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Remote licensing hearings: essentials and best practice

Matt Lewin

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Overview



Walk Safe Security Ltd v LB Lewisham

Practical implications



Walk Safe Security Ltd v LB Lewisham

Factual background



Lewisham bar rammed with Range Rover after customer kicked out

15th January

CRIME

LEWISHAM



Silks cocktail lounge and club in Catford. CREDIT: Google Street View

Legal background



Jack Whitehall opens the show with Jackie Weaver and the Line of Duty cast | The BRIT Awards 2021

Legal background



“Meetings” under the LGA 1972

“Hearings” under the LA03 and Hearings Regs

The arguments



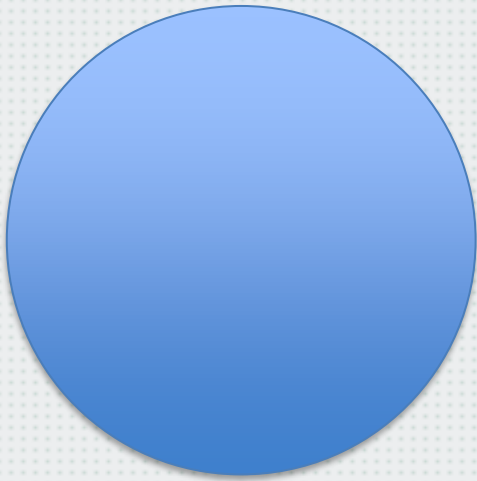
Remote hearings are not lawful

- “Place” means a single, physical location
- Welsh legislation expressly permits remote hearings
- In-person meetings promote greater certainty

Remote hearings are lawful

- No statutory definition of “hearing”
- “Place” not defined or qualified
- Licensing committee power to regulate own procedure (s.9(3) LA03)
- Welsh legislation resolved ambiguity as to whether remote hearings permitted

The judgment



The judgment



A “hearing” can be a remote hearing [44]

A “place” can be online [45]

Licensing hearings are not meetings [46]

Maximum procedural flexibility [47]

Remote hearings can be fair [49]

Position in Wales not relevant [42]



Practical implications

Protocol for remote hearings



**Fully
remote,
hybrid, in-
person**

**Attendance
by the
parties**

**Advice,
deliberation
and
decision**

**Attendance
by
members**

**Access to
the public**

**Removal;
managing
the hearing**



Any questions?



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