

HIGHLAND LICENSING COMMITTEE PROCEDURE FOR VIRTUAL HEARINGS

BEFORE THE HEARING

As a result of the current Coronavirus (COVID-19) pandemic, Licensing Committee hearings will be conducted using the videoconferencing platform Microsoft Teams as opposed to being held in a meeting room at the Council offices.

All parties entitled to be heard will be invited to attend the virtual meeting to address the Licensing Committee and/or have a representative to attend to address the Licensing Committee on their behalf.

If parties do not already have the Microsoft Teams application on their computer or device, it can be downloaded for free at the following link:

<https://www.microsoft.com/en-gb/microsoft-365/microsoft-teams/download-app>

Please refer to the separate quick guide for help getting set up.

The meeting will be webcast live on the internet. A recording of the meeting will also be available to view on the Council's website for a period of 12 months after the meeting. **Please note that items that are being held in private will not be webcast.**

All parties should notify the Licensing Authority at least 3 working days in advance of the meeting whether they will be joining the virtual hearing and provide their telephone number and email address to licensing@highland.gov.uk This is to allow arrangements to be made to enable parties to join the virtual hearing and resolve any technical difficulties that may arise at the hearing. All parties will be provided with a link via email to allow them join and participate in the meeting at the respective time.

The licensing authority will consider any requests from any of the parties to call witnesses or representatives. Any such requests must be submitted to licensing@highland.gov.uk at least 3 working days before the hearing. This is to enable arrangements to be made to join the hearing remotely.

Parties can alternatively (or in addition) provide a written submission or documentary information to state their case which will be circulated to the

Licensing Committee prior to the hearing taking place. To assist in the conduct of the virtual meeting, all parties should submit any written submission or documentary information to licensing@highland.gov.uk no later than 24 hours before the hearing is due to start.

Please note that each private item on the agenda will be dealt with by a separate Microsoft Teams meeting. If the previous item is running late, please wait in your meeting until all Committee Members and Officials are able to join. An Official will endeavour to join your meeting as soon as possible to ensure you are set up correctly.

In order to ensure the hearing runs as smoothly as possible, the following points should be noted and followed during the hearing:

- Parties should join the meeting 10 minutes prior to the scheduled time to allow for any technical difficulties to be resolved.
- Parties should ensure that they are in a private, quiet space where they will not be disturbed.
- Other noise sources should be silenced
- Attendees should, if possible, ensure that they have a plain wall as their background.
- Ensure that you are well lit by natural or artificial light.
- Parties should check that their microphone, camera and sound settings are working. This should preferably be done as early as possible. This will allow any technical issues to be raised and dealt with without the need to delay the hearing.
- All parties must only address the hearing when invited to do so by the Chair.
- All parties must keep their microphones on mute unless they are speaking. The Chair has the ability to mute all parties' microphones.
- When it is your turn to speak, remember to unmute your microphone. Speak directly into the microphone.
- When speaking, maintain eye contact with the camera. This will ensure you appear to be looking at your audience.
- If a party wishes to interject, they should use the raise hands function available on the screen. The Chair has the discretion to invite the party to make their comment at an appropriate stage in the hearing.
- In case of a technical fault, you should have a telephone on hand. You should ensure that the number for this phone is provided to the licensing team prior to the hearing.

- If there is a technical failure that cannot be fixed, then the hearing may have to be adjourned.

FAILURE TO ATTEND THE HEARING

If a party has informed the licensing authority that he/she does not wish to attend or be represented at a hearing, the hearing may proceed in his/her absence.

If a party who has not so indicated fails to attend or be represented at a hearing, the licensing committee may:

- (a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or
- (b) hold the hearing in the party's absence.

Where the Licensing Committee holds the hearing in the absence of a party, the Licensing Committee will consider at the hearing the application, representations or notice made by that party.

DURING THE HEARING

1. The Chair will introduce the Members and Officials present. If the representations/objection(s) were submitted timeously and there are no spent convictions to be considered then proceed directly to number 4.
2. If the representation/objection (from the Police or any other party) has been received late the Committee must hear details as to why the representation/objection was late and be satisfied that there is sufficient reason why it was not made in the time required. If they agree that then the representation/objection can be heard otherwise it should be disregarded. The process to be followed should be that the objector is invited to provide reasons as to why the submission was late. Members may ask any follow up questions of the objector. The applicant must then be asked if they have any objections to the late submission being accepted. The Committee must take all comments into account when deciding whether to accept the late submission.

3. If spent convictions are to be referred to then the guidance notes for spent convictions (attached) should be followed for each conviction. The Committee should resolve to go into private whilst considering spent convictions.
4. The hearing procedure below should now be followed:

a	The Licensing Officer will present the report to the Committee.
b	The applicant or the party who has initiated the hearing will present their case first.
c	The presenting party shall be entitled to provide information in support of their application, representation or objection (as applicable).
d	Any other interested party will have the opportunity to ask the presenting party relevant questions.
e	The Committee Members will have the opportunity to ask the presenting party relevant questions.
f	Any other interested parties will then present their case in turn and be entitled to provide information in support of their application, representation or objection (as applicable) .
g	Any other interested party will have the opportunity to ask the presenting party relevant questions.
h	The Committee Members will have the opportunity to ask the presenting party relevant questions.
i	The Chair will invite the applicant, or the party who has initiated the hearing, to briefly summarise their points if they wish.
j	The Chair will invite the other interested parties to briefly summarise their points if they wish.
k	The Chair will ask the applicant, or the party who has initiated the hearing, and all parties making representations, that they are satisfied that they have said all they wish to.
l	At the sole discretion of the Members, the Committee may decide to retire to consider the representations/objections in private.
m	<p>The Committee will invite the parties to return to the meeting and the Chair will invite Members to take a decision.</p> <p>NOTE: If during private deliberations, the Committee receive advice on a legal submission from the Clerk which is contrary to the view of the party making the submission or the Committee believe additional information would be relevant, then these points should be raised with the parties, in public, prior to any decision being made.</p>

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 within 7 days of the hearing and shall be advised of his/her right to seek written reasons and appeal to the Sheriff Court.

If the decision of the Committee is to suspend, refuse or refuse to suspend a licence, a relevant person has a right to request within 28 days of the meeting, the Committee's reasons for arriving at their decision. Unless the circumstances of the case justify immediate suspension, the suspension shall not take effect for 28 days from the date of the decision.

Appeals against the decision of the Committee must be lodged with the Sheriff Clerk within 28 days of the date of the decision.