

COUNCILLORS' INFORMATION BULLETIN

Friday, 29 May 2020

Bulletin No: IB/1029

INFORMATION ITEM	Pages
<p>1 Delegated Planning Decisions</p> <p>Delegated planning decisions for the week beginning 18 May 2020 are attached. Contact for enquiries: Jean McPherson, Group Manager: Development Management at jean.mcpherson@crawley.gov.uk.</p>	3 - 4
<p>2 Temporary Traffic Regulation Orders</p> <p>The following documents are attached in relation to Temporary Traffic Regulation Orders:</p> <ul style="list-style-type: none"> List of Temporary Traffic Regulation Orders. Northgate Avenue to Priors Walk, Three Bridges (Appendix A). Fernhill Road, Pound Hill (Appendix B). 	5 - 10
<p>3 Chief Executive: Emergency Urgency Decision - Virtual Committee Procedure Rules and Virtual Licensing-Sub Committee (Hearings) Procedure Rules</p> <p>Under the Emergency Urgency Decision power, the Chief Executive has taken a decision to approve the Virtual Licensing Sub-Committee (Hearings) Procedure Rules and to approve revisions to the Virtual Committee Procedure Rules, which will allow the Council to conduct formal meetings virtually via Microsoft Teams. The Chief Executive has also agreed that both sets of Procedure Rules be added to the Constitution.</p> <p>The decision was taken in consultation with the Chair and Vice Chair of the Governance Committee, the Leader of the Council (as Chair of the Cabinet and Cabinet Member with portfolio holder responsibility for Democratic Services) and the Chair of the Licensing Committee.</p> <p>A copy of the full decision as well as the revised Virtual Committee Procedure Rules and the Virtual Licensing Sub-Committee (Hearings) Procedure Rules is attached.</p>	11 - 26



Switchboard: 01293 438000
Main fax: 01293 511803
Minicom: 01293 405202 DX:
57139 Crawley 1
www.crawley.gov.uk

Town Hall
The Boulevard
Crawley
West Sussex
RH10 1UZ

4 **Press Releases**

Press releases are available at www.crawley.gov.uk/news.

CRAWLEY BOROUGH COUNCIL

DELEGATED PLANNING DECISIONS

The following decisions were issued, subject to conditions, under delegated powers for the period 18/05/2020 and 22/05/2020

Application Number	Location	Proposal	Date of Decision	Decision
CR/2020/0111/FUL	FIRST, SECOND AND THIRD FLOORS, 12 - 13 QUEENS SQUARE, NORTHGATE, CRAWLEY, RH10 1DY	CHANGE OF USE FROM B1 OFFICE TO D2 ASSEMBLY AND LEISURE	19 May 2020	PERMIT
CR/2020/0160/CON	LAND SOUTH OF NEWHOUSE FARM, OLD CRAWLEY ROAD, HORSHAM	CONSULTATION FROM HORSHAM DISTRICT COUNCIL (DC/20/0470) FOR OUTLINE APPLICATION FOR THE ERECTION OF 473 DWELINGS, WITH NEW ACCESS PROVIDED OFF THE CRAWLEY ROAD, PLUS ASSOCIATED AREAS OF OPEN SPACE AND LANDSCAPING. ALL MATTERS RESERVED APART FROM ACCESS	21 May 2020	OBJECTION
CR/2020/0182/FUL	LAND TO THE REAR OF 98 THREE BRIDGES ROAD, THREE BRIDGES, CRAWLEY	ERECTION OF 2 X TWO BEDROOM TWO STOREY SEMI-DETACHED DWELLINGS	18 May 2020	REFUSE
CR/2020/0212/HPA	6 HONEYSUCKLE LANE, LANGLEY GREEN, CRAWLEY	PRIOR NOTIFICATION FOR THE ERECTION OF A SINGLE STOREY REAR EXTENSION, WHICH WOULD EXTEND BEYOND THE REAR WALL OF THE ORIGINAL HOUSE BY 3.5M, AND HAVE A MAXIMUM HEIGHT OF 2.9M AND AN EAVES HEIGHT OF 2.9M	22 May 2020	PRIOR APPROVAL NOT REQUIRED

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Agenda Item 2

Information relating to the following Temporary Traffic Regulation Orders is attached:

- Northgate Avenue to Priors Walk, Three Bridges (Appendix A).
- Fernhill Road, Pound Hill (Appendix B).

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PUBLIC NOTICE

Temporary closure of Northgate Avenue To Priors Walk, Footpath, 15th June 2020

NOTICE IS HEREBY GIVEN that from the date specified below, West Sussex County Council has temporarily closed to all traffic Northgate Avenue To Priors Walk, **Footpath**, in the Crawley District (B) under Section 14(1) of the Road Traffic Regulation Act 1984, as amended, on Northgate Avenue To Priors Walk for a distance approx 202 metres

The temporary closure is scheduled to commence on 15th June 2020 for up 18 months (It is estimated to be completed on 26th June 2020) and is required for the safety of the public and workforce while **TMO Highways** undertakes 24hr Footpath Closure from the junctions with Northgate Avenue to Priors Walk to install power cables No access to footpath during works.

Please note - these works were postponed due to Covid-19 and this document is to notify of the change of dates for these works.

The restriction will be in place **24hrs**

An alternative route will be signed on site but please visit <https://one.network/?tm=117374292> for more details.

No Access for emergency service vehicles and pedestrians will be maintained

For information regarding this closure please contact **TMO Highways on 01379 676462** who will be able to assist with scope of these works.

Dated: 26th May 2020

Matt Davey

Director of Highways, Transport and Planning

West Sussex County Council

[Report a problem with a road or pavement](#) or raise a [highways related enquiry](#)

Follow us at [@WSHighways](#)

Email: ttro@westsussex.gov.uk

PUBLIC NOTICE

WEST SUSSEX COUNTY COUNCIL TEMPORARY TRAFFIC REGULATION

FERNHILL ROAD, POUND HILL

NOTICE IS hereby given that in pursuance of the provisions of Section 14(2) of the Road Traffic Regulation Act, 1984, as amended, the use of (and parking on) **Fernhill Road, Pound Hill** from junction with **Balcombe Road to Donkey Lane** is temporarily prohibited from **17/06/2020 at 09:30 until 17/06/2020 at 15:00**

The restriction will be in place off peak only between 09:30 – 15:00

This closure is necessary to allow **Balfour Beatty to undertake urgent carriageway pothole repairs on behalf of WSCC**

Emergency vehicle, Residential and Pedestrian access will be maintained at all times

The alternative route for traffic will be signed on site

This restriction will be effective for a maximum of 5 days from the start date given above

Any queries about the effect of the closure on traffic using the highway please contact West Sussex County Council on 01243 642105

Any queries about the works please contact **Balfour Beatty on 01243 642105**

Dated **28 May 2020**

Matt Davey
Director of Highways, Transport and Planning

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Agenda Item 3

RECORD OF DECISION TAKEN UNDER EMERGENCY URGENCY POWERS

SUMMARY OF DECISION TO BE TAKEN: To update the section of the Constitution entitled “Virtual Committee Procedure Rules” and to replace the section entitled “Licensing Sub-Committee (Hearings) Procedure Rules” to allow the Council to more efficiently conduct formal meetings virtually, in line with new legislation.

ASSOCIATED COMMITTEE(S): Governance Committee function (constitutional amendments). All Committees affected (change in procedures).

RELEVANT PERSONS CONSULTED:

- Chair of Governance Committee (Cllr Lunnon) – *no response received.*
- Vice Chair of Governance Committee (Cllr Burrett) – *responses received and considered.*
- Leader of the Council as Chair of the Cabinet and Portfolio Holder with responsibility for Democratic Services (Cllr Lamb) – *revisions supported and approved.*
- Chair of Licensing Committee (Cllr Jones) – *no response received.*

Consultation with the above ran between Thursday 22 May 2020 and Tuesday 26 May 2020.

DECISION(S) MADE:

- That the Virtual Committee Procedure Rules be updated.
- That the Licensing Sub-Committee (Hearings) Procedure Rules be replaced by the Virtual Licensing Sub-Committee (Hearings) Procedure Rules.
- That the new Procedure Rules be added to the Constitution.

REASONS FOR DECISION(S) AND FURTHER INFORMATION: To ensure the business of the Council (via its formal meetings) can continue as normal by refining the process for holding virtual meetings and ensuring effective public decision making.

I hereby agree that I will take the decision as set out above, for the reasons detailed, under the Council’s Emergency Urgency Powers.



Natalie Brahma-Pearl
Chief Executive
Date: 28 May 2020

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VIRTUAL COMMITTEE PROCEDURE RULES

1. SCOPE OF THESE RULES

- 1.1. These Rules apply to all Committee and Sub-Committee meetings of the Council including Full Council, Cabinet, Overview and Scrutiny Commission, and Scrutiny Panels and must be read in conjunction with the General Committee Procedure Rules.
- 1.2. The Licensing Sub-Committee Procedure Rules have been rewritten to include the ability to hold Sub-Committee hearings virtually, but regard should still be paid to these Rules when operating Sub-Committee Hearings.

2. OVERVIEW

- 2.1. The Local Authorities and Police and Crime Panels (Coronavirus)(Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations came into force on 4 April 2020. These Regulations allow the Council to hold its Council and Committee meetings virtually until 7 May 2021. Committees can be run wholly virtually, or partly virtually and partly in physical form. If any part of a meeting is held virtually then the Virtual Committee Procedure Rules shall apply and take precedence over the General Committee Procedure Rules.
- 2.2. Virtual Committee meetings will be held through Microsoft Teams Live Events and broadcast via the Council's website. Members of the public and press can view a meeting via a link which will appear on the Committee page of the website 24 hours before the commencement of the meeting.
- 2.3. Agendas for Committee meetings will be published via the Council's website in line with normal procedure.
- 2.4. In order for Councillors to be able to attend meetings of the Council remotely, they need not be physically present, provided they are able to hear and be heard by (and where practicable, see and be seen by) other Committee members and members of the public attending remotely or in person.
- 2.5. At the commencement of a meeting the Chair will ask Committee members in turn (alphabetically) to confirm their attendance. This is to ensure that communication between the Chair, Committee, and officers is working correctly and that the meeting is quorate.
- 2.6. Only those Councillors who are members of the Committee or who are presenting a report will be entitled to join the meeting. Any other non-Committee members must view the meeting through the public feed. Exceptions to this will be made at the Chair's discretion and require advance consent. This consent includes when Committees are considering items with exempt or confidential information (Part B items).
- 2.7. Connection issues may nullify Committee members' entitlements to vote on agenda items. See sections 9 (Adjournments) and 10 (Entitlement to Vote).

3. PUBLIC QUESTIONS

- 3.1. There will no in-person public question time (PQT) at any Council meeting while virtual Committee meetings are being held.
- 3.2. Public questions to Committees can instead be submitted in writing by **noon two days*** in advance of the meeting by emailing democratic.services@crowley.gov.uk with the exception of the Full Council where the questions must be submitted by **noon one week**** before the meeting.
- 3.3. There are to be **no** written public questions allowed for Planning Committee, Licensing Sub-Committee or Scrutiny Panel meetings.
- 3.4. All accepted public questions will be published within a supplementary agenda.
- 3.5. Written public questions will be read out (normally by the Chair or by the Democratic Services Officer) during the allocated time at a meeting and will be followed by a response. A written copy of the response will be included within the minutes of that meeting and the questioner will receive an emailed copy of the response given at the meeting. There will be no supplementary questions.

Rules Governing Written Public Questions

- 3.6. The Monitoring Officer shall have the final say as to whether any question received meets the following criteria.
- 3.7. For ordinary meetings of the **Overview and Scrutiny Commission, Audit Committee, Governance Committee** and **Licensing Committee** the following rules apply to the written question:
 - a) The question must be received by **noon two days*** before the scheduled date of the meeting.
 - b) The question should be relevant to any item on the agenda.
 - c) The question must **not** relate to an individual case which should be dealt with under the Council's Complaints Procedure or any other formal appeals procedure.
 - d) The question must **not** be, in essence, the same as a question which has been put to that Committee in the past 6 months.
 - e) The question must **not** be more than 100 words long.
 - f) The Chair of the Committee, at their discretion, may answer the question or invite other Committee members or officers to respond.
- 3.8. For the **Cabinet** the following rules apply to the written question:
 - a) The question must be received by **noon two days*** before the scheduled date of the meeting.
 - b) The question should be relevant to the functions of the Cabinet.
 - c) The question must **not** relate to an individual case which should be dealt with under the Council's Complaints Procedure or any other formal appeals procedure.
 - d) The question must **not** be, in essence, the same as a question which has been put to the Cabinet in the past 6 months.

- e) The question must **not** be more than 100 words long.
- f) The Leader may answer the question or invite the most relevant Cabinet Member(s) or an officer present to respond.

**For example, "noon two days before the meeting" means that questions must be received by noon on Monday for a meeting held on the Wednesday of that week.*

3.9. For **Full Council** the following rules apply to the written question, based on the *Public Written Questions* section set out in the current *Full Council Procedure Rules*:

- a) A question will normally be put to either:
 - The Mayor.
 - A Cabinet Member.
 - The Chair of any Committee.
- b) The question must be received by **noon one week**** before the scheduled date of the meeting.
- c) Where possible, the questions and answers will be published in advance of the meeting via a supplementary agenda on the Council's website.
- d) The Monitoring Officer may reject a question if, in their opinion, it:
 - Is a statement and not a question.
 - Does **not** relate to an issue for which the Council holds responsibility, or which specifically affects the Borough.
 - Is defamatory, frivolous or offensive.
 - Requires the disclosure of confidential or exempt information or relates directly to an individual's personal circumstances.
 - Is substantially the same as a question which has been put to a meeting of the Council in the past 6 months.
 - Relates to a specific planning or licensing application.
 - In the case of a written question, it has not been submitted before the defined deadline or is more than 100 words long.

***For example, questions must be received by **noon** on Wednesday for a meeting held on the following Wednesday.*

4. PUBLIC SPEAKING RIGHTS

- 4.1. There are no public speaking rights at any virtual Committees or Sub-Committees with the exception of the Licensing Sub-Committee or at a meeting of the Cabinet or Full Council in respect of a presentation of a petition by the principal petitioner.

Planning Committee

- 4.2. There will be no right to speak at a virtually held Planning Committee meeting. Instead the applicant, anyone who has submitted a valid written representation on an application, the local Ward Borough Councillors, or any other elected individual (as defined in the Speaking at Planning Committee Procedure Rules (SPCPR)) has the ability to submit a further statement for consideration by the Planning Committee. This replaces the ability to address the Committee during consideration of the application as detailed in the SPCPR.
- 4.3. People wishing to submit a statement must have emailed their statement to democratic.services@crawlley.gov.uk no later than **noon two days*** before the Committee meeting.

- 4.4. The document must be in a Microsoft Word or PDF format, may contain images, and must be no more than 1½ A4 sheets of text and a further 1½ A4 sheets of images. Presentations will not be accepted. Statements will be read out at the Planning Committee meeting (normally by the Chair or by the Democratic Services Officer) and will be allocated a maximum of 3 minutes each.
- 4.5. To try to align with the current SPCPR a limited number of statements will be accepted per application and they will be accepted on a first come, first served basis:
- 3x Objectors (including Objectors on behalf of a group)
 - 3x Applicant, Agent or Supporters, including relevant Cabinet Member/s
 - Ward Borough Councillors
 - Any other elected individual.
- 4.6. The order in which the statements will be presented to the Committee will be as set out in paragraph 6 (Order of Speaking and Time Allocation) of the SPCPR.

**For example, “noon two days before the meeting” means that statements must be received by noon on Monday for a meeting held on the Wednesday of that week.*

5. EXCLUSION OF PUBLIC

- 5.1. Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules relating to exclusion on the grounds of exempt or confidential information (Part B items) or Rule 17 (Disturbance by Public) of the Full Council Procedure Rules/General Committee Procedure Rules.
- 5.2. Any agenda item that requires exclusion of the public under the Access to Information Procedure Rules will be taken as the final item on the agenda. The live stream will be ended for the public and press, and the meeting will continue privately. Any Councillors not on the Committee will require prior consent to join the meeting for such items, to be granted by the Chair in consultation with Democratic Services.
- 5.3. Any Committee member participating in a private session of a meeting is required to ensure that that part of the meeting cannot be seen or heard by any other person at their remote location. It is recommended that headphones are worn for such items.

6. COUNCILLORS' CONDUCT AT VIRTUAL MEETINGS

The general requirements of the Code of Conduct for Councillors still apply. Particular attention should be paid to the following.

- 6.1. Every Councillor present at the meeting shall:
- a) Treat others with courtesy and respect.
 - b) Conduct themselves in a way which does not cause offence to others or limit in any way others' ability to participate at the meeting.
 - c) Only speak when called on by the Chair or speak through the Chair.
 - d) Be mindful of the background of their video stream as it will be shown throughout the duration of the meeting. Backgrounds should be blurred or a Council-branded background used whenever possible.
 - e) Ensure that there will be no visible or audible disturbances.

- f) Log on to a meeting individually and not share a screen.
 - g) Notify the Chair or the Democratic Services Officer if they need to leave the meeting, want to raise a procedural motion or are having technical difficulties.
- 6.2. When the Chair speaks during a debate, any Councillor speaking must stop and mute themselves.
- 6.3. If a Committee member wishes to speak during a meeting, they should indicate to the Democratic Services Officer via the agreed approach. Committee members should only speak when called upon and ensure that they are 'live' before they address the Committee. The Chair and Democratic Services Officer on their behalf have discretion as to the order of speakers at any meeting.
- 6.4. A Committee member when speaking shall address the Chair. While a Committee member is speaking others shall remain quiet, normally being muted unless raising a procedural motion or making a personal explanation.
- 6.5. Committee members are asked not to use the Microsoft Teams 'chat' facility during a Committee meeting, except when informing the Democratic Services Officer of connectivity problems. Otherwise, the facility is to be used only by the Chair and the officers present to provide or seek advice.
- 6.6. All Councillors hold a strict responsibility not to share any links to Committee meetings, including with fellow Councillors.

7. SPEAKING AT A MEETING OF THE FULL COUNCIL

- 7.1. At the request of the Mayor it may be necessary for each political Group to provide a list of Councillors wishing to speak on specific items at a Full Council meeting, which must be sent to Democratic Services prior to the meeting. This would not prevent other Councillors from requesting to speak at the meeting itself, as defined in section 6.3, but the list will ensure that the virtual Full Council meeting runs efficiently.
- 7.2. Any Councillor either seconding a Notice of Motion, Recommendation or an Amendment will not have the ability to reserve their right to speak later in the debate, but must instead make their speech as they second the item.
- 7.3. Notices of Motion may be submitted in line with current procedure set out in the Constitution, as long as the Councillor submitting provides evidence to demonstrate to the Monitoring Officer that the matter is time critical.

8. DISCLOSURES OF INTERESTS

- 8.1. All Committee members will need to declare whether they have an interest in any item of business being considered by the Committee. Committee members shall be called upon in turn to disclose the existence and nature of any interest (personal, prejudicial, or a Disclosable Pecuniary Interest [DPI]).
- 8.2. If a Committee member has a DPI or prejudicial interest in any item on the agenda, that Committee member will be required to disconnect from the meeting for the duration of the consideration of that item. Once the item has been discussed and voted upon, the Committee member shall be invited back into the meeting.

9. ADJOURNMENTS

- 9.1. Should the Chair wish to adjourn the meeting for a brief period, the Committee will be notified and advised of the time at which it shall reconvene. Participants should remain connected to the meeting with their microphones muted and their video off.
- 9.2. Where a Committee member has lost connection, the Chair has discretion as to whether to adjourn the meeting for a short period to allow for their connection to be re-established, or to continue to transact the business of the meeting. The Chair is required to ensure the meeting remains quorate.
- 9.3. If a Committee member's connection is lost while in attendance at a **regulatory/quasi-judicial meeting of the Council** (i.e. Planning Committee, Licensing Committee, or Licensing-Sub Committee) and the meeting continues, the disconnected Committee member(s) should vote to **abstain** on the item as they have been unable to hear the consideration of said item.
- 9.4. If technical reasons cause **all participants** to lose connection to a meeting, there will be a temporary adjournment to allow participants to re-connect. If this is not possible, the meeting will be adjourned and the business considered at a future date.
- 9.5. If it becomes clear either that the public feed is not functioning or the public are unable to connect to view the meeting, the meeting will be temporarily adjourned and a fix sought. If the public connection cannot be restored within a reasonable time period, the meeting will be adjourned and the business considered at a future date.
- 9.6. If the business of a Committee meeting has not been completed within 3 ½ hours, the Chair will call for a vote as a meeting cannot pass 4 hours in duration. The vote will be to either end the meeting, or for an adjournment. If an adjournment is agreed a further vote will be taken over whether the meeting will reconvene later that day/evening once a new virtual meeting can be established, or whether to adjourn the meeting with the business considered at a future date.

10. VOTING

- 10.1. Committee members must have been 'present' as defined by section 2.4 and have heard the proceedings (at the absolute minimum) to be able to vote on the item.
- 10.2. If a Committee member loses connection during either a Planning Committee, Licensing Committee or Licensing-Sub Committee, and the meeting continues, that Councillor even if they reconnect during the item cannot vote and must **abstain** as they have been unable to hear the full discussion on that item.
- 10.3. During voting all substantive recommendations shall be moved by the Chair and seconded by the Vice-Chair of the Committee (with the exception of Full Council, which will follow the Full Council Procedure Rules). If the Chair and/or Vice-Chair are absent, alternative movers and seconders will be sought. Movers and seconders of amendments or alternative recommendations will differ on a case-by-case basis.
- 10.4. For any Committee held virtually, all voting will be held via a recorded vote taken by the Head of Legal, Democracy and HR or other Legal Officer/Democratic Services Officer on behalf of the Chair.

- 10.5. The exceptions to this are the approving of the minutes of the previous meeting or any other procedural item or where the item's sole recommendation to a Committee is to 'note' the report. The Chair will move the item and it will be presumed agreed, unless a dissenting comment from any Committee member is made.

Connection Issues during Voting

- 10.6. If a Committee member's microphone connection fails during a vote, but they still can hear the officer taking the recorded vote, that Committee member may still vote by showing their vote through the raising of a hand.
- 10.7. If a Committee member's video connection fails during a vote, and the Councillor can still hear the officer taking the recorded vote, that Committee member may still vote by indicating verbally.
- 10.8. If either of the voting connection issues occurs (as defined in section 10.6 or 10.7) during a Planning Committee, Licensing Committee, or Licensing-Sub Committee vote, the Committee Member must also consider section 10.2 which requires a vote to **abstain** be made if they have been unable to hear the full discussion on that item.

11. RECORDING AND RETENTION OF THE MEETING

- 11.1. Committee meetings will be live streamed through Microsoft Teams Live Events. Democratic Services will, dependent on technological capability, aim to make a recording of each meeting available on the Council's website. Recordings will be available until the date of the next meeting of that Committee, or for six months, whichever comes first.

12. ADVANCEMENT OF THE VIRTUAL COMMITTEE PROCEDURE RULES

- 12.1. There is an expectation that the above Procedure Rules will evolve as technology adapts and as the Council becomes more experienced at holding virtual meetings.
- 12.2. The Chief Executive and/or Head of Legal, Democracy and HR has the delegation to amend these Procedure Rules in consultation with the Chair and Vice-Chair of the Governance Committee and the Leader of the Council, to ensure that the Council's virtual Committees run as efficiently as possible and mirror, where possible, standard committees.

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VIRTUAL LICENSING SUB-COMMITTEE (HEARINGS) PROCEDURE RULES

1. SCOPE OF THESE RULES

- 1.1. These Rules apply specifically to Licensing Sub-Committee Hearings under the Licensing Act 2003 ('the Act') and the *Licensing Act 2003 (Hearings) Regulations 2005* ('the Regulations').
- 1.2. These Rules form part of the Council's Hearings Procedures and should be read in conjunction with the Virtual Committee Procedure Rules as well as paragraphs 9 (Declarations of Interest) and 17 (Disturbance by Public) of the General Committee Procedure Rules as appropriate.
- 1.3. These Rules will replace the previously published Licensing Sub-Committee (Hearings) Procedure Rules to reflect that all Licensing Sub-Committee (Hearings) will be held virtually via Microsoft Teams Live until such time as it is deemed safe by the Government to hold public meetings.
- 1.4. In these Rules all references to "party" and "parties" is a reference to all persons to whom a Notice of Hearing must be given pursuant to Regulation 6 of the Regulations.

2. CONSULTATION PERIOD AND SUBMISSION OF RELEVANT REPRESENTATIONS/DOCUMENTATION

Consultation Period and Relevant Representations

- 2.1. The Council encourages that all representations made in relation to an application/notice be submitted by e-form on the Council's website or by e-mail to [licensing@crawley.gov.uk](mailto:licensing@ Crawley.gov.uk) (rather than by post or other means) to reduce the risk that they may not be received or considered by the Council. The Council's website will clearly state this.
- 2.2. As all Hearings until further notice will be held virtually through Microsoft Teams Live Event, when submitting representations/documentation parties are asked to provide a contact email address.

Submission of Documentation Supporting an Application, Notice or Representation

- 2.3. All parties must use their best endeavours to submit documentation in support of their application, notice or representation electronically via email to [licensing@crawley.gov.uk](mailto:licensing@ Crawley.gov.uk).
- 2.4. The Council encourages parties to follow these principles when drafting submissions in support of their application, notice or representation:
 - a) Focus on the promotion of one or more of the four Licensing Objectives as defined by the Act.
 - b) Make reference to the relevant parts of the Council's Licensing Policy Statement and Section 182 Guidance.
 - c) Be relevant.
 - d) Be evidence-led not based on speculation.

- 2.5. Parties should endeavour to submit all documentation they wish to be considered by the Sub-Committee no later than 48 hours before the Hearing so that it can be circulated to all other parties. All submissions and supporting documentation/evidence should be submitted by email to [democratic.services@crawley.gov.uk](mailto:democratic.services@ Crawley.gov.uk).

Submission of CCTV and Audio Evidence

- 2.6. Any video evidence submitted before a Hearing which a party wishes the Sub-Committee to view should be submitted in MP4 format. Parties are asked to ensure that any recording is edited to only contain relevant matters which relate to their representation. Parties are encouraged to submit any video evidence with a description of how, when and where the video was recorded and a summary of its contents.
- 2.7. Parties should endeavour to submit any video evidence they wish to rely upon at least 72 hours before the Hearing to allow sufficient time for it to be made available to the other parties.

3. NOTICE OF HEARING, AGENDA DOCUMENTS AND NOTICE OF INTENTION TO ATTEND

Notice of Hearing and Agenda

- 3.1. A Notice of Hearing (in the form of an agenda) will be sent via email to all parties at least ten clear working days before the meeting. The Notice will also be published via the Council's website in line with normal procedure. The Notice will include:
- a) Details of the date and time of the online Hearing.
 - b) The report of the Council's Licensing Officer.
 - c) The application/notice.
 - d) Any relevant representations/notices received.
 - e) Any other supporting documentation submitted.
 - f) A copy of these Virtual Licensing Sub-Committee (Hearings) Procedure Rules.
 - g) A copy of the Virtual Committee Procedure Rules.

Notice of Intention to Attend

- 3.2. All parties wishing to participate in the Hearing must register their wish to participate and provide their own email address and the email address(es) of any representatives/witnesses they wish to speak at the meeting. This **must** be done by email to the Council at [democratic.services@crawley.gov.uk](mailto:democratic.services@ Crawley.gov.uk) within the appropriate timeframe as set out below:
- a) For Hearings under section 48(3)(a) (cancellation of interim authority notice following police objection), or section 105(2)(a) (counter notice following police objection to temporary event notice) – **no later than one working day before the day or the first day on which the Hearing is to be held.**
 - b) For a Hearing under section 167(5)(a) (review of premises licence following closure order), section 53C (review of premises licence following review notice), paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence), paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate), or

paragraph 26(3)(a) of Schedule 8 (determination of application by holder of justices' licence for grant of personal licence) – **no later than two working days before the day or the first day on which the Hearing is to be held.**

- c) For all other Hearings, **no later than 72 hours before the day (or the first day) on which the Hearing is to be held.**
- 3.3. Applicants are encouraged to attend the Hearing online although they may choose not to attend and instead allow the decision to be considered on the basis of the written representations, and for the decision to be taken based on the information available at the Hearing.

In Advance of the Hearing

- 3.4. The Sub-Committee, in discussion with the Democratic Services Officer and Legal Clerk, will decide upon a practical protocol for management of the Hearing and decision-making in an online environment (e.g. self-introduction before speaking, asking all participants to keep their microphones on mute when not speaking, etc). Such a protocol can be amended from time to time and does not require Committee approval for any change.
- 3.5. The Council will email an invitation to join the Hearing to all parties (and their representatives/witnesses) who registered their wish to participate within the time set out in Paragraph 3.2 above and where an email address has been provided.
- 3.6. All parties are requested to join the Microsoft Teams Live Event meeting 15 minutes before the scheduled start time of the Hearing to ensure that communication between the Sub-Committee, officers and all parties is working correctly.

4. SPECIFIC LICENSING SUB-COMMITTEE RULES

- 4.1. **Establishment of a Sub-Committee:** A Sub-Committee will only be arranged when there is a requirement for a Hearing as defined in the Act.
- 4.2. **Membership:** A Sub-Committee will consist of a panel of three Councillors drawn from a pool of four Councillors who have confirmed that they are available to attend the scheduled Hearing. (The purpose of having four is to ensure that there is a reserve Councillor available to substitute for one of the other three Councillors in the event that one of the others cannot attend due to unforeseen circumstances.) The pool of four Councillors will be drawn from the Councillors appointed to the Licensing Committee. Endeavours will be made for the Sub-Committee membership to be drawn from different political parties where possible, although this is not a requirement in law.
- 4.3. **Quorum:** The quorum of a Sub-Committee will be three.
- 4.4. **Appointment of Chair:** A Chair will be elected from the membership of the panel.
- 4.5. **Participation in the Hearing:** Members of the Sub-Committee, officers, and all relevant parties, including Applicants, Interested Parties and Responsible Authorities will be invited to join (attend) the meeting remotely via a Microsoft Teams participation feed. Such invitation links must not be shared. Microsoft Teams enables individuals to view and participate in a video-conference using a desktop computer or laptop.

- 4.6. **Officer Participation:** A Council legal advisor ('Legal Clerk'), Democratic Services Officer/s (which may include a Producer) and Licensing Officer/s will usually participate in a Sub-Committee for the purposes of facilitating the meeting and providing advice on law and procedure.
- 4.7. **Observation of the Hearing:** To meet the legal requirement for Hearings to be held in public, members of the press and public will be able to observe (but not participate in) the Hearing meetings online via a public feed. Councillors who are not members of the Sub-Committee must also view the meeting through the public feed rather than directly participating in the meeting.
- 4.8. **Sub-Committee Pre-Meeting:** The Sub-Committee will usually meet virtually with the Democratic Services Officer and Legal Clerk in advance of a Hearing. This pre-meeting will be held in private, and will not be streamed via the public feed. The purpose of this meeting will be to identify any matters upon which the Sub-Committee may require clarification (see Paragraph 5.6 – Order of Business), to ensure the Sub-Committee members have all the documentation for the Hearing, and to remind themselves of the Hearing Procedure. During any pre-meeting **no** decisions will be made and **no** discussions will take place regarding the substantive merits of the application or representations.
- 4.9. **Minutes:** The minutes of the Sub-Committee remain the responsibility of the Licensing Committee and will be brought before a minimum of ten Committee Members for their approval at a Licensing Committee meeting. Only a member of the relevant Sub-Committee is permitted to question the accuracy of the minutes. Once the minutes have been agreed, they shall be signed by a member of that Sub-Committee, which would normally be the Chair of the Panel.
- 4.10. **Procedure at the Meeting:** The procedure to be followed at Sub-Committee meetings is outlined later in these Rules.
- 4.11. **Additional Information:** When making their presentation/s, parties may only refer to the documentation/information submitted in advance of the Hearing. Additional/tabled information may only be referred to with the consent of all parties at the Hearing.
- 4.12. **Exclusion of the Public/Retiring for Deliberation:** By virtue of Regulation 14 of the Regulations, the Sub-Committee may exclude from all or part of the Hearing any member of the public and/or any other person present at the Hearing if it believes that the public interest in doing so outweighs the public interest in allowing the person(s) in question to remain. This exclusion will be used when the Sub-Committee retires for its deliberations.

5. HEARING PROCEDURE

It should be noted that particular reference should be made to the Virtual Committee Procedure Rules in regard to issues such as adjournments and voting procedures.

Order of Business: Each virtual meeting of the Sub-Committee will usually follow the procedure below. However, a Sub-Committee may decide to vary the order of business below if it considers it appropriate.

- 5.1. At the commencement of the meeting the Democratic Services Officer will seek nominations for a Chair for the duration of the meeting.

- 5.2. The Chair will ask all parties present to introduce themselves.
- 5.3. The Chair will make reference to this Hearings Procedure.
- 5.4. The Legal Clerk will ask if any of the parties have an application to make at that point (for example for an adjournment).
- 5.5. The Sub-Committee will consider and decide on any applications made.
- 5.6. The Legal Clerk will inform the meeting whether, during any pre-meeting, the Sub-Committee sought clarification on any aspect of the application.
- 5.7. The Council's Licensing Officer will present the report which details the application and relevant representations.
- 5.8. The Sub-Committee may ask the Licensing Officer any questions in relation to the report.
- 5.9. In the order listed below, each party will be given 10 minutes to present their application/representation to the Sub-Committee (their written representations having been considered).

Hearings of an application for a review of a premises licence or club premises certificate	All other Hearings
1. The Applicant for the review	1. The Applicant
2. Those who made a relevant representation in respect of the application, in this order: <ul style="list-style-type: none"> a) Any responsible authorities (as defined in the Act) other than the Applicant. If more than one, in the order determined between themselves, or as decided by the Sub-Committee in the absence of an agreement. b) Any other person. If more than one, in the order determined between themselves, or as decided by the Sub-Committee in the absence of an agreement. 	2. Those who made a relevant representation in respect of the application, in this order: <ul style="list-style-type: none"> a) Any responsible authorities (as defined in the Act). If more than one, in the order determined between themselves, or as decided by the Sub-Committee in the absence of an agreement. b) Any other person. If more than one, in the order determined between themselves, or as decided by the Sub-Committee in the absence of an agreement.
3. The licence/certificate holder.	

- 5.10. After each party's presentation (including any evidence from witnesses):
 - a) The Sub-Committee will lead a discussion on the issues raised, including asking any questions of the presenting party and/or their witnesses, and the Legal Clerk will ensure that any such requests are satisfactorily addressed; and

- b) Each other party (in the order set out above) may, with the permission of the Sub-Committee, ask questions of the presenting party and/or their witnesses.
- 5.11. Any closing statements will be made in the same order as described in 5.9 above.
- 5.12. The Sub-Committee's deliberations will take place without other participants, the press, and members of the public being able to hear or see those deliberations. At this point in the Hearing the live public feed will end and deliberations will take place by way of a separate virtual meeting between the Sub-Committee members, the Legal Clerk (to provide legal advice) and the Democratic Services Officer (for minuting purposes).
- 5.13. The summary decision and reasons will be sent via email to all those who have provided the Democratic Services Officer with a valid email address in advance of the Hearing.
- 5.14. A full written version of the decision will be provided to all parties within the timeframe prescribed by the Act.