



THE VALE OF GLAMORGAN COUNCIL

STATUTORY LICENSING COMMITTEE AND PUBLIC PROTECTION LICENSING COMMITTEE PROCEDURE VIA REMOTE ATTENDANCE

This procedure has been issued in relation to the Coronavirus (COVID 19) pandemic and regulations. It applies to the process around the Council's Statutory and Public Protection Licensing Committees and will continue to do so until 30th April 2021 unless withdrawn earlier pursuant to a decision of the Council's Executive or Managing Director under his Emergency Powers. The content is based on guidance issued by Welsh Government.

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1. INTRODUCTION

The Terms of reference of the Statutory and Public Protection Licensing Committees, as outlined in paragraphs 13.16 (c) and (d) of the Council's Constitution are as follows:

13.16 (c) Statutory Licensing Committee – Terms of Reference

- (1) To determine all matters regulated by the Licensing Act 2003 and the Gambling Act 2005 and any statutory modifications made thereunder in accordance with the Council's Statements of Licensing Policy.
- (2) All Licensing Act 2003 and Gambling Act 2005 functions and matters will be considered by the Statutory Licensing Committee or Statutory Licensing Sub-Committee as deemed necessary, exercising plenary powers meeting on such specific occasions as necessary.
- (3) The Statutory Licensing Committee or Statutory Licensing Sub-Committee shall be empowered to do anything which is necessarily incidental to the exercise of the delegated function and all delegations and or authorisations shall be construed accordingly (unless they are expressly limited) in order to facilitate the determination of any matters considered by them.
- (4) The Statutory Licensing Committee or Statutory Licensing Sub-Committee as deemed necessary shall be empowered to adopt or modify any such rules of procedure in order to facilitate the determination of any matters considered by them.

13.16 (d) Public Protection Licensing Committee Terms of Reference

- (1) To determine all licensing matters and any other matters of a licensing nature, with the exception of Licensing Act 2003 and Gambling Act 2005 licensing functions and any matters and such other licensing functions which fall within the remit of the:
 - (i) Council, any of its committees or the Executive;
 - (ii) The Joint Committee for Shared Regulatory Services.
- (2) All Licensing matters will be considered by the Public Protection Licensing Committee or Public Protection Licensing Sub-Committee as deemed necessary, exercising plenary powers and meeting on such specific occasions as necessary.
- (3) The Public Protection Licensing Committee or Public Protection Licensing Sub-Committee shall be empowered to do anything which is necessarily incidental to the exercise of the delegated function and all delegations and or authorisations shall be construed accordingly (unless they are expressly limited) in order to facilitate the determination of any matters considered by them.
- (4) The Public Protection Licensing Committee or Public Protection Licensing Sub-Committee shall be empowered to adopt or modify any such rules of

procedure including, but not limited to, the Statement of Principles for taxi licensing in order to facilitate the determination of any matters considered by them.

- (5) To determine all licensing matters delegated to the Committee, including applications for Hackney Carriage, Private Hire Vehicles, Street Trading Licences, any other matters of a licensing nature.
- (6) To review and update conditions attached to existing licences/certificates/permits/consents and to agree new conditions required due to changes in legislation and or changes in trends or practices.
- (7) Any function in relation to the making of an Alcohol Consumption in Designated Public Places Order under the provisions of the Criminal Justice and Police Act

Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020

On 21 April, 2020, Julie James, Minister for Housing and Local Government issued guidance concerning the expected impact of the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020. The Regulations came into force on 22 April, 2020 and made temporary provision in relation to Local Authority meetings and for public and press access to these meetings during the COVID-19 pandemic.

The Regulations provide flexibility to enable Local Authorities to operate safely, effectively and lawfully, while retaining the principles of openness and accountability to the public by, for example, enabling meetings to be conducted on the basis of full or partial remote attendance and by making provision about the electronic publishing of certain documents.

Councils can therefore hold official meetings virtually, with Members dialling in to teleconferences or participating via video conferencing. The Coronavirus Act Regulations mean that the Council may decide to hold a meeting using remote access provided:

- All parties can fully present their case;
- Each person participating has access to an electronic device to permit them to **hear and be heard**, and where possible use a live video link to also see and be seen.

During the current special circumstances, the style and tone of meetings of the Committees will be very different from conventional physical meetings.

Members will need to prepare thoroughly and focus on the outcomes required and will need to understand information and reports thoroughly prior to the meeting. Members may find it useful to have prior discussions, remote pre-meetings or information briefings in addition to formal meetings.

- Remote or virtual meetings require some patience and work much more effectively when Members are prepared and familiar with the technology being used and the running of virtual meetings having been thoroughly briefed by Officers in advance of virtual meetings beginning. Although the Council may facilitate a hearing through video conferencing a remote access by video link is not a mandatory requirement for participation in a hearing. All parties must have suitable means of dialling into the meeting by telephone.

Please note that the (Coronavirus) (Meetings) (Wales) Regulations 2020 do not affect the quorum for a meeting of the Committees. The quorum of a meeting will be one quarter of the whole number of Members, apart from committees comprising eight Members or less, when the quorum shall be three Members.

Public access to documents, agendas etc. will be electronic (the existing timelines of at least five clear days' notice of any meeting still apply), and the requirement to give access to meetings is also suspended until 30 April 2021.

The 2020 regulations relax some of the current requirements however the Council will continue to maintain its obligations around natural justice and procedural fairness.

2. Current Membership of the Statutory and Public Protection Licensing Committees

Chairman: Councillor J.W. Thomas;

Vice-Chairman: Councillor O. Griffiths;

Councillors: Ms. J. Aviet, Mrs. J.E. Charles, R. Crowley, Mrs. P. Drake, K.F. McCaffer, Mrs. A. Moore, M.J.G. Morgan, Mrs. J.M. Norman, Mrs. R. Nugent-Finn, L.O. Rowlands, S.T. William, Mrs. M.R. Wilkinson and Ms. M. Wright.

3. Legal Officer and Other Officers Attending the Meeting

Each Committee will be assisted by a Legal Officer, a Licensing Officer, a representative from Democratic Services, and other officers who may be required to give assistance with technical support required for a remote meeting.

4. Role of the Democratic and Scrutiny Services Officer to Meetings of the Statutory Licensing and Public Protection Committees

The Committee meetings have the services of a **Democratic and Scrutiny Services Officer**, whose responsibility it is to provide advice on procedure, ensure that all administrative arrangements for the meeting are made, including minute taking, and that they are undertaken in accordance with regulations. There are no changes to the current roles or responsibilities under this procedure. **(Please note that, with an increased demand to hold meetings remotely, a second Democratic Officer may also be deployed in order to assist with the technical requirements of the meeting.)**

5. Notice of Meeting / Agenda Send Out

Licensing Committee Meetings usually commence at 10.00am unless indicated otherwise.

Agendas and reports for the meetings will usually be despatched within **five working days**, prior to the meeting. The agenda / notice of meeting is also uploaded to the Vale of Glamorgan website at the same time where possible.

All agendas which are subject to Access to Information legislation are translated into Welsh.

6. Remote Meeting Attendance

Having regard to the current pandemic and the provision for remote meetings the Council will undertake the Committee meetings via a **remote mechanism** of the Council's choosing. The current platform of choice being the **"Go to Meeting"** software application, however, this may be subject to change. All will be informed within reasonable time, prior to the meeting, of any change in the remote meeting provision as below: -

- **The public** – via the Council website;
- **Members of the Vale of Glamorgan Council** – via internal email and the website;
- **All taking part in the meeting** – via email, or telephone or website.

Ahead of the day of the meeting, the Democratic Services Officer will contact **all parties** via email and / or text to provide a **hyperlink and or telephone number** to be used to access a **videoconference meeting at a date and time previously specified in the Notice of Meeting / Agenda.**

Subject to any technical issues the meeting will be recorded via the remote meeting application and uploaded to the Council website following the meeting.

Due to the 'remote' online nature of meetings, Members of the Vale of Glamorgan Council, not on the Statutory and Public Protection Licensing Committees, **will need to inform Democratic Services of their intention to attend and/or speak at the meeting.**

In the event that a report is confidential, it is essential that the party involved also ensures that any trade or legal representative gives the Council prior notification of their intention to represent the party so that they can access the meeting.

It is important to note that under the Council's Constitution, Section 14.10, members of the public not involved in the proceedings, must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted, or the nature of the proceedings, that confidential / exempt information would be disclosed.

N.B. The contact details of any interested party, as identified by the Licensing Officer to speak and or be in attendance at the Committee meetings, must be referred to the Democratic Services Officer at least a few days prior to the meeting in order that the necessary arrangements can be made with the interested party / parties with regard to the requirements for remote attendance. We would also strongly advise that a written transcript of what is intended to be said at the meeting is also forwarded to the Democratic Services Officer. The Council cannot accept liability in the case of loss of connection by an interested party and therefore a written submission will enable the Committee to be aware of the issues being raised. Interested parties should be aware that any written transcript will be heard in open session and will form part of the recorded proceedings.

7. Participation Guidance

The Meeting

In order for meetings to run, efficiently, effectively and smoothly, the meetings will be managed by the Chairman. There are some suggested practical arrangements below, but it is important to note that through the facility of remote attendance, those taking part will be seen (where possible) and heard throughout the broadcast and it is therefore important to conduct oneself as if the meeting was being held in public. Matters / requests to speak, etc. need to be brought forward via the Chairman and speakers should speak in turn / when invited to do so by the Chairman in order to avoid blurred conversation / discussion, so as to keep matters as clear as possible.

Preparing for the Meeting – Practical Arrangements

Immediately prior to the meeting, all participants will need to make sure that they are ready to take part productively via the Remote Meeting Application or any other format they are advised of.

N.B. Officers and Members please note that personal or corporate devices may be used in order to access the meeting.

Councillors, Officers and others should confirm their attendance in advance of the meeting so that officers are aware of who should be in attendance.

Remote Meeting – Application Guidance

- **If multiple devices are available to you (such as a phone and a laptop), we recommend using the device with the **biggest screen**, as this will be the one that most likely gives you an option to see all participants, rather than being restricted to only viewing the participant who is currently speaking.**

- Take some time before the date of the meeting to familiarise yourself with where the **microphone and headphone plug-in** is on your device, as knowing where to find these will be helpful if you are required to speak more loudly and/or hear more clearly. The best audio quality will likely be achieved by plugging a **separate microphone into the device** – most modern headphone sets include a microphone.
- Make sure before the meeting starts that your equipment is **fully charged or has the capacity to charge** without impeding your audio / visual settings while the meeting is ongoing. Keeping your device plugged in to a power source if possible as this will give you confidence that the battery will last for the duration of the meeting.
- Please take some time to consider where you'll be able to **make yourself comfortable** so that you can focus on the discussion at hand.
- If **participating with video**, where possible it is best to try and find a space with a **plain background**. Other participants may find it distracting to see photos or shelves full of books or ornaments in the background. Also **consider lighting** – if a light source is behind you in the shot your face will likely end up looking darker on screen. Equally, too strong a light in front of you might have a 'bleaching' effect. Most devices will allow you to **access your camera ahead of the meeting** so you can identify where best to position yourself.
- If participating **with video**, aim to position your device appropriately so that your **head and shoulders are in the shot** (similar to a passport photo).
- Know how to **announce your presence by turning your microphone on and off again**.
- Make sure that you can **easily view any necessary documentation**.
- If **referring to a document** during the meeting, please be **specific regarding which Appendix it is** in as well as the **page number** and please **allow time for others to locate the same document**.
- Have a **pen and paper ready to use**. Conversation will not flow as naturally as it would with people in the room together, and the **Chairman will be moderating the order in which participants speak**. You may therefore find it helpful to **take notes of any points you would like to make** so you can refer back to them when it is your turn to speak.
- **Before the meeting starts**, please ensure that **any other nearby electronic devices are set to silent, or mute notifications on the device you are using**. If you experience **interference during the call**, this could be **caused by other devices nearby** so you may want to turn off any other devices or remove them from the same room as you.

- We ask that you take steps to **join the meeting ten – fifteen minutes prior to the start of the meeting**, which will allow the Democratic Services Officer time to assist with any difficulties if needed.
- If you are not currently speaking, **please mute your microphone**. This will help to reduce the level of disruptive and distracting background noise and assist all participants in meeting one another as clearly as possible.
- If you wish to speak, please indicate this **via the Chat and or / question function** on the remote application software and wait until the Chairman asks you to speak. If a question is asked of one participant directly, that participant will be the first person afforded an opportunity to respond. **It is crucial that all participants respect this process and listen to the Chairman to ensure everyone has a fair opportunity to make their points without being talked over**. If any participant repeatedly disregards this process and **talks over** other participants without waiting for the Chairman to confirm it is their turn, the **Democratic Services Officer** will be able to **mute their microphone**.
- When speaking, **do not shout**. The Democratic Services Officer will advise if your volume of speech is too low, it will usually require participants to **either move closer to their microphone or to adjust their microphone/volume settings**.
- Please try and remember that **not all participants** will have the same **visual access to the meeting**. There is an **option to dial in on a telephone call rather than use a screen**, and **not all participants** will have **access to a camera**. It is therefore important that **all participants communicate as much as possible verbally**, as not everyone will be able to see gestures or facial expressions. The **Democratic Services Officer will confirm at the start of the meeting** which participants have **screen access** and whether **any are not visible on camera**.
- **Members of the Committees** should only vote on the recommendation / decision if they have been **able to hear and understand all of the debate** and information provided clearly.
- If the **connection becomes too slow**, the Democratic Services Officer will ask all participants to **turn their cameras off** for a short amount of time to allow the software application being used to **speed the connection up again**. If this problem recurs, the Democratic Services Officer will ask all participants to turn their cameras off, and **only turn them on when it is their turn to speak**.
- Know what to do **if your equipment fails, have a phone number to hand to call in case of technical difficulties**. At any point there may be issues with internet connections or computer failures.
- If required, for example, if members, etc. are unable to connect to the meeting or lose connection to the meeting (and therefore the Committee **stops being quorate**), the Committee may **adjourn the meeting** where considered necessary (either on a temporary or permanent basis).

- With reference to the previous point, **Officers** should establish a clear “**fallback plan**” so people know what to do in the event of a widespread failure. For example, switching over to the **telephone function on the software being used or the use of another remote meeting application.**

8. Order of Meeting and Procedure

Step 1: The Chairman to read out a declaration on the meeting being held virtually and that a recording of this will be available to the public after the meeting has been held.

Step 2: Officers and Members to introduce themselves at the start of the meeting for the benefit of applicants / objectors and the public (for the recording to be uploaded).

Step 3: Approval of the previous meeting's minutes for accuracy purposes only.

Step 4: “**Apologies for absence**”, in the main, are known in advance as Members contact to advise they are unable to attend.

Step 5: All agendas will have **Declaration of Interests** as a standing item for Members to consider if they have an interest on an agenda item.

NOTES:

Adjournments

The Committee may adjourn the meeting where considered necessary - for example, technical difficulties or if no longer quorate.

Part II

After moving into private session where confidential matters are to be discussed under Part II, the Chairman will:

- *Ensure that members of the public have left the meeting;*
- *Ask all who remain to ensure that there is no one else present who would be able to hear the proceedings.*

Disruptive Behaviour

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

N.B. For the purposes of this procedure, references to the Democratic Services Officer also include an additional Democratic Services Officer who may be assisting with the technology or other areas at the meeting.