

# **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

## **Licensing Act 2003 Sub-Committee**

### **Virtual Hearings Procedure**

#### **1. Before the hearing**

- To assist in the conduct of the remote hearing and in case of technical difficulties during the hearing, all parties should submit by email to [democratic.services@scambs.gov.uk](mailto:democratic.services@scambs.gov.uk) , written submissions no later than 24 hours before the hearing is due to start, summarising the points they wish to make at the hearing and the outstanding issues. If it is not possible to post or submit written representations electronically by email, please contact the Licensing Officer by telephone to arrange for comments to be transcribed.
- All parties making representations will join the hearing by tele-conferencing or video-conferencing. All parties must provide the Licensing Officer with their email address and telephone number, no later than 48 hours before the hearing so they can be provided with details to join the hearing. This is to enable arrangements to be made for parties to join the hearing remotely.
- All parties should join the remote meeting 10 minutes before it is due to start in case of technical difficulties. All parties will be held in a lobby until they are admitted to the meeting.

#### **2. Election of Chair**

- Members of the sub-committee will elect a Chair for the hearing.

#### **3. Introduction**

- The Chair of the sub-committee will welcome and introduce everyone present, giving explanations of roles where necessary and outline the procedure to be followed.
- The hearing will take the form of a discussion to be led by the sub-committee and will take the following format:
  - Report from Licensing Officer;
  - Representations from the Police
  - Representations from Responsible Authorities
  - Representations from Interested Parties
  - Representations from The Applicant
- Members of the sub-committee will be able to ask questions of any party, or the Licensing Officer, at the hearing. Questions will be asked at the conclusion of each party's submission. On the conclusion of each party's submission, the Chair will invite each sub-committee member in turn, whether they wish to ask a question/s. If any member of the sub-committee subsequently wishes to ask further questions, they should indicate this wish to the Chair by using the meeting chat function.

- When not speaking, all panel members should mute their microphones. Participants attending via teleconference should wait for the Chair to call them to speak.
- The Chair will ask each party whether they wish to ask questions of any of the other parties. The sub-committee will consider any requests for permission to ask questions of other parties. The sub-committee will decide if questions are required in order for it to consider the case properly. If permission is given to one party, it will usually be given to all other parties.
- Any person behaving in a disruptive manner will be removed from the meeting. Such a person may, before the end of the hearing, submit to the authority in writing by post or email to [democratic.services@scambs.gov.uk](mailto:democratic.services@scambs.gov.uk) , any information which they would have been entitled to give orally had they not been required to leave. If it is not possible to submit this information by post or email, the information can be provided orally by telephone to the Licensing Officer.
- Members of the sub-committee will be asked to make any Declaration of Interests.
- In the event that the Chair or Clerk identifies a failure of the remote participation facility, the Chair will declare a recess while the fault is addressed.
- If it is not possible to address the fault, the meeting will be adjourned until such time as it can be reconvened.

#### **4. Witnesses**

The sub-committee will consider any requests from any of the parties to call witnesses. Any such requests must be submitted to the Licensing Officer and also by email to [democratic.services@scambs.gov.uk](mailto:democratic.services@scambs.gov.uk) at least two working days before the hearing. This is to enable arrangements to be made for witnesses to be able to join the hearing remotely should permission be granted.

#### **5. New evidence/information**

The sub-committee will consider any requests for permission to present new evidence or information not previously disclosed to all the parties and the sub-committee prior to the hearing. The general rule is that such information or evidence must not be considered unless all parties at the hearing agree to it being considered on the day of the hearing. A request may be made for a short adjournment to allow time for everyone to receive copies of the extra information and time to read it.

#### **6. Allocation of time**

Each party will be asked for a time estimate for the presentation of their case. The sub-committee will hear all estimates and then allocate each party an equal amount of time to speak.

#### **7. Licensing Officer's report**

The Council's Licensing Officer will outline details of the application and representations received by the council. No recommendation to members will be made.

## **8. Applicant's case**

The Chair will invite the applicant to present their case first. They have a right to:

- address the sub-committee on any points of clarification the council has sought.
- address the committee generally; and
- call any witnesses that they have been given permission to call. The applicant must notify the Licensing Officer and Democratic Services ([democratic.services@scambs.gov.uk](mailto:democratic.services@scambs.gov.uk)) of their wish to call any witnesses, at least two working days before the hearing to allow arrangements to be made to enable the witness/es to join the hearing remotely should permission be granted by the sub-committee. Witnesses may be cross-examined if permission is granted. If this happens, the time taken for questions will count towards the allocated time of the party asking the questions, not the party answering them.

Members of the sub-committee may ask questions of the applicant. The Chair will invite sub-committee members in turn, to ask questions.

## **9. Police representations**

The Police will make any representations about the application, with the same rights as listed at s.7. Members of the sub-committee may ask questions of the police representative. The Chair will invite sub-committee members in turn, to ask questions.

## **10. "Responsible authorities" representations**

Other "responsible authorities" (Police/Fire/Environmental Health Officer/Social Services/Trading Standards/Planning Directorate) will then make representations, with the same rights as listed at s.7. Members of the sub-committee may ask questions of those authorities represented. The Chair will invite sub-committee members in turn, to ask questions.

## **11. Any other representations**

Anybody else making representations will go last, with the same rights listed at s.7. Members of the sub-committee may ask questions of any person who has made a representation. The Chair will invite sub-committee members in turn, to ask questions.

## **12. Legal advice**

Once all parties have presented their cases to the sub-committee, and the members of the sub-committee have no more questions for any of the parties, the Council's Legal Officer will be asked by the Chair, to outline any relevant legal guidance.

### **13. Decision-making**

The Live Feed will be closed to allow the sub-committee to consider its decision in private. All attendees apart from the sub-committee members, Council's Legal Officer and Clerk, will be asked to leave the meeting while the sub-committee considers its decision. The Council's Legal Officer and Clerk will remain in the meeting with the sub-committee members to advise where necessary and take notes of the decision.

### **14. Notification of decision**

A determination of the case will be made at the conclusion of the hearing and all parties will be notified of the decision in writing as soon as possible. The decision will be also be published on the Council's website.