Sub-Committee will consider adjourning the remote hearing to allow all Parties a fair opportunity to consider it.

### **3. Rules during Remote Licensing Hearings**

- 3.1 The following rules must be followed by all Parties to ensure the remote hearing can be conducted fairly.
  - a) All Parties wishing to participate in the hearing must register their wish to participate in the hearing and provide their email addresses and contact telephone numbers to the Licensing Authority no later than 5 working days before the hearing is scheduled to take place in accordance with The Licensing Act (Hearings) Regulations 2005.
  - b) All Parties should join the meeting link at least 15 minutes before the advertised start time to ensure they are ready to start at the advertised start time. Participants will be placed in the waiting room until the commencement of the meetings. After the advertised start time has passed no registered parties will

be allowed to join, except in exceptional circumstances, when permitted by the Chair.

- c) All Parties must only address the hearing when invited to do so by the Chair.
- d) All Parties must keep their microphones on mute unless they are speaking. The Chair has the ability to mute all parties' microphones.
- e) If a Party wishes to speak, they should use the participant's "raise hand" facility. The Chair has the discretion to invite the party to make their comment at an appropriate stage in the hearing.
- f) All Parties are asked to keep their comments as succinct as possible.
- g) If a Party has a question for another party, this must be addressed to the Chair who will have the discretion to ask the relevant party to respond.
- h) Any Party wishing to make suggestions as to the conditions that may be imposed in the event of the application being granted should do so by reference to the schedule of proposed conditions set out in the Conditions Schedule annexed to the Agenda papers. In so doing, they should use the same numbering in that Schedule. This is to ensure that there is ease of referencing the conditions by all the Parties.
- i) When referring to the hearing papers, participants should give the page and paragraph number where appropriate.
- j) The Chair has the discretion to amend these rules in any given case where they consider it appropriate to do so.

#### **4. Procedure**

- (1) The Licensing Officer/Manager will introduce the details of the application/matter, the reason for the hearing and the documentation.
- (2) Each party making representations will address the hearing in turn and will call other persons where permission has been given to do so.
- (3) The applicant/licence holder will present their case and will call other persons where permission has been given to do so.
- (4) Members of the Sub-Committee may question all parties and persons.
- (5) Questions from the parties must be directed through the Chair unless cross examination has been permitted by the Chair.
- (6) All parties will have the opportunity to make a closing statement, with the applicant/licence holder having the final word.
- (7) The Sub-Committee will withdraw to make its decision and formulate the reasons for the decision in private, and will ask the Council's Legal Adviser to join it in order

to assist in documenting the decision and the reasons or to provide clarification on any point.

- (8) The decision will be announced in public and confirmed in writing (in certain circumstances, the decision may not be made on the same day of the hearing).
- (9) In the event that legal advice has been sought for clarification on any point, then the point raised and the advice given will be declared to all parties.
- (10) Following the meeting, within five working days, all parties to the proceedings will receive formal written confirmation of the Committee decision and the reasons for the decision.

## **5. Outcome of the Hearing**

- 5.1 Following closing statements the Sub-Committee will retire into a separate private meeting accompanied by the Legal Advisor to deliberate and make its decision. At this point in the proceedings the meeting will be adjourned however it is important that all Parties remain available should Members have any further questions.
- 5.2 When the deliberations have ended and a decision reached, the Sub-Committee will re-join the Live meeting. The decision of the Sub-Committee will be read out. Following this the Chairman will close the meeting and the Livestream will be ended.
- 5.3 Formal Notification of the decision will be sent out to all Parties within 5 working days of the meeting unless otherwise required or permitted by Regulations.

## **6. Failure to attend**

- 6.1 If a party, who has not given prior notice of their intention to attend or not to attend the hearing and is absent from the hearing, the Sub-Committee may either adjourn the hearing or hold the hearing in the party's absence. Where the hearing is held in the absence of a party, the Sub-Committee will still consider the application, representation or notice submitted by that party.

## **7. Disruptive Behaviour**

- 7.1 Regulation 25 of the Licensing Act 2003 (Hearings) Regulations 2005 ("the Regulations") allows the Council to require a person behaving disruptively to leave.
- 7.2 The Committee may require any party attending the hearing, who in their opinion is behaving in a disruptive manner, to leave the hearing and may refuse to permit that person to re-joining or permit them to return only on such conditions as the Committee may specify.