

Appendix 2

AMENDMENTS TO THE COUNCIL'S CONSTITUTION PROTOCOL ON REMOTE LICENSING HEARINGS –

1. Time and Place of Meeting, Notice of the Summons to meetings

The proper officer will give the requisite notice to the public of the time of the Remote Licensing Hearing and the agenda. The 'place' at which the meeting is held may be at an Authority building or may be where the organiser of the meeting is located or may be an electronic or a digital or virtual location, a web address or a conference call telephone number; or could be a number of these combined. The meeting may also be held in a meeting room or Chamber with a proportion of the membership and any participating public additionally attending remotely. The place of the meeting will be clearly referenced on the Summons for the meeting. Members will be notified by email and the agenda and papers for the meeting will be available on the Council's website.

Amendments to Part 3 Section 1 - Council Procedure Rules, Rule 4 'Time and Place of Meetings' and Rule 5 'Notice of the Summons to Meetings' and Access to Information Procedure Rules (Part 3, Section 3)

(a) For the purposes of Remote Licensing Hearings, the term 'meeting' is not limited in meaning to a meeting of persons all of whom or any of whom are present in the same place, for which purposes any reference to:

(i) "place" is to be interpreted as where a meeting is held, or to be held, includes reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers: and

(ii) "open to the public" includes access to the meeting being through remote means including (but not limited to) video conferencing, live webcast, and live interactive streaming and where a meeting is accessible to the public through such remote means the meeting is open to the public whether or not members of the public are able to attend the meeting in person; and

(iii) If the Chair is made aware that the Remote Licensing Hearing is not accessible to the public through remote means, due to any technological or other failure of provision, then the Chair shall adjourn the meeting immediately. If the provision of access through remote means cannot be restored within a reasonable period, then the remaining business will be considered at a time and date fixed by the Chair. The Chair will endeavour to adjourn to a specific date.

(b) For the purposes of Remote Licensing Hearings, the terms "notice", "summons", "agenda", "report", "written record" and "background papers" when referred to as being a document that is:

- (i) *“open to inspection” shall include for these and all other purposes as being published on the website of the council; and*
- (ii) *to be published, posted or made available at offices of the Authority shall include publication on the website of the Authority.*

2. Attendance at the Meeting and Quorum

For a Remote Licensing Hearing to be quorate **three** Members are required to be in attendance at all times during the Remote Licensing Hearing (as set out in Part 2 – Section 5: Functions of Committees, 5 Licensing and Regulatory Committees, 5.11). Members in attendance at the meeting will be monitored throughout the meeting by the nominated Officer who will notify the Chair and Legal Adviser to the panel immediately if a Member is disconnected or drops out of the meeting. If connection is lost then the process set out above will be followed.

A Member is classed as attending the Remote Licensing Hearing at any time if all of the conditions below are satisfied; these conditions are that the member in remote attendance is able at that time;

- (i) to hear, and where practicable see, and so be heard and, where practicable, be seen by, the other members in attendance,
- (ii) 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
- (iii) to be so heard and, where practicable, be seen by any other members of the public, attending a meeting which includes that person attending by remote access.

The Chair will normally confirm at the outset and at any reconvening of a Remote Licensing Hearing that they can see and hear all participating Members. Any Member participating remotely should also confirm at the outset and at any reconvening of the meeting that they can where practicable see and hear the proceedings and the other participants.

If technology fails for a wholly or partially remote public Licensing Hearing and the public meeting is no longer open to the public any decisions made could be challenged as unlawful.

A technological failure removing the ability for the public to access a public meeting by remote means renders the whole meeting incapable of proceeding (as described above).

In the event of any apparent failure of the video, telephone or conferencing connection of any member attending remotely, the Chair or the Legal Adviser (if the failure is that of the Chair's) should immediately determine if the meeting is still quorate:

- (a) if it is, then the business of the meeting will continue; or
- (b) if there is no quorum, then the meeting shall adjourn for a period specified by the Chair, expected to be no more than ten or fifteen minutes, to allow the connection to be re-established.

In the event of connection failure, the remote Member(s) will be deemed to have left the meeting at the point of failure and if the connection cannot be re-established to those Member(s) within a reasonable time period to be determined by the Chair, then the presumption will be that the meeting should continue to deal with the item/s subject to rule above regarding quorum.

If the connection is successfully re-established, then the remote Member(s) will be deemed to have returned at the point of re-establishment.

Amendments to Constitution

Part 3, Section 1 – Council Procedure Rules, Rule 7 ‘Quorum’

(a) A Member in remote attendance at a Remote Licensing Hearing is present and attends the meeting, including for the purposes of the meeting’s quorum, if at any time all three of the following conditions are satisfied, those conditions being that the Member in remote attendance is able at that time:

- (i) to hear, and where practicable see, and be so heard and, where practicable, be seen by, the other Members in attendance.*
- (ii) 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*
- (iii) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.*

(b) A Member in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance contained in (a) above are not met. In such circumstance the Chair may, as they deem appropriate;

- (i) adjourn the meeting for a short period to permit the conditions for remote attendance of a Member contained in (a) above to be re-established; or*
- (ii) count the number of Members in attendance for the purposes of the quorum; and*
- (iii) continue to transact the remaining business of the meeting in the absence of the Member in remote attendance.*

3. Meeting Procedures and Voting

A nominated Officer will manage the video, telephone or conferencing technology employed for remote access and attendance and to administer the public and Member interaction, engagement and connections on the instruction of the Chair.

The Authority will endeavour to put in place a solution that will enable Members participating in Remote Licensing Hearings remotely to indicate their wish to speak, replacing the physical practices or rules concerning raising one’s hand or standing to be recognised or expressing a desire to speak.

The Chair, at the beginning of the Hearing, will explain the protocol for Member and public participation as well as the Procedure for the meeting.

The Chair will ask all Members to confirm their name, ward and attendance at the start of the Hearing and ask whether they can hear and are being heard by others in the meeting. At each opportunity in a Hearing for Members to ask questions, the Chair may ask each member in attendance in turn whether he or she has a question to ask. This is in order to facilitate active and orderly participation in the Hearing by all members. Members will be asked to adhere to etiquette guidance during remote hearings, which will be shared with Members prior to the meeting (e.g. microphones to be muted when not talking).

Unless a Recorded Vote is called, the method of voting will be that each Member must confirm that they have heard **without interruption** the entire proceedings and full discussion in relation to the item and members to state 'for', 'against', or 'abstain' to indicate their vote when their name is called.

While the minutes will record the decision of the meeting the names of the members for, against or abstaining will not be recorded unless Council Procedure Rules 16.7 or 16.8 apply (Recorded Votes/Right to require individual vote to be recorded).

Amendment to Council Procedure Rule 16 – VOTING

For the purposes of Remote Licensing Hearings:

- (i) Unless a recorded vote is demanded, [which may be confirmed by the requisite number of Members confirming the demand verbally when requested by the Chair,] the Chair will take the Vote by assent of the meeting or by roll call.*
- (ii) Each Member must confirm that they have heard without interruption the entire proceedings and full discussion in relation to the item and will be asked to state 'for', 'against', or 'abstain' to indicate their vote when their name is called.*

4. Public Participation at Remote Licensing Hearings - Licensing Committee and Sub-Committee Hearing Procedure

The 'Public Participation at Licensing Sub-Committees' guidance within the Licensing Committee and Sub-Committee Hearings Procedure still applies save that in respect of Remote Licensing Hearings the Remote Licensing Hearings Protocol takes precedence in the event of any inconsistency.

Members of the public attending a meeting remotely must when they are speaking be able to be heard (where practicable be seen) by all other Members in attendance, and the remote participant must, in turn, be able to hear (and where practicable be seen) those other members participating and be so heard and, where practicable, be seen by any other members of the public attending the meeting.

A breakdown of the technology should not disadvantage the member of the public in remote attendance wherever possible. To that end a member of the public participating

in a meeting remotely in exercise of their right to speak will be asked to submit their representation in writing, or by video to officers before the meeting, so that in the event of a breakdown of technology the representation can be read out by an Officer at the meeting or the video played.

A Remote Licensing Hearing will not automatically be deferred if someone who has registered to speak on an application is not available on the contact telephone number(s) provided.

Amendment to the 'Licensing Committee and Sub-Committee Hearings Procedure' paragraph 8 - 'Public Participation at Licensing Sub-Committees' - In relation to Remote Licensing Hearings and Remote Attendance by Members of the Public

(a) A member of the public entitled to attend the Remote Licensing hearing in order to exercise a right to speak at the meeting is in remote attendance at any time if all three of the following conditions are satisfied, those conditions being that the member of the public in remote attendance is able at that time:

- (i) to hear, and where practicable see, and be so heard and, where practicable, be seen by, Members in attendance;*
- (ii) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any other members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting; and*
- (iii) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.*

(b) A member of the public in remote attendance at a Remote Licensing Hearing will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance contained above are not met. In such circumstance the Chair may, as he or she deems appropriate:

- (i) adjourn the meeting for a short period to permit the conditions for remote attendance to be re-established;*
- (ii) suspend consideration of the item of business in relation to the member of public's attendance until such time as a following item of business on the agenda has been transacted and the conditions for the member of the public's remote attendance have been re-established or, on confirmation that this cannot be done, before the end of the meeting, whichever is the earliest; or*
- (iii) continue to transact the remaining business of the meeting in the absence of the member of the public in remote attendance.*
- (iv) a member of the public who has registered to speak will be asked also to provide a written copy of their submission in advance of the meeting or video.*

5. Filming of Remote Meetings

The Agenda is divided into two parts, with Part I items being considered in the presence of the press and public. Part II Items will be considered in the absence of the press and public for the reasons indicated on the Agenda and relevant reports. It should be noted that discussions held in Part I are recorded and that the recordings are uploaded to the Council's Website.

The Council cannot control third parties who may record the meeting and use the contents on social media platforms.

Amendment to Council Procedure Rules 21.3 (Recording of Meetings) and Access to Information Procedure Rules (Rule 7.5 Reporting of Meetings by the Press and Public)

For the purposes of Remote Licensing Hearings the Council cannot control third parties who may record the meeting and use the contents on social media platforms.