

Privacy notice – Licensing

Data protection laws have changed. Please read our licensing privacy notice before you make comments on a licensing application, and take extra care with your personal information.

Who we are what we do

The council is a data controller under the data protection legislation as we collect and process personal information about you in order to provide licence and regulatory services and meet our statutory obligations.

This notice explains:

- Why we ask for your personal information
- How that information will be used
- How you can access your records

Why we need your information and how we use it

Our licensing department uses various kinds of information including personal data and occasionally special categories data (previously called sensitive personal data). This statement sets out the types of information that we collect and how we process it.

We receive applications seeking licensing and street trading consents of one form or another and requests for advice on submitting licensing applications. We also investigate allegations of breaches of licence conditions/regulations.

Our purpose in collecting and using data is to operate as a statutory body carrying out a public task. The most common things we use personal data are for:

- to help us determine an application
- publicise applications in various ways to seek comments and information
- notifying other services and organisations of proposals to seek their views
- investigating allegations
- writing reports and making decisions

We use your personal data for the purposes of processing and determining licensing applications, licensing policy and investigating alleged breaches.

We have a statutory obligation to provide these services in accordance with the following legislation:

- Licensing Act 2003
- Gambling Act 2005
- City of Westminster Act 1999
- Local Government (Miscellaneous Provisions) Act 1982

- Policing and Crime Act 2009
- London Local Authorities Act 1991
- Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
- Zoo Licensing Act 1984
- Dangerous Wild Animals 1976
- The Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2011
- Greater London Council (General Powers) Act 1984, Part VI (1984 Act)
- Hypnotism Act 1952
- Safety of Sports Grounds Act 1975
- Caravan Sites and Control of Development Act 1960

Source of your personal data

Your personal data may have been shared with Westminster City Council by another organisation as detailed below depending on how you submitted your application.

- Victoria forms
- MotoWeb Online Payments

What type of personal data is collected from you?

- Name
- Address
- Email
- Contact number
- Bank details
- Agent contact details (if applicable)
- Full address of the property or pitch location
- Next of kin details for street trading licence holders
- Registered assistant details for street trading licence holders
- Special categories data (previously called personal sensitive data)
- Information agreed to be confidential

If you are submitting supporting information, which you would like to be treated confidentially or wish to be specifically withheld from the public register, please let us know as soon as you can – ideally in advance of submitting the application. You can do this by contacting the Licensing Service at licensing@westminster.gov.uk.

The council publishes licensing applications on its website, which includes the applicant/agent name and address; however, we will redact the personal data you have provided; namely addresses, signature, email addresses and telephone numbers so these are not visible to the public and only to the council's licensing department. Please note, agent details are not normally classed as personal data therefore will be visible to the public.

We charge for licensing applications and will record payment amounts made against a record, amounts outstanding and the action taken to recover monies owed.

For Street Trading licences we charge for applications and invoice for pitch charges. In order to invoice for pitch charges we share your personal data with our finance service provider IBC Hampshire County Council. The information that is shared relates directly to licence holders addresses, pitch information and bank details.

Enforcement cases remain confidential and at no time will we divulge the details of complainants who have informed us of alleged licensing and street trading breaches.

Generally, the information we hold will have been provided by you (on an application or email correspondence or when we communicate with you), but we may also hold information provided by third parties where this is relevant, i.e. complainants, other council departments.

We will only ask for personal data that is appropriate to enable us to deliver our services. In some cases, you can refuse to provide your details if you deem a request to be inappropriate. However, you should note that this might affect our ability to provide some services to you.

Who your information may be shared with (internally and externally)

Where appropriate, we will need to share information with other departments in the council and to external bodies that we work alongside, where we have a lawful basis and legitimate purpose. Sharing information will be proportionate and in line with the GDPR/Data Protection Act 2018.

Please find further details below on how we deal with certain aspects of our service.

Comments

Comments include material considerations, which we take into account when determining licensing and street trading applications. All comments provided by you are held on our system along with your contact information, if it has been provided.

In order to be transparent as a local authority, we normally publish the full text of the comments you have provided and this full text is published on our public facing website.

We will provide your comments in the Licensing Sub-Committee reports published on our website and circulated to all interested parties prior to the hearing.

We will redact your name, address and email address. However, you should not provide any personal data or special categories (previously called sensitive personal data) about yourself in these comments which is capable of identifying you to anyone else. If you do so, you must be aware that these may be seen by the public at large. You should also not write anything defamatory about other individuals or provide their personal data without their consent.

Enforcement

We receive allegations of unlicensed premises and breach of conditions that we investigate and decide whether to act upon or not. Allegations are a useful way for us to learn about

potential breaches of licence conditions and we treat the personal details of the persons who make the allegation in confidence. These personal details are not made public.

Licensing News

Our weekly list of applications, along with premises names and addresses and information of applications, are sent to a subscribed list of Councillors and any other interested parties on the mailing list. Pending applications and applications listed for Licensing Sub-Committee are visible to members of the public on our public facing website.

Pre-application advice

Applications for pre-application advice are stored in our system. These are not published on our website.

Your rights

The data protection legislation allows you to find out what information is held about you, on paper and computer records. This is known as 'right of subject access' and applies to your licensing data along with all other personal records. If you wish to see a copy of your records, you should contact the council's data protection team at dataprotection@westminster.gov.uk

Please see the Council's website for more information about this and other rights of access under the GDPR.

Complaints and problems

Making decisions on licensing and street trading applications is part of our public duty. If you think we have done something wrong or there is a reason you would prefer for something to not be disclosed, please contact us by emailing licensing@westminster.gov.uk

If you need to make a complaint specifically about the way we have processed your data you should in the first instance use our [corporate complaints policy](#). If your complaint is relating to the processing of your personal data, you should contact our data protection officer at dpo@westminster.gov.uk. If we fail to respond properly, you are entitled direct your concerns to the [Information Commissioner's Office](#).

Further information

If you would like to know more about how the Council uses your information, or if for any reason you do not wish to have your information used in any of the ways described in this leaflet, please tell us.

Contact Westminster City Council's data protection officer at dpo@westminster.gov.uk.