

**IMPORTANT**

**Guidance Notes on  
Procedures**

## **GUIDANCE NOTES ON PROCEDURES FOR LICENSING SUB COMMITTEES (known as “LICENSING PANELS”)**

### **PROCEDURE FOR HEARINGS IN ACCORDANCE WITH REGULATION 21 OF THE LICENSING ACT 2003 (HEARINGS( REGULATIONS 2005 (as amended) [“the Regulations”]**

#### **INTRODUCTION**

- 1.1 In this procedure “the Parties” include the Applicant, Responsible Authorities, the licence holder, or any other person as applicable. Any other person is any person that is or is likely to be affected by the operation of a licensed premises, they will be referred to as an ‘Interested Party’ in this procedure note, and Responsible Authorities are bodies like the police and fire brigade. Please check the Licensing Act 2003 (“the Act”) for the complete definition.
- 1.2 For the avoidance of doubt the Licensing Authority Responsible Authority will be represented by the Licensing Enforcement Officer. The Responsible Authority is a distinct and separate body from that of the Licensing Authority who will determine the application.
- 1.3 Except where the Regulations provide differently, the Council Procedure Rules and Access to Information Procedure Rules (in so far as they apply to committees and sub-committees) will be followed for all hearings.
- 1.4 Except where the Regulations provide differently, the Panel may, in exceptional circumstance vary this procedure. In such circumstances the Panel must give reasons for the variation.

#### **MAKING REPRESENTATIONS TO CAMDEN**

- 2.1 The Council has produced guidance notes for the Parties. These contain detailed provisions on making applications and relevant representations including the licensing objectives and mandatory time limits referred to in this procedure. They are available from the, Contact Camden, London Borough of Camden, 5 Pancras Square, London, N1C 4AG. Tel: 020 7974 4444 or [www.camden.gov.uk/licensing](http://www.camden.gov.uk/licensing).
- 2.2 Interested Parties and Responsible Authorities should note that representations must be made —
  - (a) within 28 days of the date when the application was given to the Authority except where
  - (b) in the case of a review of a premises licence following a closure order, within 7 days (including the 7<sup>th</sup> day) of the date when the Authority received the notice in relation to the closure order and any extension to it.

- 2.3 Failure to make a relevant representation means a party has no rights to be heard and/or give evidence at a hearing.
- 2.4 It could be noted that representations can be made for as well as against an application.

### **HOLDING A HEARING**

- 3.1 If relevant representations concerning the licensing objectives are made, there will be a hearing by a Licensing Panel to consider them.
- 3.2 Where a valid application has been made and no representations are made, the application **must** be granted, subject only to conditions that are consistent with the operating schedule and relevant mandatory conditions in the Act. No hearing will take place.

### **Right to dispense with hearing if all parties agree [where allowed]**

- 3.3 The need for a hearing can only be dispensed with if all the parties give notice in writing to the Licensing Authority that they agree that such a hearing is unnecessary. If the officers agree a hearing is unnecessary all the parties will be notified and the Panel will make a decision on the application within 10 working days of that notification. All the parties will be informed of this decision.

#### Notice of hearing

- 3.4 Where a hearing is necessary, officers will arrange the date, time and place of the hearing and will give a notice of it in accordance with the mandatory time limit.
- 3.5 The notice of hearing will be accompanied by the following information
  - (a) the rights of a party provided for in the regulations;
  - (b) the consequences if a party does not attend or is not represented at the hearing;
  - (c) the procedure to be followed at the hearing;
  - (d) any particular points on which the Authority considers that it will want clarification at the hearing from a party.

### **Action following receipt of notice of hearing**

- 3.6 An Applicant, Interested Party or Responsible Authority who receives a notice of hearing **must** give to the authority a notice in writing stating—
  - (a) whether they intend to attend or be represented at the hearing;
  - (b) whether they consider a hearing to be unnecessary.

- 3.7 The notice must be given within the prescribed time limit.
- 3.8 If a Party wishes to call someone to appear as a witness at the hearing and address the Panel the notice must contain a request for permission for that person to appear giving the name of the person and a brief description of the point or points they wish to raise before the Committee. FAILURE TO COMPLY WITH THIS REQUIREMENT WILL MEAN THAT PERSON CANNOT BE CALLED AS A WITNESS.
- 3.9 This notice should be sent to the Committee Clerk, Committee Services, Town Hall, Judd Street, London, WC1H 9JE, fax 020 7974 5921 Email: [LicensingRepresentation@camden.gov.uk](mailto:LicensingRepresentation@camden.gov.uk). Please note that the Committee Clerk will accept this notice by letter, email or fax.
- 3.10 Any Party attending the hearing can be assisted or represented by any person whether or not that person is legally qualified, provided that they have given notice as set out above.
- 3.11 A decision on whether the person can appear will be made by the Panel at the beginning of the relevant hearing. Members will give reasons as to their decision.

### **Agenda**

- 3.12 In addition to the notice of hearing detailed in paragraphs 3.4 and 3.5, an agenda for the hearing containing a copy of the officers' report to the Panel will be published before the hearing. You may view this on the Council's website ([www.camden.gov.uk/democracy](http://www.camden.gov.uk/democracy)) or request a copy from the Clerk before the hearing.

### **Failure to attend**

- 3.13 If a party has informed the authority that he will not be coming to the hearing, it may go ahead in his absence. If someone has said that they will be attending but does not do so the Panel may:
- (a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or
  - (b) hold the hearing in the party's absence.
- 3.14 If a Panel adjourns the hearing it must as soon as possible notify the parties of the date, time and place to which it has been adjourned. If the Panel holds the hearing in the absence of a party, it will consider the application, representations or notice made by that party.
- 3.15 Hearings will be held in public. There may be rare occasions where the Panel needs to receive specific legal advice in private. If that is the case, it will pass a special resolution and move to another room with the legal advisor and the

Clerk or ask the Applicant and other parties to leave the room. Once the Panel has received the advice the meeting will resume in public.

### **Power to extend time etc.**

- 3.16 The Panel can extend the time limits set out in this procedure if it considers it to be necessary in the public interest, but cannot extend the time limit past the prescribed time after which the application will be treated as granted or rejected.
- 3.17 Where the authority has extended a time limit it will as soon as possible notify all parties of the period of the extension and the reasons for it.
- 3.18 The Panel or the officers of the Authority can—
- (a) adjourn a hearing to a specified date;
  - (b) arrange for a hearing to be held on specified additional dates, if it considers this to be necessary in order for it to consider any representations or notice made by a party.
- 3.19 Where the authority has adjourned a hearing to a specified date it must as soon as possible notify all parties of the date, time and place.
- 3.20 Where the authority has arranged for a hearing to be held on a specified additional date it must as soon as possible notify all parties of the additional date, time and place.

### **Quorum**

- 3.21 Business shall not be transacted at a Panel unless at least two voting members of the Licensing Committee are present and able to vote.

### **Panel Time Limits**

- 3.22 Committee Procedure Rule 19 will not apply. Meetings will last for a maximum of 4 hours and will finish no later than 22.30. Any business not transacted by the end of the meeting is deferred to another meeting and heard afresh. The Parties will be told which meeting it is being deferred to.

### **Minutes**

- 3.23 The minutes record that consideration was given to a report, and any relevant discussion leading to a reason for the decision that is not in the report, or the reason for departing from an officer's recommendation. Matters which are irrelevant or which are dealt with in the report, or do not affect the decision are not minuted. The minutes will not be a transcript or near transcript of the hearing. Once the minutes have been agreed and signed at a subsequent meeting of the Panel, that document (which incorporates the report and written submissions) is the record of the meeting, as required by Regulation 30 of the Regulations.

- 3.24 The minutes of the meeting are made public when they are ready, and are posted on the Council's website at [www.camden.gov.uk/democracy](http://www.camden.gov.uk/democracy).

### **Withdrawal of representations**

- 3.25 An Interested Party or Responsible Authority who wishes to withdraw any representations that they have made must give notice of this no later than 24 hours before the day on which the hearing is to be held, or it can be done orally at the hearing. This notice should be sent to the Committee Clerk, Committee Services, Town Hall, Judd Street, London, WC1H 9JE, fax: 020 7974 5921 Email: [LicensingRepresentation@camden.gov.uk](mailto:LicensingRepresentation@camden.gov.uk). Please note that the Committee Clerk will accept this notice by letter, email or fax.

### **Exclusion of disruptive persons**

- 3.26 The Panel can require anyone attending the hearing who is behaving in a disruptive manner to leave the hearing and may—
- (a) refuse to let that person return, or
  - (b) let him return subject to whatever conditions the Panel specifies.
- 3.27 Anyone who has been required to leave can, before the end of the hearing, submit to the Panel in writing any information that they would have been entitled to give orally if they had they not been required to leave.
- 3.28 Parties and members of the public are not permitted to bring any banner or placard into a meeting. Filming photography and other forms of recording are permitted unless the Chair rules they are being disruptive. If the meeting passes a motion to exclude the press and public then, in conjunction with this, all rights to record the meeting are removed.

### **Amending the Application**

- 3.29 If the Applicant wishes to amend their application this must be in writing, signed by the applicant or their representative. This can be done before the hearing or at the hearing before the Panel begin deliberation. No amendment will be accepted which in the opinion of the Panel would extend the activities in relation to the original application.

### **Additional Documentary and Other Evidence**

- 3.30 The Parties should make every effort to ensure all documentary and other evidence is included in their application or representation. Additional documentary or other evidence submitted prior to the hearing may only be produced at the hearing with the consent of the Panel. In making its decision the Panel will consider each request on its merit and will bear in mind whether the other parties have seen the material. PLEASE NOTE THAT THE OFFICERS OF THE AUTHORITY WILL NOT DISTRIBUTE ADDITIONAL

## MATERIAL RECEIVED AFTER THE ORIGINAL APPLICATION OR REPRESENTATION.

- 3.31 In all other cases, the Panel will consider each request on its merits and will bear in mind whether the other Parties have seen the material, whether there are exceptional reasons for not producing the material before, whether a failure to admit the evidence would prejudice the Council's ability to reach a decision, and whether prejudice would be caused to the applicant any party if the evidence were to be admitted at this stage.

### **PROCEDURE AT HEARINGS**

- 4.1 The Licensing Panel is not a court, and every effort is made to keep the proceedings as informal as possible. Cross-examination will not be permitted unless the Panel agrees.
- 4.2 It is important that the hearing follows a particular order, to make sure that all parties have a chance to be heard.
- 4.3 Any Applicant, Interested Party or Responsible Authority, or their representative who has given notice should make themselves known to the Clerk before the meeting.

### **Hearings concerning applications for the grant and variation of Premises Licences and Club Premises Certificates and the grant of Provisional Statements**

#### **Chair's Introduction:**

- 5.1 The Chair will introduce the Panel and the officers advising it and then outline the procedures to be followed at the hearing, drawing attention to time limits for speakers.
- 5.2 The Chair will then briefly announce the application and what it is for.
- 5.3 The Panel will then consider any requests made in advance for permission for any person (other than a representative of any party) to appear at the hearing. Permission will not be unreasonably withheld and if permission is refused the Panel will give reasons for its refusal.
- 5.4 The Chair will indicate which officers of the Supporting Communities Directorate are present to deal with points of clarification on the report.

#### **Report of Executive Director Supporting Communities:**

- 5.5 The officers of the Supporting Communities Directorate will not normally go through the report on the agenda, as it is anticipated that the Panel, and the Parties will have read it.

- 1.6 Members and the Parties may seek clarification from officers of the Supporting Communities Directorate on matters raised in the report.

### **Negotiation and Compromise**

- 5.7 Where the applicant has amended the application as tabled, the applicant will be permitted a 2 minute debrief to clarify any amendments to the application that have been made since the publication of the report.

### **Responsible Authority's Case [if applicable]**

- 5.8 The Chair will ask the Responsible Authority and their representative, if appropriate, to identify themselves. The Responsible Authority or their representative may
- (a) give further information in support of their representations, in response to any notice from the authority seeking clarification,
  - (b) address the Panel, and
  - (c) call any witnesses notified to the Authority in advance of the hearing permitted in accordance with 5.3 above.
- 5.9 Fifteen minutes may be allowed for the Responsible Authority's Case, and this may only be extended with the consent of the Panel.
- 5.10 Members of the Panel and then any other party if given permission by the Panel may ask the Responsible Authority questions for the purposes of clarification only.

### **Interested Parties' Case [if applicable]**

- 5.11 The Chair will ask the Interested Parties and their representative, if appropriate, to identify themselves. The Interested Parties or their representative may
- (a) give further information in support of their representations, in response to any notice from the authority seeking clarification,
  - (b) address the Panel, and
  - (c) call any witnesses notified to the Authority in advance of the hearing permitted in accordance with 5.3 above
- 5.12 Fifteen minutes may be allowed for the Interested Parties' case in total for all interested parties, and this may only be extended with the consent of the Panel. The interested parties should preferably speak through a single spokesperson.
- 5.13 Members of the Panel and then any other party if given permission by the Panel may ask the Interested Parties questions for the purposes of clarification only.



## **Applicant's Case**

- 5.14 The Chair will ask the Applicant and their representative, if appropriate, to identify themselves. The Applicant or their representative may
- (a) give further information in support of their application, in response to any notice from the authority seeking clarification,
  - (b) address the Panel, and
  - (c) call any witnesses notified to the Authority in advance of the hearing permitted in accordance with 5.3 above
- 5.15 Fifteen minutes may be allowed for the Applicant's Case, and this may only be extended with the consent of the Panel.
- 5.16 Members of the Panel and then any other party if given permission by the Panel may ask the Applicant questions. Again, this is for the purposes clarification purposes only.

## **Closing Remarks**

- 5.17 Any party is allowed to make closing remarks, not exceeding two minutes. The order will be Responsible Authority, Interested Party and Applicant.

## **Deliberation**

- 5.18 The Panel will deliberate in public. This will take the form of a discussion lead by the Chair and no other person at the hearing may take part. The Panel may ask advice of the legal advisor or the Clerk. There may be occasions where it needs to receive specific legal advice in private. If that is the case, it will pass a special resolution and move to another room with the legal advisor and the Clerk or ask the parties and members of the public to leave the room whilst advice is taken. After receiving this advice the Panel will resume in public.
- 5.19 The Panel will disregard any information given or evidence produced by a party or a witness, which is not relevant to:
- (1) their application, representations or notice (as applicable), and/or
  - (2) the promotion of the licensing objectives.

## **Decision:**

- 5.20 The Panel will make decisions in public and the Chair will announce the decision. The Executive Director Supporting Communities will later confirm the decision in writing to all parties.

## **Hearings concerning applications for reviews of Premises Licences and Club Premises Certificates**

### **Chair's Introduction:**

- 6.1 The Chair will introduce the Panel and the officers advising it and then outline the procedures to be followed at the hearing.
- 6.2 The Chair will then briefly announce the application and what it is for.
- 6.3 The Panel will then consider any requests made in advance for permission for any person (other than a representative **of any party**) to appear at the hearing. Permission will not be unreasonably withheld and if permission is refused the Panel will give reasons for its refusal.
- 6.4 The Chair will indicate which officers of the Supporting Communities Directorate are present to deal with points of clarification on the report.

### **Report of Executive Director Supporting Communities:**

- 6.5 The officers of the Supporting Communities Directorate will not normally go through the report on the agenda, as it is anticipated that the Panel, and the Parties will have read it.
- 6.6 Members and the Parties may seek clarification of officers from the Supporting Communities Directorate on matters raised in the report.

### **Applicant's Case-**

- 6.7 The Chair will ask the Applicant and their representative, if appropriate, to identify themselves. The Applicant or their representative may
  - (a) give further information in support of their application, in response to any notice from the authority seeking clarification,
  - (b) address the Panel, and
  - (c) call any witnesses notified to the Authority in advance of the hearing. permitted in accordance with 6.3 above
- 6.8 Members of the Panel and then any other party if given permission by the Panel may ask the Applicant questions. This is for the purposes of clarification only.

### **Responsible Authority's Case [if applicable]**

- 6.9 The Chair will ask the Responsible Authority and their representative, if appropriate, to identify themselves. The Responsible Authority or their representative may
  - (a) give further information in support of their application, in response to any notice from the authority seeking clarification,
  - (b) address the Panel, and
  - (c) call any witnesses notified to the Authority in advance of the hearing. permitted in accordance with 6.3 above

- 6.10 Members of the Panel and then any other party if given permission by the Panel may ask the Responsible Authority questions for the purposes of clarification only.

### **Interested Parties' Case [if applicable]**

- 6.11 The Chair will ask the Interested Parties and their representative, if appropriate, to identify themselves. The Interested Parties or their representative may
- (a) give further information in support of their application, in response to any notice from the authority seeking clarification,
  - (b) address the Panel, and
  - (c) call any witnesses notified to the Authority in advance of the hearing. permitted in accordance with 6.3 above
- 6.12 The interested parties should preferably speak through a single spokesperson.
- 6.13 Members of the Panel and then any other party if given permission by the Panel may ask the Interested Parties questions for the purposes of clarification only.

### **Licence Holder's Case**

- 6.14 The Chair will ask the Licence Holder and their representative, if appropriate, to identify themselves. The Licence Holder or their representative may
- (a) give further information in support of their case, in response to any notice from the authority seeking clarification,
  - (b) address the Panel, and
  - (c) call any witnesses notified to the Authority in advance of the hearing. permitted in accordance with 6.3 above
- 6.15 Members of the Panel and then any other party if given permission by the Panel may ask the Licence Holder questions. Again, this is for the purposes of clarification only.

### **Closing Remarks**

- 6.16 Any party is allowed to make closing remarks, not exceeding two minutes. The order will be Responsible Authority, interested Party and Licence Holder.

### **Deliberation**

- 6.17 The Panel will deliberate in public. This will take the form of a discussion lead by the Chair and no other person at the hearing may take part. The Panel may ask advice of the legal advisor or the Clerk. There may be occasions where it needs to receive specific legal advice in private. If that is the case, it will pass a special resolution and move to another room with the legal advisor and the Clerk or ask the parties and members of the public to leave the room whilst the advice is taken. After receiving this advice the Panel will resume in public.

- 6.18 The Panel will disregard any information given or evidence produced by a party or a witness, which is not relevant to:
- (1) their review application or representations (as applicable), and/or
  - (2) the promotion of the licensing objectives.

**Decision:**

- 6.19 The Panel will make decisions in public and the Chair will announce the decision. The Executive Director Supporting Communities will later confirm the decision in writing to all parties. .

**Hearings concerning applications for Personal Licences**

**Chair's Introduction**

- 7.1 The Chair will introduce the Panel and the officers advising it and then outline the procedures to be followed at the hearing, drawing attention to time limits for speakers.
- 7.2 The Chair will then briefly announce the application and what it is for.
- 7.3 The Panel will then consider any requests made in advance for permission for any person (other than a representative) to appear at the hearing. Permission will not be unreasonably withheld and if permission is refused the Panel will give reasons for its refusal.
- 7.4 The Chair will indicate which officers of the Supporting Communities Directorate are present to deal with points of clarification on the report.

**Report of Executive Director, Supporting Communities Directorate**

- 7.5 The officers of the Supporting Communities Directorate will not normally go through the report on the agenda, as it is anticipated that the Panel, and the Parties will have read it.
- 7.6 Members and the Parties may seek clarification from officers from the Supporting Communities Directorate on matters raised in the report.

**Police Case**

- 7.7 The Chair will ask the Police and their representative, if appropriate, to identify themselves. The Police or their representative may
- (a) give further information in support of their notice, in response to any notice from the authority seeking clarification,
  - (b) address the Panel, and
  - (c) call any witnesses notified to the Authority in advance of the hearing permitted in accordance with 7.3 above.

7.8 Members of the Panel and then any other party if given permission by the Panel may ask the Police questions. This is for the purposes of clarification only.

### **Applicant's Case**

7.9 The Chair will ask the Applicant and their representative, if appropriate, to identify themselves. The Applicant or their representative may

- (a) give further information in support of their application, in response to any notice from the authority seeking clarification,
- (b) address the Panel, and
- (c) call any witnesses notified to the Authority in advance of the hearing permitted in accordance with 7.3 above.

7.10 Members of the Panel and then any other party if given permission by the Panel may ask the Applicant questions. Again, this is for the purposes of clarification only.

### **Closing Remarks**

7.11 Any party is allowed to make closing remarks, not exceeding two minutes. The order will be the Police and the Applicant.

### **Deliberation**

7.12 The Panel will deliberate in public. This will take the form of a discussion lead by the Chair and no other person at the hearing may take part. The Panel may ask advice of the legal advisor or the Clerk. There may be occasions where it needs to receive specific legal advice in private. If that is the case, it will pass a special resolution and move to another room with the legal advisor and the Clerk or ask the parties and members of the public to leave the room whilst advice is taken. After receiving this advice the Panel will resume in public.

7.13 The Panel will disregard any information given or evidence produced by a party or a witness, which is not relevant to:

- (1) their application, representations or notice (as applicable), and/or
- (2) the promotion of the crime prevention objective.

## **Decision**

- 7.14 The Panel will make decisions in public and the Chair will announce the decision. The Executive Director Supporting Communities, will later confirm the decision in writing to all parties.

## **Hearings concerning applications for Temporary Events Notice**

### **Chair's Introduction**

- 8.1 The Chair will introduce the Panel and the officers advising it and then outline the procedures to be followed at the hearing, drawing attention to time limits for speakers.
- 8.2 The Chair will then briefly announce the application and what it is for.
- 8.3 The Panel will then consider any requests made in advance for permission for any person (other than a representative) to appear at the hearing. Permission will not be unreasonably withheld and if permission is refused the Panel will give reasons for its refusal.
- 8.4 The Chair will indicate which officers of the Supporting Communities Directorate are present to deal with points of clarification on the report.

### **Report of Executive Director Supporting Communities**

- 8.5 The officers of the Supporting Communities Directorate will not normally go through the report on the agenda, as it is anticipated that the Panel and the Parties will have read it.
- 8.6 Members and the Parties may seek clarification from officers of the Supporting Communities Directorate Department on matters raised in the report.

### **Responsible Authority Case**

- 8.7 The Chair will ask the Police and/or Environmental Health Responsible Authority and their representative, if appropriate, to identify themselves. The Police and/or Environmental Health Responsible Authority or their representative may
- (a) give further information in support of their notice, in response to any notice from the authority seeking clarification,
  - (b) address the Panel, and
  - (c) call any witnesses notified to the Authority in advance of the hearing permitted in accordance with 8.3 above.
- 8.8 Members of the Panel and then any other party if given permission by the Panel may ask the Police and/or Environmental Health Responsible Authority questions. Again, this is for the purposes of clarification only.

## **Applicant's Case**

- 8.9 The Chair will ask the Applicant and their representative, if appropriate, to identify themselves. The Applicant or their representative may
- (a) give further information in support of their application, in response to any notice from the authority seeking clarification,
  - (b) address the Panel, and
  - (c) call any witnesses notified to the Authority in advance of the hearing permitted in accordance with 8.3 above.
- 8.10 Members of the Panel and then any other party if given permission by the Panel may ask the Applicant questions. Again, this is for the purposes of clarification only.

## **Closing Remarks**

- 8.11 Any party is allowed to make closing remarks, not exceeding two minutes. The order will be the Police and the Applicant.

## **Deliberation**

- 8.12 The Panel will deliberate in public. This will take the form of a discussion lead by the Chair and no other person at the hearing may take part. The Panel may ask advice of the legal advisor or the Clerk. There may be occasions where it needs to receive specific legal advice in private. If that is the case, it will pass a special resolution and move to another room with the legal advisor and the Clerk or ask the parties and members of the public to leave the room whilst advice is taken. After receiving this advice the Panel will resume in public.
- 8.13 The Panel will disregard any information given or evidence produced by a party or a witness, which is not relevant to:
- (1) their application, representations or notice (as applicable), and/or
  - (2) the promotion of the licensing objectives

## **Decision:**

- 8.14 The Panel will make decisions in public and the Chair will announce the decision. The Executive Director Supporting Communities will later confirm the decision in writing to all parties.

## **Hearings concerning applications for Summary Review or to consider representations against Interim Steps**

### **Chair's Introduction:**

- 9.1 The Chair will introduce the Panel and the officers advising it and then outline the procedures to be followed at the hearing.
- 9.2 The Chair will then briefly announce the application and what it is for.
- 9.3 The Panel will then consider any requests made in advance for permission for any person (other than a representative) to appear at the hearing. Permission will not be unreasonably withheld and if permission is refused the Panel will give reasons for its refusal.
- 9.4 The Chair will indicate which officers of the Supporting Communities Directorates are present to deal with points of clarification on the report.

### **Report of Executive Director Supporting Communities:**

- 9.5 The officers of the Supporting Communities Directorate will not normally go through the report on the agenda, as it is anticipated that the Panel and the Parties will have read it.
- 9.6 Members and the Parties may seek clarification of officers from the Supporting Communities Directorate on matters raised in the report.

### **Police Case**

- 9.7 The Chair will ask the Police and their representative, if appropriate, to identify themselves. The Police or their representative may
  - (a) give further information in support of their application and certificate,
  - (b) address the Panel, and
  - (c) call any witnesses notified to the Authority in advance of the hearing, permitted in accordance with 9.3 above
- 9.8 Members of the Panel and then any other party if given permission by the Panel may ask the Police questions. Again, is for the purposes of clarification only.

### **Licence Holder's Case [if applicable]**

- 9.9 The Chair will ask the Licence Holder and their representative, if appropriate, to identify themselves. The Licence Holder or their representative may
  - (a) give further information in support of their representations,
  - (b) address the Panel, and
  - (c) call any witnesses notified to the Authority in advance of the hearing permitted in accordance with 9.3 above.



- 9.10 Members of the Panel and then any other party if given permission by the Panel may ask the Licence Holder questions. Again, this is for the purposes of clarification only.

### **Closing Remarks**

- 9.11 Any party is allowed to make closing remarks, not exceeding two minutes. The order will be the Police and the Licence Holder.

### **Deliberation**

- 9.12 The Panel will deliberate in public. This will take the form of a discussion lead by the Chair and no other person at the hearing may take part. The Panel may ask advice of the legal advisor or the Clerk. There may be occasions where it needs to receive specific legal advice in private. If that is the case, it will pass a special resolution and move to another room with the legal advisor and the Clerk or ask the parties and members of the public to leave the room whilst advice is taken. After receiving this advice the Panel will resume in public.
- 9.13 The Panel will disregard any information given or evidence produced by a party or a witness, which is not relevant to:
- (1) their application, certificate or representations (as applicable), and/or
  - (2) the promotion of the licensing objectives.

### **Decision**

- 9.14 The Panel will make decisions in public and the Chair will announce the decision. The Executive Director Supporting Communities will later confirm the decision in writing to all parties.

### **Miscellaneous Licensing Matters**

- 10.1 Communications on matters not yet on the agenda should be sent to the Licensing Team, Supporting Communities Directorate, Town Hall, 5 Pancras Square, London N1C 4AG, telephone: 020 7974 6919: email: [licensing.safety@camden.gov.uk](mailto:licensing.safety@camden.gov.uk)

## **PROCEDURE FOR HEARINGS UNDER SCHEDULE 3 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 IN RESPECT OF SEX ESTABLISHMENTS**

### **1. INTRODUCTION**

- 1.1. This document sets out the procedure to be followed by the Licensing Sub-Committees (known as "Licensing Panels" or "Panels") where functions have been delegated from the Licensing Committee.

- 1.2. In this procedure “the Parties” include the applicant or licence holder and any objectors as applicable.
- 1.3. The Council Procedure Rules and Access to Information Procedure Rules (in so far as they apply to Committees and Sub Committees) will be followed for all hearings.
- 1.4. The Licensing Panel may, in exceptional circumstance vary this procedure. In such circumstances the Licensing Panel must give reasons for the variation.

## **2. MAKING OBJECTIONS TO AN APPLICATION**

- 2.1. The Council has produced guidance notes for the Parties. These contain detailed provisions on making applications and objections and time limits referred to in this procedure. They are available from:

Contact Camden  
London Borough of Camden  
5 Pancras Square  
London  
N1C 4AGTel: 020 7974 4444  
Email: [LicensingRepresentation@camden.gov.uk](mailto:LicensingRepresentation@camden.gov.uk)  
Web: [www.camden.gov.uk/licensing](http://www.camden.gov.uk/licensing)

- 2.2. Objections should be made within 28 days of the date of the application.
- 2.3. The Licensing Authority shall not provide an objector’s name and address to the applicant for the licence unless the objector has specifically agreed to this.
- 2.4. Failure to make an objection means a Party will have no right to be heard or to give evidence at the hearing.

## **3 HOLDING A HEARING**

- 3.1 Whether or not relevant objections are made, there will be a hearing by a Licensing Panel to consider applications for the grant, renewal, variation or transfer of a Sex Establishment Licence.

### **Notice of Hearing**

- 3.2 Officers will arrange the date, time and place of the hearing and will give notice of it.
- 3.3 The notice of hearing will be accompanied by the following information:
  - a) the consequences if a Party does not attend or is not represented at the hearing;
  - b) the procedure to be followed at the hearing.

### **Action Following Receipt of Notice of Hearing**

- 3.4 An applicant or objector who receives a notice of hearing must give to the Licensing Authority a notice in writing stating whether they will attend the hearing, whether they will be represented at the hearing and whether they intend to call any witnesses at the hearing.
- 3.5 If a Party wishes to call someone to appear as a witness at the hearing and address the Panel, the notice must contain a request for permission for that person to appear giving the name of the person and a brief description of the point or points they wish to raise before the Licensing Panel. FAILURE TO COMPLY WITH THIS REQUIREMENT WILL MEAN THAT PERSON CANNOT BE CALLED AS A WITNESS.
- 3.6 This notice should be sent to the Committee Clerk, Committee Services, Town Hall, Judd Street, London, WC1H 9JE, fax 020 7974 5921 or email to [licensing.committee@camden.gov.uk](mailto:licensing.committee@camden.gov.uk). Please note that the Committee Clerk will accept this notice by letter, email or fax.
- 3.7 Any Party attending the hearing can be assisted or represented by any person, whether or not that person is legally qualified, provided that they have given notice as set out above. If one of your local Councillors is a Member of the Panel, you should not lobby them directly as this could prejudice their position.
- 3.8 A decision on whether the person can appear will be made by the Panel at the beginning of the relevant hearing. Members will give reasons as to their decision.
- 3.9 Any Party intending to rely on any documentation at the hearing must submit that documentation to the Council at least seven days in advance of the hearing. Failure to do so may mean such supplementary evidence will not be admitted at the hearing.

### **Agenda**

- 3.10 In addition to the notice of hearing detailed in paragraphs 3.2 and 3.3, an agenda for the hearing containing a copy of the Licensing Authority officer's report to the Licensing Panel will be published before the hearing. You may view the report on Camden's website at [www.camden.gov.uk/democracy](http://www.camden.gov.uk/democracy) or request a copy by contacting the Committee Clerk before the hearing.

### **Failure to Attend**

- 3.11 If a Party has informed the Council that he will not be attending the hearing it may go ahead in his absence. If a Party has indicated they will attend but does not do so the Panel may:
- (a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or
  - (b) hold the hearing in the Party's absence.

- 3.12 If a Panel adjourns the hearing, it must as soon as possible notify the Parties of the date, time and place to which it has been adjourned. If the Panel holds the hearing in the absence of a Party, it will consider the application or objection made by that Party.
- 3.13 Hearings will be held in public. There may be rare occasions where the Panel needs to receive specific legal advice in private. If that is the case, the Panel will pass a special resolution and move to another room with the legal advisor and the Clerk or ask the applicant and other Parties to leave the room. Once the Panel has received the advice the meeting will resume in public.

### **Power to Extend Time Limits**

- 3.14 The Panel can extend the time limits set out in this procedure if it considers it to be necessary in the public interest.
- 3.15 Where the Council has extended a time limit it will as soon as possible notify all Parties of the period of the extension and the reasons for it.
- 3.16 The Panel or the officers of the Council can—
- (a) adjourn the hearing to a specified date
  - (b) arrange for the hearing to be held on specified additional dates, if it considers this to be necessary in order for the Panel to consider any representations or notice made by a Party.
- 3.17 Where the Panel has adjourned a hearing to a specified date, the Council will, as soon as possible, notify all Parties of the date, time and place of the new hearing.
- 3.18 Where the Panel has arranged for a hearing to be held on a specified additional date, the Council will, as soon as possible, notify all Parties of the additional date, time and place of the additional hearing.

### **Quorum**

- 3.19 Business shall not be transacted at a Panel unless at least two voting members of the Licensing Committee are present and able to vote.

### **Panel Time Limits**

- 3.20 Committee Procedure Rule 19 will not apply. Meetings will last for a maximum of four hours and will finish no later than 22.30 hours. Any business not transacted by the end of the meeting will be deferred to another meeting. The Parties will be told which meeting it is being deferred to.

### **Minutes**

- 3.21 The minutes record that consideration was given to a report, any discussion leading to a decision, and any reason for departing from an officer's recommendation. Irrelevant matters, matters dealt with in the report, or matters that did not affect the decision are not minuted. The minutes will not be a transcript or near transcript of the hearing. Once the minutes have been agreed and signed at a subsequent meeting of the Panel, that document (incorporating the report and any written submissions) is the record of the meeting.
- 3.22 The minutes of the meeting are made public when they are ready and are posted on the Council's website at [www.camden.gov.uk/democracy](http://www.camden.gov.uk/democracy).

### **Withdrawal of Objections**

- 3.23 A person who wishes to withdraw his objection may give notice of this no later than 24 hours before the day on which the hearing is to be held or orally at the hearing. This notice should be sent to the Committee Clerk, Committee Services, Town Hall, Judd Street, London, WC1H 9JE, fax: 020 7974 5921 or email [licensing.committee@camden.gov.uk](mailto:licensing.committee@camden.gov.uk). The Committee Clerk will accept this notice by letter, email or fax.

### **Exclusion of Disruptive Persons**

- 3.24 The Panel may require anyone person present at the hearing who is behaving in a disruptive manner to leave the hearing and may—
- (a) refuse to let that person return, or
  - (b) let him return subject to whatever conditions the Panel specifies.
- 3.25 Anyone who has been required to leave can, before the end of the hearing, submit to the Panel in writing any information they would have been entitled to give orally if they had they not been required to leave.
- 3.26 Parties and members of the public are not permitted to bring any banner or placard into a meeting, nor are they allowed to film, take photographs of, or make recordings of, the proceedings without the consent of the Chair.

### **Amending the Application**

- 3.27 If an applicant wishes to amend their application, they must do so in writing and must sign the amendment. This can be prior to the hearing or at the hearing before the Panel begins deliberation. No amendment will be accepted which, in the opinion of the Panel, would extend the activities requested in the original application.

## **Additional Documentary and Other Evidence**

- 3.28 The Parties should make every effort to ensure all documentary and other evidence is included in their application or objection. Additional documentary or other evidence submitted prior to the hearing may only be produced at the hearing where it has been provided to the Council at least seven days before the hearing and with the consent of the Panel and other Parties.
- 3.29 In all other cases, the Panel will consider each request on its merits and will bear in mind whether the other Parties have seen the material, whether there are exceptional reasons for not producing the material before, whether a failure to admit the evidence would prejudice the Council's ability to reach a decision, and whether prejudice would be caused to the applicant if the evidence were to be admitted at this stage.

## **4 PROCEDURE AT HEARINGS**

- 4.1 The Licensing Panel is not a court. Every effort is made to keep proceedings as informal as possible. Cross-examination will not be permitted unless the Panel agrees.
- 4.2 It is important that the hearing follows a particular order to ensure all Parties have a chance to be heard.
- 4.3 Any applicant or objector or their representative who has given notice should make themselves known to the Committee Clerk before the hearing begins.

## **5 HEARINGS FOR APPLICATIONS FOR THE GRANT, RENEWAL, TRANSFER OR VARIATION OF A SEX ESTABLISHMENT LICENCE OR FOR EXISTING SEX SHOPS**

### **Chair's Introduction:**

- 5.1 The Chair will introduce the Panel and the officers advising it and outline the procedures to be followed at the hearing, drawing attention to time limits for speakers.
- 5.2 The Chair will then briefly announce the application and what it is for.
- 5.3 The Panel will then consider any requests made in advance for permission for any person (other than a representative of any Party) to appear at the hearing. Permission will not be unreasonably withheld and if permission is refused the Panel will give reasons for its refusal.
- 5.4 The Chair will indicate which officers of the Supporting Communities Directorate are present to deal with the report.

## **Report of Executive Director Supporting Communities**

- 5.5 The officer of the Supporting Communities Directorates will introduce their report to the Licensing Panel. The report will set out the nature of the activities to be provided at the sex establishment, give details of any objections, direct Members to relevant sections of the Council's Sex Establishments Policy, and provide an assessment of the locality where the application is for a new licence or a variation of an existing licence in relevant circumstances.
- 5.6 Members and the Parties may seek clarification from the officer on matters raised in the report.

### **Negotiation and Compromise**

- 5.7 Where the applicant has amended the application tabled, the applicant will be permitted a two minute debrief to clarify any amendments to the application that have been made since the publication of the report

#### **Objector's Case (where applicable)**

- 5.8 The Chair will ask the objectors and their representative(s), if appropriate, to identify themselves. The objector or their representative may:
- (a) address the Panel, and
  - (b) call any witnesses notified to the Authority in advance of the hearing. permitted in accordance with 3.5 above
- 5.9 Fifteen minutes in total will be allowed for objectors to state their case. This may only be extended with the consent of the Panel. Objectors should preferably speak through a single spokesperson.
- 5.10 Where objections or other comments have been made by the Metropolitan Police, an additional fifteen minutes shall be permitted for the Police to state their case.
- 5.11 Members of the Panel and then any other Party (if given permission by the Panel) may ask objectors questions.

#### **Applicant's Case**

- 5.12 The Chair will ask the applicant and their representative, if appropriate, to identify themselves. The applicant or their representative may:
- (a) address the Panel, and
  - (b) call any witnesses notified to the Authority in advance of the hearing permitted in accordance with 3.5 above
- 5.13 Fifteen minutes will be allowed for the applicant's case. This may only be extended with the consent of the Panel.
- 5.14 Members of the Panel and then any other Party (if given permission by the Panel) may ask the applicant questions.

## **Closing Remarks**

- 5.15 Any Party will be permitted to make closing remarks not exceeding two minutes. Objectors will be required to summarise first, followed by the applicant.

## **Deliberation**

- 5.16 The Panel will deliberate in public. This will take the form of a discussion lead by the Chair and no other person at the hearing may take part. The Panel may ask advice of the legal advisor or the Clerk. There may be occasions where it needs to receive specific legal advice in private. If that is the case, it will pass a special resolution and move to another room with the legal advisor and the Clerk or ask the parties and members of the public to leave the room whilst advice is taken. After receiving this advice the Panel will resume in public.

## **Decision**

- 5.17 Where the Panel are able to reach a decision on the day of the hearing, the Chair will announce the decision to all Parties at the hearing. The Executive Director Supporting Communities will later confirm the decision in writing to all Parties.
- 5.18 In some cases the Panel may not make its decision on the day of the hearing. In such cases, the Panel will reconvene within 28 days to announce its decision in public. The Executive Director Supporting Communities will later confirm the decision in writing to all Parties.

## **6 HEARINGS FOR APPLICATIONS FOR THE**

### **Chair's Introduction:**

- 6.1 The Chair will introduce the Panel and the officers advising it and outline the procedures to be followed at the hearing.
- 6.2 The Chair will then briefly give details of the reason for considering revocation of the licence.
- 6.3 The Panel will consider any requests made in advance for permission for any person (other than a representative of any Party) to appear at the hearing. Permission will not be unreasonably withheld, and if permission is refused, the Panel will give reasons for its refusal.

### **Licensing Authority's Case**

- 6.4 The officer of the Supporting Communities Directorate shall outline the reason for considering revocation of the licence and briefly outline the evidence supporting the Licensing Authority's case. The officer shall introduce their report



to the Licensing Panel. The report will set out any evidence supporting revocation of the licence and any response from the licence holder, and will direct Members to relevant sections of the Council's Sex Establishments Policy.

- 6.5 The officer will then call any witnesses to support the Licensing Authority's case.
- 6.6 Fifteen minutes in total will be allowed for witnesses to state their case. This may only be extended with the consent of the Panel. Witnesses should preferably speak through a single spokesperson.
- 6.7 Where objections or other comments have been made by the Metropolitan Police, an additional fifteen minutes shall be permitted for the Police to state their case.
- 6.8 Members of the Panel and then the licence holder may ask the officer and any witnesses questions.

### **Licence Holder's Case**

- 6.9 The Chair will ask the licence holder and their representative, if appropriate, to identify themselves. The licence holder or their representative may:
  - (a) give any information in support of their case
  - (b) address the Panel, and
  - (c) call any witnesses notified to the Authority in advance of the hearing permitted in accordance with 3.5 above.
- 6.10 Members of the Panel and then any other Party (if given permission by the Panel) may ask the licence holder questions.

### **Closing Remarks**

- 6.11 Any Party shall be permitted to make closing remarks not exceeding two minutes. The order shall be the officer of the Supporting Communities Directorate, any witnesses, and then the licence holder.

### **Deliberation**

- 6.12 The Panel will deliberate in public. This will take the form of a discussion lead by the Chair and no other person at the hearing may take part. The Panel may ask advice of the legal advisor or the Clerk. There may be occasions where it needs to receive specific legal advice in private. If that is the case, it will pass a special resolution and move to another room with the legal advisor and the Clerk or ask the parties and members of the public to leave the room whilst advice is taken. After receiving this advice the Panel will resume in public.

### **Decision**

- 6.13 Where the Panel are able to reach a decision on the day of the hearing, the Chair will announce the decision to all Parties at the hearing. The Executive Director Supporting Communities will later confirm the decision in writing to all Parties.
- 6.14 In some cases the Panel may not make its decision on the day of the hearing. In such cases, the Panel will reconvene within 28 days to announce its decision in public. The Executive Director Supporting Communities will later confirm the decision in writing to all Parties.

## **7 Miscellaneous Licensing Matters**

- 7.1 Communications on matters not yet on the agenda should be sent to:

Contact Camden  
London Borough of Camden,  
5 Pancras Square,  
London  
N1C 4AG Tel: 020 7974 4444  
Email: [LicensingRepresentation@camden.gov.uk](mailto:LicensingRepresentation@camden.gov.uk)  
Web: [www.camden.gov.uk/licensing](http://www.camden.gov.uk/licensing)

## **PART 2**

### **ADVICE TO MEMBERS OF THE LICENSING COMMITTEE ON MEMBERS' INTERESTS**

#### **1. Involvement in Licensing Matters prior to Meetings of the Committee or Licensing Panel**

- 1.1 Members of the Committee are advised to take steps to minimise their involvement in any relevant matter prior to its consideration by the Committee or Licensing Panel so that they may be seen to take all decisions at the meeting with an open mind.
- 1.2 If a Member has already taken a view on an application before them (whether in their ward or not), for example by writing a letter of support or objection, or speaking publicly for or against an application, the Member should take particular care where they may be or may appear to be acting both as an advocate on behalf of one or more constituents and as an adjudicator on an application in respect of which the interests of the constituent are at variance with the interests of others. Members may make visits to premises in their capacity as ward councillors and may subsequently speak either for or against the relevant application. In these circumstances a Member may not be seen to be an impartial judge of the relative merits of both sides of the argument. The Member must always declare that they have visited the premises and, if in doubt, should refrain from voting.
- 1.3 The Committee has adopted a protocol governing official visits to premises.

#### **2. Councillors as Objectors**

- 2.1 If you are an objector or Interested Party you should obtain a copy of the report from the Clerk unless you have already been sent one by the Supporting Communities Directorate. You may get the report from the Clerk or on the Council's website ([www.camden.gov.uk/democracy](http://www.camden.gov.uk/democracy)) after 4.00 p.m. six working days before the meeting. You must comply with the relevant requirements in Parts 1 and 2 to be able speak to the Committee or address the Panel.
- 2.2 However, a Councillor who is objecting on their own right should consider whether they have a prejudicial interest. A Councillor must regard themselves as having a prejudicial interest if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest.
- 2.3 The Code of Conduct states that where a Member has such an interest s/he should not take part in any discussions about that interest, unless a dispensation has been obtained from the authority's Standards Committee. S/he must declare what the interest is and withdraw from the meeting by leaving the room.

2.4 It does not apply where, for example, a Councillor is acting in an advocacy role for his or her constituents, and no new information is being introduced into the public domain. However, in the case of the Panel you should ensure that the Interested Party complies with the requirements of paragraph 18 or you may be unable to.

### **3. Briefing for Licensing Committee (not Panels)**

3.1 There will only be a briefing before a committee meeting and this will only deal with the following matters:

(1) Reading late papers, which the Clerk has received on the day of the meeting and seeking clarification on them.

(2) Advice from the Clerk on procedure and in particular the application of these procedures.

3.2 The briefing should start 45 minutes before the start of the meeting and end 15 minutes before. This is to enable officers to be involved in advice to objectors and applicants before the meeting if required. Technical officers do not attend the briefing. There is an opportunity for clarification on matters covered in reports relating to applications during the meeting itself, when the technical officers are present.

### **4. Applications at Appeal**

4.1 The Borough Solicitor will provide a report every six months on the progress of applications determined by the Committee and the Licensing Panels, which have gone to appeal.

### **5. Personal Interests/Prejudicial Interests**

5.1 As with all other meetings, the provisions of the Camden Code of Conduct apply. The particular nature of the Licensing Committee and Panels means that issues of propriety are of particular concern. Members need to be particularly vigilant and should refamiliarise themselves with the provisions from time to time, seeking advice if in any doubt.

### **6. THE HUMAN RIGHTS ACT 1998**

6.1 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. The Convention guarantees certain basic human rights. As far as possible legislation (including the licensing laws) must be interpreted in conformity with Convention rights. Decisions on licensing matters are actions of a public authority and must be compatible with Convention rights. Consequently Members of the Committee must be aware of the rights contained in the Convention (particularly those set out below) when making licensing decisions.

**(a) Article 6: Right to a fair trial**

6(1) In the determination of his civil rights and obligations.....everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

**(b) Article 8: Right to respect for private and family life**

Everyone has a right to respect for his or her private life, his home and correspondence.

**(c) Article 1 of the First Protocol: Protection of property**

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

**(d) Article 14: Prohibition of discrimination**

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.

6.2 Most Convention rights are not absolute and there are circumstances when an interference with a person's rights is permitted.

6.3 Article 8 states that "there shall be no interference by a public authority with the exercise of (rights under that Article) except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others" and Article 1 of the First Protocol states that the provisions of the Article "shall not, however, in any way impair the right of a state to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties."

6.4 However, any interference with any of the Rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate to the intended objective of the authority. The interference will not be justified if the means used to achieve the aim are excessive in the circumstances.

6.5 This point is relevant to all licensing decisions but particularly in the context of conditions and enforcement. Home Office guidance on this point states "any interference with a Convention right should be carefully designed to meet the objective in question and must not be arbitrary or unfair. You must not use a

sledgehammer to crack a nut” to give effect to Convention rights in the licensing context, Members of the Licensing Committee will need to balance the rights of one individual (having regard to the personal circumstances of that person) against those of another and/or the interests of the community at large.

## **GENERAL ADVICE FOR MEMBERS**

### **7. Councillors who are not Members of the Licensing Committee**

- 7.1 A Councillor who is not a Member of the Licensing Committee may speak at a meeting of the Licensing Committee, with the agreement of the Chair, as an advocate for either the applicant or the objectors, and where no new information is being introduced into the public domain.
- 7.2 A Councillor who is not a Member of the Licensing Committee may speak, subject to paragraph 18, at a hearing before a Panel as an advocate for either the applicant or the objectors.
- 7.3 However, a Councillor attending in a personal capacity to object to or support any application should consider whether they have a prejudicial interest. A Councillor must regard themselves as having a prejudicial interest if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest.
- 7.4 The applicant automatically has the right to reply, and the right to see in advance the nature of the objection or representation. Members should disclose any interest they may have, including the fact that they have been in contact with objectors, the applicant, an Interested Party or a relevant Authority if this is the case and whether they are speaking on behalf of such persons or any particular interest.
- 7.5 Any Councillor who is not on the Licensing Committee but who is at one of its meetings should normally sit separately, to demonstrate that they are not taking part in the discussion, consideration or vote. They should not communicate with Members of the Committee or Panel or pass papers or documents to them before or during the meeting. They may not attend briefings or accompany the Committee if it retires to deliberate in private.
- 7.6 Councillors who are opposed *in principle* to any category of application or form of public entertainment, either in their own ward or borough-wide, should not seek nomination to the Licensing Committee.

### **8. Ward Members**

- 8.1 Being the Member for the ward in which particular premises are situated is not *per se* declarable and as a general rule Members of the Committee may deliberate on matters affecting their wards, provided this is done with an open mind. To underline the openness of the proceedings, the agenda papers show which ward each Member sits for, and it is helpful for Members to maintain the practice of naming their ward when they introduce themselves at the start of the meeting.

## **9. Being Seen to Act Fairly**

- 9.1 With regard to planning committees, the Local Government Ombudsman advises that not only must Members act fairly; they must be seen to act fairly. The same maxim should apply to licensing committees. During the course of meetings Members should not discuss (or appear to discuss) any matter with any members of the public nor should they accept letters or documents from members of the public unless they have been processed in the normal way through the Clerk. Members are also advised to maintain and demonstrate an open mind if contacted by applicants or members of the public in the time leading up to the meeting.

## **10. Members should be Present throughout Consideration of an Item**

- 10.1 Members making a decision on any particular item must ensure that they are present throughout its consideration. If they join the meeting or go out and return to it part way through a particular item they should refrain from participating in the discussion and not vote on that item. If a Member needs to leave the room, he or she may ask for a short adjournment.

## **11. Use of Political Whips**

- 11.1 The Local Government Ombudsman considers that the "whipping" of group meetings for town and country planning matters in this way is maladministration, and it is good practice to apply the same maxim to licensing matters.

## **12. Relationship between Members and Officers**

- 12.1 Good administration is dependent on a successful relationship between Councillors and officers, which can only be based upon mutual trust, and understanding of each other's roles and responsibilities. The Code governing this relationship is the Camden Code of Conduct. Periodically, Member/officer seminars will be arranged outside the formal committee setting at which general issues of licensing can be discussed more freely as part of the process of training and policy formulation.

## **13. Member Development and Training**

- 13.1 Because the technical issues concerning licensing are complex, and matters of propriety are not always straightforward, appointment to the Licensing Committee creates a requirement for new Members to undertake training on appointment, and for all Members to have refresher training periodically thereafter. Seminars are also organised where Members may develop their specialist knowledge and where topical issues may be aired. Members are advised not to accept nomination to the Licensing Committee unless they are prepared to take on this responsibility. Members also need to familiarise themselves with the provisions of these procedures.



## **PART 3**

### **PROTOCOL FOR VISITS TO PREMISES**

#### **1. Exceptional Circumstances**

- 1.1 Most premises are licensed under delegated powers. Others are referred to the Committee with a detailed report, containing all the background and technical information which officers, in their professional judgement, believe Members need to make a decision on an application. Therefore, visits to premises should be exceptional, and undertaken either to check a specific material consideration, or to assist the Committee with a matter that has hitherto been outside its experience or that of individual Members.
- 1.2 Members should also note the disruption that any visit will cause to the Schedule of meetings, to officers and interested parties attending the meetings.
- 1.3 If having read the officer's report a Member requires further information on an application, it would be appropriate for the Member to contact the report author to request the information to be included in the supplementary agenda which will be despatched the evening before the meeting.

#### **2. Arrangement of Visit**

- 2.1 The Executive Director Supporting Communities will notify the licensee that a visit is to be arranged, and a date will be fixed in consultation with the Chair and leaders of the opposition groups on the Committee, although this will not be communicated to the licensee. Members will then be notified of the visit.
- 2.2 In the interests of consistency and transparency, every effort should be made by Members considering the application to attend the visit.
- 2.3 Members will be accompanied on the visit by a licensing officer.

#### **3. Briefing**

- 3.1 Before a visit takes place there will be a briefing at a venue to be arranged, with a report setting out technical and background information regarding the premises. In particular, Members will be asked to note the reason for the visit and any specific aspects of the application they wish to focus on. The Borough Solicitor will remind Members of the relevant legislation, providing Counsel's opinion on specific advice as appropriate. Members will be reminded of Camden's Code of Corporate Governance and the rules governing expenditure.

#### **4. Arrival at the Premises**

- 4.1 Where appropriate, the accompanying officer should make clear the arrival of Members at the premises. If public admittance is an issue and where there is a door charge, this should be paid and the amount reimbursed by the Council. If

some other aspect of the premises is an issue, Members should be admitted without charge. If entrance is refused, and gentle persuasion fails, then the licensee's decision should be respected. Members should have their identity tags with them.

## **5. During the Visit**

- 5.1 If Members are visiting to see some particular aspect of the premises, or check something, then they should do so. Any specific observations should be passed to the officer, who will note them.
- 5.2 Interested parties will not be invited to site visits but should any attend this may be recorded by officers including a summary of any conversations they have held with Members if appropriate. Members may only ask questions or seek clarification from officers, the applicant or any third party as appropriate. Hospitality or gifts should not be accepted.
- 5.3 Where drinks are served, Members may partake at their own expense. Preferably drinks should be non-alcoholic. Any visit would not normally take longer than the average time taken to consume a drink. However, there may be circumstances (e.g. waiting for a performance to begin, or ascertaining the actual closing time of premises) where Members may need to stay longer.
- 5.4 Once Members are satisfied that the purpose of their visit, (as determined and discussed at the briefing) has been fulfilled, the visit should end. It would not be proper to remain for social or entertainment reasons, since these are not the purpose of the visit and could be misinterpreted.

## **6. After the Visit**

- 6.1 The fact that a visit took place will be recorded in the officer's report to the meeting of the Committee considering the application along with any relevant factors noted during the visit which may reasonably be taken into account. It would not be inappropriate for Members to ask questions of applicants and objectors, at the Committee, arising from their visit.

## **7. Unforeseen Circumstances**

- 7.1 If events during a visit to premises take an unexpected turn, such that there is a danger to Members, or the potential to embarrass them in their public capacity, it is usually advisable to leave immediately.

## **EQUALITY ACT 2010**

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including licensing functions. Members of the Panel must be mindful of this duty inter alia when determining all licensing applications. In particular Members of the Panel must pay due regard to the need to:

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

**ENDS**