

TEMPORARY LICENSING SUB-COMMITTEE HEARINGS PROCEDURE AND GUIDANCE

The Local Authorities and Police and Crime Panels (Coronavirus)
(Flexibility of Local Authority and Police and Crime Panel Meetings)
(England and Wales) Regulations 2020 and
The Licensing Act 2003 (Hearings) Regulations 2005

Introduction

This Temporary Procedure and Guidance note makes provision for the conduct of local authority Licensing Sub-Committee hearings, held between 4 April 2020 and 7th May 2021, and for public and press access to these meetings and are made in accordance with Coronavirus Act 2020 and The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

The [Remote Meetings Protocol](#) sets out further information on how remote meetings operate at Harrogate Borough Council and it is strongly recommended that all parties read this protocol before participating in any meeting.

Microsoft Teams

Remote meetings at Harrogate Borough Council are held on Microsoft Teams. This enables all participants to see and hear and been seen and heard during the meeting in line with the regulations. Microsoft Teams is free to download and can be downloaded onto a laptop/tablet/smartphone. It can also be opened in a web browser and for those without internet access, a dial-in option is also available.

Prior to any meeting of the Licensing Sub-Committee, a link to the meeting will be sent from Democratic Services. This link is only for the recipient of the email and should not be forwarded without the consent of Democratic Services. To access the meeting simply click the link that says "Join Microsoft Teams Meeting."

Once you have been admitted to the meeting you will be able to see a menu bar that gives you the option to turn your microphone and camera on and off. Please familiarise yourself with these options prior to the meeting. If you would like any training on how to use Microsoft Teams please contact democraticservices@harrogate.gov.uk

The meeting will be livestreamed on YouTube unless the Sub-Committee resolve to go into exempt session. The recording will remain on YouTube for 4 weeks.

Meeting Etiquette

All participants should mute their microphones until invited to speak by the Chair and only one person should speak at any one time. Any video-feed should show a plain background. Unacceptable behaviour will not be tolerated. The Chair can mute participants if they are not adhering to the protocols and in extreme circumstances can remove participants if they deem it necessary.

If you wish to speak during a meeting, simply press the "raise my hand" button on the menu bar and wait to be called to speak by the Chair.

Technical Difficulties

If you experience any technical difficulties during the meeting please contact the meeting facilitator on 07525 988300.

Licensing Sub-Committee Procedure

Each application that comes before the Sub-Committee will be treated on its own merits, and this Licensing Authority will make its decision based upon:

- The merits of the application, and
- The promotion of the four licensing objectives which are:
 - The prevention of crime and disorder
 - Public safety
 - The prevention public nuisance; and
 - The protection of children from harm
- The policy of the licensing authority, a copy of which can be viewed on <http://www.harrogate.gov.uk/pdf/policy.pdf> or obtained from Licensing, Safer Communities PO Box 787, Harrogate, HG1 9RW
- The guidance issued by the Home Office in April 2017 under Section 182 of the Licensing Act 2003.

This Council is committed to making decisions, in an honest, accountable and transparent fashion.

Hearings will be held in public but the Sub-Committee may decide to exclude the public from all or part of a hearing where it considers the public interest in doing so outweighs the public interest in the hearing taking place in public. In this context “public” includes any party to the hearing or any representative of a party.

Pre-meeting check

All participants are required to join the meeting 15 minutes prior to the formal start time for a technical check and to run through proceedings.

Proceedings

1. The Clerk to the meeting will begin by asking the Sub-Committee to appoint a Chair.
2. The Chair will open the meeting by explaining the procedure for the Sub-Committee.
3. Agenda item 2 on the agenda will be introductions. The Chair will ask all parties to introduce themselves and will confirm as to the names of any witnesses they will be calling. **Councillors** will state their name and the ward they represent. **Officers** will state their name and job title. **All other participants** will state their name and the reason for their attendance at the Sub-Committee (e.g. applicant, licence holder, other persons etc.) At this point, the Sub-Committee will satisfy itself as to whether a representative has been appointed on behalf of those raising a representation and if not will establish who wishes to speak. The Chair may determine whether it is possible to appoint one representative to represent the view of all those raising a representation to present the views of all present and will indicate an equal period of time to each of the parties present who wishes to speak to present their case. This Sub-Committee recommends a maximum of 20 minutes is allowed to each party to make all relevant statements and respectfully requests that all parties keep points pertinent and the discussion moving in the interests of cost and efficiency.

Once participants have introduced themselves they should turn off their microphone.

4. Item 3 on the agenda will be declarations of interest. The Chair will ask if any Member of the Sub-Committee has an interest they wish to declare.
5. The procedure for the hearing will be agreed at agenda item 4.
6. At agenda item 5 the Solicitor to the Sub-Committee will advise of any exempt information items. If there is exempt information the Sub-Committee could resolve to go into exempt session. This means that the public would no longer be able to watch the Sub-Committee meeting.
7. Agenda item 6 is the substantive matter for decision. The Chair will ask the representative from the Licensing Authority to outline their report.
8. Members of the Sub-Committee are to use the “raise my hand” option if they wish to ask any relevant questions of the representative of the Licensing Team. The Chair will then invite Members to ask their questions.
9. The Chair will invite the Applicant/Licence Holder, (or their representative) to address the Sub-Committee and present their case including clarification of any information arising from the officers’ outline, if necessary.
10. If necessary, the Sub-Committee will consider requests to allow other parties invited by the Applicant/Licence Holder to address the Sub-Committee.
11. Members of the Sub-Committee are to use the “raise my hand” option if they wish to ask any relevant questions of the Applicant/Licence Holder or their representative. The Chair will then invite Members to ask their questions.
12. Parties that made representations are to use the “raise my hand” option if they wish to ask any relevant questions of the Applicant/Licence Holder or their representative. The Chair will then invite them to ask their questions.
13. The Chair will invite those that have made representations (police, environmental health, other persons etc) to address the Sub-Committee. Questions from Members and the Applicant/Licence Holder or their representative will be taken after each party has addressed the Sub-Committee.
14. Members of the Sub-Committee are to use the “raise my hand” option if they wish to ask any relevant questions of those making representations. The Chair will then invite Members to ask their questions.
15. The Applicant/Licence Holder or their representative are to use the “raise my hand” option if they wish to ask any relevant questions of those making representations. The Chair will then invite them to ask their questions.
16. Steps 13-15 will be repeated until all parties making representations have addressed the Sub-Committee.

17. The Chair will invite the Applicant/Licence Holder or their representative, and any parties making representations, to briefly summarise their points if they wish.
18. The Chair will ask all parties if they are satisfied that they have said all they wish to.
19. The Chair will then announce that the Sub-Committee will retire to discuss and make their decision. In order to do this the Members of the Sub-Committee, the Solicitor to the Council and the Clerk to the Sub-Committee will all leave the Microsoft Teams meeting and join a separate meeting. All other parties will be asked to turn their camera feeds and microphones off and may take a break from the proceedings. All parties are asked however to keep the meeting running and their volume up so they can be aware of when the Sub-Committee return to announce their decision. The video-stream to YouTube will be suspended for the duration of the deliberation.
20. Once the Sub-Committee have made their decision they will return to the main meeting and the video-feed will recommence on YouTube. The Chair will do a quick roll-call of those present to ensure everyone has returned to the meeting.
21. The Chair will relay the decision and the reasons given for the decision, and any conditions placed upon the licence (if granted) and the licensing objective that they relate to.
22. The Chair will announce that the meeting has ended. All participants can then leave the meeting by pressing the red button on the right hand side of the menu bar.

Please note:

- a. Any changes to the agenda will be given at the beginning of the meeting.
- b. The circulation of additional documentation will not be possible during the meeting. If you have any additional documentation you would like to share please send it to the Clerk of the meeting at least 24 hours prior to the meeting.
- c. The Sub-Committee will disregard any information given by a party, or any other person appearing at the hearing which is not relevant to:
 - Their application, representation or notice; and
 - The promotion of the licensing objectives or the crime prevention objective where the Police has given notice.
- d. If a party has informed the Licensing Authority that they will not be attending or be represented at the hearing it may proceed in their absence. Persons making representations may choose to rely on their written representation.
- e. If a party fails to respond to the Notice, does not attend the hearing and is not otherwise represented the sub-committee may either:
 - Adjourn the hearing if it considers it both necessary in the public interest, or
 - Hold the hearing in the party's absence
- f. If the Sub-Committee holds the hearing in the absence of a party it will consider at the hearing the application, representation or notice given by the party.
- g. If the Sub-Committee adjourns the hearing to a specified date it must further notify the parties but please note that when arranging adjournments transitional hearings

cannot be adjourned to a date beyond the two months from the date the applicant's application was received.

- h. Similarly, this authority generally will allow all parties to ask questions of another party present, but this decision will be taken on a case by case basis and in some exceptional circumstances (a reason will be given) cross examination may be prohibited.
- i. The Licensing Authority has the right to exclude any parties disrupting this hearing, at its discretion. Any person so excluded may, before the end of the hearing, submit to the Authority in writing, any information which they would have been entitled to give orally had they not been requested to leave.
- j. In cases where a decision cannot be given at the end of the hearing, the Clerk will inform the Applicant when they will be notified of the decision within 5 working days.
- k. Proceeding will not be rendered void only as a result of failure to comply with any provisions of the Hearings Regulations.
- l. Where an Authority considers that any person may have been prejudiced as the result of an irregularity relating to the Hearings Regulations, it may take such steps, as it thinks fit to resolve the irregularity, before reaching its determination.
- m. The authority may correct clerical mistakes in any document recording a determination of the Authority, or errors arising in such a document as the result of an accidental slip or omission.

Appeals

1. Either those who have made an application or those who have made representations on an application may appeal to the Magistrates Court.
2. An appeal must be commenced within twenty-one days beginning with the day on which the appellant was notified by the Licensing Authority of their decision. Notice of Appeal must be given to Harrogate Magistrates Court.