

PROTOCOL ON LICENSING SUB-COMMITTEE HEARINGS

1. Introduction

- a. The London Borough of Southwark conduct a combination of in-person and remote hearings consisting of:
 - i. All reviews under the Licensing Act 2003 to be held in person. (except if all parties who have indicated they will participate in the hearing agree to hold it virtually)
 - ii. All other Licensing Act 2003 related applications Licensing Sub-Committees to be held remote where parties¹ agree and the parties to the application convey this through the licensing officer administering the application.
 - iii. All non-Licensing Act 2003 related Licensing Sub-Committees to be held in person. This would include hearings under the Gambling Act 2005, Markets applications under the Food Act 1984, Special Treatments Licence Applications under the London Local Authority Act 1990.
- b. There is an officer discretion to arrange Licensing Act 2003 applications (referred to in paragraph ii above) in person where it is in the interests of justice. Examples where it is in the public interest for a hearing to be in person includes (but is not limited to) where an applicant indicates that they do not have access to the internet; a party not having the technical knowledge to participate in a remote hearing; all parties request that the hearing is convened in person.
- c. This document gives details on how- remote meetings will take place and establish some rules of procedure. This protocol should be read in conjunction with Part 3(G) (Who takes decisions) and Part 7 (Committee Procedure Rules) of the Council's constitution.

2. Prior to the Hearing

1. Once the date for a hearing has been set, an electronic email/invitation appointment will be sent to all parties. This will include a link to access the virtual meeting as well as guidance on the use of the technology involved.
2. The electronic appointment should not be shared with any other party.
3. Before a remote hearing, parties are encouraged to submit brief email submissions, at least 24-hours before the hearing is due to start summarising the points they wish to make at the hearing and any outstanding issues. Although the submissions are voluntary, they are likely to assist in the conduct of the remote hearing and the decision making process. The submissions should be e-mailed to the clerk of the hearing, as shown on the front of the agenda papers for the meeting, in addition to the Licensing Unit at Licensing.Regen@southwark.gov.uk so that they may be circulated to all parties and considered in advance of the hearing.

4. Remote Licensing Sub-Committee hearings will be convened via Microsoft Teams. This will be accessible via the web or by downloading the app to a PC, laptop, I-Pad ~~etc~~ or mobile/landline telephone and the instructions sent with meeting appointments will cover how to do this which will be sent at least five clear days in advance of the hearing. A weblink to view and, where appropriate, participate in the meeting will be included with the electronic appointment for the virtual meeting and will also be published on the Council's website, on the same page as the agenda for the meeting.

3. Meeting Agenda

1. The meeting agenda setting out the items for the hearing will be issued in advance to all parties to the hearing in accordance with statutory timetables. This will include details of the licence application or variation together with all representations on the matter. The agenda will also be published on the Council's website – www.southwark.gov.uk in the normal way.
2. Full copies of restricted agenda packs will be distributed to relevant parties in advance of the hearing.

4. Format of the Meeting

1. Although held in a virtual format, Licensing Sub-Committee Hearings dealing with new licences, variations to existing licences and temporary event notices will follow the standard procedure with the following principal stages:
 - i. Housekeeping
 - ii. Introductions of all attendees
 - iii. Apologies
 - iv. Voting Members of Licensing Sub-Committee
 - v. Disclosure of Members Interests and Dispensations
 - vi. Items of Business deemed Urgent
 - vii. Hearing Procedure of Application Order:
 - Licensing Officer
 - Applicant/Applicant's Representative
 - Responsible Authorities
 - Other Persons
2. Each party has up to [x] minutes to make its presentation; this includes any witnesses called. Parties who are speaking should not repeat the information which they have already given in writing in their representation. They will be able to expand on the written information given, provided the information remains relevant. Any additional information should be limited to the grounds of their representation(s). Parties are not expected nor required to talk for the full [x] minutes and the clerk to the hearing will monitor the time.
3. Members may ask questions of any party at any time, although questions are usually taken after each party has spoken. Following each presentation

the members of the sub-committee may ask questions of each party or their representative and of any witnesses.

4. There is no time limit for members' questions.
5. There is no automatic right for the parties to question one another, except with the Chair's permission. If the Chair allows questions, there is a time limit of [x] minutes.
6. At the end of the hearing, each party has 5 minutes to make a closing statement. The party subject to the application² will make the final closing statement.
7. The Licensing Sub-Committee will then deliberate in a closed private session with the Legal Adviser and Clerk present. The Sub-Committee will usually announce a summary of the decision following the closed private session.

5. Meeting Etiquette and Rules

1. Parties should be aware that on occasions there will be a strain upon broadband network infrastructure. This may result in Licensing Sub-Committee hearings experiencing intermittent faults whereby participants can lose contact for short periods of time before reconnecting to the hearing.
2. This guidance explains how the meeting is to be conducted, including advice on what to do if a participant cannot hear the speaker, and etiquette of participants during the call.
3. For some participants, this will be their first conference call or virtual meeting. In order to make the hearing productive, the following rules must be adhered to and etiquette observed:
4. Parties are advised to log on at least 15-minutes before the hearing is due to start.
5. A telephone number of an officer will be provided in case of technical difficulties on the day.
6. To ensure that the virtual hearing runs smoothly only one individual shall be allowed to speak at a time. The meeting will be presided over by the Chair who will indicate when participants may to speak individually at appropriate points. All other participants will have their microphones muted by the Clerk until invited by the Chairman to speak as background and potential noise interruptions can disturb participants.
7. Virtual video backgrounds can easily be used to avoid distractions and preserve the privacy of participants if they are calling in from their homes.

8. All persons shall have their have their microphones muted until invited to speak by the Chair.
9. All persons shall have their cameras on when speaking.
10. Any person speaking must be permitted to finish what they are saying without interruption.
11. If the Chair requests that an individual stops speaking they should do so immediately.
12. Under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005 the licensing authority may exclude a party from all or part of the hearing where it considers that the public interest in doing so outweighs the public interest in the hearing or part of that hearing taking place in public. This includes persistent interruptions by a party. In such circumstances, on direction by the Chair, the clerk to the hearing will terminate the party's link to the hearing.
13. In addition, there may be information in the agenda pack pertaining to the hearing be exempt from publication or discussion in public under Schedule 12A of The Local Government Act 1972 as amended. In these circumstances the public will be excluded from part of the whole hearing as appropriate. There may be a closed Microsoft Teams hearing arranged by the clerk.

6. Post Hearing

- a. Notification of the Licensing Sub-Committee's decision together with detailed reasons will be given within five working days beginning with the day or the last day on which the hearing was held in accordance with the regulations. The notification of decision will also include information about the right of appeal as appropriate.
- b. Minutes of the meeting will also be published on the Council's website. For any further information on the hearing, please contact Constitutional.Team@southwark.gov.uk or Licensing.Regen@southwark.gov.uk

January 2023