

DECISION-MAKER:	LICENSING COMMITTEE
SUBJECT:	LICENSING HEARING GUIDANCE NOTES
DATE OF DECISION:	14 th June 2023
REPORT OF:	Ian Collins, Director, Environment

<u>CONTACT DETAILS</u>			
Executive Director	Title	EXECUTIVE DIRECTOR; PLACE	
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STATEMENT OF CONFIDENTIALITY	
N/A	
BRIEF SUMMARY	
Report of Executive Director for Place, seeking adoption of procedure / guidance notes for remote hearings before the Licensing (Licensing and Gambling) Sub Committee.	
RECOMMENDATIONS:	
(i)	The Licensing Committee consider this report and the attached procedure note and approve / adopt it.
REASONS FOR REPORT RECOMMENDATIONS	
1.	Recent lower court case has recognised holding remote hearings under the Licensing Act Hearing Regulations is lawful.
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	
2.	The council has held remote hearing since 2020 without such a note without a challenge, however the provision of a procedure note for remote hearings clearly explains the procedure to be adopted which gives all participants clear expectations allowing meetings to run more efficiently.
DETAIL (Including consultation carried out)	
3.	These notes provide general guidance for all parties involved in licensing and Gambling sub-committee hearings. The written procedure should be read in conjunction with the relevant procedure note for the type of hearing being held. The procedure notes attached are intended to assist with the process and inform parties that may not be used to hearings of the usual practice. The procedure note is set out and attached in the Appendix
4.	Whilst formal approval is not strictly necessary it was considered important that all committee members have the opportunity to scrutinise and approve the procedure

RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
5.	None
<u>Property/Other</u>	
6.	None
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
7.	Licensing Act 2003 (Hearings) Regulations 2005
<u>Other Legal Implications:</u>	
8.	Licensing committees are an administrative hearing and must observe the rules of natural justice. Clear procedures enable each party to any hearing to properly understand how a hearing is structured and when and how they will have an opportunity to address the committee / sub-committee. A fair hearing is important to ensure human rights are respected and upheld.
RISK MANAGEMENT IMPLICATIONS	
9.	Nil
POLICY FRAMEWORK IMPLICATIONS	
10.	Nil

KEY DECISION?	No
WARDS/COMMUNITIES AFFECTED:	All
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	Remote hearing procedure note
Documents In Members' Rooms	
1.	
2.	
Equality Impact Assessment	
Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	No
Data Protection Impact Assessment	
Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.	No
Other Background Documents	
Other Background documents available for inspection at:	
Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules /

		Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.		
2.		