

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

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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.

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

(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.