

# Licensing Committee Report

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| <b>Meeting:</b>           | Licensing Committee   |
| <b>Date:</b>              | 19 November 2014  |
| <b>Classification:</b>    | For General Release   |
| <b>Title:</b>             | Guidance on the Filming of Licensing Sub-Committee meetings and the exclusion of the public from Licensing Sub-Committee meetings |
| <b>Wards Affected:</b>    | All   |
| <b>Financial Summary:</b> | None  |
| <b>Report of:</b>         | The Head of Legal and Democratic Services   |

## **1. Executive Summary**

- 1.1 This report includes guidance to the Licensing Committee with regard to the filming of Licensing Sub-Committee meetings and the exclusion of the public from Licensing Sub-Committee meetings.

## **2. Recommendations**

- 2.1 That the Committee notes the guidance document attached as Appendix A to this report.
- 2.2 That the Committee agrees the recommendation in paragraph 16 of the guidance document (to amend all the rules of procedure that apply to hearings before the Licensing Sub-Committee so as to include a detailed rule on the process for the determination of requests to film the proceedings).
- 2.3 That the Committee agrees the recommendation in paragraph 25 of the guidance document (to adopt a protocol for the exclusion of the public when the Licensing Sub-Committee is dealing with a review application under the Licensing Act 2003 or any other applications where the police express concern that public disclosure may prejudice the investigation or prosecution of crime).

### **3. Background**

- 3.1 There have been requests received in recent weeks to film the proceedings of a Licensing Sub-Committee meeting. It is generally considered that the filming of such meetings should be allowed in accordance with the principles of transparency and accountability that apply to all public bodies. However, the Openness of Local Bodies Regulations 2014 that came into force on 6<sup>th</sup> August 2014 have caused some confusion in asserting that there is a right to film all local authority meetings.
- 3.2 The first part of the guidance document attached explains why those regulations do not apply to meetings of the Licensing Sub-Committee which are dealing with applications under the Licensing Act 2003 but also seeks to recognise that special rules need to apply whenever a Licensing Sub-Committee is conducting a public hearing where evidence is given by the parties involved.
- 3.3 The guidance document explains the legal issues and then proposes that all rules of procedure that apply to hearings before the Licensing Sub-Committee are amended so as to remove any suggestion that there is an automatic right to film and take photographs at such hearings but to also set out the criteria that will be used to determine whether filming and the taking of photographs of the hearing will be allowed.
- 3.4 The proposed amendment to the rules will require all parties to be consulted about the request to film the hearing and to be given the right to opt out of being filmed or photographed. The Chairman will have the final say as to whether any filming or photography is to be allowed and can give such instructions in that regard as he or she deems appropriate. An overriding principle is that any filming or photography that does take place must not impede or disrupt the conduct of the proceedings in any way.
- 3.5 The second part of the guidance document addresses the circumstances in which it might be possible to exclude the public from a meeting of a Licensing Sub-Committee. The default position is that all meetings of the Licensing Sub-Committee are open to the public and all reports can potentially be seen and read by the public. However, it is recognised that there are some applications before the Licensing Sub-Committee where the police may ask for the public to be excluded so as not to prejudice their investigation and possible prosecution of criminal activity by persons who are involved in some way with the premises under consideration.
- 3.6 The recommendation is for a protocol to be adopted whenever an application is received from the police for a standard review of a premises licence or a club premises certificate or for a summary (expedited) review of a premises licence so as to determine whether the public should be excluded from the hearing and also to ensure that confidential information is not accidentally disclosed by publishing it in the licensing register or on the Council's website. The guidance also recognises that a modified version of the protocol might apply when the police ask for the public to be excluded from a meeting that does not involve a review of the licence.

#### **4. Financial and Legal Implications**

- 4.1 There are no financial implications and the legal implications are set out in the body of the guidance document attached.

**If you have any queries about this report or wish to inspect any of the Background Papers please contact: Barry Panto in Legal and Democratic Services on 020 7641 2712 or email [bpanto@westminster.gov.uk](mailto:bpanto@westminster.gov.uk).**