

Committee: Licensing Committee

Date: Tuesday 20 October 2015

Wards: All

Subject: Licensing Sub-Committee – Updated Hearing Procedures, Processes and Paperwork

Lead member: Councillor Jeff Hanna – Chair of Licensing Committee

Contact officer: Chris Pedlow – Senior Democratic Services Officer 0208 545 3616

Recommendations:

To seek approval from the Licensing Committee on the refreshed Licensing Sub-Committee process and procedure.

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to present Members with the proposed updated Licensing Sub-Committee Hearings processes. This follows the holistic review of the processes and paperwork associated with Licensing hearings, which was agreed by the Sub-Committee at their last meeting on 9 June. The proposed refreshed processes and procedures are contained within the appendices to this report.

2 BACKGROUND

- 2.2. Following concerns raised by Licensing Committee over the consistency of arrangements and procedures relating to Licensing Sub-Committee Hearings, a report was brought before Members at their meeting of 9 June 2015. It sought support for an holistic review of all the procedures and paperwork, both internal and public, used by Democratic Services with regards to Licensing Sub-Committee Hearings.
- 2.3. As part of the review a scope was created that included; comparing Merton processes against other local Councils and can we learn anything from them. The scope also sought a re-examination of the regulations to review the statutory requirements especially regarding the hearing procedures and publication requirements. It also highlighted that currently large amounts of paperwork are being duplicated.
- 2.4. Members requested that as part of the review a clear 'Chair's procedure note' be produced and that a process be agreed on informing all Licensing Committee Members of the decisions made at Sub-Committees and the result of any hearing that arose from those decisions.

3 REFRESHED PROCEDURES

- 3.1. Following the review five changes to the procedures and paperwork have been identified: the Notice Pack (including hearing procedure), the Agenda Pack, a Chair's Checklist for hearings, the Democratic Services Procedures for Licensing Sub-Committees with regards to Licensing Members, and the Decision Notice.
- 3.2. Below lists a brief description of the significant changes proposed:

The Notice Pack (including hearing procedure) – (Appendix A)

Improvements have been made to the letter and reply slip to push communications with Interested Parties to an electronic format. The Rights of the Parties at hearings and Hearing Procedure have been revised to be clearer and more accurate, whilst still meeting our legal requirements. The notice will also now contain details of who the Responsible Authorities and what the Licensing Objectives are.

The Agenda/ Report Pack

The amended report template will now always contain, as the recommendation, the list of possible decisions that the Sub-Committee make as defined under the Act, to help Members with their decision. Also the report has been streamlined with the removal of the duplicated information which is contained with the notice pack and the removed Licensing Committee Hearing Guide. The Guide itself, was a duplication information which is already available, in the packs and on the Council's website. A hyperlink to the new Licensing Policy will be included in the report as background information, once Council has agreed the new Policy.

The agenda pack will be now published simultaneously with the Notice Pack at 10 days before the hearing. By doing this it means we do not have to publish the application and the interested parties' representations, twice once with the Notice Pack and once with the Agenda, which is currently the case. A copy of the new hearing procedure will still be included in the agenda for those members of the public or councillors interested in the Hearing.

Chair's Procedure For Licensing Sub-Committees (Appendix B)

As requested by Members, and based on the new procedure, this is a checklist to help the Licensing Sub-Committee Chair, manage the hearing. This has been trialled at Sub-Committee on 25 September 2015, and received positive feedback from Councillor Taylor, who also suggested minor amendments, which have since been incorporated into the checklist.

Democratic Services Procedures for Licensing Sub-Committees with regards to Licensing Members - (Appendix C)

As requested by Members a clear written procedure of how and what Democratic Services will do in regards to Licensing Members and Sub-Committee has been produced. It identifies aspects of the procedure including Selecting Panel Members, disseminating paperwork, including decision notices, and how Members will be kept up to date with licensing appeals.

Decision Notice

The template used to publish the Licensing Sub-Committee decisions has been amended, to make Members' decisions much clearer for the Applicant and the interested Parties to understand.

- 3.3. All the changes identified have been created in consultation with the Council's Licensing and Legal teams to ensure all statutory requirements have been met.

4 ALTERNATIVE OPTIONS

- 4.1. The alternative option is to remain with the current processes used for Licensing Sub-committee Hearings.

5 CONSULTATION UNDERTAKEN OR PROPOSED

- 5.1. Consultation has occurred between Democratic Services, Legal Officer, and the Chair of the Licensing Committee.

6 TIMETABLE

- 6.1. That the new processes and paperwork come into effect on 21 October 2015.

7 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 7.1. The proposal should lead to a small saving for Democratic Services through the reducing the duplicated paperwork being printed and in the cost of postage. There are no property implications.

8 LEGAL AND STATUTORY IMPLICATIONS

- 8.1. The Council has a legal and statutory responsibility to deal with all matters related to the Licensing Act 2003

9 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 9.1. Not applicable.

10 CRIME AND DISORDER IMPLICATIONS

- 10.1. Not applicable.

11 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 11.1. Not applicable.

12 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- The Notice Pack (including hearing procedure) – (Appendix A)
- Chair's Procedure For Licensing Sub-Committees (Appendix B)
- Democratic Services Procedures for Licensing Sub-Committees with regards to Licensing Members - (Appendix C)

13 BACKGROUND PAPERS

- 13.1. Licensing Committee report from 9 June 2015 - Licensing Sub-Committee - Hearing Procedure
- 13.2. The Licensing Act 2003
The Licensing Act 2003 (Hearings) Regulations 2005,
The Licensing Act 2003 (Hearings) (Amendment) Regulations 2005,
The Licensing Act 2003 (Hearings) (Amendment) Regulations 2014