

This is the agreed procedure for meetings of the Welwyn Hatfield Council Alcohol and Regulated Entertainment Sub-Committee

Meetings of the Alcohol and Regulated Entertainment Sub-Committee are usually conducted “online” rather than in person. However, in advance of a meeting and having considered the particular circumstances the Head of Public Health and Protection AND Governance Services Manager may in consultation with the Director Public Protection, Planning and Governance, Chair of the Alcohol and Regulated Entertainment Committee and relevant Portfolio Holder for Licensing decide to hold a meeting “in person”. This includes holding all of the meeting in person, or, in exceptional circumstance allowing certain parties to the meeting in person and others to attend “online”.

The agenda pack for the meeting will state how the meeting is to be held and will include a copy of this procedure.

This is the procedure that the Council has adopted under the Licensing Act 2003 (Hearings) Regulations 2005 for all of its licensing hearings to achieve a consistent approach. The hearing is started by the Chairman stating that the Sub-Committee is considering. It is then explained to all the parties that this is a mixed quasi judicial and administrative function. The hearing will take the form of a discussion led by the authority. The strict rules of evidence will not apply, although the rules will be observed to a great extent because this is considered to be the best way of presenting the evidence. Documentary or other information produced at the hearing may be taken into account with the consent of all the parties.

All parties will be given an equal maximum period of time to exercise their rights to make representations and provide supporting information the Sub-Committee as provided for in this procedure. The Chairman will ask those appearing to speak concisely and only on the points that have been raised in the representations submitted. If several representations have been received on similar lines, the parties will be invited to appoint a spokesperson. The Sub-Committee will seek to avoid hearing repetitious representations.

The Governance Services Manager will arrange for all online participants to receive a Zoom meeting ID and password before the meeting. This will give them access to the meeting online.

If members are participating online, then members must use their Council email address when participating in the meeting and will receive a Zoom meeting ID and password before the meeting. This will give them access to the meeting online.

In the event of any connection failures, the Chairperson should determine if the meeting is still quorate. If the meeting still is, then it will go on as usual. If there is no quorum, the Chairperson will specify how long the meeting is adjourned for. It is expected that adjournments should be for no more than ten to fifteen minutes to enable the connection to be re-established

Physical	“Virtual” (online)
Once all the parties are present in the room and seated and the Sub-Committee will “enter” and the hearing will be convened.	Once the sub committee panel have all joined the call and confirmed audio/video connections are working, the remainder of the participants will be invited in from the waiting room
The Chairman will introduce the Sub-Committee and the Officers serving the Sub-Committee.	
The applicant and/or his representative should confirm their identity to the Sub-Committee and that of any other person they have requested permission to appear, having given the requisite notice of their attendance before the hearing. The Sub-Committee will consider any request by a party for another person to appear at the hearing and such permission will not be unreasonably withheld.	
The objectors and/or their representatives should confirm their identity to the Sub-Committee and that of any other person they have requested permission to appear, having given the requisite notice of their attendance before the hearing. The Sub-Committee will consider any request by a party for another person to appear at the hearing and such permission will not be unreasonably withheld.	
The responsible authorities and/or their representatives should confirm their identity to the Sub-Committee and that of any other person they have requested to appear, having given the requisite notice of their attendance before the hearing. The Sub-Committee will consider any request by a party for another person to appear at the hearing and such permission will not be unreasonably withheld.	
The Chairman will invite the Licensing Officer to present their report.	
The applicant may then state their case, calling any witnesses they consider necessary, the requisite notice of their attendance having been given before the hearing. Cross-examination is only permitted if the Chairman considers it is required as part of the hearing.	
With the Chairman’s permission, members may ask the applicant or their witnesses questions. These questions should be for further information or clarification.	
The objectors then state their case calling any witnesses, the requisite notice of their attendance having been given before the hearing. Cross-examination is only permitted if the Chairman considers it is required as part of the hearing.	
The members may ask the objections or their witnesses questions. These questions should be for further information or clarification.	
The objectors are then asked if they wish to make a final address to the Sub-Committee.	
The applicant or representative is then given the same opportunity to address the Sub-Committee.	
The Sub-Committee will then retire to consider the representations which have been made and to make its decision. The Sub-Committee will be accompanied by the Legal Adviser and Committee Manager.	In order for the sub-committee to consider the representations in private and to make it’s decision, all other participants will be moved back into the waiting room.
A decision is then taken.	
The Sub-Committee will then return to inform all the parties of the decision. Notice of the determination will be given in writing after the hearing.	Other participants will be called back in from the waiting room to be informed of the sub-committee’s decision.
For certain applications, the determination will be made within five working days of the hearing.	

If any legal clarification is needed during the Sub-Committee's deliberations, the Legal Adviser will return to inform all the parties of the point considered, together with the advice given and will invite comment on that.

Comments

Should the Sub-Committee decide to grant a licence, it may only add conditions or restrictions which are necessary for promoting the licensing objectives and which do not duplicate other statutory requirements. However, the powers to add conditions are confined by the fact that any condition or restriction must be reasonable. The Courts have ruled that a public body in a privileged position of being able to exercise its discretion in dealing with applications for licences and consents of various kinds, when coming to a decision, must exercise that discretion reasonably and fairly and relate it to the subject concerned. A public body is not at liberty to use its powers for an ulterior object, that is one which is not within the ambit or intended purpose of the statutory provision under which the power is exercised, however desirable that object may seem in the public interest.

The Sub-Committee will disregard any information which is not relevant to the matter being considered.

The Sub-Committee may exclude all the parties and the public from a hearing or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing.

The Sub-Committee may require any person attending a hearing who in its opinion is behaving in a disruptive manner to leave the hearing.