



City of Westminster

Licensing Committee

Date:	20 November 2013
Classification:	For General Release
Title:	Late Papers to Licensing Sub-Committee
Report of:	Operational Director Premises Management Steve Harrison
Wards Involved:	Not Applicable
Policy Context:	Committees and delegation decision making
Financial Summary:	No financial implications
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1. Summary

- 1.1 Some Members of the Licensing Sub-Committee have raised concerns regarding late submissions of papers to the Sub-Committee hearing. One of the main concerns raised is that extensive paperwork is often received just prior to Licensing Sub-Committee meetings and that it can become unclear what the current position is in respect of the application.

2. Recommendation

- 2.1 That the Committee is recommended to agree the arrangements set out in the report.
- 2.2 In the event that the Committee is minded to agree the arrangements set out in the report, that they be reviewed over the next six months and a further report be submitted to the Committee in July 2014.

3. Background Information

- 3.1 Applicants (and their representatives) make submissions in support of their cases that are heard at the Licensing Sub-Committee hearings. There is no current legal provision that permits the Licensing Authority to refuse late submissions in support of an application up to the day before the Sub-Committee hearing.
- 3.2 For some parties, it is general practice for negotiations with responsible authorities to be undertaken at a late stage of the process, which can result in late submissions of papers and become hugely frustrating for Committee Members.

4. New Proposal

- 4.1 Cllr Lewis, on behalf of the Committee, has suggested that all papers are to be received by midday on the Monday before the usual Thursday hearing. Any late papers (received after this date and time) will have to have a covering note explaining why the submission is late and may result in an adjournment of the hearing to allow Members time to consider submission.
- 4.2 The Licensing Service will, if the Sub-Committee is content with this approach, communicate this to applicants through their standard acknowledgment correspondence to ensure this message is given at the earliest possible stage.
- 4.3 Environmental Health will also communicate this to applicants and their representatives during their negotiations in order to encourage submission of papers in good time.
- 4.4 In addition to this, the Licensing Service has recently introduced a new procedure for dealing with the issue of the submission of proposed conditions to the Licensing Sub-Committee. This procedure requires the applicant (or their representative) to submit an updated version of Appendix D of the reports (proposed conditions) where the applicant has been negotiating with responsible authorities after the report has been published and up to the day of the hearing.
- 4.5 The purpose of this is to encourage early negotiations between parties (including Environmental Health and Police) and also ensure that all those attending the hearing will have a consistent format of conditions to read in the event of late submissions of Appendix D.

5. Summary

- 5.1 Whilst the setting of a deadline is not legally enforceable (the Licensing Authority have to accept submissions up to the day before the hearing), it is hoped that applicants and their representatives will view the potential risk of a delay through adjournment as encouragement to submit their papers by the Monday before the Sub-Committee hearing.

6. Financial Implications

6.1 There are no financial implications arising from this report.

7. Legal Implications

7.1 There are no legal implications.