




**CITY OF HAMILTON**  
**CORPORATE SERVICES DEPARTMENT**  
*Financial Services and Taxation Division*  
*and*  
*Legal Services and Risk Management Division*

<b>TO:</b>	Chair and Tribunal Members Hamilton Licensing Tribunal
<b>COMMITTEE DATE:</b>	June 24, 2022
<b>SUBJECT/REPORT NO:</b>	Consideration of Council's Recommendation for the City's Tribunals to Consider Adjusting their Meeting Format from May 25, 2022 (LS22027) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Stephen Chisholm (905) 546-2424 Ext. 3663
<b>SUBMITTED BY:</b>	Ron Sabo, City Solicitor Legal Services and Risk Management Division Corporate Services Department
<b>SIGNATURE:</b>	

## **COUNCIL DIRECTION**

At the May 25<sup>th</sup>, 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 full text of the resolution is attached hereto as Appendix "A" for your information. The purpose of this Information Report is to bring the Council Resolution to the Tribunal's attention for consideration and, if necessary, direction to staff.

## **INFORMATION**

Licensing Tribunal hearings have not previously been livestreamed via the City's website or on another platform such as YouTube. The Tribunal's own Policy Respecting the Recording and Broadcasting of Hearings (attached as Appendix "B") does not permit the recording or broadcasting of a hearing unless permission to do so is specifically sought and then only if the Members are satisfied that the broadcasting will not impede, disrupt or delay the hearing or prejudice the parties.

Licensing Tribunal hearings are quasi-judicial proceedings. Similar to proceedings in the Superior Court of Justice, proceedings are open to the public to attend in person;

however, Courts in Canada have generally not adopted a practice of making real-time live video feeds of proceedings available. Matters before the Licensing Tribunal tend to be fact-specific to the individuals involved and can require the disclosure of personal or confidential information. There are also circumstances where evidence is called respecting ongoing criminal investigations or charges. Additionally, there has historically been a concern about the "chilling effect" that the broadcasting (or recording) of proceedings might have on potential litigants and their willingness to bring matters forward. All of these are issues that the Tribunal might wish to consider as it deliberates Council's request.

From a functional and technological perspective, the livestreaming of hearings is possible so long as hearings are conducted in Council Chambers or one of the other rooms at City Hall equipped with the appropriate equipment. Livestreaming would likely not be possible were hearings required to shift to other locations, as was the case during the COVID-19 pandemic.

Note that we are distinguishing "livestreaming" or "broadcasting" in this context from virtual or on-line participation in a meeting. Livestreaming involves the provision of access to a closed video feed of the proceeding (ie. the viewer is not actively participating), which is different from a virtual meeting via WebEx or Zoom and different again from conducting a hearing electronically. The Tribunal's by-laws do not currently permit electronic hearings and significant changes to the by-law would be required to facilitate that process.

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" – Resolution of Council dated May 25, 2022

Appendix "B" – Policy Respecting the Recording and Broadcasting of Hearings