

# Licensing Committee

## Agenda



**Date:** Monday, 23 August 2021

**Time:** 10.00 am

**Venue:** The Council Chamber - City Hall, College Green, Bristol, BS1 5TR

### Distribution:

**Councillors:** Chris Davies, Richard Eddy, Paul Goggin, Fi Hance, Brenda Massey, Chris Windows, Marley Bennett, Sarah Classick, Emma Edwards, Lorraine Francis, Katy Grant, Jonathan Hucker, Philippa Hulme, Ellie King and Guy Poultney

**Copies to:** Abigail Holman, Lynne Harvey

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**Date:** Wednesday, 11 August 2021



# Agenda

## 1. Welcome, Introductions and Safety Information

(Pages 4 - 6)

## 2. Apologies for Absence.

## 3. Declarations of Interest

To note any declarations of interest from the Councillors. They are asked to indicate the relevant agenda item, the nature of the interest and in particular whether it is a **disclosable pecuniary interest**.

Please note that the Register of Interests is available at

<https://www.bristol.gov.uk/councillors/members-interests-gifts-and-hospitality-register>

Any declarations of interest made at the meeting which is not on the register of interests should be notified to the Monitoring Officer for inclusion.

## 4. Minutes of Previous Meeting held on 26th May 2021

Due to absence through illness, these minutes have not yet been produced. Once they have been provided, they will go for confirmation to the next available Licensing Committee meeting.

## 5. Public Forum

Any member of the public or Councillor may participate in Public Forum. The detailed arrangements for so doing are set out in the Public Information Sheet at the back of this agenda. Public Forum items should be emailed to [democratic.services@bristol.gov.uk](mailto:democratic.services@bristol.gov.uk) and please note that the following deadlines will apply in relation to this meeting:-

Questions - Written questions must be received 3 clear working days prior to the meeting. For this meeting, this means that your question(s) must be received in this office at the latest **by 5pm on Tuesday 17<sup>th</sup> August 2021**.

Petitions and Statements - Petitions and statements must be received on the working day prior to the meeting. For this meeting this means that your submission must be received in this office at the latest **by 12 Noon on Friday 20<sup>th</sup> August 2021**.



**6. Amendment to Licensing Committee Rules to Permit Remote Meetings - Report of the Service Director (Legal and Democratic Services)**

**(Pages 7 - 32)**



# Public Information Sheet

## Inspection of Papers - Local Government (Access to Information) Act 1985

You can find papers for all our meetings on our website at [www.bristol.gov.uk](http://www.bristol.gov.uk).

## Changes to how we hold public meetings

Following changes to government rules, public meetings including Cabinet, Full Council, regulatory meetings (where planning and licensing decisions are made) and scrutiny will now be held at City Hall.

## COVID-19 Precautions at City Hall (from July 2021)

When attending a meeting at City Hall, COVID-19 precautions will be taken, and where possible we will:

- Have clear signage inviting you to check in to the venue using the NHS COVID-19 app or record your contact details for track and trace purposes.
- Provide public access that enables social distancing of one metre to be maintained
- Promote and encourage wearing of face coverings when walking to and from the meeting
- Promote good hand hygiene: washing and disinfecting hands frequently
- Maintain an enhanced cleaning regime and continue with good ventilation

## COVID-19 Safety Measures for Attendance at Council Meetings (from July 2021)

To manage the risk of catching or passing on COVID-19, it is strongly recommended that any person age 16 or over attending a council meeting should follow the above guidance but also include the following:

- Show certification of a negative NHS COVID-19 lateral flow (rapid) test result: taken in the 48 hours prior to attending. This can be demonstrated via a text message or email from NHS Test and Trace.
- An NHS COVID-19 Pass which confirms double COVID-19 vaccination received at least 2 weeks prior to attending the event via the NHS App. A vaccination card is not sufficient.
- Proof of COVID-19 status through demonstrating natural immunity (a positive NHS PCR test in the last 180 days) via their NHS COVID-19 pass on the NHS App.
- Visitors from outside the UK will need to provide proof of a negative lateral flow (rapid) test taken 48 hours prior to attendance, demonstrated via a text message or email.

Reception staff may ask to see this on the day of the meeting.

No one should attend a Bristol City Council event or venue if they:

- are required to self-isolate from another country
- are suffering from symptoms of COVID-19
- have tested positive for COVID-19 and are requested to self-isolate



Members of the press and public who wish to attend City Hall are advised that you may be asked to watch the meeting on a screen in another room due to the maximum occupancy of the venue.

### Other formats and languages and assistance for those with hearing impairment

You can get committee papers in other formats (e.g. large print, audio tape, braille etc) or in community languages by contacting the Democratic Services Officer. Please give as much notice as possible. We cannot guarantee re-formatting or translation of papers before the date of a particular meeting.

Committee rooms are fitted with induction loops to assist people with hearing impairment. If you require any assistance with this please speak to the Democratic Services Officer.

### Public Forum

Members of the public may make a written statement ask a question or present a petition to most meetings. Your statement or question will be sent to the Committee Members and will be published on the Council's website before the meeting. Please send it to [democratic.services@bristol.gov.uk](mailto:democratic.services@bristol.gov.uk).

The following requirements apply:

- The statement is received no later than **12.00 noon on the working day before the meeting** and is about a matter which is the responsibility of the committee concerned.
- The question is received no later than **5pm three clear working days before the meeting**.

Any statement submitted should be no longer than one side of A4 paper. If the statement is longer than this, then for reasons of cost, it may be that only the first sheet will be copied and made available at the meeting. For copyright reasons, we are unable to reproduce or publish newspaper or magazine articles that may be attached to statements.

By participating in public forum business, we will assume that you have consented to your name and the details of your submission being recorded and circulated to the Committee and published within the minutes. Your statement or question will also be made available to the public via publication on the Council's website and may be provided upon request in response to Freedom of Information Act requests in the future.

We will try to remove personal and identifiable information. However, because of time constraints we cannot guarantee this, and you may therefore wish to consider if your statement contains information that you would prefer not to be in the public domain. Other committee papers may be placed on the council's website and information within them may be searchable on the internet.



### During the meeting:

- Public Forum is normally one of the first items on the agenda, although statements and petitions that relate to specific items on the agenda may be taken just before the item concerned.
- There will be no debate on statements or petitions.
- The Chair will call each submission in turn. When you are invited to speak, please make sure that your presentation focuses on the key issues that you would like Members to consider. This will have the greatest impact.
- Your time allocation may have to be strictly limited if there are a lot of submissions. **This may be as short as one minute.**
- If there are a large number of submissions on one matter a representative may be requested to speak on the groups behalf.
- If you do not attend or speak at the meeting at which your public forum submission is being taken your statement will be noted by Members.
- Under our security arrangements, please note that members of the public (and bags) may be searched. This may apply in the interests of helping to ensure a safe meeting environment for all attending.
- As part of the drive to reduce single-use plastics in council-owned buildings, please bring your own water bottle in order to fill up from the water dispenser.

For further information about procedure rules please refer to our Constitution  
<https://www.bristol.gov.uk/how-council-decisions-are-made/constitution>

### Webcasting/ Recording of meetings

Members of the public attending meetings or taking part in Public forum are advised that all Full Council and Cabinet meetings and some other committee meetings are now filmed for live or subsequent broadcast via the council's [webcasting pages](#). The whole of the meeting is filmed (except where there are confidential or exempt items). If you ask a question or make a representation, then you are likely to be filmed and will be deemed to have given your consent to this. If you do not wish to be filmed you need to make yourself known to the webcasting staff. However, the Openness of Local Government Bodies Regulations 2014 now means that persons attending meetings may take photographs, film and audio record the proceedings and report on the meeting (Oral commentary is not permitted during the meeting as it would be disruptive). Members of the public should therefore be aware that they may be filmed by others attending and that is not within the council's control.

The privacy notice for Democratic Services can be viewed at [www.bristol.gov.uk/about-our-website/privacy-and-processing-notice-for-resource-services](http://www.bristol.gov.uk/about-our-website/privacy-and-processing-notice-for-resource-services)



# Full Licensing Committee



**Report of:** Service Director – Legal & Democratic Services.

**Title:** Amendment to Licensing Committee Rules to permit remote meetings.

**Ward:** N/A

**Officer Presenting Report:** Abigail Holman, Licensing Team Leader

**Contact Telephone Number:** 0117 3574900

## Recommendation

Licensing Committee Rules are amended as set out in appendix A to include ability to facilitate remote hearings.

## Summary

To facilitate remote hearings, an amendment to current Licensing Committee Rules is required.



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## Background.

1. The Covid pandemic has forced local authorities to administer processes in new ways of working. The continuation of the Licensing Committee was no different with Committee Hearings being conducted remotely.
2. Whilst there were some minor initial teething problems, remote hearings have worked well with many people, including members, applicants, legal representatives appreciating their convenience, time saving, and importantly increasing accessibility to relevant persons who may otherwise have been disadvantaged from the hearing process due to competing commitments or accessibility needs.
3. Following the cessation of the emergency legislation under which remote hearings were conducted, unlike other committee arrangements made under Local Government Act provisions, the Licensing Act 2003, provides greater flexibility as to the administration of how committees are conducted.
4. Therefore, to facilitate the re-introduction of remote hearings, an amendment to the current Licensing Committee Rules is required.
5. The proposed change is provided at **Appendix A**.

## Summary of Equalities Impact of the Proposed Decision

The authority must consider the public sector equality duty before making any decisions. An equalities relevance check has been undertaken during the development of this proposal and does not highlight any significant negative impact from the proposal. The full relevance check is attached as **Appendix B** to this report.

## Legal and Resource Implications

### Legal

The proposal to amend the Licensing Committee rules is lawful. Section 9(2) of the Licensing Act 2003 provides that regulations may make provisions for the proceedings of Licensing Sub-Committees including public access to the meetings. Subject to such regulations, each licensing committee may regulate its own procedure and that of its sub-committees.

The Licensing Act 2003 (Hearings) Regulations 2005 are made pursuant to section 9(2) of the Act. Remote hearings are permitted under the language of the regulations and Act. The Licensing Committee is entitled to set its own procedures, subject to the regulations. Given that the regulations are silent on the subject of remote hearings, the Committee can lawfully set its own procedures for virtual hearings.

### Financial

#### (a) Revenue

Not applicable

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**(b) Capital**

Not applicable

**Land**

Not applicable

**Personnel**

Not applicable

**Appendices:**

Appendix A –Amended Licensing Committee Rules.

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**Background Papers:**

None.

# LICENSING COMMITTEE PROCEDURE RULES (LCR)

## CONTENTS

<b>Rule</b>	<b>Reference</b>
Alteration of a motion	LCR11.7
Amendments to motions	LCR11.6
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Chairs ruling	LCR16.2
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Closure motions	LCR11.11
Content of speeches	LCR11.4
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General disturbance	LCR16.5
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No debate until motion or amendment is seconded	LCR11.1
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Quorum	LCR8
Removal of member of the public	LCR17.1
Response	LCR9.7
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Right to require individual vote to be recorded	LCR13.4
Right to reply	LCR11.9
Rules specific to the conduct of hearings	LCR20
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Substitute sub-committees	LCR4
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Time and place of meetings	LCR5 (as amended)
Timing and business	LCR1
Voting	LCR13
When a councillor may speak again	LCR11.5
Withdrawal of a motion	LCR11.8

Note: The Licensing Committee is a statutory committee, which must be appointed by the full Council. It is responsible for deciding and determining its own rules.

## LICENSING COMMITTEE PROCEDURE RULES (LCR)

### LCR1 TIMING AND BUSINESS

The first licensing committee meeting of the council's municipal year shall be its annual meeting. The annual meeting will:

- (i) elect a member to the office of chair of the licensing committee for the ensuing municipal year;
- (ii) elect a member to the office of vice-chair for the ensuing municipal year;
- (iii) establish a special purposes sub-committee comprising the chair of the licensing committee, its vice-chair and one other committee member whose terms of reference must enable it to deal with any matters of business which would ordinarily be referred to the next ordinary meeting of the licensing committee but which are, in the opinion of the licensing manager (in consultation with the chair) of such urgency that they cannot await the date of the next ordinary meeting;
- (iv) establish any other sub-committees considered necessary and in respect of each of them:
  - (a) agree the membership;
  - (b) agree the terms of reference;
- (v) approve the minutes of the last meeting;
- (vi) effect delegations to sub-committees and review / revise as appropriate existing delegations to officers;
- (vii) receive any declarations of interest from members;
- (viii) receive any announcements from the chair;
- (ix) receive a report concerning the city council's Statement of Licensing Policy and Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003;
- (x) consider any other business set out in the notice convening the meeting.

## **LCR2 ORDINARY MEETINGS**

Ordinary meetings will:

- (i) in the case of the licensing committee: elect a member to preside if the chair (and vice-chair, if appointed) are not present and in the case of a sub-committee: elect a member to preside as chair for that meeting subject to preference being given to those members who have completed an appropriate course of training as provided by the city council;
- (ii) approve the minutes of the last meeting;
- (iii) receive any declarations of interest from members;
- (iv) receive any announcements from the chair;
- (v) (other than in respect of business to be conducted in accordance with the hearings regulations) receive petitions, questions, (and provide answers) and statements made in accordance with the provisions of LCR9;
- (vi) receive reports on any matter which is within the committee's general or specific remit; and
- (vii) make reports on any matter as required by section 7 of the Licensing Act 2003 and in particular sub-sections (4), (6) and (8) of that section.

## **LCR3 EXTRAORDINARY MEETINGS**

### **LCR3.1 Calling extraordinary meetings**

The Service Director, Legal Services may call committee meetings in addition to ordinary meetings of his / her own volition and those listed below may request the Service Director, Legal Services to do so:

- (i) the committee by resolution; or
- (ii) the chair; or
- (iii) any two members of the licensing committee if they have signed a requisition presented to the chair and the chair has refused to call for a meeting or has failed to call for a meeting within seven days of the presentation of the requisition.

### **LCR3.2 Business**

The agenda for an extraordinary meeting shall specify the matters that the meeting will deal with. Petitions, questions and statements will be accepted only if they relate to the business for which the extraordinary meeting has been arranged.

## **LCR4 SUBSTITUTE SUB-COMMITTEES**

### **LCR4.1**

Where a licensing sub-committee convened for the purpose of a hearing is unable to discharge any function delegated to it by the licensing committee because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it (whether that inability be due to their being absent from the meeting or having a declarable interest in the matter or any other cause) the Service Director, Legal Services (or his representative) shall be entitled to substitute another sub-committee to deal with the matters on the agenda at the time and place notified. The substitute sub-committee may include one or more members of the sub-committee it is replacing.

### **LCR4.2**

Where a member of a licensing sub-committee convened for the purpose of a hearing is absent or unable to participate for whatever reason (but the sub-committee remains capable of meeting the quorum) and it is reasonably practicable to substitute a differently constituted sub-committee which includes the two remaining members then the Service Director, Legal Services may convene a meeting of that other sub-committee. However, the Service Director, Legal Services shall not take this step if unreasonable delay would thereby be caused to the completion of the sub-committee's business. In that event, the sub-committee would continue with a complement of two members.

## **LCR5 TIME AND PLACE OF MEETINGS**

The time and place of meetings will be determined by the Service Director, Legal Services and notified in the summons.

The place of the meeting may also include and permit the use of remote hearings facilitated over the internet.

Decisions to conduct the meeting remotely will rest with the Licensing Manager or Licensing Team Leader in consultation with the respective chair and when necessary a representative of Legal Services.

## **LRC6 NOTICE OF AND SUMMONS TO MEETINGS**

Subject to the provisions of any enactment and where it is reasonably practicable to do so at least five clear working days before it occurs the Service Director, Legal Services will give notice to the public of the time and place of any meeting. The summons so notifying the meeting will be

signed by the Service Director, Legal Services and sent by post or email to every member of the committee or subcommittee as appropriate or leave it at their usual place of residence. The summons should be posted at the council's principal office and contain the date, time and place of each meeting and will identify the business to be transacted.

## LCR7 CHAIR OF MEETING

The person presiding at the meeting (where this is not the person appointed at the annual meeting to the office of chair) may exercise any power or duty of the chair.

## LCR8 QUORUM

- (1) The quorum for meetings of the licensing committee will be five.
- (2) The quorum for meetings of a sub-committee shall be two.
- (3) During any meeting if the chair counts the number of councillors present and declares there is not a quorum, then the meeting will stand adjourned to a time and date fixed by the Service Director, Legal Services. If the law requires the business to be transacted by a particular date ("*the deadline*") then the date so fixed must be prior to the deadline. In respect of sub-committees which stand adjourned for this reason, if it should not be reasonably practicable for the particular members to meet prior to the deadline, then the Service Director, Legal Services will convene a meeting of a differently constituted sub-committee to deal with the remaining business. In all other cases, if a date is not fixed at the time of adjournment, the remaining business will be considered at the next ordinary meeting.

## LCR9 PETITIONS, QUESTIONS AND STATEMENTS

### LCR9.1

The following rules do not apply in respect of business to be conducted in accordance with the hearings regulations:

- (a) residents who are affected by the business of the committee and members, provided they give notice in writing or by electronic mail to the Service Director, Legal Services (which notice must include:
  - their name;
  - their full address;
  - (in the case of a petition) the wording of the petition; or
  - (in the case of a statement) a copy of the submission)

by no later than 12 noon the working day before the day of the meeting may present a petition or submit a statement at ordinary meetings of the committee or sub-committee concerned. The petition or statement must relate to the terms of reference and role and responsibilities of the

committee or sub-committee concerned. Where the statement or petition concerns business governed by the hearings regulations, the Service Director, Legal Services will return the statement or petition concerned and will inform the resident or member of the statutory provisions governing the making of representations including the restrictions upon who may make representations and the times within which they must be made;

- (b) individuals presenting petitions may be required to read out the objectives of the petitions;
- (c) statements, provided they are of reasonable length will be copied and circulated to all relevant members and will be made available to the public attending the meeting by not later than 1 hour before it is due to begin;
- (d) there will be no debate but after receiving the petition/statement the Committee will resolve:-
  - (1) *“that the petition / statement be noted”*; or
  - (2) if the content relates to a matter on the agenda to the meeting;
    - “that the contents of the petition / statement be considered when the item is debated”*; or
    - (3) *“that the petition / statement be referred (as appropriate) to the:*
      - *Mayor; or the*
      - *relevant executive member (if any); or the*
      - *chair of the relevant executive member (if any); or the*
      - *chair of the relevant council committee (if any); or the*
      - *appropriate scrutiny committee / overview and scrutiny management committee for appropriate action”*

## LCR9.2 Questions

Residents who are affected by the business of the licensing committee or members may submit questions to be answered by the chair of the licensing committee. Notice of such questions must be given in accordance with LCR9.3 below.

### **LCR9.3 Order of Questions**

Subject to the chair being entitled to group together similar questions, the chair shall respond to the questions in the order in which notice of them was received by the city council.

### **LCR9.4 Notice of questions**

- (a) Notice must be given by delivering the question in writing or by electronic mail to the Service Director, Legal Services no later than three clear working days before the date fixed for the meeting. Each question must be accompanied by the name and full address of the questioner. The printed agenda will specify if any such questions have been received.
- (b) The chair of the committee may, in his/her absolute discretion, agree to receive questions notwithstanding a failure to comply with the notice provisions set out in paragraph (a) above, but where the chair does not so agree she/he must either:
  - (i) direct that the questions be answered at the next ordinary meeting of the licensing committee; or
  - (ii) indicate the date by which a written response will be provided.

In the event of the chair indicating a written response both the question and its answer will be published prior to the date fixed for the next ordinary meeting of the committee.

### **LCR9.5 Number of questions**

There will be no limit to the number of questions asked.

### **LCR9.6 Scope of questions**

The chair, in consultation with the Service Director, Legal Services may reject a question if, in the opinion of the chair, it does not relate to a matter falling within the committee's terms of reference or it is defamatory, frivolous or offensive.

### **LCR9.7 Response**

- (1) Written replies to questions notified in accordance with LCR9.4 as above will be made available no later than one hour before the time fixed for the meeting to begin.

- (2) Where the chair agrees to respond to late questions he may do so either orally or in writing.

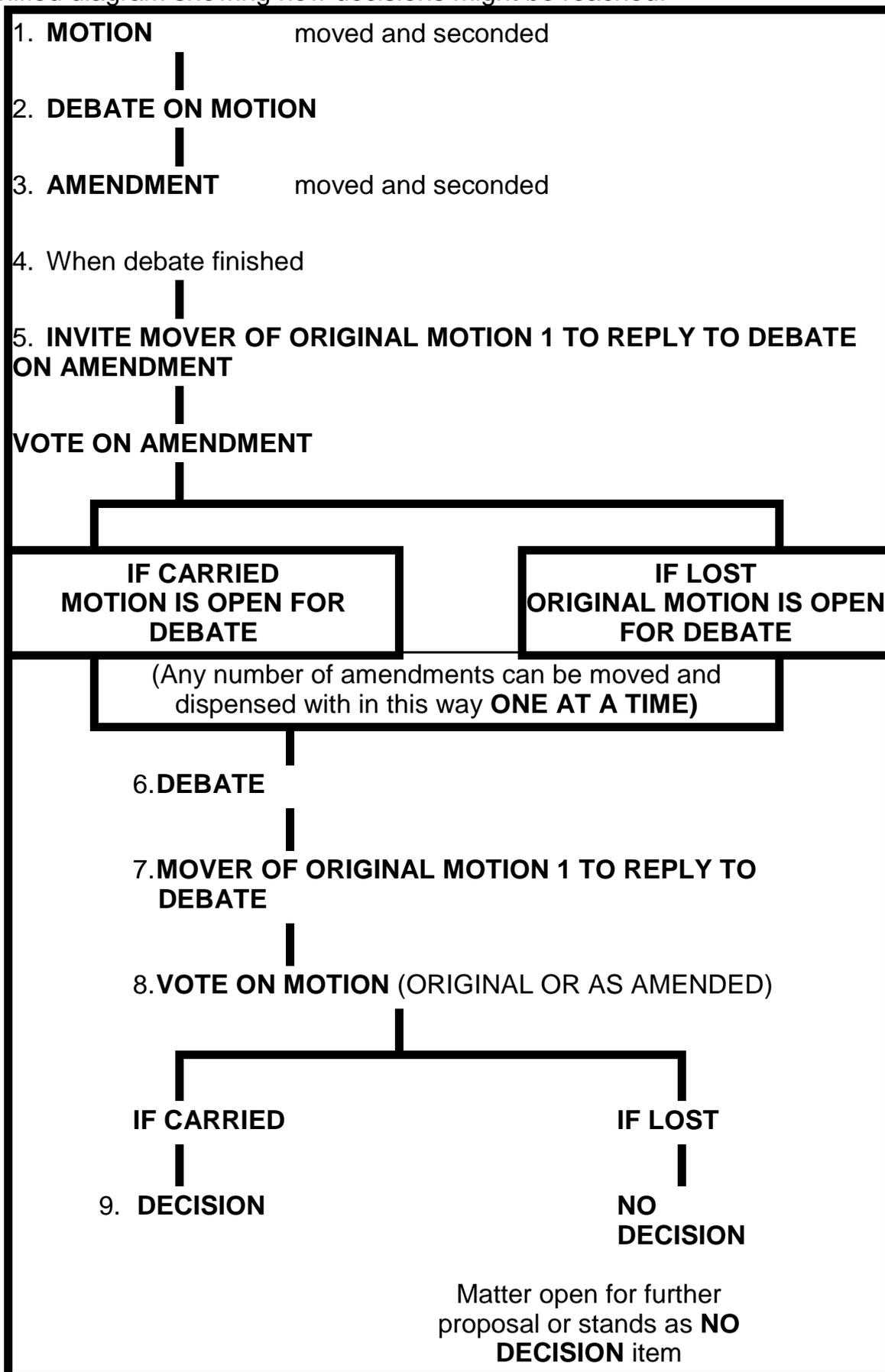
## **LCR10 MOTIONS WITHOUT NOTICE**

The following motions may be moved without notice:

- (a) to appoint a chair of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a sub-committee or member arising from an item on the summons to the meeting;
- (f) to receive or make reports or to adopt recommendations of sub-committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to suspend a particular licensing committee procedure rule (LCR);
- (m) to exclude the public and press.

**LCR 11  
RULES OF DEBATE**

Simplified diagram showing how decisions might be reached.



**LCR11.1**  
**No debate until motion or amendment is seconded**

A motion or an amendment may be debated only after it has been seconded by another member.

**LCR11.2**  
**Right to require motion or amendment in writing**

Unless notice of the motion or amendment has already been given, a signed copy of the motion must be put in writing and handed to the proper officer before it is moved or immediately after it is moved (see also LCR11.6 (f) concerning amendments).

**LCR11.3**  
**Secunder's speech**

When seconding a motion or amendments, a member may reserve their speech until later in the debate.

**LCR11.4**  
**Content of speeches**

Speeches must be directed to the business under discussion or to a personal explanation or point of order.

**LCR11.5**  
**When a councillor may speak again**

A member who has spoken on a motion may not speak again whilst it is the subject of debate except:

- (a) to speak once on an amendment moved by another member;
- (b) to move a further amendment if the motion has been amended since s/he last spoke;
- (c) if his / her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he or she spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

**LCR11.6****Amendments to motions**

- (a) An amendment to a motion must be relevant to the motion and with either be:
  - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - (ii) to leave out words;
  - (iii) to leave out words and insert or add others; or
  - (iv) to insert or add words as long as the effect of (ii) – (iv) is not to negate the motion.
- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the chair will read out the amended motion before accepting any further amendments or if there are none, push it to the vote.
- (f) A signed copy of the amendment must be given to the proper officer either before it is moved or immediately after it has been moved.

**LCR11.7****Alteration of a motion**

- (a) A member may also alter a motion of which they have given notice with the consent of the meeting. The consent of the meeting will be signified without discussion.
- (b) A member may alter a motion (which they have moved) without notice with the consent of both the meeting and the seconder. The consent of the meeting will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

**LCR11.8****Withdrawal of a motion**

A member may withdraw his / her motion with the consent of both the meeting and the seconder. The consent of the meeting will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

**LCR11.9****Right to reply**

- (1) The mover of a motion has a right of reply at the end of the debate on the motion immediately before it is put to the vote.
- (2) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment but may not otherwise speak on it.
- (3) The mover of the amendment has no right of reply to the debate on their amendment.

**LCR11.10****Motions which may be moved during debate**

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to amend a motion;
- (b) that the question being as put;
- (c) to adjourn a debate;
- (d) to adjourn a meeting;
- (e) to exclude the public and press; and
- (f) to not hear further a member named under LCR16.3 or to exclude them from the meeting under LCR16.4

**LCR11.11****Closure motions**

- (a) A member may move, without comment, the following motions at the end of a speech of another member:
  - (i) that the question be now put;
  - (ii) to adjourn a debate; or
  - (iii) to adjourn a meeting.
- (b) If a motion "*that the question be now put*" is seconded and the chair considers the item has been sufficiently discussed, the procedural motion will be put to the vote. If it is passed the chair will give the mover of the original motion a right of reply before putting their motion to the vote; or

- (c) If a motion “*to adjourn the debate*” or “*to adjourn the meeting*” is seconded and the chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, the procedural motion will be put to the vote without giving the mover of the original motion the right of reply.

### **LCR11.12**

#### **Point of order**

A member may raise a point of order at any time. The chair will hear the member immediately. A point of order may only relate to an alleged breach of the licensing committee procedure rules (LCR) or the law. The member must indicate the rule or law and the way in which they consider it has been breached. The ruling of the chair on the matter will be final.

### **LCR11.13**

#### **Personal explanation**

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the chair on the admissibility of a personal explanation will be final.

### **LCR12**

#### **RULING TO CHAIR TO BE FINAL**

The chair’s ruling on any matter of procedure arising out of these rules shall be final.

### **LCR13**

#### **VOTING**

### **LCR13.1**

#### **Majority**

Subject to the provisions of any enactment and / or as the case may be of any procedures specific to the conduct of and preparation for hearings, any question coming or arising before the licensing committee (or any of its sub-committees) shall be decided by the majority of the members present and voting thereon at a meeting.

### **LCR13.2**

#### **Chair’s casting vote**

Subject to those provisions in the case of an equality of votes the member presiding at the meeting shall have a second or casting vote.

**LCR13.3**

If two or more members present at the meeting immediately demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

**LCR13.4****Right to require individual vote to be recorded**

Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

**LCR13.5****Voting on appointments**

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

**LCR14****MINUTES****LCR14.1**

For the avoidance of doubt the provisions of paragraphs 40, 41, 43 and 44 of the Twelfth Schedule to the Local Government Act 1972 (as amended) shall apply to the minutes of the licensing committee and its sub-committees.

**LCR14.2**

For the purpose of signing the minutes in accordance with the provisions referred to in LCR14.1 above, the next suitable meeting will be either:

- (i) in respect of minutes of the licensing committee: the next ordinary meeting of the licensing committee or its annual meeting; or
- (ii) in respect of the minutes of a sub-committee of the licensing committee: either the next ordinary meeting of that particularly constituted sub-committee or the next ordinary meeting of the licensing committee whichever of those two bodies shall meet soonest following the minutes being ready for approval, save that where approved minutes are required prior to either of those two bodies being scheduled to meet then the next suitable meeting will be a meeting of the licensing (special purposes) sub-committee.

### **LCR14.3**

#### **Form of minutes**

The minutes will contain all motions and amendments in the exact form and order the chair put them.

### **LCR15**

#### **EXCLUSION OF THE PUBLIC**

Subject to any provisions to the contrary in any relevant enactment (and in particular in the hearings regulations) members of the public and press may only be excluded from a meeting in accordance with the Access to Information Rules (APR) in Part 4 of the city council's constitution (which rules are for the avoidance of doubt hereby incorporated into these procedure rules in so far as they do not conflict with them) or LCR 17 (disturbance by public).

### **LCR16**

#### **MEMBERS' CONDUCT**

#### **LCR16.1**

##### **Speaking at committees**

When a member speaks at the committee they must address the meeting through the chair. If more than one member seeks to speak, the chair will ask one to speak. Other members must remain silent whilst the member is speaking unless they wish to make a point of order or a point of personal explanation.

#### **LCR16.2**

##### **Chair's ruling**

When the chair so requires during a debate, any member speaking at the time must stop. The meeting must be silent.

#### **LCR16.3**

##### **Councillor not to be heard further**

If a member persistently disregards the ruling of the chair by behaving improperly or offensively or deliberately obstructs business, the chair may move that the member be not heard further. If seconded, the motion will be voted on without discussion.

#### **LCR16.4**

##### **Councillor to leave the meeting**

If the member continues to behave improperly after such a motion is carried, the chair may move that either the member leaves the meeting or that the meeting stands adjourned for a specified period. If seconded, the motion will be voted on without discussion.

**LCR16.5**  
**General disturbance**

If there is a general disturbance making orderly business impossible, the chair may adjourn the meeting for as long as they consider necessary.

**LCR17**  
**DISTURBANCE BY PUBLIC**

**LCR17.1**  
**Removal of member of the public**

If a member of the public interrupts proceedings the chair will warn the person concerned. If they continue to interrupt, the chair will order their removal from the meeting room.

**LCR17.2**  
**Clearance of part of meeting room**

If there is a general disturbance in any part of the meeting room open to the public, the chair may call for that part to be cleared.

**LCR18**  
**SUSPENSION AND AMENDMENT OF LICENSING COMMITTEE**  
**PROCEDURE RULES**

**LCR18.1**  
**Suspension**

All of these licensing committee procedure rules (LCR) except LCR13.4, 14.2 and 20.1, may be suspended by motion on notice or without notice if at least one half of the whole number of members are present. Suspension can only be for the duration of the meeting.

**LCR19**  
**FINANCE AND CONTRACTS**

For the avoidance of doubt it is hereby confirmed that:

**LCR19.1**  
**Financial management**

The management of the licensing committee's financial affairs will be conducted in accordance with the financial procedure rules (FPR) set out in part 4 of the city council's constitution.

## **LCR19.2 Contracts**

Every contract made by or on behalf of the licensing authority acting through its statutory licensing committee and those subcommittees and officers delegated thereunder shall comply with the contracts procedure rules (CON) set out in part 4 of the city council's constitution.

## **LCR20 RULES SPECIFIC TO THE CONDUCT OF HEARINGS HELD BY THE LICENSING AUTHORITY UNDER THE LICENSING ACT 2003**

### **LCR20.1**

The provisions of the Licensing Act 2003 (Hearings) Regulations 2005 (as amended) will be observed in connection with the conduct of hearings and where the regulations apply all licensing procedure rules will be construed and applied in a manner which does not offend those provisions.

*NB This rule may not be suspended in any circumstances.*

### **LCR20.2 Questions, statements and petitions**

The rules concerning questions, statements and petitions do not apply to any business of the licensing authority in respect of which it is required to conduct a hearing at any time prior to the decision being notified following conclusion of the hearing concerned.

### **LCR20.3 Hearings – preliminary steps**

- (a) Whenever it appears to the licensing manager (or any authorised member of his / her team) that the authority's obligation to hold a hearing has arisen then, as soon as is reasonably practicable, s/he will take steps to refer the application and any representations to a duly authorised sub-committee or, exceptionally, following consultation with the chair, to the licensing committee itself.
- (b) The licensing manager will take instructions from that subcommittee with regard to the following preliminary matters (where relevant):
  - whether any member considers themselves unable to hear the matter by virtue of prejudicial interest / appearance of bias;
  - the procedure to be followed at the particular hearing;
  - any particular points on which the sub-committee considers that it will want clarification at the hearing from a party;

- whether there are any representations from interested parties which will be determined not to be relevant representations by virtue of their being, in the opinion of the sub-committee, frivolous or vexatious;
  - time estimate for the hearing;
  - a time and date when all members can convene to conduct the hearing;
  - a provisional indication regarding which of their number will chair the meeting.
- (c) Where any member indicates that they consider themselves to be disqualified from hearing the matter then the Licensing Manager shall take steps to refer the matter to a differently constituted committee which shall not include the member who is so disqualified but may include the remaining members of the originally selected sub-committee.

#### **LCR20.4**

##### **Procedure following conclusion of the hearing**

- (a) At the conclusion of the hearing the members of the subcommittee will withdraw to consider the determination of the relevant application / revocation / review / decision to give counter-notice as appropriate.
- (b) The parties shall not be entitled to accompany the members who will generally deliberate in private. Deliberation can take place at a time to be decided by the sub-committee provided it will be completed so as to ensure the city council can meet any statutory deadline for determination and notification.
- (c) The members may be accompanied by appropriate officers for the purpose of receipt of advice and / or guidance and / or administrative support; in particular the sub-committees administrator and its legal and policy advisers.
- (d) The strict rules of debate (such as those concerning the proposing and seconding of motions and imposing limits on the ability of councillors to participate in debate) shall not automatically apply to the deliberations referred to in this rule. The chair will lead a discussion of his / her colleagues with a view to ascertaining if the meeting can reach consensus on the merits of the application or other matter before it and any matters flowing from that (such as the imposition of conditions where appropriate). If it appears that a consensus view will not be reached within a reasonable time the chair will direct the manner in which deliberations will continue. Once a consensus appears to have been reached (or a proposal is before the meeting in accordance with any directions made by the chair) the matter will be put to the meeting and a determination made by a majority of the members present and voting thereon. The

sub-committee shall direct its officers as to the completion of a decision record, which should include the determination, together with a summary of relevant findings and reasons supporting the decision made. The determination will be notified in accordance with the statutory rules and the decision record published following its being certified by signature of the chair as being correct.

# Equality Impact Assessment [version 2.9]



Title: Remote Hearings – Licensing Act 2003	
<input type="checkbox"/> Policy <input type="checkbox"/> Strategy <input checked="" type="checkbox"/> Function <input type="checkbox"/> Service <input checked="" type="checkbox"/> Other [please state] <i>Change to rules of hearing</i>	<input type="checkbox"/> New <input type="checkbox"/> Already exists / review <input checked="" type="checkbox"/> Changing
Directorate: Management of Place	Lead Officer name: Jonathan Martin
Service Area: Regulatory Services	Lead Officer role: Licensing and Trading Standards Manager

## Step 1: What do we want to do?

The purpose of an Equality Impact Assessment is to assist decision makers in understanding the impact of proposals as part of their duties under the Equality Act 2010. Detailed guidance to support completion can be found here [Equality Impact Assessments \(EqIA\) \(sharepoint.com\)](https://sharepoint.com).

This assessment should be started at the beginning of the process by someone with a good knowledge of the proposal and service area, and sufficient influence over the proposal. It is good practice to take a team approach to completing the equality impact assessment. Please contact the [Equality and Inclusion Team](#) early for advice and feedback.

### 1.1 What are the aims and objectives/purpose of this proposal?

Briefly explain the purpose of the proposal and why it is needed. Describe who it is aimed at and the intended aims / outcomes. Where known also summarise the key actions you plan to undertake. Please use plain English, avoiding jargon and acronyms. Equality Impact Assessments are viewed by a wide range of people including decision-makers and the wider public.

<p>The proposal is to modify the rules governing hearings convened under the Licensing Act 2003 to permit remote hearings to take place. These rules are set by the licensing committee and set out how the hearing will be conducted. The Act does already allow remote hearings to take place, however the rules set out by Bristol City Council do not.</p> <p>Remote hearings took place throughout the Covid-19 pandemic under separate legislation to allow them. This legislation expired on 7 May 2021, and this proposal seeks to amend the rules to allow remote hearings under the Act once again.</p> <p>Remote hearings allow greater accessibility to meetings for a large number of people, including those who work and are not able to attend in person, those with children or caring responsibilities, and they save all parties travelling time. They also allow for hearings to continue to take place where there are outside factors such as adverse weather or sickness.</p>
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### 1.2 Who will the proposal have the potential to affect?

<input checked="" type="checkbox"/> Bristol City Council workforce	<input checked="" type="checkbox"/> Service users	<input type="checkbox"/> The wider community
<input type="checkbox"/> Commissioned services	<input type="checkbox"/> City partners / Stakeholder organisations	
Additional comments:		

### 1.3 Will the proposal have an equality impact?

Could the proposal affect access levels of representation or participation in a service, or does it have the potential to change e.g. quality of life: health, education, or standard of living etc.?

If 'No' explain why you are sure there will be no equality impact, then skip steps 2-4 and request review by Equality and Inclusion Team.

If 'Yes' complete the rest of this assessment, or if you plan to complete the assessment at a later stage please state this clearly here and request review by the Equality and Inclusion Team.

<input type="checkbox"/> <b>Yes</b>	<input checked="" type="checkbox"/> <b>No</b>	[please select]
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We have not identified any significant negative impact from the proposal. The proposed rule change is broad and will allow for meetings to take place remotely, or face-to-face as appropriate.

On the whole the experience of officers during the Covid-19 pandemic has been that there was higher attendance from the public at meetings taking place remotely, and feedback has been given from applicants and members of the public that remote meetings were more accessible and time efficient than face to face ones.

Although some difficulties were experienced at the start of the pandemic around technology, most issues can be overcome with established good practice in providing clear instructions on how to access meetings and guidelines on which platform will be used.

We acknowledge that some disabled people may face additional barriers in accessing online meetings, and the Quality of Life survey shows some groups e.g. older people in Bristol are less likely to be comfortable using digital technology. The proposal will allow us flexibility to host digital or face-to-face meetings, depending on which is the most appropriate, accessible and inclusive approach in particular circumstances.

## Step 5: Review

The Equality and Inclusion Team need at least five working days to comment and feedback on your EqIA. EqIAs should only be marked as reviewed when they provide sufficient information for decision-makers on the equalities impact of the proposal. Please seek feedback and review from the [Equality and Inclusion Team](#) before requesting sign off from your Director<sup>1</sup>.

<b>Equality and Inclusion Team Review:</b> <i>Reviewed by Equality and Inclusion Team</i>	<b>Director Sign-Off:</b> 
Date: 19/7/2021	Date: 21/7/2021

<sup>1</sup> Review by the Equality and Inclusion Team confirms there is sufficient analysis for decision makers to consider the likely equality impacts at this stage. This is not an endorsement or approval of the proposal.