



City of Westminster

# Licensing Committee Report

<b>Date:</b>	Wednesday 29 <sup>th</sup> November 2017
<b>Classification:</b>	For General Release
<b>Title:</b>	Licensing Policy Representation and Changes to Reports
<b>Report of:</b>	Director of Public Protection and Licensing
<b>Wards Affected:</b>	All
<b>Financial Summary:</b>	N/A
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## **1. Executive Summary**

- 1.1 This paper highlights a number of operational changes that have taken place with regard to policy representations at Licensing Sub-Committee meetings and also contents of Licensing Sub-Committee reports.

## **2. Recommendation**

- 2.1 That Members of the Committee note the contents of the report.

## **3. Reasons for Decision – Licensing Service Representation**

- 3.1 Officers of the Licensing Service study the application and assess it against the Westminster Statement of Licensing Policy 2016. The Licensing Service has been able to upskill its officers to advise applicants at an earlier stage of any policy implications, which has resulted in a reduction in cases going to Sub-Committee meetings and the number of officers attending these meetings.

## **4. Reason for Decision – Report changes**

- 4.1 The Council has received several complaints and comments over the past several years from residents whose information, namely their address, is available online in a public search from our website. After seeking advice from the Council Information Team, changes have been made and should remain in place. Premises plans will not be made available to the public, but will be

sent out as part of the report to all interested parties. Mention of the Council's responsibilities to consider protected groups will now be added to all reports.

## **5. Background – Licensing Authority Representations**

- 5.1 Officers of the Licensing Service study the application and assess it against the Westminster Statement of Licensing Policy 2016. The Licensing Service has been able to upskill its officers to advise applicants at an earlier stage of any policy implications.
- 5.2 The Licensing Service now makes representations to applications as the Licensing Authority. This is enabling the Service to ensure that applicants focus on the Council's policy and specifically meet the requirements of those policies. This has had the effect of improving the applications that have been submitted and the operating schedule which forms part of that form. Some applicants, once receiving the Licensing Authority representation, have made amendments to their application whilst in the initial period of the consultation period to reduce the hours or activity which was contrary to policy so that they would meet the policy requirements. Other applications that were completely contrary to policy have in some cases been withdrawn by applicants because of the representations from the Licensing Authority.
- 5.3 This intervention has reduced the number of applications brought before Licensing Sub-Committee for determination. It should be noted that the Licensing Service receives over 6000 applications a year, of which approximately 160 applications require determination at Licensing Sub-Committee meetings.
- 5.4 Environmental Health Officers remain focused on Public Safety and Prevention of Public Nuisance licensing objectives so that by the time a case is presented to the Licensing Sub-Committee, as much agreement as possible has been achieved and a more complete application is to be considered with agreed conditions and amendments.
- 5.5 Previously several Environmental Health Officers would attend Sub-Committee meetings even when an application needed to be determined by the Licensing Sub-Committee due to it being against policy only.
- 5.6 Environmental Health Officers will maintain their representation where their concerns have remained with regards to Public Nuisance and Public Safety.
- 5.7 Members of the Sub-Committee can now often determine an application with far more information before them rather than late or new information being received at the Sub-Committee. This operational change is reducing the work of the Sub-Committee and number of officers attending the Sub-Committee meeting. One Senior Licensing Officer can attend the hearing per meeting and cover all cases listed that have policy implications.

5.8 Senior Licensing Officers are now upskilled and experienced in the use and implementation of the Policy and are able to provide advice to customers prior to submitting applications when dealing with queries.

## **6. Background information – Licensing Sub-Committee Reports**

6.1 The Council has received several complaints and comments over the past several years from residents whose information, namely their address, is available online in a public online search. This is due to the name and address being published in reports which become public documents and then remain so. Members of the public have asked for this to be removed once the case has been determined. Currently all our committee reports remain published online.

6.2 To reduce the likelihood of this going forward and after taking advice from the Council Information Team, Committee Services have now amended the way Licensing Sub-Committee reports are published. Members and interested parties will have access to full details in their report bundles and plans but the publicly published versions will have the name and address of the objector or supporter redacted as well as the plans. This act has now dramatically reduced the risk to the Council.

6.3 Plans are available for people to inspect at our offices, but plans are not made publicly available on our website. This has been done after taking advice with regards to the current threat level. Having access to detailed plans of premises which show escape routes and fire exit as well as any emergency features can be used in a hostile manner.

6.4 Advice was taken from internal and external partners and it was felt the removal of plans from public display was an appropriate response.

6.5 The online published reports available to the public contain full details of the report, excluding objectors' names and address and the plans. The public are still able to attend the hearing and watch the full proceedings.

6.6 New legislation that will be enforceable in May 2018, the General Data Protection Regulation, will give people the 'right to erasure' meaning anyone can request deletion of personal data related to them. There are also other obligations on organisations that collect data and by adopting changes now we are already mitigating any potential risks.

6.7 The process of going back and redacting published data is an extra administrative burden that has now been removed from the service.

6.8 Mention of The Council's obligations in its capacity as the Licensing Authority, to have regard to its public sector equality duty under Section 149 of the Equality Act 2010, will now be set out in all Licensing Sub-Committee reports. This mitigates the risk to the Council if we cannot demonstrate we have considered these groups in any decisions taken.

6.9 In summary Section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

6.10 Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

**If you have any queries about this report or wish to inspect any of the background papers, please contact:**

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