

RECENT REPORTING CHANGES & CONSIDERATION OF A NEW UNIVERSAL HEARING PROTOCOL

Committee	Licensing Committee
Officer Contact	Mark Braddock, Democratic Services
Papers with report	Protocol
Ward(s) affected	N/A

HEADLINE

This report updates Members on a number of beneficial changes to reporting to the Licensing Committee and its sub-committees along with other recent officer actions. Primarily, the report seeks approval of a universal protocol for Licensing Sub-Committees.

RECOMMENDATION

That the Committee:

- 1) Gives their views on the reporting and other changes outlined in this report.
- 2) Agrees the new Hearing Protocol with immediate effect as official guidance for Members, Applicants, Responsible Authorities and Interested Parties in respect of matters being considered under the Licensing Act 2003 and the Gambling Act 2005.

SUPPORTING INFORMATION

The Chairman of the Committee has made a number of useful suggestions to officers about ways to improve the presentation of information, guidance and reporting to Members in undertaking their important licensing duties. Whilst these positive changes have been implemented, Members' views are sought on them before they are fully embedded.

Licensing Committee

1. **A Forward Planner / broader agenda** - By including a Forward Planner on each agenda, this will assist the Committee and officers to plan ahead and get the most value out of meetings, including possible themed meetings if this is something Members would welcome. More importantly, as part of this, officers will seek to broaden the role and value of the Committee across wider interrelated Council service areas such as Public Health.
2. **Ratification of sub-committee minutes** - It is recommended that the Committee receives a set of the previous quarter's sub-committee minutes to ratify them after the Chairman has approved them following each meeting. This will avoid any situation arising where Members are asked to agree a previous set of minutes when they may not have all been present at the previous meeting. This is due to the fact that a sub-committee's membership is drawn from a wider pool of Members. Minutes will therefore not be included as a sub-committee agenda item going forward.

Licensing sub-committees

3. ***New report template*** - Members will have started to see some beneficial changes to the format of reports to the sub-committees. It has been agreed with the Chairman a new standard template in order to better structure and present the essential information Members need to make well-informed decisions. As well as this giving the report refreshed layout based upon good practice elsewhere, the new template also includes a day/time grid to easily digest timings along with improved use of maps, plans and photos to aid visual understanding.
4. ***Addendum sheet*** - as is used in Planning Committees and at Cabinet, if any last minute information is presented - or changes are required to an already published agenda, then officers will make use of an Addendum Sheet.
5. ***A 'formal' officer recommendation*** - similarly as at other meetings, it has been agreed with the Chairman to trial putting forward in reports an officer recommendation from the neutral reporting licensing officer, where this is appropriate to do so based upon the evidence received. However, it is clearly open to Members to disagree with this after considering the information and evidence presented at a meeting by relevant parties; and in doing so Members will need to give adequate reasons for any departure from the officer recommendation. The Legal Advisor present at the meeting can assist Members on this during the deliberation stage.
6. ***New Universal Hearing Protocol for decisions under the Licensing and Gambling Acts (attached)*** - Members will be aware of the different protocols that are included on agendas relating to the type of licensing / gambling application or matter under review. Additionally, these protocols require updating. Legal Services have produced a revised version which incorporates procedures for hearings held pursuant to the Licensing Act 2003 and the Gambling Act 2005. Although the content of the protocol is largely the same as the previous versions it has been consolidated and updated where necessary. It is also presented in a different format to the previous versions to make it more accessible for those who need to refer to it. If agreed by Members the intention is to send this protocol out with each agenda.

The other hearing protocols used by the Committee that do not fall under the above legislation (e.g. Scrap Metal, Sex Establishments and Street Trading) are also in the process of being reviewed before consideration by the Committee.

7. ***Other measures*** - a number of enhancements have been made to improve the experience of applicants and others attending, including meet and greet, improved notification about the pre-briefing prior to the meeting and a useful, plain-English letters accompanying agendas when sent out.
8. ***View on time limits for speaking*** - this is something that Members' initial steer and views are sought on. As with a Planning Committee, it is possible to impose time limits for speaking rights in Licensing Committee so long as all participants are provided with equal timings. It is possible for a time limit to be placed within the revised Hearing Protocol and in circumstances where longer amounts of time are required (for example where detailed criminal evidence needs to be discussed) the Chairman of the Sub-Committee could use his discretion to extend such timings. Members' views are sought on whether this is a runner or not.

Officer-level actions

9. **Training** - officer training has taken place led by Legal Services for all responsible authorities, including the Police, to ensure fuller understanding of the licensing rules, reporting and preparation of evidence to a sub-committee.
10. **Clearer delineation of Officer roles** - It can sometimes be beneficial for a sub-committee in making decisions to have the added weight of a representation from the Licensing Authority, which therefore results in the need to separate roles within the Regulatory Services Team. This has been a challenge with such a small team, however, officers have sought to recently improve the 'chinese wall' in terms of the role of the Licensing Authority (as a responsible authority); the neutral reporting licensing officer, and the 'other' licensing officers who provide information to the Licensing Authority for any representation.

When each application comes in, a conflict of interest test is carried out to ensure the most appropriate officer is allocated the application and they then become the neutral reporting licensing officer. The Licensing Authority will always be either Claire Freeman (Regulatory Services Team Manager), Shabeg Nagra (Public Protection Service Manager) or Nigel Dicker (Deputy Director, Residents Services) as the only officers delegated to carry out this role. Other officers providing information to and supporting any representation from the Licensing Authority will be any other officers within the team that are not the neutral reporting licensing officer. To reassure Members, this enables any discussions to be restricted only to the relevant roles and is set out in internal procedure notes and the Officer Scheme of Delegations.

Member Training

11. A refresher training session has been arranged for Members on 9 November 2015 at 10am in the Council Chamber with Barrister Gary Grant from Kings Chambers. Gary is recognised as one of the country's leading specialist licensing barristers. This is mandatory for Licensing Committee Members and optional for other Members.

Implications on related Council policies

This report supports the effective operation of the Licensing Committee and its sub-committees, which ensures accordance with the Council's policies on Licensing, Gambling, Street Trading and Markets. Additionally, the report sets out that the Licensing Committee has a wider role in shaping other interrelated Council policies.

Legal implications

There are no specific legal implications stemming from this report beyond those issues mentioned in the body of the above text. Officers are asked to liaise with Legal Services prior to the implementation of any new measures.

Financial Implications

None arising from the recommendations in this report.

Background Papers / Further Reading Material

NIL