



Licensing Committee

Protocol for remote meetings of Licensing Committee

Date: 2 April 2025

Key decision: No

Class: Part 1

Contributors: Head of Legal Services

Outline and recommendations

The Committee is recommended to agree a protocol for remote meetings of Licensing Committee.

1. Summary

The Licensing Committee is asked to agree a protocol for how it conducts remote hearings.

2. Recommendations

To agree the draft protocol for licensing hearings attached as an appendix to this report.

3. Background

3.1 Section 9(3) of the Licensing Act 2003 states that, subject to any regulations made under the Act, each licensing committee may regulate its own procedure. This allows licensing committees a degree of autonomy in determining how they conduct their proceedings, provided they comply with any overarching regulations that may be in place. Similar provisions apply in respect of applications made under The Gambling Act 2007.

3.2 Since 2020, Lewisham has held its Licensing Committee meetings remotely. The lawfulness of this practice was challenged in the matter of [Walk Safe Security Services Ltd v London Borough of Lewisham](#) [2024] EWHC 1787 (Admin). In that case the High Court held on appeal that remote Licensing hearings are permitted under the Licensing Act 2003 and the Licensing Act (Hearings) Regulations 2005. Given the similarity of the provisions in The Gambling Act 2007 and The Gambling Act 2005 (Proceedings of Licensing Committees and Sub-committees) (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007, remote hearings of Gambling Act

applications are also permitted.

- 3.3 This is subject to the usual proviso that a licensing authority is obliged to act fairly and in accordance with procedural rights to a fair hearing under Article 6 of the European Convention on Human Rights which requires the licensing authority to consider whether a remote hearing can be held in a way which is fair to all parties and to consider alternative arrangements where it would not.
- 3.4 Given the requirement to ensure procedural fairness, it is recommended that the licensing authority has in place a written protocol that sets out:
- criteria for holding an in-person hearing, fully remote hearing or hybrid procedure
 - what constitutes valid attendance by members of the committee, parties to the hearing, officers and members of the public
 - how access to the hearing by members of the public will be ensured
 - additional measures to ensure that a remote hearing will not result in unfairness any party to the hearing
- 3.5 The protocol attached encapsulates Lewisham's current practice and formalises it. If agreed, the protocol will be incorporated into the council's constitution.

4. Financial implications

There are no financial implications.

5. Legal implications

This report was prepared by the Head of Legal Services. The legal implications are contained within the body of the report.

6. Equalities implications

- 6.1 The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. The recommended protocol makes express reference to the need to have regard to the public sector equality duty when deciding whether a hearing should take place in person, remotely or hybrid.
- 6.2 In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - advance equality of opportunity between people who share a protected characteristic and those who do not.
 - foster good relations between people who share a protected characteristic and those who do not.
- 6.3 It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation, or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed above.
- 6.4 The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the Mayor, bearing in mind

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the issues of relevance and proportionality. The Mayor must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.

7. Climate change and environmental implications

There are no implications.

8. Crime and disorder implications

There are no implications.

9. Background papers

None

10. Report author and contact

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