

Minutes

Licensing Committee

Tuesday, 5 October 2021

**Meeting held at Committee Room 5 - Civic Centre,
High Street, Uxbridge**



Councillors on the Committee Present:

Simon Arnold (Chairman)
Alan Chapman (Vice-Chairman)
Darran Davies
Janet Gardner
John Hensley
Carol Melvin
John Morse
Colleen Sullivan

Officers Present:

Mark Braddock (Democratic Services)
Glen Egan (Legal Services)
Stephanie Waterford (Trading Standards, Licensing and Food Safety)
Daniel Ferrer (Licensing)
King-Yip Cheung (Trading Standards)

3. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Ray Graham and Councillor Lynne Allen.

4. DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING

No interests were declared by Members present.

5. TO APPROVE THE MINUTES OF THE MEETING HELD ON 7 APRIL 2021

The minutes of the meeting held on 7 April 2021 were agreed as a correct record.

6. TO APPROVE THE MINUTES OF THE MEETING HELD ON 20 MAY 2021

The minutes of the meeting held on 20 May 2021 were agreed as a correct record.

7. TO CONFIRM THAT THE ITEMS OF BUSINESS MARKED PART 1 WILL BE CONSIDERED IN PUBLIC AND ANY ITEMS OF BUSINESS MARKED PART 2 IN PRIVATE

It was confirmed matters would be considered in both public and private as set out on the agenda.

8. UPDATES TO LICENSING SUB-COMMITTEE HEARING PROTOCOLS TO PROVIDE FOR REMOTE HEARINGS AND ADMINISTRATIVE ADJOURNMENTS

RESOLVED:

That the Committee review and adopt the two additions to the wording in the hearing protocols as set out in the report relating to:

- 1) Holding of hearings under the Licensing and Gambling Acts remotely;**
- 2) The provision for administrative adjournments, if required, outside formal hearings.**

Democratic Services had sought a definitive legal view from the Borough Solicitor on the holding of hearings remotely and whether a sub-committee could adjourn administratively without having to convene formally. Legal advice provided by the Borough Solicitor deemed these provisions were permissible if added to the hearing protocols, though for the holding of remote hearings it was advised that this should be the exception, rather than the rule. Members of the Committee agreed the proposed additional wording to the protocols, which would enable hearings and related procedures, where necessary, to be conducted in a more efficient and accessible way for all parties.

9. COMMITTEE FORWARD PLANNER

The Committee noted the Forward Planner as set out on the agenda.

RESOLVED:

That the Committee note the Forward Planner and suggest any alterations to, or additional items, as set out.

10. RATIFICATION OF LICENSING SUB-COMMITTEE MINUTES

Members were updated on recent Licensing Sub-Committee decisions since the last meeting and ratified the minutes of the recent sub-committees hearing.

RESOLVED: That the Committee, with the agreement of any Members present at the following Sub-Committees that they are a correct record, ratify the minutes of the following meetings:

- 1. 10am, 27 April 2021 (Part 1 and Part 2 minutes)**
- 2. 10am, 29 July 2021 (Part 1 minutes)**
- 3. 2pm, 11 August 2021 (adjourned hearing – to be resumed 30 September) - Part 1 minutes**
- 4. 10am, 10 September 2021 (Part 1 minutes)**
- 5. 10am, 17 September 2021 (Part 1 minutes)**

This item was considered in Part II as it contained information relating to an individual, information which is likely to reveal the identity of an individual and information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. That the public interest in withholding the information outweighed the public interest in disclosing it (exempt information under paragraphs 1, 2 & 7 of Part 1 of Schedule 12A to the Local Government [Access to Information] Act 1985 as amended).

11. DEMONSTRATION FROM TRADING STANDARDS - COUNTERFEIT AND SEIZED GOODS (VERBAL UPDATE)

King-Yip Cheung, Senior Trading Standards Officer, gave a presentation to Members of the Committee on counterfeit goods. Products seized by the Trading Standards Team for investigation from off-licences were shown to Members of the Committee which included alcohol and cigarettes. The Committee were given an in-depth explanation of the crafts of the illegal trade that seek to imitate official branded good on sale.

RESOLVED: The meeting be adjourned forthwith for a fire alarm taking place.

The Committee reconvened shortly after the 'all clear' was given from the fire alarm.

In discussing the counterfeit goods, Members requested that information be provided to ward councillors on how to spot illegal products on sale. The Head of Trading Standards, Licensing and Food Safety indicated she would take this away to look at and report back.

The Council's enforcement approach to this was also discussed by Members present, including the most appropriate times to use the Proceed of Crime Act as a deterrent. It was welcomed that the Trading Standards Team was investing in a new role to increase its capacity to do this.

The Committee agreed that ward councillors should be notified at the appropriate time of seizures taking place in their wards, along with information provided to warn other premises nearby. The Head of Trading Standards, Licensing and Food Safety indicated she would take this away to look at and report back.

This item was considered in Part II as it contained information relating to be taken in connection with the prevention, investigation or prosecution of crime. That the public interest in withholding the information outweighed the public interest in disclosing it (exempt information under paragraph 7 of Part 1 of Schedule 12A to the Local Government [Access to Information] Act 1985 as amended).

12. MEMBER FEEDBACK FROM RECENT LICENSING TRAINING (VERBAL UPDATE)

Members welcomed the recent training session from Gary Grant, a leading licensing barrister and discussed some of the legal practices around good decision-making.

Whilst understanding the separate governance arrangements, Members requested that future licensing sub-committee reports include a planning history relating to the site, if relevant.

This item was considered in Part II as it contained information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. That the public interest in withholding the information outweighed the public interest in disclosing it (exempt information under paragraph 7 of Part 1 of Schedule 12A to the Local Government [Access to Information] Act 1985 as amended).

13. ANY ITEMS THE CHAIRMAN AGREES AS URGENT OR RELEVANT

At the end of the meeting, Members of the Committee discussed a matter raised by the Chairman in relation to the risks associated with any potential decision to revoke licenses compared to the use of conditions, and the implications of both when looked at on a case-by-case basis.

This item was considered in Part II as it contained information relating to be taken in connection with the prevention, investigation or prosecution of crime. That the public interest in withholding the information outweighed the public interest in disclosing it (exempt information under paragraph 7 of Part 1 of Schedule 12A to the Local Government [Access to Information] Act 1985 as amended).

The meeting ended at 10.59am.