

Minutes

LICENSING COMMITTEE

17 January 2012

Meeting held at Committee Room 4 - Civic Centre,
High Street, Uxbridge UB8 1UW



HILLINGDON
LONDON

	<p>Committee Members Present: Councillors Andrew Retter (Chairman) Josephine Barrett (Vice-Chairman) Lynne Allen (Labour Lead) Bruce Baker Mike Bull Judy Kelly Peter Kemp Janet Gardner Carol Melvin Brian Stead</p> <p>LBH Officers Present: Sharon Garner – Licensing Service Officer Stephanie Waterford – Licensing Service Manager Natasha Dogra – Democratic Services Officer</p> <p>Also Present: Sgt Ian Meens</p> <p>In Attendance: Cllr Dominic Gilham Charmaine Baker – Licensing Service Officer</p>	
20.	<p>CONSIDERATION OF THE MINUTES OF THE PREVIOUS MEETING <i>(Agenda Item 3)</i></p> <p>Resolved: The minutes of the previous meeting were agreed as an accurate record by the Committee</p>	Action by
21.	<p>TO CONFIRM THAT ALL ITEMS ON THE AGENDA WERE MARKED PART 1 AND THEREFORE WOULD BE CONSIDERED IN PUBLIC <i>(Agenda Item 4)</i></p> <p>It was confirmed that all items on the agenda were marked Part 1 and would therefore be considered in public.</p>	Action by

	<p>Service was minded to investigate the possibility of including a Special Policy which would aim to restrict the number of gambling establishments in certain areas.</p> <p>The LGA are currently lobbying DCMS to introduce more controls to Local Councils to limit the number of premises in operation. Officers said they would keep Members up to date regarding any responses from the DCMS.</p> <p>Members said there was an increasing problem of people using gaming machines whilst in a betting shop. Members said it was normal for those in a betting shop to place their bets and then use the betting machines while they waited. Officers informed Members that the profits from betting machines was substantial and on the rise.</p> <p>Officers said the introduction of a saturation policy would not restrict the London Borough of Hillingdon from hearing applications, but would give Committees grounds for refusal, should they be minded to refuse an application.</p> <p>Some Members of the Committee stated that there was a degree of over-sensitivity applied to gaming premises, and the Committee would benefit from waiting to hear from the DCMS.</p> <p>Sgt Ian Meens said gaming premises were notoriously associated with crime and disorder. This could range from youths congregating around the site to damage to machines on the premises. Sgt Meens said a large number of calls were generated due to this behaviour.</p> <p>Members agreed that there was a need to change the Gambling Policy and would welcome an increase in power for Licensing Authorities when determining applications.</p> <p>Resolved: The Committee gave their views to the Licensing Service for further investigation.</p>	<p><i>Stephanie Waterford – Licensing Service Manager</i></p>
<p>24.</p>	<p>UPDATE ON THE POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011 (<i>Agenda Item 7</i>)</p> <p>Officers informed Members that the Police Reform & Social Responsibility Act received Royal Assent in September 2011. Part 2 of the Act aimed to rebalance the Licensing Act 2003 by bringing in extra controls for Licensing Authorities and at the same time, relaxing some of the more burdensome licensing systems.</p> <p>Members were informed that the changes to the Act included:</p> <p>Locally set fees under the Licensing Act 2003 The Government will introduce locally set licence fees to ensure full cost recovery.</p> <p>Enable Licensing Authorities to suspend licences due to non payment of fees</p>	<p>Action by</p>

Currently, licence holders are required to pay an annual fee for their licence. Unfortunately there is no provision to act against licence holders for non payment of fees. The changes will enable Licensing Authorities suspend licences where payment is not made within 21 days of the fee being due.

Lowering the evidential hurdle for Cumulative Impact Policies to control outlet density

The amendments will enable Licensing Authorities to consider wide ranging local needs of an area and make it easier to implement such policies. The authority will attach greater weight to the views of local people and will not be constrained by the requirement to provide detailed additional evidence.

Increase the opportunities for local residents to be involved in licensing decisions – removing the ‘vicinity’ test

Currently, the only persons who may be considered ‘interested parties’ for the purpose of making representations against licence applications, are those who live in the ‘vicinity’ of the premises. The new rules will remove the ‘vicinity’ test and instead will include ‘persons who live or have business interests within the relevant licensing authority area.’

Reducing the burden of proof on licensing authorities

Currently Licensing Authorities have to demonstrate that licence decisions are necessary to promote the licensing objectives. The changes will replace ‘necessary’ for ‘appropriate’ and therefore reduce the burden of proof for decisions.

Making local health bodies responsible authorities

Currently, responsible authorities under the Licensing Act include; Police, Fire Service, Trading Standards, Child Protection, Environmental Health, Planning, Health & Safety. The new legislation will make local health bodies responsible authorities. It is not yet clear who will take on this responsibility in light of the Governments plans to disband PCTs.

Making Licensing Authorities responsible authorities

This is a welcome change and will mirror the system in use under the Gambling Act 2005. This will enable Licensing Authorities to make representations against licence applications in the same way as the Police, Child Protection, and Trading Standards etc.

Temporary Event Notices

The changes will increase the limits from 15 days to 21 days per premises and the duration from 96 hours to 168 hours. The changes will also enable the Environmental Protection Authority to object to TEN on the ground of public nuisance, currently only the Police may object to TEN on crime and disorder grounds. Applicants will also be able to serve a TEN less that 10 clear working days prior to the event under the ‘late TENs’ provisions.

Members welcomed this change to ensure charitable events went ahead without a problem. However, concerns were raised over TENs being used for week long music events. The Committee requested that

a letter be sent to Members of Parliament of the London Borough of Hillingdon recording the Committee's serious concerns over this change. Licensing Service Officers agreed to circulate the full consultation and the draft letter to Members of the Licensing Committee for comments by the end of next week,

Persistently selling alcohol to children

This offence currently carries a maximum fine of £10,000. The Government will increase this maximum to £20,000. Members welcomed this change, however Officers said it would be very unusual for Magistrates to hand out the maximum penalty to culprits.

Flexible opening hours

The introduction of 24 hour alcohol licences discouraged the use of staggered closing times, zoning and fixed closing times. The new provisions will now encourage the use of measures to tackle problems resulting from licensed premises.

Licensing Policy Statement

Licensing Authorities are required to review and publish a Statement of Licensing Policy every 3 years. The government has increased this to every 5 years.

Late Night Levy

This is a new power for licensing authorities to introduce a charge for premises that have late night licences and where there are high enforcement costs for the Police and Local Authority. The levy will be set at a national level with 80% of revenue going to the Police.

Early Morning Restriction Orders

EMROs are an un-commenced power in the Licensing Act 2003 which will enable Licensing Authorities to restrict alcohol sales in certain areas between 3am and 6am if it is appropriate for the promotion of the licensing objectives. Officers informed Members that EMROs had not been utilised in the London Borough of Hillingdon before.

Members asked Officer what these changes would mean for the Licensing Service and the Local Authority, to which Officers replied:

- Public consultation on the revised licence fees and send through Committee/Cabinet/Council.
- New procedures to be devised and delegations set up for the suspension of licences following non-payment of licence fees.
- Member and staff training
- New hearing protocols to be written
- New procedures for assessing applications
- Training and guidance to be prepared for new Temporary Event Notice provisions
- The review of the Statement of Licensing Policy to include all the relevant legislation changes and policy statements.
- Extra projects, consultations, policy revisions, and PR if EMROs, Cumulative Impact Policies and Late Night Levy's are deemed appropriate for Hillingdon.

Resolved:

	<p>1. The Committee noted the update on new legislation 2. That a letter would be sent from the Licensing Committee to Hillingdon MPs raising the concerns over changes to the Temporary Event Notices.</p>	<p><i>Stephanie Waterford – Licensing Service Manager</i></p>
<p>25.</p>	<p>UPDATE OF LICENSING APPEALS AND REVIEWS (Agenda Item 8)</p> <p>Officers provided Members with an update on the status of each premises licence which had been appealed:</p> <p><u>Hayes Superstore – 75 Station Road, Hayes</u></p> <ul style="list-style-type: none"> • The premises Licence was revoked by the Licensing Sub-Committee on 17th January 2011 following a review application from the Trading Standards Service. • The Licence Holder appealed the decision to the Magistrates Court and a hearing was held on 1st August 2011. • The appeal was withdrawn by the appellant due to the inconsistency in his evidence. • A new licence application was made for 75 Station Road by Amarjeet Singh which was granted on 1st November 2011. • The premises continues to trade under new management. <p><u>Best Food & Wine – 61 Station Road, West Drayton</u></p> <ul style="list-style-type: none"> • The premises Licence was revoked by the Licensing Sub-Committee on 18th August 2011 following a review application from the Police Service. • The Licence Holder appealed the decision to the Magistrates Court and a hearing was scheduled for 31st October 2011. • The appeal was withdrawn at the hearing due to a new licence being granted for the premises on 21st October 2011. • The premises continues to trade under new management. <p><u>West Drayton Food & Wine – 19 Station Road, West Drayton</u></p> <ul style="list-style-type: none"> • The premises Licence was revoked by the Licensing Sub-Committee on 18th August 2011 following a review application from the Police Service. • The Licence Holder appealed the decision to the Magistrates Court and a hearing was scheduled for 31st October 2011. • The appeal was withdrawn at the hearing due to a new licence being granted for the premises on 29th September 2011. • The premises continues to trade under new management. <p><u>Botwellears – 25 Botwell Lane, Hayes.</u></p> <ul style="list-style-type: none"> • The premises Licence was revoked by the Licensing Sub-Committee on 23rd August 2011 following a review application from the Police Service. • The Licence Holder appealed the decision to Magistrates Court and a Hearing has been scheduled for 2nd March 2012. • The premises continues to trade pending the outcome of the appeal. <p><u>Hayes News & Booze, 772/774 Uxbridge Road, Hayes.</u></p>	<p>Action by</p>

	<ul style="list-style-type: none"> • The premises Licence was revoked by the Licensing Sub-Committee on 23rd August 2011 following a review application from the Police Service. • The Licence Holder appealed the decision to Magistrates Court and a Hearing has been listed for 24th February 2012. • A new application was submitted for the premises under a new name. This was subject to a Police representation and was refused at a Sub-Committee Hearing on 5th December 2011. • The premises continues to trade pending the outcome of the appeal. <p><u>Venus Convenience Store, 18 Station Road, West Drayton.</u></p> <ul style="list-style-type: none"> • The premises Licence was revoked by the Licensing Sub-Committee on 1st September 2011 following a review application from the Police Service. • The Licence Holder appealed the decision to Magistrates Court and a Hearing has been listed for 28th February 2012. • A new application was submitted for the premises under a new name. This was subject to a Police representation and will be determined at a Sub-Committee Hearing on 18th January 2012 • The premises continues to trade pending the outcome of the appeal. <p>Resolved: The Committee noted the update.</p>	<p><i>Stephanie Waterford – Licensing Service Manager</i></p>
26.	<p>UPDATE ON LICENSING STATISTICS (<i>Agenda Item 9</i>)</p> <p>Officers informed Members that 841 Premises Licences and 2260 Personal Licences had been granted under Officer Delegated Powers and by the Licensing Sub Committees. Between January 2011 and December 2011 477 Temporary Event Notices (TENS) had been issued.</p> <p>Resolved: The Committee noted the update.</p>	<p>Action by</p> <p><i>Stephanie Waterford – Licensing Service Manager.</i></p>
<p>The meeting, which commenced at 10.00 am, closed at 11.33 am.</p>		

These are the minutes of the above meeting. For more information on any of the resolutions please contact Natasha Dogra on 01895 277 488. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.