



City of Hamilton
HAMILTON LICENSING TRIBUNAL
AGENDA

Established under the Municipal Act, 2001 and the Business Licensing By-law No. 07-170

Meeting #: 22-003
Date: August 30, 2022
Time: 1:30 p.m.
Location: Council Chambers
Hamilton City Hall
71 Main Street West

Loren Kolar, Committee Secretary (905) 546-2424 ext. 2604

1. APPROVAL OF AGENDA

(Added Items, if applicable, will be noted with *)

2. CONFLICTS OF INTEREST

3. APPROVAL OF MINUTES OF PREVIOUS MEETING

3.1. June 24, 2022

4. HEARINGS

5. OTHER BUSINESS

5.1. Livestreaming of Tribunal Meetings (LS22030) (City Wide)

6. ADJOURNMENT



CITY OF HAMILTON MINUTES

22-002

HAMILTON LICENSING TRIBUNAL

Friday, June 24, 2022

1:30 p.m.

Room 264, 2nd Floor

City Hall

Present: Councillor B. Clark (Chair)
Councillors, R. Powers and B. Johnson

**Absent with
Regrets:** Councillor T. Whitehead – Personal; Councillor N. Nann – City
Business

The meeting was called to order.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

The Secretary advised the Tribunal of a change to the agenda:

1. APPOINTMENT OF CHAIR AND VICE CHAIR

This section heading to be amended to read Ceremonial Activities, as a Chair and Vice Chair were appointed at a previous hearing.

(Johnson/Powers)

That the agenda for the June 24, 2022 meeting of the Hamilton Licensing Tribunal be approved, as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 3)

There were none declared.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)

(i) February 11, 2022 (Item 3.1)

(Johnson/Powers)

That the Minutes of the February 11, 2022 meeting of the Hamilton Licensing Tribunal, be approved, as presented.

CARRIED

(d) OTHER BUSINESS (Item 6)

(i) Consideration of Council's Recommendation for the City's Tribunals to Consider Adjusting their Meeting Format from May 25, 2022 (LS22027) (City Wide) (Item 6.1)

(Powers/Johnson)

That Report LS22027, respecting Consideration of Council's Recommendation for the City's Tribunals to Consider Adjusting their Meeting Format from May 25, 2022, be received.

CARRIED

(Powers/Clark)

That staff be directed to report back to the Hamilton Licensing Tribunal on policy and process to accommodate livestreaming of Tribunal hearings.

CARRIED

(e) ADJOURNMENT (Item 6)

(Johnson/Clark)


That the meeting of the Hamilton Licensing Tribunal be adjourned at 2:12 p.m.

CARRIED

Loren Kolar
Secretary
Hamilton Licensing Tribunal
City Clerk's Office



INFORMATION REPORT

TO:	Chair and Council Members Hamilton Licencing Tribunal
COMMITTEE DATE:	August 30, 2022
SUBJECT/REPORT NO:	Livestreaming of Tribunal Meetings (LS22030) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Stephen Chisholm (905) 546-2424 Ext. 3663
SUBMITTED BY:	Ron Sabo Acting City Solicitor
SIGNATURE:	

COUNCIL DIRECTION

At the May 25, 2022 meeting of City Council, a motion was approved requesting City Tribunals consider “continuing to provide live streaming of public meetings and to continue to permit electronic participation, in addition to in-person participation, for all the parties, members of the public and the members of the tribunal...” The Tribunal on June 24, 2022 approved in principle the livestreaming of hearings, subject to a further report from Legal Counsel with revisions to the existing Tribunal policy respecting the recording and broadcasting of proceedings.

INFORMATION

Attached to this Report is a revised “Policy Respecting the Recording and Livestream Broadcasting of Tribunal Hearings” which would, in accordance with the Tribunal’s direction, facilitate the livestreaming of Tribunal hearings subject to the ability of a party to the proceeding to request that the hearing not be livestreamed.

In considering a request not to livestream on a case-by-case basis, the Tribunal may consider a number of issues, including:

- (i) whether sensitive, proprietary or confidential information of a business, financial or personal nature is likely to be disclosed during the hearing;

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

- (ii) whether there are ongoing criminal or regulatory hearings involving the same parties or subject matter of the hearing;
- (iii) whether the livestreaming of a hearing is likely to impact on the willingness of a party or a witness to attend a hearing or to give evidence that is honest, candid or complete;
- (iv) whether any party would be prejudiced by the livestreaming of the hearing; and
- (v) such other matters as the parties may raise and the Tribunal may consider appropriate.

All other forms of recording or broadcasting of hearings are prohibited, subject to the permission of the Tribunal. “Live tweeting” or blogging of a proceeding remain permitted under this policy.

It is understood that livestreaming capacity exists in all facilities in which Tribunal hearings are typically conducted. Clerks, in conjunction with IT staff, remain responsible for the operation of livestream technology.

APPENDICES AND SCHEDULES ATTACHED

Appendix ‘A’ to Report LS22030 – Policy Respecting the Recording and Broadcasting of Hearings

Licensing Tribunal of the City of Hamilton

Policy respecting the Recording and Livestream Broadcasting of Hearings

Guiding Principles:

The purpose of the Policy, made under the authority of the *Statutory Powers Procedure Act*, is to govern the livestream broadcasting and recording of proceedings of the Hamilton Licensing Tribunal (the "Tribunal").

The Tribunal must balance public access to its proceedings with the fair administration of justice and the protection of the rights of the parties. Accordingly, tribunal hearings shall be broadcast via livestream on the City's digital platforms, subject to specific requests not to livestream a particular hearing.

Definitions:

In this Policy:

"broadcasting", in all its forms, means the live or recorded transmission, by electronic means, of a photograph, motion picture, video recording or other recording capable of producing an aural or visual representation of a hearing;

"livestream" means to broadcast audio and video of an event over the internet as it happens; and,

"recording", in all its forms, means taking, by electronic means, a photograph, motion picture, video recording or other recording capable of producing an aural or visual representation of a hearing.

Recording/Broadcasting Hearings:

1. All hearings before the Tribunal shall be livestreamed via the City's preferred streaming platforms from time to time.

A statement will be read at the start of the meeting by the Tribunal indicating that this is the case.

2. Despite section 1, a party may request that a hearing or part of a hearing not be livestreamed by making a such a request to the Tribunal at the outset of the hearing.
3. In considering a request under section 2 to not livestream a hearing, the Tribunal may consider:
 - (i) whether sensitive, proprietary or confidential information of a business, financial or personal nature is likely to be disclosed during the hearing;

- (ii) whether there are ongoing criminal or regulatory hearings involving the same parties or subject matter of the hearing;
 - (iii) whether the livestreaming of a hearing is likely to impact on the willingness of a party or a witness to attend a hearing or to give evidence that is honest, candid or complete;
 - (iv) whether any party would be prejudiced by the livestreaming of the hearing; and
 - (v) such other matters as the parties may raise and the Tribunal may consider appropriate.
4. In determining whether to permit a request not to livestream a hearing made under section 2, the Chair of the Tribunal will ask the parties and any witnesses about any concerns they may have. In addition, the Tribunal may hear submissions from any other interested person.
 5. Livestreaming will be suspended for hearings or portions of hearings that are closed in accordance with the *Statutory Powers Procedure Act* when members of the public and the media cannot attend.
 6. No other form or recording or broadcasting of a hearing is permitted unless prior permission has been given by the Tribunal.
 7. Prior permission is not required to transmit live alphanumeric communications about a hearing to a publicly accessible medium (e.g. Twitter or a live blog) or to make an aural recording as notes for the purposes of reporting on a hearing. The Tribunal may act to limit these activities, in accordance with this Policy modified as necessary, if concerns under sections 3 or 4 arise during a hearing.
 8. Parties may arrange, at their own expense, for the attendance of a qualified verbatim reporter for the purpose of recording all testimony and submissions during a hearing and preparing a transcript. Permission is not required for this, but the Tribunal should be informed in advance of the hearing so that the meeting room can be set up to accommodate the verbatim reporter.
 9. A recording or copy of a live stream broadcast of a hearing permitted under section this policy may be used only for the dissemination of news and information in a manner that is consistent with the Canadian Association of Broadcasters Code of Ethics.