

Audit & Governance

13 November 2023

Flexibility to hold Virtual Licensing Sub-Committees

For Recommendation to Council

Portfolio Holder: Cllr S Flower, Leader of the Council

Local Councillor(s): All

Executive Director: J Mair, Director of Legal & Democratic

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Report Status: Public

Brief Summary:

Dorset Council is currently holding more than 30 Licensing Sub-committee meetings a year. As a result of a recent court case some councils, including Bournemouth, Christchurch and Poole Council, are now holding virtual meetings for applications that come under the 2003 Licensing Regulations which is a large proportion of the Sub-committee meetings. This report is seeking member support to give the Licensing Sub-committees the flexibility of holding a virtual meeting when appropriate, with the agreement of the Chairman of the Licensing Committee and the Licensing Officer. Meetings being held to consider reviews or applications attracting a large number of public representations that would benefit from being held in person would still continue to meet in the Council Chamber.

Recommendations:

- 1) That Council is asked to approve a 12-month trial period to give the Licensing Sub-committee the flexibility to meet virtually when appropriate to do so; and delegates to the Licensing Committee the authority to take a decision on whether this flexibility should continue and be made a permanent arrangement.

- 2) That delegation is given to the Director of Legal & Democratic (Monitoring Officer), to approve the virtual meeting protocol after consultation with the Chairman of the Licensing Committee and the Executive Director for Place.

Reason for Recommendation: There are numerous benefits of holding meetings virtually, including savings on officer, member and attendees travelling time, staff resources for running committee meetings and travel costs.

1. Report

- 1.1 Given the large number of Licensing Sub-committees held each year, currently in excess of 30, there would be many advantages of having the flexibility to hold some meetings virtually. Members who would not normally be able to sit on a sub-committee, due to travel or work commitments, may be able to attend a virtual meeting so spreading the committee load across more members. It would also be more convenient and less costly for the applicant to attend virtually and other third parties involved, particularly any legal representatives. It would also fit in with the 'mixed economy' that members of the timing of committee meetings task and finish group have been discussing recently as attending virtually maybe more attractive to working councillors or those with other responsibilities.
- 1.2 Neither the Licensing Act 2003, nor the Licensing Act (Hearings) Regulations 2005 require hearings to be held in a physical "place". In principle, a "place" for the purposes of the Hearings Regulations can include a "virtual platform" and "attendance" at such a hearing can include "electronic attendance". However, "Attendance" by members at virtual licensing hearings will not count towards member attendance for the purposes of Section 85 Local Government Act 1972 dealing with vacation of office through non-attendance at meetings (the 6-month rule). For this reason, the report is not proposing that all Licensing Sub-committees are held virtually.
- 1.3 Since the Covid pandemic more parties are being represented by a solicitor or barrister; when remote hearings took place during the pandemic there was a significant increase in the number of legal representatives attending as they did not have the additional expense of an overnight stay in Dorset. Having the ability to hold virtual meetings for

the more straightforward applications or Temporary Event Notices would therefore be a significant benefit to all parties as legal representation in particular helps to keep the hearings on track.

1.4 Listed below are some of the benefits of having the option to hold virtual Licensing Sub-Committees:

- Time and cost savings on members travelling to County Hall, this would also contribute to the council's net zero plan.
- Virtual meetings may increase the number of Licensing Committee members who could sit on a Sub-committee as those with work commitments or other commitments would not have to factor in travel time to Dorchester therefore spreading the workload.
- Only one member of the Democratic Services Team would need to attend the virtual Sub-committee meetings (currently two staff are required, one to cover hybrid function).
- Increased flexibility to organise Sub-committee meetings by the required deadlines as the meetings would not be dependent on the availability of the Council Chamber.
- Increased availability of the Council Chamber for other users.
- Only Sub-committees required for Taxi Licensing would need to be programmed into the Annual Calendar of Meetings (one a month), these are held in one of the smaller committee rooms as they are held in exempt business and no webcasting is needed. (Taxi Licensing is not covered by the Licensing 2003 Act and therefore must continue to be held in person).
- Members of the public will not have to travel to Dorchester in order to attend the Sub-committee. Car parking in Dorchester can be an issue and officers cannot predict how long each meeting will last. This could potentially lead to increased attendance from the general public.
- Meetings would still be live-streamed and available on Youtube after the event.

1.5 There is however a disadvantage in holding virtual meetings as it does not allow the opportunity for the parties to have an informal discussion after the meeting which in some circumstances is very helpful and can resolve some of the issues and objections raised. This can be very productive and it is therefore proposed that as part of the trial Licensing Officers in consultation with the Chairman of the Licensing Committee can decide to hold a Sub-committee meeting in person if it is felt that an in-person meeting would be more productive and conducive to the running of the meeting.

1.6 If members are supportive of holding this trial period for Licensing Sub-committees, then a virtual meeting protocol will need to be drawn up by officers so that all parties involved fully understand how the virtual meetings will run.

2. **Financial Implications**

Savings on travel claims would be achieved from the recommendations in this report.

3. **Natural Environment, Climate & Ecology Implications**

The recommendations in this report would contribute to the Council's net zero plan.

4. **Well-being and Health Implications**

There are no negative implications arising from the recommendations contained within this report in terms of meeting the Council's wellbeing and health obligations.

5. **Other Implications**

None.

6. **Risk Assessment**

6.1 **HAVING CONSIDERED:** the risks associated with this decision; the level of risk has been identified as:

Current Risk: low

Residual Risk: low

7. **Equalities Impact Assessment**

No negative impact implications

8. **Appendices**

None

9. **Background Papers**

There was a court case earlier this year, whereby a District Judge concluded that it was lawful to hold a virtual meeting of a licensing sub-committee, for the purposes of applications under the 2003 Licensing Act.

[Remote licensing hearings are lawful, judge confirms | Cornerstone Barristers](#)