

REVIEW OF LICENSING SUB-COMMITTEE HEARING PROTOCOLS & APPLICATION PROCEDURE

Committee name	Licensing Committee
Officer reporting	Stephanie Waterford, Planning Environment Education & Community Services
Papers with report	Appendix 1 - Officer Sub-Committee Procedure
Ward	All

HEADLINES

Following the adoption and implementation of the London Borough of Hillingdon's Statement of Licensing Policy in January 2021, the Licensing Sub-Committee Hearing Protocols have been updated and require adoption by the Licensing Committee.

RECOMMENDATIONS:

That the Committee:

- 1. Review and adopt the proposed two additions to the hearing protocols as set out in the report and:**
- 2. Note the updates to the Officer's application procedure and report information.**

SUPPORTING INFORMATION

At the meeting of the Licensing Committee in October 2020, Members provided feedback to Officers on what was working well and areas of improvement to both the Licensing Sub-Committee hearing protocols and also the information and submissions made by applicants, interested parties, responsible authorities etc prior to the report being published.

The majority of Members suggestions pointed to an improvement in the quality of the submissions from interested parties and information contained in the report and also an enhancement in the specialist policy guidance provided to Members at Licensing Sub-Committee hearings.

There have been little legislative changes since the protocols were introduced and they comply with the Licensing Act (Hearings) Regulations 2005 and, legally and procedurally, they have served well in the decision-making process.

It is, therefore, recommended that only a couple of minor changes be made to the hearing protocols themselves and that improvements are made to the Officer procedures and report contents to ensure that Members are provided will all relevant information in order to make strong and effective decisions.

Changes to hearing protocols

It is proposed that the following sections be inserted into the following hearing protocol, which cover two key points raised by Members at the October 2020 meeting;

- Protocol for new and variation applications under the Licensing Act 2003 and Gambling Act 2005
- Protocol for reviews under the Licensing Act 2003 and Gambling Act 2005
- Protocol for Scrap Metal Dealers Act 2013
- Protocol for Sex Establishment Licences
- Protocol for Street Trading Applications

1. In the section 'Who are the people on the Licensing Sub-Committee?'

Insert – 'A Licensing Policy advisor who will assist the Committee with licensing policy advice to ensure that decisions are made in line with the Councils Statement of Licensing Policy'

2. In the section 'Before the hearing'

Insert – 'Site visit – For complex cases which may impact on the surrounding area and/or for matters which cannot be understood from paper submissions alone, Members may conduct a site visit of the application site. This visit will be carried out between the date of the agenda being published and the date of the hearing and will be accompanied by Licensing Officers and/or Legal Advisors.'

These protocols are not attached to this report, as Members will be familiar with them. However, copies are available on request as background papers and if agreed, these insertions will be added to all them for future hearings as useful guidance all parties involved in the hearing.

Application procedure documentation

Following on from this, the internal Licensing Services procedure documents have been updated in line with the Licensing Committee discussion in October 2020.

Updates to these documents include;

- 1) A requirement to include Companies House information in the Sub-Committee report;
- 2) Requirement for Licensing Officers to include information from the Police where crime and disorder incidents are mentioned by residents;
- 3) Firmer guidance in the residents representation form around the quality of photo and video evidence.

The relevant documents used by the Licensing Service in respect of the application process are attached as follows for Members' information:

- Appendix 1 – Councillor Consultation Email
- Appendix 2 - Representation Form from Interested Parties
- Appendix 3 - Licence Application Petition Template (please note this is different to the standard petitions template, as these are treated as relevant representations).
- Appendix 4 – Internal Responsible Authority Representation Document
- Appendix 5 - Committee Licensing Report Template
- Appendix 6 – Addendum Template

The internal officer procedure is included as Appendix 7.

BACKGROUND PAPERS

- S182 Guidance under the Licensing Act 2003
- Hearing Regulations 2005
- Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020
- LBH Hearing Protocols