



Crawley Borough Council

Governance Committee

Agenda for the **Governance Committee** which will be held in **Committee Rooms A & B - Town Hall**, on **Tuesday, 5 March 2024** at **7.00 pm**

Nightline Telephone No. 07881 500 227

A handwritten signature in black ink, appearing to be 'J. A.', written in a cursive style.

Chief Executive

Membership: Councillors P K Lamb (Chair), J Bounds (Vice-Chair), C M Burke, D Crow, G S Jhans, M G Jones, R A Lanzer, T Lunnon, K McCarthy, S Pritchard, T Rana and S Sivarajah

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Town Hall
The Boulevard
Crawley
West Sussex
RH10 1UZ

The order of business may change at the Chair's discretion

Part A Business (Open to the Public)

Pages

Live Streaming Committee Meetings: YouTube Guidance

As a trial, Committee meetings will be live streamed via the Council's YouTube channel and then stored on the same channel.

Here's the procedure for **watching a live stream** on YouTube:

Go to <https://www.youtube.com/crawleybc>

Once live, the meeting will automatically be displayed on the Home or Videos page tab of the channel.

To watch it in larger size, click the full screen icon in the bottom right of the video.

Please note that the live stream will not have the comment function enabled.

1. **Apologies for Absence**

2. **Disclosures of Interest**

In accordance with the Council's Code of Conduct, Councillors are reminded that it is a requirement to declare interests where appropriate.

3. **Minutes**

5 - 28

To approve as a correct record the minutes of the Governance Committee held on 28 November 2023.

4. **Public Question Time**

To answer any questions asked by the public which relate to an item on this agenda and which are in line with the Council's Constitution.

Public Question Time will be concluded by the Chair when all questions have been answered or on the expiry of a period of 15 minutes, whichever is the earlier.

	Pages
<p>5. Review of the Constitution</p> <p>To consider report LDS/215 of the Head of Governance, People & Performance.</p>	29 - 50
<p>6. Review of Provisions Relating to Call-In and Urgency</p> <p>There have been three cases, during the period since the last report, where items have been protected from the Call-In Procedure on the grounds of urgency as provided for in Call-In Procedure Rule 8.</p> <p>In line with the Urgency provisions set out in paragraph 16 of the Access to Information Procedure Rules within the Constitution, the decisions set out in report LDS/214 of the Head of Governance, People & Performance were Protected from Call-In (under Call-In Procedure Rule 8 of the Constitution) by the Chief Executive (as Head of Paid Service) due to their urgent nature.</p> <p>Due to the circumstances surrounding the Protections from Call-In it is not deemed necessary to change the provisions at this stage.</p> <p>Recommendation</p> <p>That no change to the provisions relating to Call-In and Urgency be made.</p>	51 - 52
<p>7. Supplemental Agenda</p> <p>Any urgent item(s) complying with Section 100(B) of the Local Government Act 1972.</p>	

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Crawley Borough Council

Minutes of Governance Committee

Tuesday, 28 November 2023 at 7.00 pm

Councillors Present:

P K Lamb (Chair)

C M Burke, D Crow, M G Jones, R A Lanzer, T Lunnon, K McCarthy, S Pritchard, T Rana and S Sivarajah

Officers Present:

Ian Duke	Chief Executive
Mez Matthews	Democratic Services Officer
Chris Pedlow	Democracy & Data Manager
Jill Rozier	Lead Electoral Services Officer

Apologies for Absence:

Councillor J Bounds

Absent:

Councillor G S Jhans

1. Disclosures of Interest

No disclosures of interests were made.

2. Minutes

The minutes of the meeting of the Governance Committee held on 11 September 2023 were approved as a correct record and signed by the Chair.

3. Public Question Time

No questions were asked by the public.

4. Findings of the Reviews of Polling Districts, Polling Places and Polling Stations (2023)

The Committee considered report [CEX/066](#) of the Chief Executive / Returning Officer which requested that the Committee contemplate the Returning Officer's proposal for the polling arrangements for Crawley following the statutory required review of Polling Districts, Polling Places and Polling Stations.

In presenting the report the Democracy and Data Manager highlighted that the only change in polling places proposed was for Ifield Ward where it was recommended that The Mill Primary Academy no longer be used as a polling station. The rationale for that proposal was as a consequence of the comments received by the school and that accessibility onto the school grounds was not adequate for voters with disabilities. There was no parking on the road outside the polling station, limited access to the premises carpark and the distance from the entrance from the road to the entrance of the polling station all made voting difficult for the electorate. The Committee was reminded that the Elections Act 2022 stated that "Returning Officers have a general responsibility to take all reasonable steps to support voters with disabilities". The Committee appreciated the rationale for no longer using The Mill Primary Academy as a polling place and supported the change as set out in the report.

The Committee acknowledged that the necessary renovations to the former Creasys Drive Adventure Playground building should be completed in readiness for the building's use as a polling station for the scheduled May 2024 election. The Committee was pleased that a sustainable solution had been found for polling places in Broadfield Ward.

RESOLVED

1. The Committee endorsed the proposed Polling Places and Polling Stations location and Scheme as detailed in Appendix A to these minutes, which propose the continuation of all current locations, with the exception of Ifield Ward, where it is proposed to not use the Mill school as a polling Station.
2. To recommend to the Full Council that it adopt the new polling arrangements, with the Electoral Register amended to reflect new scheme commencing on 1 February 2024.

5. Elections Act 2022: Tranche Two Update

A presentation was given to the Committee on Tranche 2 of the Elections Act 2022.

In response to queries raised by the Committee clarification was provided on elements of online application processes, the rules relating to handing in postal votes at a polling station, and various scenarios when an elector might need assistance in casting their vote.

Additionally, the Committee:

- Noted that, whilst a business grant had been received to assist with the initial set up relating to the requirements of the Act, the Council did not expect to receive any further ongoing financial assistance.

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Governance Committee (11)
28 November 2023

- Was advised that the length of time a postal vote would be in effect before it needed to be renewed had been reduced to 3 years to help prevent fraud and crime.
- Acknowledged that detailed information relating to some processes, including the type/level of polling station data electoral candidates and agents would be entitled to was yet to be provided.
- Was assured that alternative options were available for voters without internet access and/or those without a National Insurance Number or other valid identification. The Lead Electoral Services Officer emphasised that they would provide additional support and information to those such individuals to ensure that everyone eligible to register to vote was able to.
- Was provided with more information on the provisions available within the polling station to assist those with a visual impairment. The Committee was encouraged to seek the assistance of a Presiding Officer on the day of poll if necessary as they would be able to assist any elector who might need additional assistance.

The Committee was informed that a copy of the presentation would be published in the Councillors' Information Bulletin.

RESOLVED

That the information provided in the presentation be noted.

6. Changes to the Constitution

The Committee considered report [LDS/209](#) of the Head of Governance, People & Performance which proposed various changes to the Constitution.

Further clarification was sought and provided on the rationale for the proposed changes. The Committee subsequently expressed its support for the proposals.

RESOLVED

The Full Council be requested to agree the amendments to the Constitution set out in Appendix B to these minutes.

Closure of Meeting

With the business of the Governance Committee concluded, the Chair declared the meeting closed at 7.46 pm

P K Lamb (Chair)

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Governance Committee (12)
28 November 2023

Appendix A

Bewbush & North Broadfield Ward

Polling District LAA

No Change Proposed

Polling Place: Bewbush Centre Dorsten Square.

Electors: 6132

Postal Voters: 1098

Polling District LAB

No Change Proposed

Polling Place: Broadfield Scout Hut, Seymour Road.

Electors: 921

Postal Voters: 206

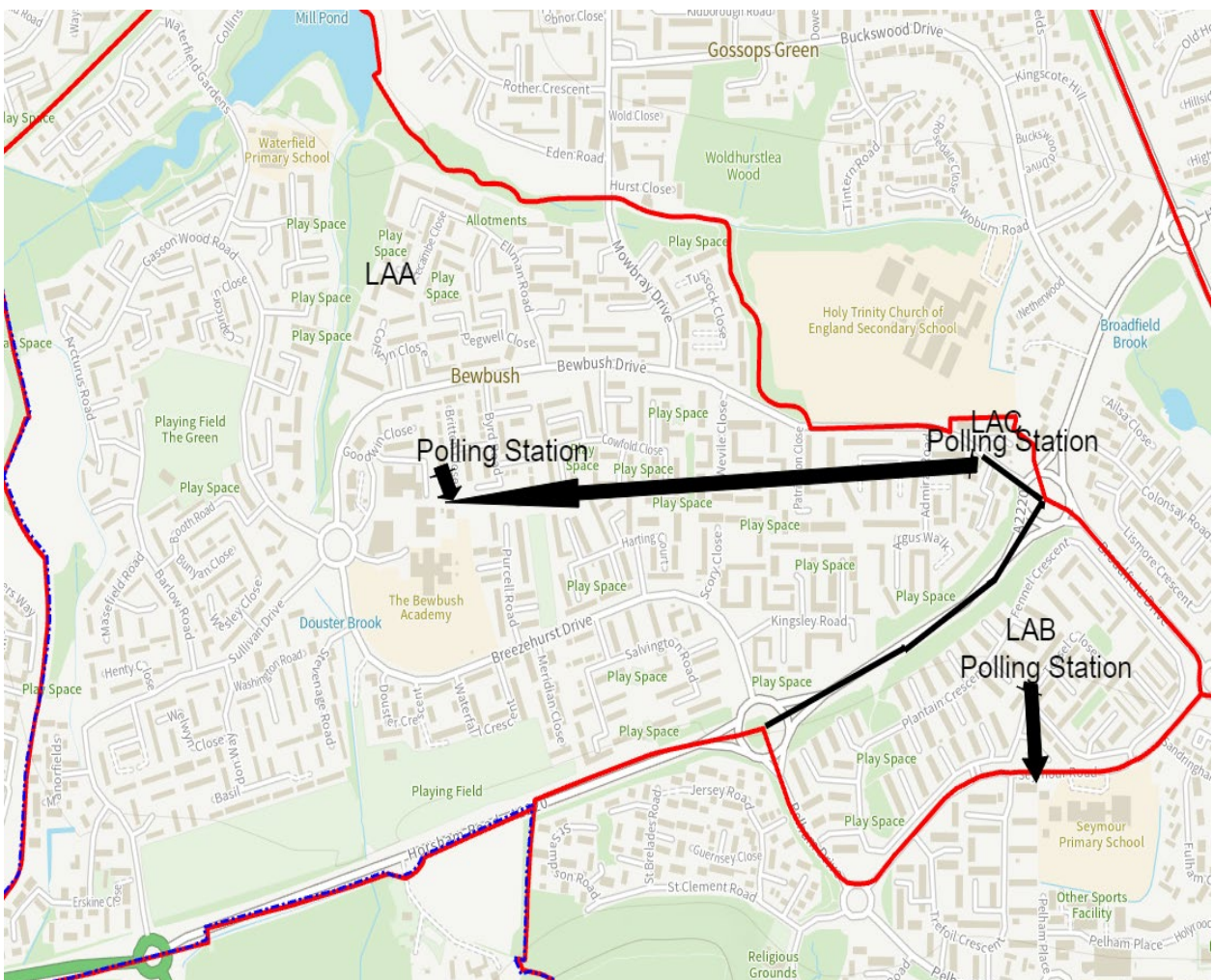
Polling District LAC

No Change Proposed

Polling Place: Bewbush Centre, Dorsten Square.

Electors: 37

Postal Voters: 5



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Governance Committee (13)
28 November 2023

Broadfield Ward

Polling District LBA

No Change Proposed

Polling Place: Broadfield Youth and Community Centre Broadfield Barton.

Electors: 4585

Postal Voters: 905

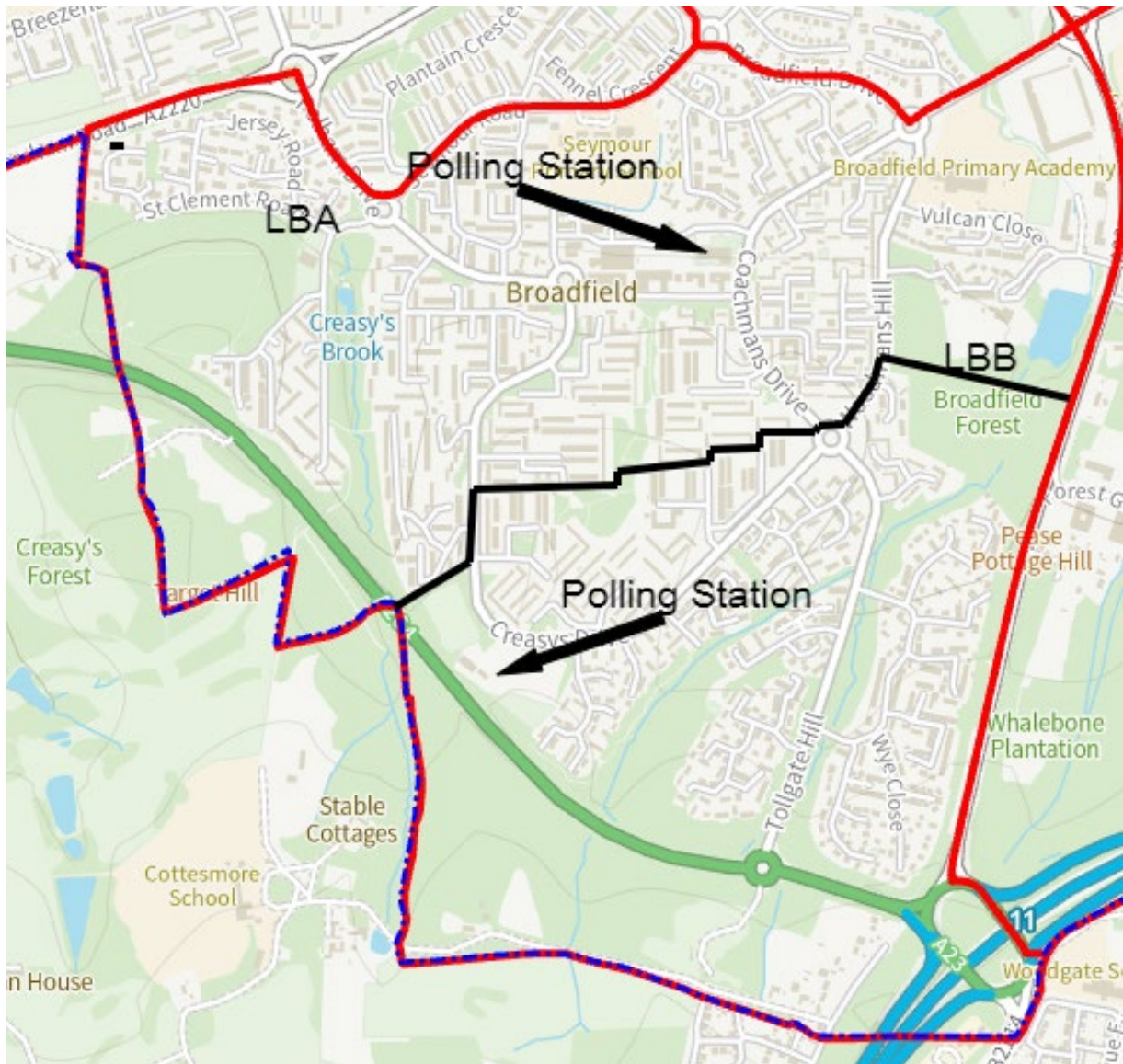
Polling District LBB

No Change Proposed

Polling Place: Creasy's Drive Adventure Playground, Creasy's Drive

Electors: 2684

Postal Voters: 684



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Governance Committee (14)
28 November 2023

Furnace Green Ward

Polling District LD

No Change Proposed

Polling Place: Furnace Green Community Centre,
Ashburnham Road.

Electors: 4444

Postal Voters: 1141



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Governance Committee (15)
28 November 2023

Gossops Green & Northeast Broadfield Ward

Polling District LEA

No Change Proposed

Polling Place: Gossops Green Community Centre,
Capel Lane.

Electors: 3863

Postal Voters: 899

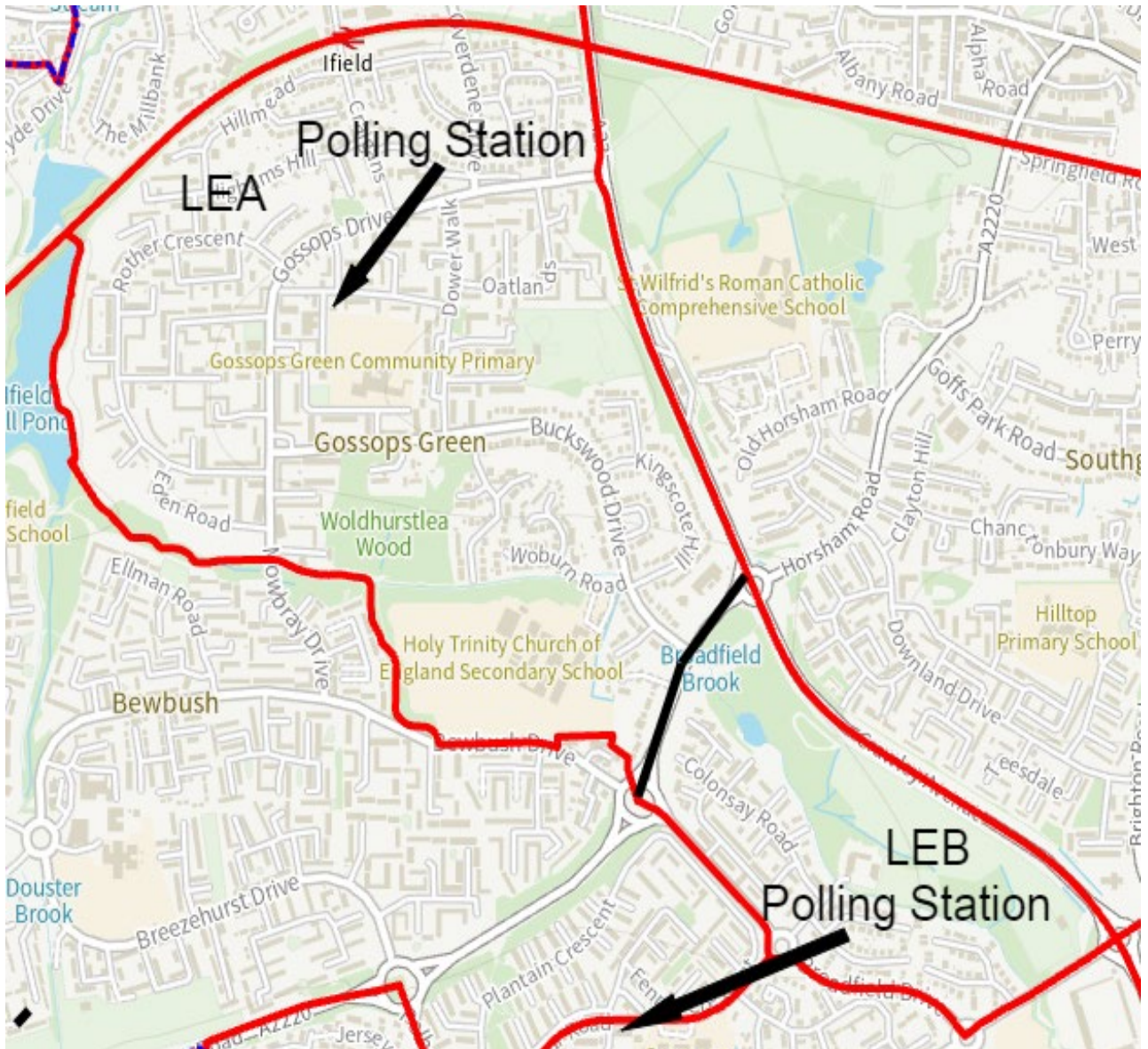
Polling District LEB

No Change Proposed

Polling Place: Broadfield Scout Hut, Seymour Road.

Electors: 794

Postal Voters: 280



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Governance Committee (16)
28 November 2023

Ifield Ward

Polling District LFA

Change Proposed

Polling Place: Ifield Community Centre, Ifield Drive.

Electors: 4308

Postal Voters: 1040

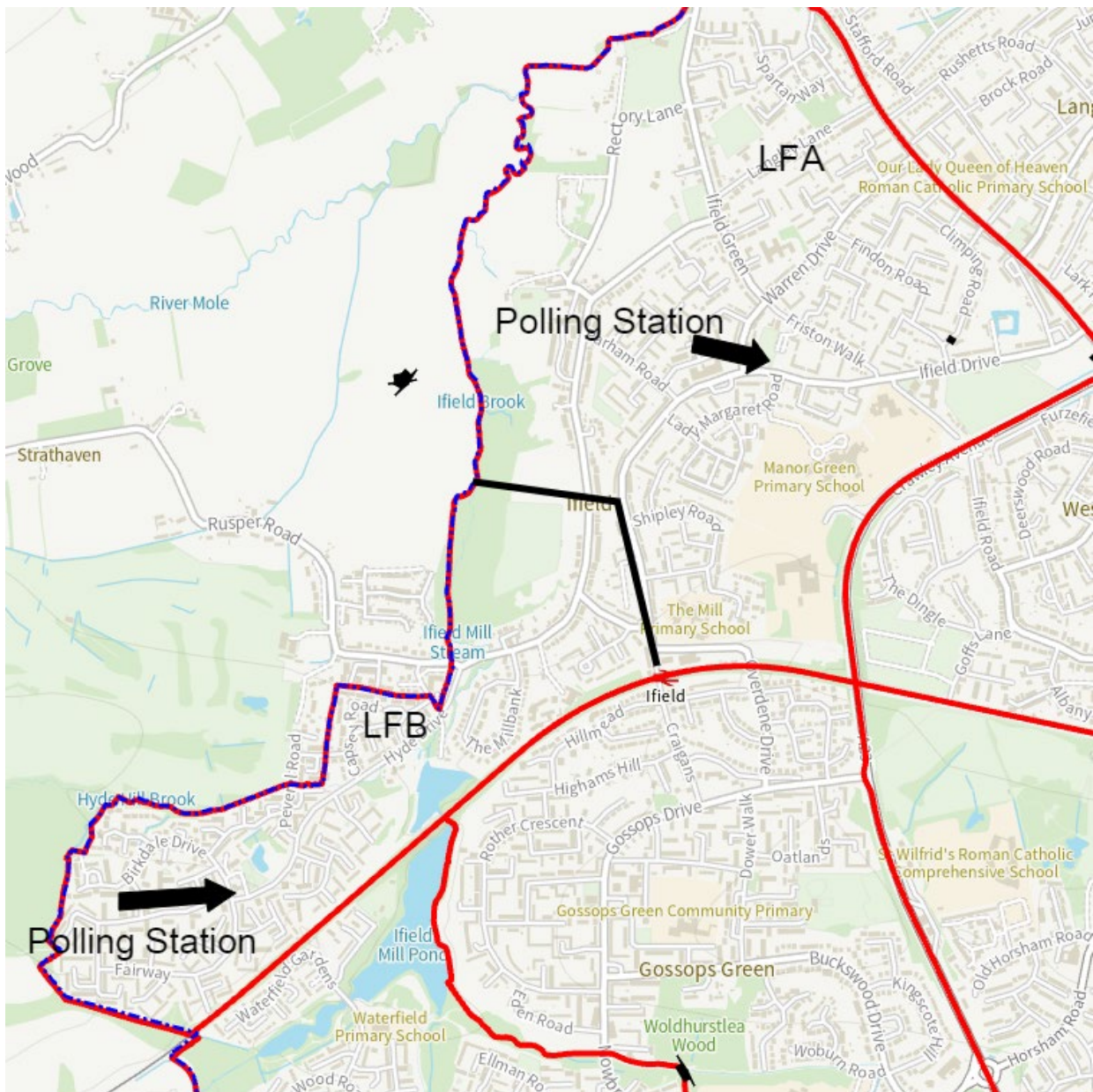
Polling District LFB

Change Proposed

Polling Place: Wybourne Community Centre, Hyde Drive.

Electors: 2820

Postal Voters: 580



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Governance Committee (17)
28 November 2023

Langley Green & Tushmore Ward

Polling District LGA

No Change Proposed

Polling Place: The Langley Centre, Stagelands.

Electors: 5529

Postal Voters: 987

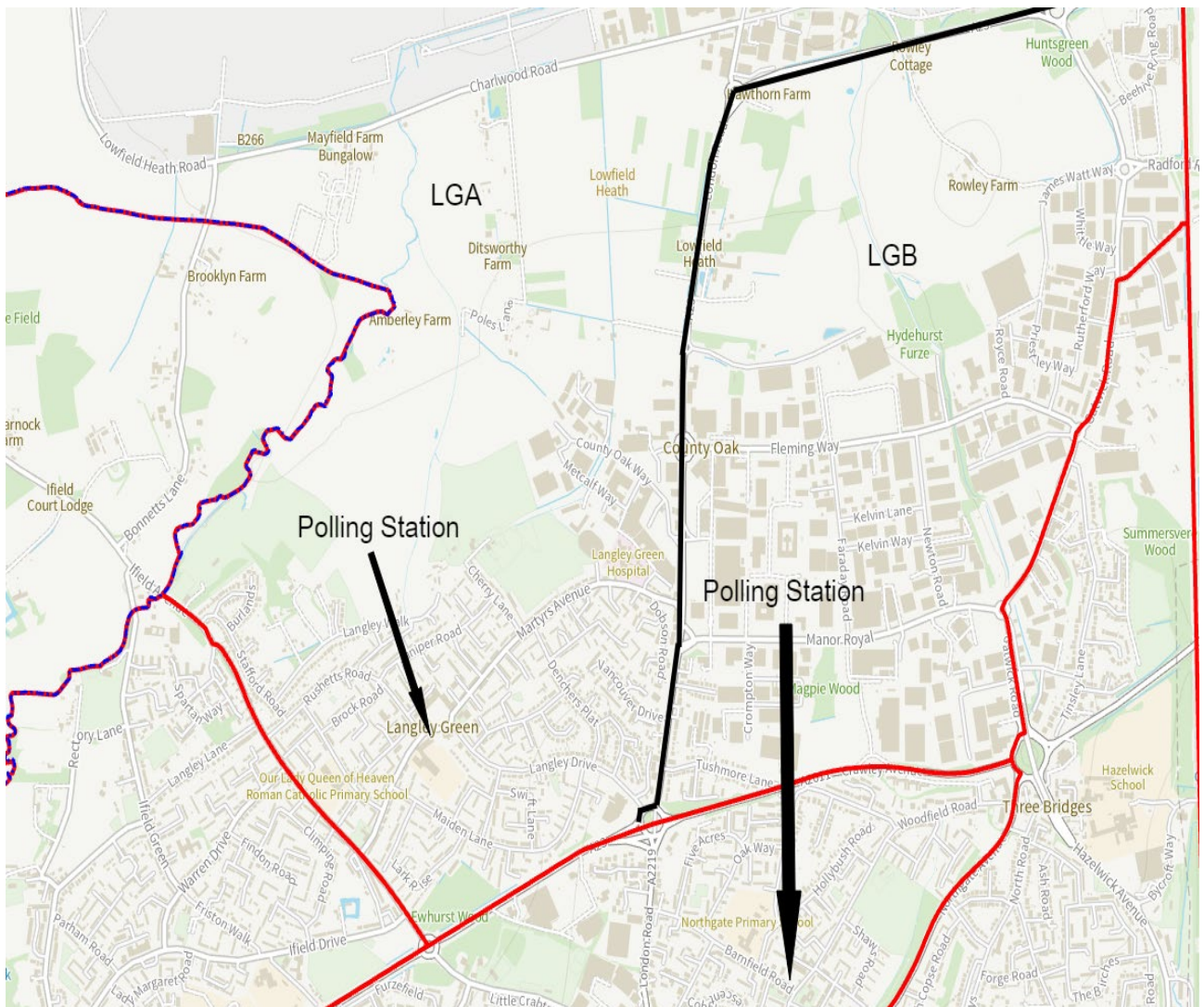
Polling District LGB

No Change Proposed

Polling Place: Northgate Community Centre, Barnfield Road.

Electors: 508

Postal Voters: 110



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Governance Committee (18)
28 November 2023

Maidenbower Ward

Polling District LHA

No Change Proposed

Polling Place: Maidenbower Community Centre,
Harvest Road.

Electors: 2829

Postal Voters: 659

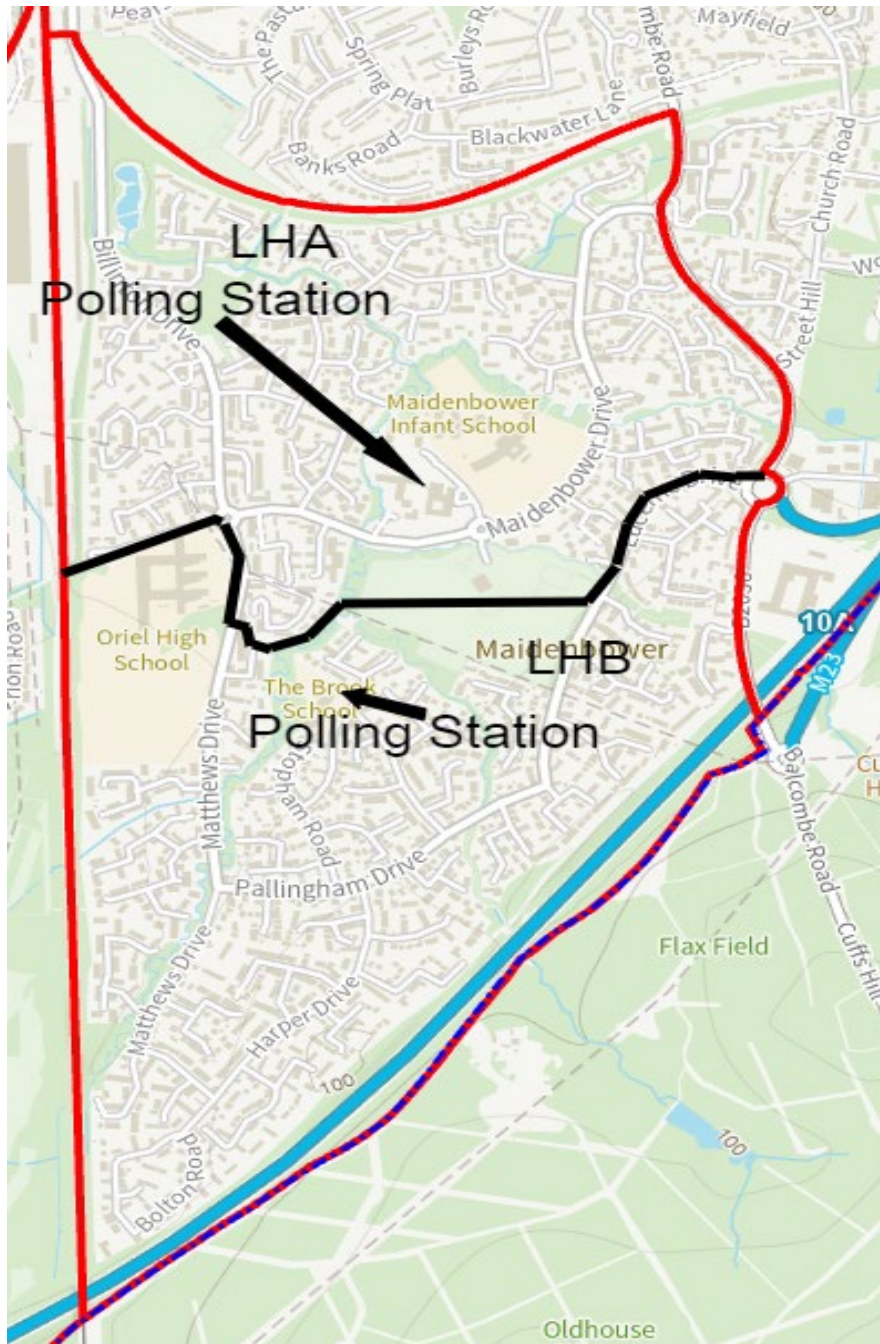
Polling District LHB

No Change Proposed

Polling Place: The Brook School, Salterns Road.

Electors: 3904

Postal Voters: 1105



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Governance Committee (19)
28 November 2023

Northgate & West Green Ward

Polling District LIA

No Change Proposed

Polling Place: Northgate Community Centre, Barnfield Road.

Electors: 3475

Postal Voters: 674

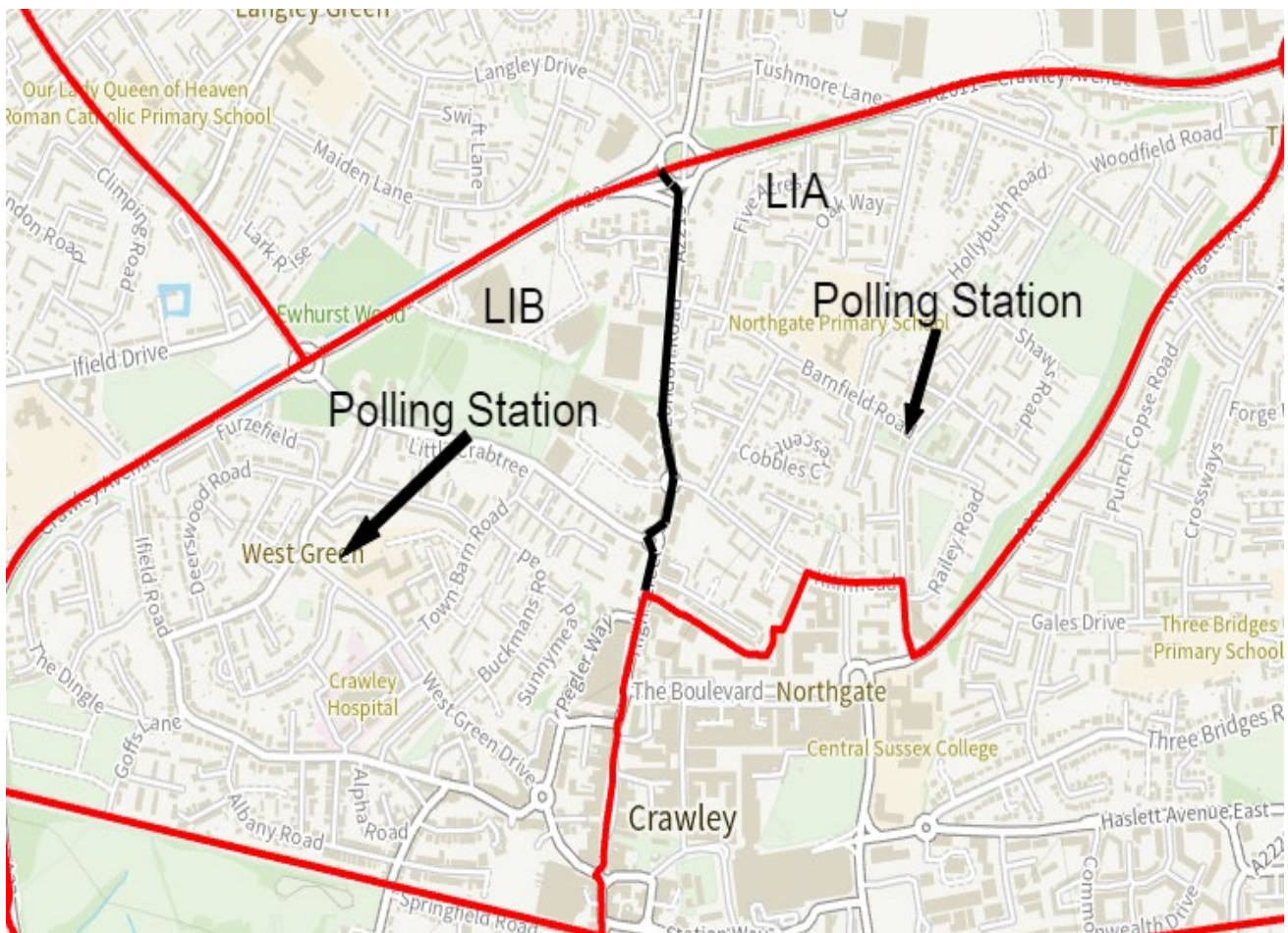
Polling District LIB

No Change Proposed

Polling Place: The Charis Centre, West Green

Electors: 4136

Postal Voters: 877



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Governance Committee (20)
28 November 2023

Pound Hill North & Forge Wood Ward

Polling District LJA

No Change Proposed

Polling Place: Grattons Indoor Bowls Club, Grattons Drive.

Electors: 2912

Postal Voters: 712

Polling District LJB

No Change Proposed

Polling Place: Wakehams Green Community Centre,
Wakehams Green Drive.

Electors: 1685

Postal Voters: 305

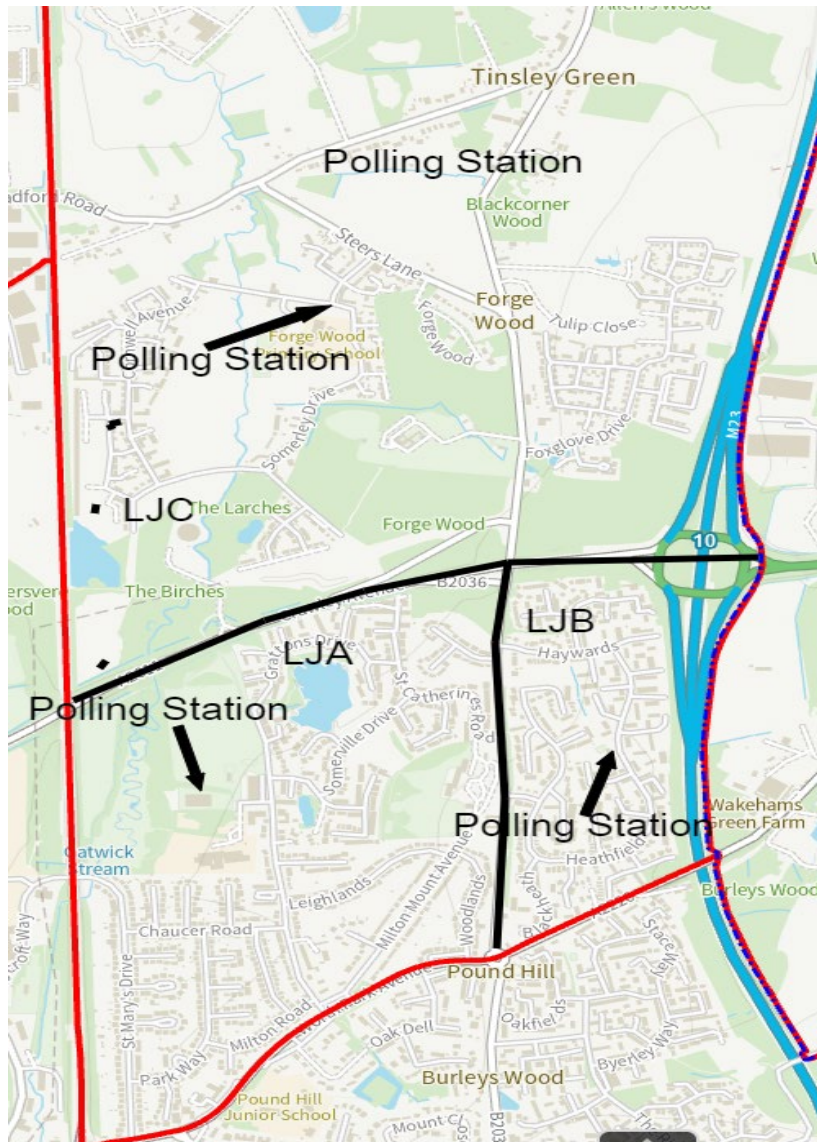
Polling District LJC

No Change Proposed

Polling Place: Forge Wood Community Centre, Somerley Drive

Electors: 2477

Postal Voters: 577



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Governance Committee (21)
28 November 2023

Pound Hill South & Worth Ward

Polling District LKA

No Change Proposed

Polling Place: Pound Hill Community Centre, Worth Road.

Electors: 2767

Postal Voters: 615

Polling District LKB

No Change Proposed

Polling Place: St. Edward the Confessor Church Hall,
Hillcrest Close.

Electors: 1131

Postal Voters: 282

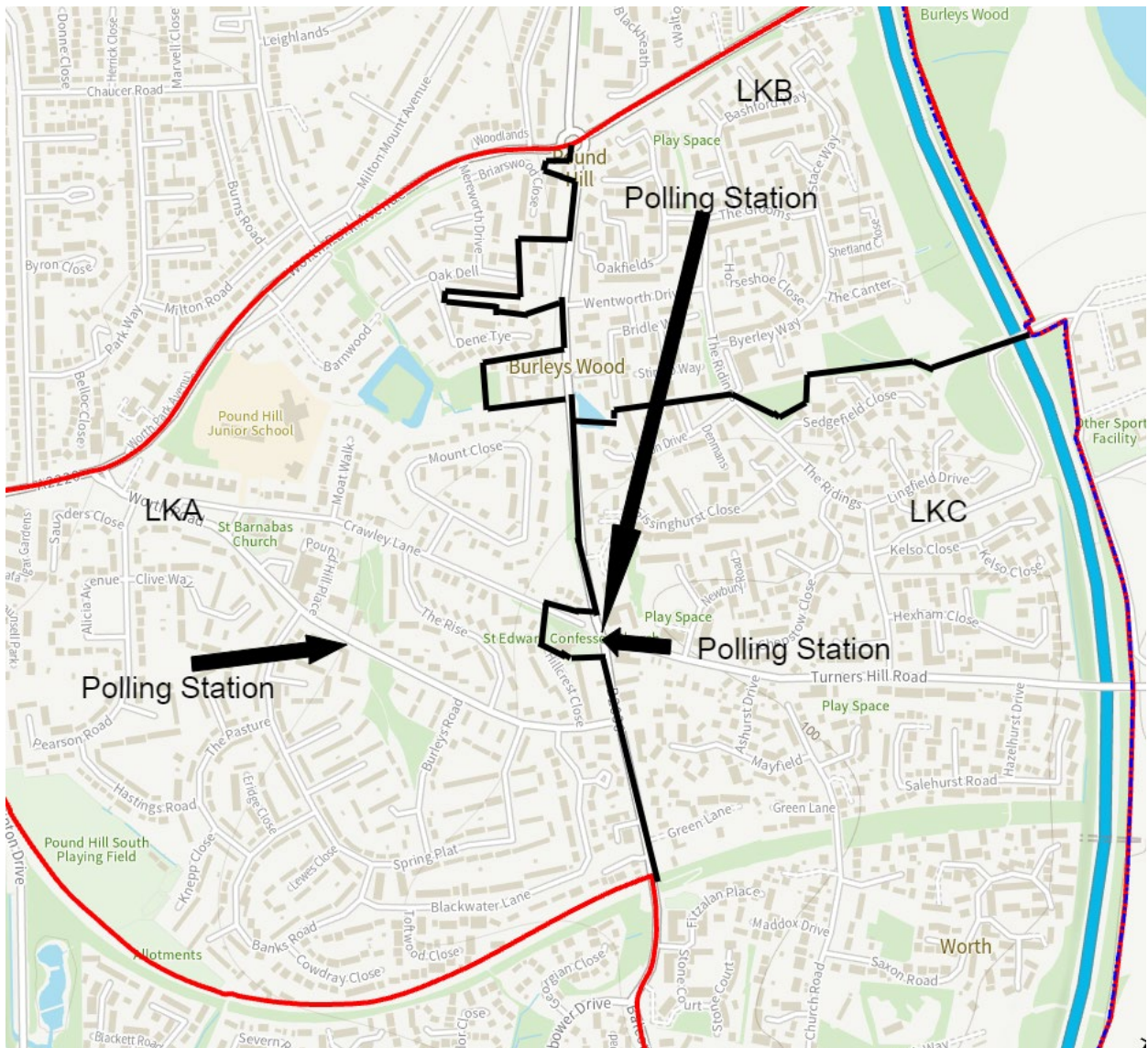
Polling District LKC

No Change Proposed

Polling Place: St. Edward the Confessor Church Hall,
Hillcrest Close.

Electors: 2308

Postal Voters: 651



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Governance Committee (22)
28 November 2023

Southgate Ward

Polling District LLA

No Change Proposed

Polling Place: St Marys Church Hall, Wakehurst Drive.

Electors: 3000

Postal Voters: 734

Polling District LLB

No Change Proposed

Polling Place: Southgate Community Centre, Ditchling Hill.

Electors: 2909

Postal Voters: 850

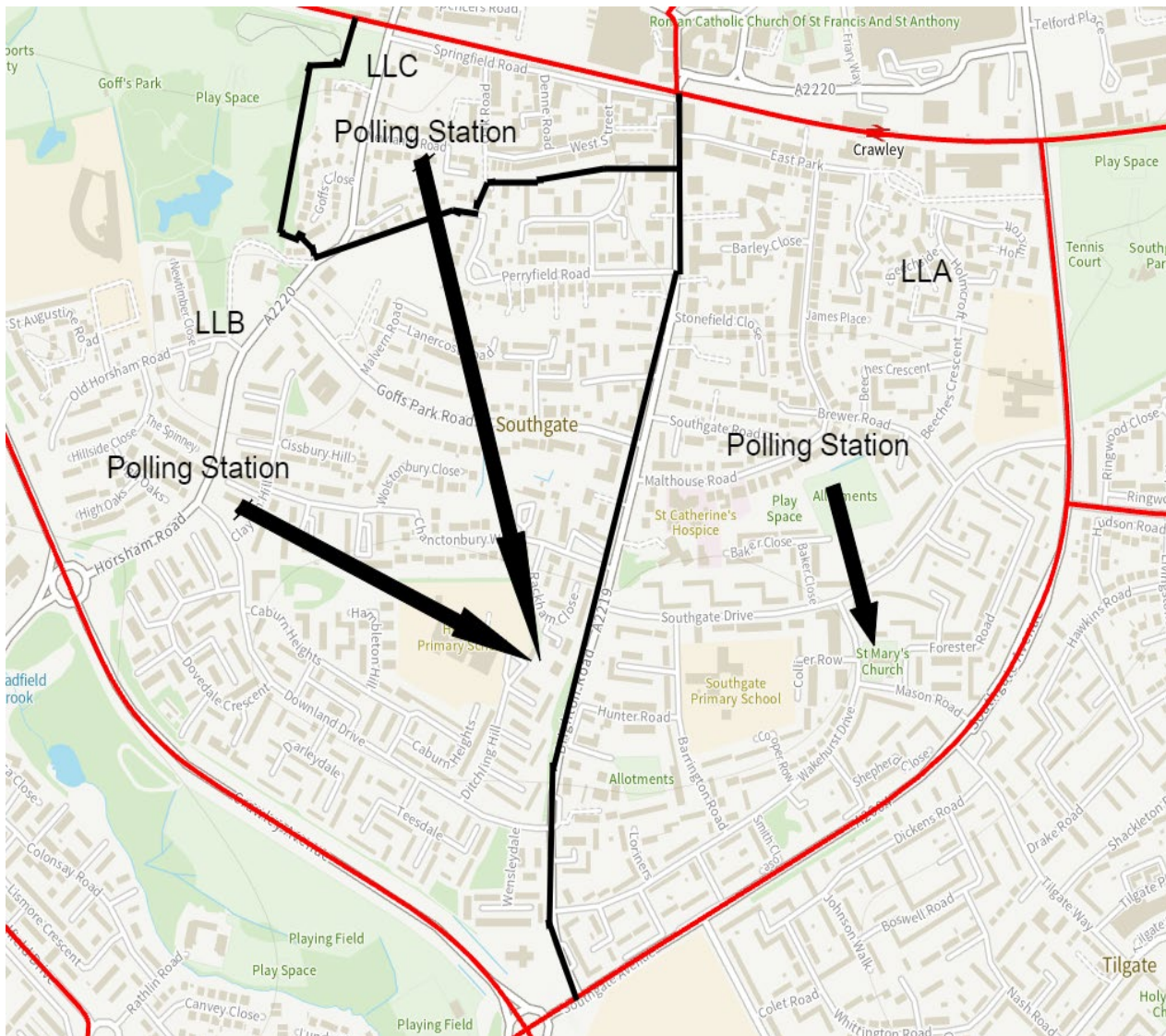
Polling District LLC

No Change Proposed

Polling Place: Southgate Community Centre, Ditchling Hill.

Electors: 648

Postal Voters: 195



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Governance Committee (23)
28 November 2023

Three Bridges Ward

Polling District LMA

No Change Proposed

Polling Place: Montefiore Institute, Hazelwick Road.

Electors: 2759

Postal Voters: 703

Polling District LMB

No Change Proposed

Polling Place: Three Bridges Community Centre, Gales Place.

Electors: 1875

Postal Voters: 504

Polling District LMC

No Change Proposed

Polling Place: The Hawth, Hawth Avenue.

Electors: 1323

Postal Voters: 267

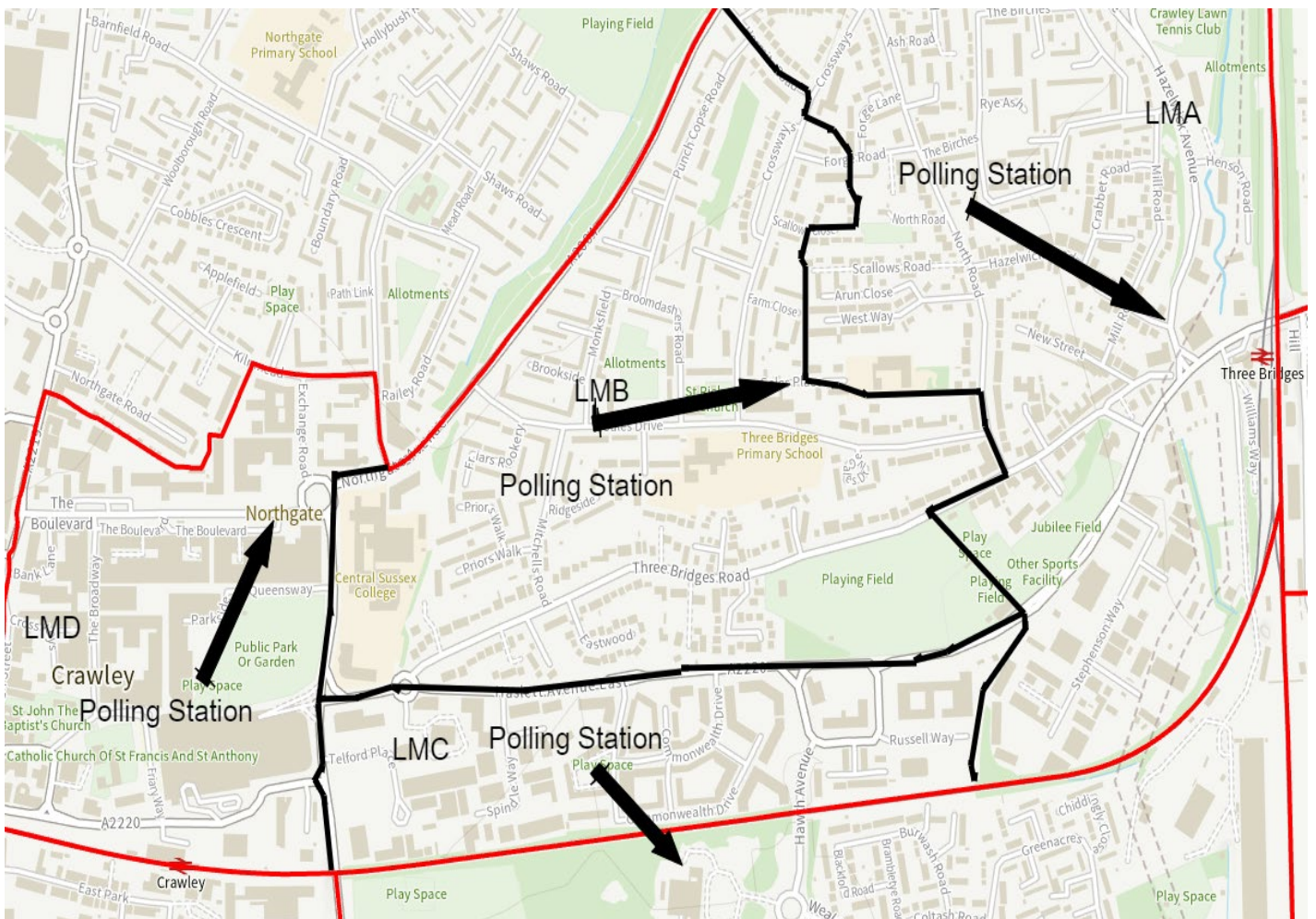
Polling District LMD

No Change Proposed

Polling Place: Town Hall, The Boulevard

Electors: 590

Postal Voters: 104



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Governance Committee (24)
28 November 2023

Tilgate Ward

Polling District LNA

No Change Proposed

Polling Place: Tilgate Community Centre, Shackleton Road.

Electors: 2358

Postal Voters: 507

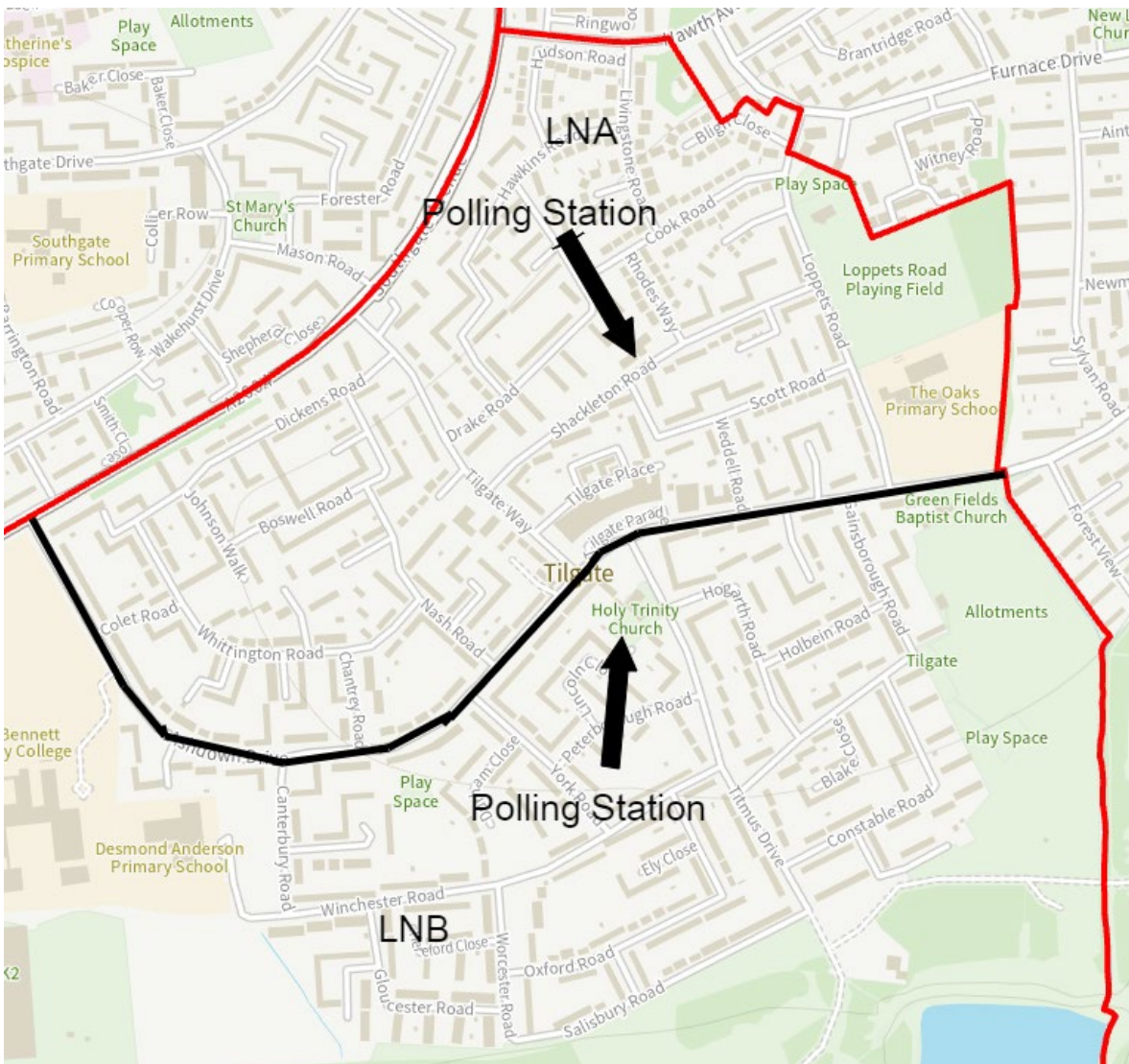
Polling District LNB

No Change Proposed

Polling Place: Holy Trinity Church Hall, Titmus Drive.

Electors: 2049

Postal Voters: 379



Appendix B

CHANGES TO THE CONSTITUTION

Function	Amendment	Reason for Amendment
<p>Council Officer Responsibilities and Decision Making (page 70)</p> <p>(DC/GB)</p>	<p>Amend Generic Delegation 5 as follows:</p> <p>“Matters in respect of consultations:</p> <p>a) Approval of documents for public/stakeholder consultation, the carrying out of consultation, responding to consultation in line with this Council’s Protocol, adoption of documents following consultation and the submission of documents to the appropriate authority.</p> <p>b) Responding to consultation documents where the views of local authorities are sought generally. (NB. All responses from the Council as Local Planning Authority to plans and proposals (including proposed Traffic Regulation Orders) submitted by other Local Authorities are reserved to the Head of Economy and Planning.) A copy of the response to consultations submitted shall be published in the Councillors’ Information Bulletin.</p> <p>c) Prior to submission, any officer must consult the Head of Community Services on any proposed Traffic Regulation Orders.”</p>	<p>To ensure that officers with the appropriate expertise are consulted before applications for Traffic Regulation Orders are submitted to West Sussex County Council.</p> <p>Head of Economy and Planning has confirmed they do not feel it is relevant to their role now and would be better aligned with the Head of Community Services.</p> <p><i>NB each Chief Officer’s Sub-Delegation Scheme will need to be amended to reflect any amended wording.</i></p>
<p>Full Council Procedure Rules (page 83)</p> <p>(MM/CP)</p>	<p>Amend Rule 7.2 as follows:</p> <p>“Quorum: The quorum of a Full Council meeting shall be more than one third of the Councillors of the Council (13). If a meeting remains inquorate 15 minutes after its scheduled start time, an officer (usually a member of the Democratic Services team) will announce that the meeting is inquorate and those present will be requested to informally</p>	<p>Whilst the Constitution states the quorum for each meeting it does not provide guidance on the process should a meeting be inquorate. This amendment will provide that guidance.</p>

Function	Amendment	Reason for Amendment
	<p>agree to either reconvene at a later date or defer items on the agenda to a future scheduled meeting.”</p>	
<p>General Committee Procedure Rules (page 92) (MM/CP)</p>	<p>Amend Rule 8.2 as follows:</p> <p>“Quorum: The quorum of a Committee meeting shall be one quarter of the whole number of Councillors rounded up where necessary to the next number and no less than three Councillors. Specific quorum requirements relating to the Employment Panel are set out in its functions (Section 1 of this Constitution). The attendance of the Independent Member to the Audit Committee shall not be taken into account when calculating the quorum at Audit Committee meetings.</p> <p>“If a meeting remains inquorate 15 minutes after its scheduled start time, an officer (usually a member of the Democratic Services team) will announce that the meeting is inquorate and those present will be requested to informally agree to either reconvene at a later date or defer items on the agenda to a future scheduled meeting.”</p>	<p>Whilst the Constitution states the quorum for each meeting it does not provide guidance on the process should a meeting be inquorate. This amendment will provide that guidance.</p>
<p>Scrutiny Procedure Rules (page 128) (MM/CP)</p>	<p>Amend Rule 10.2 as follows:</p> <p>“Quorum: The quorum of a Commission or Scrutiny Panel meeting shall be one quarter of the whole number of Councillors rounded up where necessary to the next number and no less than three Councillors. If a meeting remains inquorate 15 minutes after its scheduled start time, an officer (usually a member of the Democratic Services team) will announce that the meeting is inquorate and those present will be requested to informally agree to either reconvene at a later date or defer items on the agenda to a future scheduled meeting.”</p>	<p>Whilst the Constitution states the quorum for each meeting it does not provide guidance on the process should a meeting be inquorate. This amendment will provide that guidance.</p>

Function	Amendment	Reason for Amendment
<p>Cabinet Procedure Rules (page 139)</p> <p>(MM/CP)</p>	<p>Amend Rule 3.2 as follows:</p> <p>“Membership, the Chair and Quorum: The Cabinet will consist of the Leader and their Cabinet Members with the Leader chairing the meeting, in their absence the Deputy Leader shall act as Chair. The quorum of the Cabinet is three. If a meeting remains inquorate 15 minutes after its scheduled start time, an officer (usually a member of the Democratic Services team) will announce that the meeting is inquorate and those present will be requested to informally agree to either reconvene at a later date or defer items on the agenda to a future scheduled meeting.”</p>	<p>Whilst the Constitution states the quorum for each meeting it does not provide guidance on the process should a meeting be inquorate. This amendment will provide that guidance.</p>
<p>Financial and Budget Procedure Rules (page 166)</p> <p>(CM)</p>	<p>Amend Section J (Financial Approval Levels and Procurement Thresholds) section of the Rules as set out in the Appendix 1).</p>	<p>The virement limits have remained at £50k for a significant number of years. This can result in significant delay in operational virements to be actioned. The proposed increase in limit will improve the effectiveness of the process. Virements will continue to be summarised in the quarterly budget monitoring reports for transparency. It should be noted that any virement which require more scrutiny will continue to be cascaded to Cabinet or Full Council where appropriate regardless of value.</p>

Function	Amendment	Reason for Amendment
Petitions Scheme (page 230) (CP)	Add the following wording under Paragraph 3 (What will Happen with Petitions): “3.3 The Petitions Officer may delay the progress of a relevant petition to a formal Council meeting if its consideration would fall during the Pre-Election Period (period of heightened sensitivity) and could be deemed politically sensitive.”	This will allow the Monitoring Officer to delay progress if they believe the issue should not be considered during Purdah.

J. FINANCIAL APPROVAL LEVELS AND PROCUREMENT THRESHOLDS

Financial Approval Levels

	Budget Transfers (Virements)		Redundancies/early retirement	Supplementary Estimate		Purchase land/property	Asset Disposal	Write-offs	Sale of land
	Revenue	Capital		Revenue	Capital				
Heads of Service	£50,000 within service area, no future commitment	£50,000 within service area					£10,000		
Head of Corporate Finance	£50,000 £100,000 across the Council, no future commitment	£50,000 across the Council	£500,000			<i>For investment:</i> Within the limits of the Investment Acquisition Reserve	£10,000 - £50,000	Up to £2,500	Up to £25,000
Head of Crawley Homes in agreement with the Head of Corporate Finance *						<i>For housing delivery **:</i> Within the limits of the Housing Revenue Account Budget			

	Budget Transfers (Virements)		Redundancies/early retirement	Supplementary Estimate		Purchase land/property	Asset Disposal	Write-offs	Sale of land
	Revenue	Capital		Revenue	Capital				
Head of Strategic Housing in agreement with the Head of Corporate Finance *						<i>For temporary accommodation</i> ** : Within the limits of the Temporary Accommodation Acquisitions Budget			
Leader								£2,500 - £50,000	£25,000 - £200,000
Cabinet	Over £100,000 , £50,000 or and up to £100,000 future commitment	Over £50,000		Up to £100,000 per request, up to maximum of £500,000 per annum	Up to £500,000 per scheme		Over £50,000	Over £50,000	Over £200,000
Full Council	Future commitment above £100,000			Over £100,000	Over £500,000				

* In consultation with the appropriate Cabinet Member and the Leader.

** Each acquisition must be assessed on its individual merits and may include, but is not limited to, the following options:

- a) Council-owned land to be delivered in-house.
- b) Land acquisitions to be progressed in-house.
- c) Joint Venture developments with investors, developers or housing associations.
- d) Off-plan and off-market acquisitions to be delivered on 'turnkey' basis.
- e) S106 affordable housing within market-led schemes.
- f) Securing additional affordable housing within market-led schemes.
- g) Securing 'off-the-shelf' schemes that are nearing completion.
- h) 'Flipping' tenures on existing S106 schemes.
- i) Land or schemes under auction on the market.
- j) Step-in arrangements to complete schemes that are at risk.
- k) Institutionally funded schemes on a lease-back basis.

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Agenda Item 5

Crawley Borough Council

Report to Governance Committee

5 March 2024

Review of the Constitution

Report of the Head of Governance, People & Performance – LDS/215

1. Purpose

- 1.1. This report requests that the following matters be reviewed / considered by the Committee and decide whether to propose to the Full Council that changes be made to the Council's Constitution:
- Guillotine procedures.
 - Licensing Sub-Committee (Hearings) Procedure Rules.
 - Order of Business for the Annual Meeting of the Full Council.

2. Recommendations

- 2.1. Consider the recommendations set out in paragraphs 5.10, 6.4 and 7.4 of this report and decide whether it wishes to recommend to the Full Council that changes be made to the Council's Constitution.
- 2.2. That, should the Committee recommend that changes to the Constitution be made, the Full Council be requested to instruct the Head of Governance, People & Performance to amend the Council's Constitution to reflect those changes so they are in place from the municipal year 2024/25.

3. Reasons for the Recommendations

- 3.1. Paragraph 8.3 of the Introduction to Crawley Borough Council's Constitution states that the Governance Committee will monitor and review the operation of the Constitution. Some areas for potential review have become apparent and therefore these issues are being brought before the Committee for its consideration before any changes are put before the Full Council for approval and adoption.

4. Background

- 4.1. Some matters relating to the Constitution have been raised as possible areas for review and the Governance Committee is therefore requested to consider these potential amendments. Namely these matters relate to reviewing the:
- Guillotine procedures.
 - Licensing Sub-Committee (Hearings) Procedure Rules.
 - Order of Business for the Annual Meeting of the Full Council.

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- 4.2. For ease, this report is divided into sections which consider each of the areas above. Any recommendations for consideration by the Committee are included within each related section of this report.
- 4.3. It is proposed that, should the Committee be minded to recommend that the Full Council make amendments to the Constitution, those changes be in place from the 2024/25 municipal year.

5. The Procedures for Guillotine

- 5.1. Whilst the guillotine process for meetings of the Full Council has been in place for some time, it was adopted for all other formal meetings of the Council in June 2021 so that a Guillotine would fall at 11pm to ensure the meetings end by 11.30pm. The change was made to take account of the fact that all formal meetings of the Council were being held at the Charis Centre (whilst development of the new Town Hall took place) and it was necessary for the venue to be vacated by midnight.
- 5.2. In addition to a general rule for all formal Council meetings, a specific rule was introduced for the Planning Committee. The Guillotine rules relating to the Full Council remained unchanged. These minor changes to the Procedure Rules were made by the Head of Governance, People & Performance and published in Councillors' Information Bulletins [IB/1085](#) (on 23 June 2021) and [IB/1086](#) (on 30 June 2021).
- 5.3. Now that the new Town Hall is in use, formal meetings are being held in the Committee Rooms within the building itself. It is therefore no longer necessary for meetings which are held in the Town Hall to have a guillotine process as the time for the closure of the building is not restricted.
- 5.4. Whilst the Full Council Procedure Rules retain the guillotine process, following the move to the new Town Hall, they were updated so the process now only comes into effect when a vote to extend the meeting is lost or when the meeting is being held outside the Town Hall and the meeting duration has reached 11pm.
- 5.5. Within the Full Council Procedure Rules, when the business of the Full Council has not been completed within 2½ hours, the Mayor will call for a vote to extend the meeting for up to 30 minutes. A simple majority is required for the meeting to continue. If required, following the meeting's initial extension, further votes may be taken to extend the meeting by periods not exceeding 30 minutes in each case. However, if the Full Council is held outside of the Town Hall no further extensions may be called to extend the meeting beyond that period (normally 11.00pm) when the guillotine will come into effect.
- 5.6. Due to an oversight, the General Committee Procedure Rules were not updated in line with the Full Council Procedure Rules when they were amended following the move to the new Town Hall. Consequentially, as it stands, the guillotine process still comes into effect for Committees at 11pm regardless of the location of the meeting and without the ability for a vote to extend the meeting.
- 5.7. There is currently an assumption that the Guillotine process is now only in effect for meetings of the Full Council (and not Committees), even though the Constitution does not reflect this.

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- 5.8. Currently the Rules state that, when the Guillotine comes into effect (i.e. guillotine has fallen), motions and recommendations which have not been dealt with by that time are:
- a) Full Council: Deemed formally moved and seconded with no speeches allowed. The item is voted upon as usual.
 - b) Other meetings (with the exception of Planning Committee): Deemed formally moved and seconded with no speeches allowed. The item is voted upon as usual.
 - c) Planning Committee:
 - Any items not yet under consideration are deferred until the next scheduled meeting. However, for any item requiring a statutory decision before the next scheduled meeting, an additional meeting will be arranged to consider the matter.
 - Any item under consideration at 11pm will be concluded and voted upon (i.e. it will not be deferred).

- 5.9. Officers would like to gauge a steer from the Governance Committee on the following:

- a) In respect of Guillotine procedure for Committees, which approach:
 - i) Keep the current General Committee Procedure Rule so a “hard” guillotine comes into effect at 11pm.
 - ii) Enable Committees to vote to continue after the meeting has reached 2½ hours (mirroring the Full Council Procedure Rules).
 - iii) Not have a Guillotine process for Committees held inside the Town Hall.

* For all three options above a “hard” Guillotine would be retained to come into effect at 11pm when Committee are held outside the Town Hall.

- b) In respect of the Guillotine procedure for the Full Council: Consider whether the Governance Committee is happy with the current Guillotine process for meetings of the Full Council or whether it wishes to make any changes.

- 5.10. **Recommendation:**

That the Governance Committee consider the options set out in Paragraph 5.9 and make any necessary recommendations to the Full Council.

6. Licensing Sub-Committee (Hearings) Procedure Rules

- 6.1. A query on procedure was raised following a Sub-Committee. The current Procedure Rules have never expressly stated whether the Licensing Officer, as report author, may question parties during a Sub-Committee. The changes proposed confirm when the Licensing Officer can question or seek clarification from/provide clarification to the relevant parties during the Hearing. It is proposed that the Procedures be amended to avoid any ambiguity. There are further additions to the procedure to ensure that hearings are conducted within the spirit of legislation (i.e. a discursive environment rather than an adversarial one) and with the view to gathering best evidence for the Sub-Committee to consider.

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- 6.2. In addition, it has become apparent that although the Licensing Act 2003 does refer to the withdrawal of other types of licensing application, it is silent on the withdrawal of applications to review a licence. Following discussion from our Legal Team, it has been advised that, when a Hearing has been arranged to consider an application to review a licence, that application may not be withdrawn, and a Hearing must be held to consider it and any relevant representations. The consequence is that the related Hearing may not be cancelled, even if the application is withdrawn or an agreement has been reached between the applicant and the relevant premises. It is therefore suggested that the Licensing Sub-Committee (Hearings) Procedure Rules be amended to advise that a Hearing to review a licence may not be cancelled.
- 6.3. Whilst reviewing the Licensing Sub-Committee (Hearings) Procedure Rules (both for in-person and virtual meetings) it has come to light that there are several Rules which would benefit from revision to provide clarity and reflect current legislation. These proposed amendments are also before the Committee for its consideration.
- 6.4. **Recommendation:**

That the Full Council be recommended to amend the Licensing Sub-Committee (Hearings) Procedure Rules as set out in Appendix A to this report.

7. Order of Business for the Annual Meeting of the Full Council

- 7.1. Paragraph 2.1 of the “Executive” Functions (the Leader and the Cabinet) states that the Leader will be elected for a four year term of office by the Full Council at its Annual Meeting and will hold office until the Annual Full Council following either the end of their term of office as Leader or their non-election as a Councillor. Paragraph 2.1 continues by stating that, in addition to circumstances where the Leader either resigns from office or ceases to be a Councillor, the Full Council may pass a resolution to remove the Leader from office.
- 7.2. The ability for the Full Council to remove the current Leader from office via a No Confidence Notice of Motion is however not reflected in the Full Council Procedure Rules. It is therefore suggested that it be included in the Order of Business for the Annual Meeting of the Full Council (paragraph 2.1) of the Full Council Procedure Rules for completeness.
- 7.3. It is considered an appropriate time to incorporate this change in time for the 2024/25 municipal year as the current Leader’s seat as a Borough Councillor is up for re-election in the May 2024 election. As such the Annual meeting of the Full Council at the end of May 2024 will be required to elect a Leader so the proposed change would not become relevant until the Annual Meeting of the Full Council in May 2025 at the earliest.
- 7.4. **Recommendation:**

That the Full Council be recommended to add the following in as new paragraph 2.1(l) (Order of Business for the Annual Meeting of the Full Council) to the Full Council Procedure Rules:

“Consider a No Confidence Notice of Motion regarding the current Leader of the Council (if required).”

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8. Financial Implications

8.1. There are no financial implications for the proposed changes.

9. Background Papers

- [Constitution of Crawley Borough Council](#)
- [Licensing Act 2003](#)

Report author and contact officer:

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APPENDIX A

LICENSING SUB-COMMITTEE (HEARINGS) PROCEDURE RULES

These Rules are divided into two sections relating to the format of the meeting:

- **Section A:** Procedures for In-Person Meetings.
- **Section B:** Procedures for Virtual Meetings.

SECTION A: PROCEDURES FOR IN-PERSON MEETINGS

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 should be read in conjunction with paragraphs 9 (Declarations of Interest), 16 (Councillors' Conduct) and 17 (Disturbance by Public) of the General Committee Procedure Rules as appropriate.
- 1.3. 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 (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. When submitting representations/documentation parties are encouraged 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 any documentation in support of their application, notice or representation which they wish to be included within the Notice of Hearing electronically to 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

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Statement and Section 182 Guidance.

- c) Be relevant.
 - d) Be evidence-led not based on speculation.
- 2.5. Parties should endeavour to submit all additional documentation they wish to be considered by the Sub-Committee (which was not included in the Notice of Hearing) 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, NOTICE OF INTENTION TO ATTEND AND CANCELLATION OF THE HEARING

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 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 Licensing Sub-Committee (Hearings) Procedure Rules.
 - g) A "Parties' Notice of Intention" form.

Notice of Intention to Attend and Request for Permission for other Persons to Attend

- 3.2. All parties must provide written notification of the following to the Council:
- a) Whether they intend to attend or be represented at the Hearing, or whether they consider a Hearing to be unnecessary.
 - b) Whether they wish any other person (other than the person they intend to represent them at the Hearing) to appear at the Hearing and why.
- 3.3. ~~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~~

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~~representatives/witnesses they wish to speak at the meeting. This must be done by returning the "Parties' Notice of Intention" form via email to the Council at democratic.services@ Crawley.gov.uk no later than five working days before the day of the Hearing~~ The above information **must** be provided by completing and returning a "Parties' Notice of Intention" form via email to the Council at democratic.services@ Crawley.gov.uk within the following deadlines:

- 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 five working days before the day (or the first day) on which the Hearing is to be held.**
- 3.4. ~~Where a party has informed the Council they neither intend to attend or be represented, the Hearing will proceed in their absence, and the decision will be taken based on the information available at the Hearing. Applicants are encouraged to attend the Hearing 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.~~
- 3.5. Where it is unclear whether a party (or their representative) intends to attend the Hearing, the Council will consider whether the Hearing will proceed in their absence and the decision will be taken based on the information available at the Hearing, or if it is in the public interest to adjourn the Hearing to a specified date.
- 3.6. At the Hearing, the Council will consider the application, representations or notice made by any absent party.

Cancellation of the Hearing

- 3.7. If the application (other than an application for review) is withdrawn, or all relevant representations are withdrawn, or an agreement is reached between the applicant and those who have submitted a representation, the Hearing will be cancelled as there will be no business to be considered. However, **relevant representations can only be withdrawn in writing more than 24 hours before the Hearing is due to take place. After that, the meeting will not be cancelled and any party wishing to withdraw their representation can do so at the Hearing on that basis.**

4. SPECIFIC LICENSING SUB-COMMITTEE (HEARINGS) 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.

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- 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. **Officer Attendance:** ~~A Council legal advisor ('Legal Clerk'), Democratic Services Officer and Licensing Officer will usually attend a Sub-Committee for the sole purpose of providing advice on law and procedure.~~ **The following Council officers will usually attend a Licensing Sub-Committee:**
- a) **Legal Advisor to provide advice on law, evidence and procedure.**
 - b) **Democratic Services Officer to co-ordinate the arrangements for the Hearing, take a record of the meeting proceedings and provide advice on procedure.**
 - c) **Licensing Officer (Report Author) to present the report and provide the Sub-Committee with clarifications and technical advice.**
 - d) **Where the Council has made the application or submitted a representation as a Responsible Authority, an additional Licensing Officer will attend to represent the Council (Responsible Authority).**
- 4.6. **Sub-Committee Pre Meeting:** The Sub-Committee will usually meet with the Democratic Services Officer and Legal Advisor in advance of a Hearing. The purpose of this meeting will be to identify any matters upon which the Sub-Committee may require clarification (see Paragraph ~~5.4 – Order of Business~~ **5 - Hearing Procedure**), 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.
- 4.7. **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.
- 4.8. **Procedure at the Meeting:** The procedure to be followed at Sub-Committee meetings is outlined later in these Rules.
- 4.9. **Additional Information:** When making their presentation/s, parties may only introduce documentary or other information produced either before the Hearing or, with the consent of all the other parties, at the Hearing.
- 4.10. **Duration of Representations:** Each party will be given an equal amount of time to make representations. The amount of time will be at the Chair's discretion based on the number of parties present.

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- 4.11. **Exclusion of the Public/Retiring for Deliberation:** By virtue of Regulation 14 of the Regulations, the Sub-Committee shall 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

- 5.1. **Order of Business:** Each 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, after it has first sought and considered any views of the parties present.~~ A Sub-Committee may decide to vary the order of business below if it considers it necessary to do so in the interests of affording the Applicant or the Respondent (in a Review Hearing) a fair Hearing or to take into account all relevant considerations. The Sub-Committee will seek and consider any views of the parties present.
- 5.2. The Sub-Committee will appoint a Chair for the duration of the meeting.
- 5.3. The Chair will explain the Hearing Procedure.
- 5.4. The Sub-Committee will decide whether to hold the Hearing in a party's absence (if their intention to attend is unknown) or whether it would be in the public interest to adjourn to another date.
- 5.5. The Chair will ask all parties present to introduce themselves.
- 5.6. The Applicant, the Respondent (in a Review Hearing) or any other party may be represented by a friend or a professional person to speak on their behalf who will follow the same procedure as described below and those being represented may be called as a witness.
- NB: In a Review Hearing, the Applicant will be either a Responsible Authority or an Other Person and the Respondent will be the Licence Holder.
- 5.7. The Legal ~~Advisor~~ Clerk will ask if any of the parties at that point have an application to make (for example for an adjournment).
- 5.8. The Sub-Committee will consider and decide on any applications made.
- 5.9. The Sub-Committee, as advised by the Legal Advisor, will consider any requests from the parties set out in their Notice of Intention form for permission for another person to appear at the Hearing. The Sub-Committee will not unreasonably withhold permission. Any such person given permission to appear is referred to as "witness" in this Procedure.
- 5.10. The Legal ~~Advisor~~ Clerk will inform the meeting whether, during any pre-meeting, the Sub-Committee sought clarification on any aspect of the application.
- 5.11. The ~~Council's~~ Licensing Officer (Report Author) will outline the application, any relevant representations and highlight any points relevant to the Licensing Authority's Statement of Licensing Policy and statutory guidance. Alternatively, the Licensing Officer (Report Author) may summarise the key points of the report on the agenda. ~~present the report which details the application and relevant representations. Any~~

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updates which have taken place since the report was published will also be provided at this stage.

- 5.12. The Sub-Committee may ask the Licensing Officer (**Report Author**) any questions in relation to the report.
- 5.13. ~~In the order listed below, Each party will present their application / representation to the Sub-Committee, including, with the permission of the Sub-Committee, presenting evidence from any witness they have brought with them.~~
- 5.14. **During the Hearing, the Sub-Committee will allow the parties an equal maximum amount of time to address the Sub-Committee, but all parties should keep points relevant and the discussion moving in the interests of time, cost and efficiency. The overriding principle for the Licensing Authority will be to ensure that all parties receive a fair Hearing.**
- 5.15. **If a party attempts to introduce information, evidence or documentation which is not relevant to the Hearing or may constitute a data breach, the Legal Advisor will determine whether or not it should be heard. This may require an adjournment to allow the Legal Advisor to review the content in private with the party in question.**
- 5.16. **Presentations will take place in the following order:**

Review Hearings i.e. an application for a review of a premises licence or club premises certificate	All other Hearings
1. The Applicant for the review (Responsible Authority or an Other Person)	1. The Applicant (licence/certificate holder)
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.

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<p>Review Hearings i.e. an application for a review of a premises licence or club premises certificate</p>	<p>All other Hearings</p>
<p>3. The Respondent (the licence/certificate holder)</p>	

5.17. After each party's presentation (including any evidence from witnesses) **the following will take place:**

- 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 ~~Advisor~~ ~~Clerk~~ will ensure that any such requests are satisfactorily addressed; and
- b) Each **Responsible Authority or Other Person** (in the order set out above) may, with the permission of the Sub-Committee, ask questions of the presenting party and/or their witnesses.
- c) **The Sub-Committee may invite the Licensing Officer (Report Author) to provide clarification or technical advice on a specific point arising from a presentation. The Sub-Committee may also allow a request from the Licensing Officer (Report Author) to provide clarification or technical advice.**

5.18. **Although a party may ask questions of another party with the Sub-Committee's permission, that questioning should not amount to cross-examination. Cross-examination may be defined as (but is not limited to):**

- a) **Advancing one's case by putting it to witnesses from the other side and getting them to say things which support that case; or**
- b) **Undermining the case of the other side by exposing weaknesses in the reliability and credibility of its evidence (e.g. attempting to show that a witness' account is mistaken, inconsistent or deceitful).**

N.B: If a party wishes to cross-examine another party (or their witness), permission must first be sought from the Sub-Committee. Cross-examination will only be permitted if the Sub-Committee considers it necessary to enable it to consider the representations or application. If any party feels that it is being cross-examined where permission has not been given, this should be raised with the Chair at the Hearing. The Chair will intervene to stop cross-examination that has not been authorised.

5.19. Any closing statements will be made in the same order as described in ~~5.16~~ ~~3.10~~ above. **The Chair will then ask all parties if they are satisfied that they have said all they wish to (the Licence Holder will have the last word).**

5.20. The Sub-Committee shall retire in private for its deliberation (~~along with the Legal Clerk, to provide legal advice, and the Democratic Services Officer, for minuting purposes~~) to consider the application and other representations made, both written and oral. **The Sub-Committee will be joined by the Legal Advisor (for advice on the law, evidence or procedure) and the Democratic Services Officer (for minuting purposes and procedural advice).**

5.21. **If, after the Sub-Committee has withdrawn to make its decision, it decides that it needs to ask a question of any of the parties involved in the proceedings or wishes to clarify any matter then it shall do so in the presence of all parties.**

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- 5.22. **Members of the Sub-Committee must be present throughout the Hearing and must not communicate with any party involved in the proceedings except for when they are in the presence of all the parties and the remainder of the Sub-Committee.**
- 5.23. When the Sub-Committee returns from its deliberations, the Legal ~~Clerk~~ **Advisor** will summarise any legal advice given during the Sub-Committee's deliberations.
- 5.24. The Sub-Committee's decision will be given by the Chair (or the Chair may invite the Legal ~~Clerk~~ **Advisor** to do so).
- 5.25. A full written version of the decision will be provided to all parties within the timeframe prescribed by the Act.

SECTION B: PROCEDURE FOR VIRTUAL MEETINGS

NB. This section will only come into force if, and when, fully virtual Sub-Committee meetings are able to place.

6. SCOPE OF THESE RULES

- 6.1 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').
- 6.2 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 ~~47~~ **18** (Disturbance by Public) of the General Committee Procedure Rules as appropriate.
- 6.3 **When relevant and when legislation allows** these Rules will replace the ~~previously published~~ Licensing Sub-Committee (Hearings) Procedure Rules to reflect that all Licensing Sub-Committee (Hearings) ~~will be~~ **which are** held virtually via Microsoft Teams Live ~~until such time as it is deemed safe by the Government to hold public meetings.~~
- 6.4 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.

7. CONSULTATION PERIOD AND SUBMISSION OF RELEVANT REPRESENTATIONS/DOCUMENTATION

Consultation Period and Relevant Representations

- 7.1. 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 (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.
- 7.2. As ~~all the~~ **the** 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.

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Submission of Documentation Supporting an Application, Notice or Representation

- 7.3. All parties must use their best endeavours to submit documentation in support of their application, notice or representation which they wish to be included within the Notice of Hearing electronically to licensing@crowley.gov.uk.
- 7.4. 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.
- 7.5. Parties should endeavour to submit all additional documentation they wish to be considered by the Sub-Committee (which was not included in the Notice of Hearing) 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@crowley.gov.uk.

Submission of CCTV and Audio Evidence

- 7.6. 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.
- 7.7. 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.

8. NOTICE OF HEARING, AGENDA DOCUMENTS, NOTICE OF INTENTION TO ATTEND AND CANCELLATION OF THE HEARING

Notice of Hearing and Agenda

- 8.1. 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.

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Notice of Intention to Attend and Request for Permission for other Persons to Attend

- 8.2. All parties must provide written notification of the following to the Council:
- a) Whether they intend to attend or be represented at the Hearing, or whether they consider a Hearing to be unnecessary.
 - b) Whether they wish any other person (other than the person they intend to represent them at the Hearing) to appear at the Hearing and why.
- 8.3. ~~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 within the appropriate timeframe as set out below.~~ The above information **must** be provided by completing and returning a "Parties' Notice of Intention" form via email to the Council at democratic.services@ Crawley.gov.uk within the following deadlines:
- 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 five working days before the day (or the first day) on which the Hearing is to be held.**
- 8.4. ~~Where a party has informed the Council they neither intend to attend or be represented, the Hearing will proceed in their absence, and the decision will be taken based on the information available at the Hearing. 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.~~
- 8.5. Where it is unclear whether a party (or their representative) intends to attend the Hearing, the Council will consider whether the Hearing will proceed in their absence and the decision will be taken based on the information available at the Hearing, or if it is in the public interest to adjourn the Hearing to a specified date.
- 8.6. At the Hearing, the Council will consider the application, representations or notice made by any absent party.

In Advance of the Hearing

- 8.7. The Sub-Committee, in discussion with the Democratic Services Officer and Legal ~~Clerk~~ **Advisor**, 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).

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Such a protocol can be amended from time to time and does not require Committee approval for any change.

- 8.8. The Council will email an invitation to join the Hearing to all parties (and their representatives/witnesses) who **notified the Council of their intention to attend or be represented at the Hearing** ~~registered their wish to participate~~ within the time set out in Paragraph ~~8.3~~ ~~3.2~~ above and where an email address has been provided.
- 8.9. 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.

Cancellation of the Hearing

- 8.10. If the application (**other than an application for review**) is withdrawn, **or all relevant representations are withdrawn**, ~~or an agreement is reached between the applicant and those who have submitted a representation~~, the Hearing will be cancelled as there will be no business to be considered. However, **relevant representations can only be withdrawn in writing more than** ~~should the withdrawal or agreement be confirmed less than~~ 24 hours before the Hearing is due to take place. **After that**, the meeting will not be cancelled **and any party wishing to withdraw their representation can do so at the Hearing on that basis.**

9. SPECIFIC LICENSING SUB-COMMITTEE (HEARINGS) RULES

- 9.1. **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.
- 9.2. **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.
- 9.3. **Quorum:** The quorum of a Sub-Committee will be three.
- 9.4. **Appointment of Chair:** A Chair will be elected from the membership of the panel.
- 9.5. **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.

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- 9.6. **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.~~ The following Council officers will usually attend a Licensing Sub-Committee:
- a) A ~~Council~~ Legal Advisor to provide advice on law, evidence and procedure.
 - b) Democratic Services Officer to co-ordinate the arrangements for the Hearing, take a record of the meeting proceedings and provide advice on procedure.
 - c) Licensing Officer (Report Author) to present the report and provide the Sub-Committee with clarifications and technical advice.
 - d) Where the Council has made the application or submitted a representation as a Responsible Authority, an additional Licensing Officer will attend to represent the Council (Responsible Authority).
- 9.7. **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.
- 9.8. **Sub-Committee Pre-Meeting:** The Sub-Committee will usually meet virtually with the Democratic Services Officer and Legal Advisor 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~~ 10 - Hearing Procedure), 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.
- 9.9. **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.
- 9.10. **Procedure at the Meeting:** The procedure to be followed at Sub-Committee meetings is outlined later in these Rules.
- 9.11. **Additional Information:** When making their presentation/s, parties may only refer to the documentation/information submitted in advance of the Hearing. Additional/abled information may only be referred to with the consent of all parties at the Hearing.
- 9.12. **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.

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10. 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.

- 10.1. **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~~ **necessary to do so in the interests of affording the Applicant or the Respondent (in a Review Hearing) a fair Hearing or to take into account all relevant considerations. The Sub-Committee will seek and consider any views of the parties present.**
- 10.2. At the commencement of the meeting the Democratic Services Officer will seek nominations for a Chair for the duration of the meeting.
- 10.3. The Chair will make reference to this Hearings Procedure.
- 10.4. **The Sub-Committee will decide whether to hold the Hearing in a party's absence (if their intention to attend is unknown) or whether it would be in the public interest to adjourn to another date.**
- 10.5. The Chair will ask all parties present to introduce themselves.
- 10.6. **The Applicant, the Respondent (in a Review Hearing) or any other party may be represented by a friend or a professional person to speak on their behalf who will follow the same procedure as described below and those being represented may be called as a witness.**

NB: In a Review Hearing, the Applicant will be either a Responsible Authority or an Other Person and the Respondent will be the Licence Holder.
- 10.7. The Legal ~~Clerk~~ **Advisor** will ask if any of the parties have an application to make at that point (for example for an adjournment).
- 10.8. The Sub-Committee will consider and decide on any applications made.
- 10.9. **The Sub-Committee, as advised by the Legal Advisor, will consider any requests from the parties set out in their Notice of Intention form for permission for another person to appear at the Hearing. The Sub-Committee will not unreasonably withhold permission. Any such person given permission to appear is referred to as "witness" in this Procedure.**
- 10.10. The Legal ~~Clerk~~ **Advisor** will inform the meeting whether, during any pre-meeting, the Sub-Committee sought clarification on any aspect of the application.
- 10.11. ~~The Council's~~ **Licensing Officer (Report Author) will outline the application, any relevant representations and highlight any points relevant to the Licensing Authority's Statement of Licensing Policy and statutory guidance. Alternatively, the Licensing Officer (Report Author) may summarise the key points of the report on the agenda. present the report which details the application and relevant representations. Any updates which have taken place since the report was published will also be provided at this stage.**
- 10.12. The Sub-Committee may ask the Licensing Officer (**Report Author**) any questions in relation to the report.

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- 10.13. ~~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) **including presenting evidence from any witnesses.**
- 10.14. **During the Hearing, all parties should keep points relevant and the discussion moving in the interests of time, cost and efficiency. The overriding principle for the Licensing Authority will be to ensure that all parties receive a fair Hearing.**
- 10.15. **If a party attempts to introduce information, evidence or documentation which is not relevant to the Hearing or may constitute a data breach, the Legal Advisor will determine whether or not it should be heard. This may require an adjournment to allow the Legal Advisor to review the content in private with the party in question.**
- 10.16. **Presentations will take place in the following order:**

Review Hearings of an application for a review of a premises licence or club premises certificate	All other Hearings
1. The Applicant for the review (Responsible Authority or an Other Person)	1. The Applicant (licence/certificate holder)
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 Respondent (the licence/certificate holder)	

- 10.17. After each party's presentation (including any evidence from witnesses) **the following will take place:**
- 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~~ **Advisor** will ensure that any such requests are satisfactorily addressed; and

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- b) Each **Responsible Authority or Other Person** (in the order set out above) may, with the permission of the Sub-Committee, ask questions of the presenting party and/or their witnesses.
 - c) The Sub-Committee may invite the Licensing Officer (Report Author) to provide clarification or technical advice on a specific point arising from a presentation. The Sub-Committee may also allow a request from the Licensing Officer (Report Author) to provide clarification or technical advice.
- 10.18. Although a party may ask questions of another party with the Sub-Committee's permission, that questioning should not amount to cross-examination. Cross-examination may be defined as (but is not limited to):
- a) Advancing one's case by putting it to witnesses from the other side and getting them to say things which support that case; or
 - b) Undermining the case of the other side by exposing weaknesses in the reliability and credibility of its evidence (e.g. attempting to show that a witness' account is mistaken, inconsistent or deceitful).
- N.B: If a party wishes to cross-examine another party (or their witness), permission should first be sought from the Sub-Committee. Cross-examination will only be permitted if the Sub-Committee considers it necessary to enable it to consider the representations or application. If any party feels that it is being cross-examined where permission has not been given, this should be raised with the Chair at the Hearing. The Chair will intervene to stop cross-examination that has not been authorised.
- 10.19. Any closing statements will be made in the same order as described in **5.16 3-40** above. The Chair will then ask all parties if they are satisfied that they have said all they wish to (the Licence Holder will have the last word).
- 10.20. The Sub-Committee's deliberations will take place without **the parties**, 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 **to consider the application and other representations made** will take place by way of a separate virtual meeting between the Sub-Committee members, the ~~Legal Clerk~~ **Advisor (to provide legal advice) (for advice on the law, evidence or procedure)** and the Democratic Services Officer (for minuting purposes **and procedural advice**).
- 10.21. If, after the Sub-Committee has withdrawn from the virtual meeting to make its decision, it decides that it needs to ask a question of any of the parties involved in the proceedings or wishes to clarify any matter then it shall do so in the presence of all parties. The Democratic Service Officer will attempt to reconvene the virtual meeting but, failing this, all parties will (with the main decision notice) be informed of any clarification questions which have been asked by the Sub-Committee (separate to the main Hearing) and the answers which were provided in response.
- 10.22. **Members of the Sub-Committee must be present throughout the virtual hearing and must not communicate with any party involved in the proceedings except for when they are in the (virtual) presence of all of the parties and the remainder of the Sub-Committee.**
- 10.23. 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.

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10.24. A full written version of the decision will be provided to all parties within the timeframe prescribed by the Act.

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Review of Provisions Relating to Call-In and Urgency (LDS/214)

Details of Items Protected from Call-In

1.	Award of Contract: Waste Vehicle Replacement Programme	
	Decision Date	26.04.23
	Decision Maker	Leader
	Decision Taken	To award the contract for the waste vehicle replacement programme.
	Rationale for Protection	To ensure there were no delays in ordering the vehicle to safeguard the vehicle delivery timescales are met whilst also guaranteeing against any further cost increase particularly with known supply chain issues and cost increases at present.
Decision Published (Councillors' Information Bulletin Number)	IB/1179	
2.	Deed of Variation and Approve Future Options for the Sport and Leisure Management Contract	
	Decision Date	28.04.23
	Decision Maker	Leader
	Decision Taken	To enter into a Deed of Variation for the Sport and Leisure Management Contract and approve the continuation of contract as a future option for the sport and leisure management contract, along with associated costs.
	Rationale for Protection	To ensure the continued delivery of the sport and leisure service and ensure income generation for the Council
Decision Published (Councillors' Information Bulletin Number)	IB/1179a	
3.	Capital Programme - Benefits Online and Document Management System	
	Decision Date	28.04.23
	Decision Maker	Leader
	Decision Taken	To add £210k to the capital programme for the Benefits online system and Document Management System funded from the Wellbeing Reserve set up for this purpose. The use of the Wellbeing reserve to fund these projects was outlined in the Budget 2023/24 report.
	Rationale for Protection	To ensure there were no significant delays in the implementation of the project as the approved framework for the procurement will have expired.
Decision Published (Councillors' Information Bulletin Number)	IB/1179a	

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