

NORTH LINCOLNSHIRE COUNCIL**LICENSING COMMITTEE****LICENSING (MISCELLANEOUS) SUB-COMMITTEE****1. OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1 To consider changes to the process adopted by the Licensing (Miscellaneous) Sub-Committee.

2. BACKGROUND INFORMATION

- 2.1 All applicants for a hackney carriage and private hire vehicle drivers' licence; an operators' licence; and a vehicle licence are entitled to have a fair and public hearing.
- 2.2 Applicants and licence holders have attended the Licensing (Miscellaneous) Sub-Committee for many years, the majority of which have been available for members of the public to attend. During the hearing, evidence is presented and all parties are given the opportunity to make a verbal representation before the sub-committee. Once all the representations have been made the applicant/licence holder and the Licensing Officers are asked to leave the room while a decision is made. Having made a determination both parties are invited to return to hear the decision. The decision is then confirmed in writing as soon as possible after the hearing. The date of the written decision is the official date from which the applicant has 21 days to appeal to the Magistrates Court if they wish to do so.
- 2.3 Applicants/licence holders appear before the members due to a number of reasons. For example, due to their medical history, criminal convictions or complaints made against them. The majority of the time the information presented before the Licensing (Miscellaneous) Sub-Committee is sensitive in nature. Although the applicant/licence holder has the right to have an open hearing the information presented is such that the person attending may not want to have the information in the public domain. The council has a duty under data protection legislation to make sure that sensitive information is kept confidential.

- 2.4 It is proposed to change the format of the meeting so that the public and press are excluded automatically from all future hearings of the Licensing (Miscellaneous) Sub-Committee. This change will protect the sensitive information being in the public domain. The need to keep sensitive information confidential outweighs the right to allow the public in to the hearings. Should the applicant or licence holder seek for the hearing to be held in public then the sub-committee can approve such a request as they see appropriate.
- 2.5 In addition, it is proposed that after all parties have finished giving evidence and had the opportunity to sum up, the sub-committee will move in to closed session to consider the evidence that was presented. Once the sub-committee has agreed a particular course of action that decision will be served on all parties within a reasonable time period after the hearing rather than inviting all parties back in to the meeting to hear it verbally on the same day. It is proposed that written decision will be sent to personal parties within 5 working days, where reasonable practicable. Changing the delivery of the decision will mean that the process is more efficient. This will also mean that council officers are not in a difficult position escorting emotional people through the building.
- 2.6 It is also proposed that all members of the Licensing (Miscellaneous) Sub-Committee who were present at the hearing are to confirm, by way of email and within 2 working days, that the written decision drafted by the Legal Officer and/or Democratic Services Officer is correct and reflects the decision made at the hearing. Where a member of the Licensing (Miscellaneous) Sub-Committee disagrees with the drafted decision a revised version should be provided and re-confirmed by all members who attended the hearing. Should no agreement be reached, Members may need to reconvene to agree the wording of the decision.

3. OPTIONS FOR CONSIDERATION

- 3.1 Option 1 – To change the process adopted at a Licensing (Miscellaneous) Sub-Committee to exclude the public and press and to change the way that the decision is communicated.
- 3.2 Option 2 – To change only the process adopted at the Licensing (Miscellaneous) Sub-Committee to exclude public and press and to maintain the current process for delivering the decision.
- 3.3 Option 3 – To change only the way that the decision is communicated.
- 3.4 Option 4 – To maintain the current process and allow the public and press to attend meetings and to maintain the current process for delivering the decision.

4. ANALYSIS OF OPTIONS

4.1 Option 1 – Excluding the public and press from the meetings and changing the way that decisions are communicated will make the sub-committee meetings more efficient and will protect sensitive personal data. All reports would be marked for the exclusion of the public and press. Delivering the decision in writing after the hearing would mean that applicants or licence holders would not need to wait for a decision at the time, but could leave once the sub-committee has considered all representations. This would give members more time to make their decisions, which in turn would ensure that they are robust. In addition, delivering decisions in this way would improve the safety of officers and members who are present at the hearing or escorting people through the building. The decision does not take effect until the written notice has been delivered, therefore all decisions would be sent to the person within 5 working days, where reasonably practicable. Should the applicant or licence holder seek for a public hearing members can approve such request as they see appropriate.

4.2 Option 2 – Excluding the public and press only would allow for the protection of sensitive information as per paragraph 4.1, but the decision would still be delivered to the licence holder/applicant on the day and would then take effect once the written decision has been provided.

4.3 Option 3 – Changing the way that the decision is communicated would allow for the decision to be delivered in an efficient manner, however allowing sub-committee meetings to be open to the public could mean that sensitive information is made public.

4.4 Option 4 – Maintaining the current process of allowing the public to attend sub-committee meetings could mean that sensitive information is open to the public and delivering the decision in the same way would not provide the efficiency sought.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

5.1 There are no resource implications from this report.

6. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)

6.1 Not applicable.

7. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTEREST

7.1 Consultation has not been carried out with licence holders.

8. **RECOMMENDATIONS**

8.1 That either option 1 or option 2 be adopted.

DIRECTOR: OPERATIONS

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Background Papers used in the preparation of this report – None