

Minutes

LICENSING COMMITTEE

27 September 2012

Meeting held at Committee Room 3a - Civic
Centre, High Street, Uxbridge UB8 1UW



HILLINGDON
LONDON

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| | <p>Committee Members Present: Councillors Josephine Barrett (Vice-Chairman) Lynne Allen Mike Bull Judy Kelly Peter Kemp Janet Gardner Carol Melvin Brian Stead</p> <p>LBH Officers Present: Stephanie Waterford – Licensing Services Manager Sharon Garner – Licensing Services Officer Sue Pollitt – Trading Standards Manager Beejal Soni – Licensing Lawyer Charles Francis – Democratic Services Officer</p> | |
| 7. | <p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>Apologies had been received from Cllr David Payne.</p> | |
| 8. | <p>ELECTION OF CHAIRMAN (<i>Agenda Item</i>)</p> <p>That Councillor Josephine Barrett be elected Chairman of the Licensing Committee for this meeting.</p> | |
| 9. | <p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>None.</p> | |
| 10. | <p>TO CONFIRM THAT ALL ITEMS ON THE AGENDA ARE PART 1 AND WILL BE CONSIDERED IN PUBLIC. (<i>Agenda Item 3</i>)</p> <p>All items were considered in Public.</p> | |
| 11. | <p>TO AGREE THE MINUTES OF THE MEETING HELD ON 6 JUNE 2012 (<i>Agenda Item 4</i>)</p> <p>The minutes of the Licensing Committee meeting held on 6 June 2012 were agreed as an accurate record.</p> | Action by |
| 12. | <p>TAMARA LOUNGE (<i>Agenda Item 5</i>)</p> | Action by |

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| | <p>The Licensing Service Manager informed Members about the following recent review.</p> <p>Tamara Lounge, Byron Parade, Uxbridge Road, Hillingdon.</p> <p>An application for a Review of the premises licence for Tamara Lounge was made by PC Ian Wares on behalf of the Metropolitan Police Service. This was received on 25th July 2012 on the grounds of:-</p> <ul style="list-style-type: none"> - Prevention of Crime and Disorder - Prevention of Public Nuisance <p>The premises licence was suspended for a period of 8 weeks following the end of the licensing appeal period in order for the directors and new operations manager to implement the conditions agreed at the meeting. Officers confirmed that the appeal period had started and the licence holder had 21 days in which to lodge an appeal.</p> <p>Resolved –</p> <p>That the update be noted</p> | |
| 13. | <p>TRADING STANDARDS UPDATE (<i>Agenda Item 6</i>)</p> <p>The Trading Standards Officer informed Members that on the 7th April and the 16th, 17th and 21st June 2011, Trading Standards Officers accompanied by HMRC and Police Officers visited 29 off licences/general grocers in the Borough.</p> <p>The purpose of the visits was to detect any illegal alcohol which may have been on sale or in possession for sale by the traders. This may have been non-duty paid alcohol, to be dealt with by HMRC, or counterfeit alcohol, to be dealt with by Trading Standards. As a result of these visits, a total of 9 Premise licences were called in by Trading Standards for review by the Licensing Committee. Each of these licences was revoked by the Committee. (A number of other licences were called in by the Police.)</p> <p>In addition, in accordance with the Enforcement Policy, further investigations were carried out and 6 infringement reports covering 9 premises were drawn up. It was noted that in all cases, it was recommended that criminal proceedings were instigated, alleging offences against the Trade Marks Act 1994.</p> <p>Resolved –</p> <p>That the report be noted</p> | Action by |
| 14. | <p>LICENSING ANNUAL FEES (<i>Agenda Item 7</i>)</p> <p>Officers explained that the Police Reform & Social Responsibility Act</p> | Action by |

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| | <p>2011 introduced powers to suspend premises licence under the Licensing Act 2003 for failure to pay annual fees.</p> <p>Previously, the Licensing Service had little power to enforce against premises licence holders who failed to pay their annual fees resulting in lost revenue for the Authority. Officers reported that the new power of suspension was working well and the Licensing Service had recovered a number of fees which, previously would have been extremely difficult to recover.</p> <p>It was noted that the power of suspension was currently delegated to the Licensing Committee and where fees cannot be recovered, a report would be produced by the Licensing Service and presented to the Committee in the usual way.</p> <p>Once a licence is suspended, it cannot be reinstated until the outstanding fees are settled.</p> <p>Resolved –</p> <p>That the information be noted.</p> | |
| 15. | <p>LIVE MUSIC ACT (<i>Agenda Item 8</i>)</p> <p>Officers informed Members that on 8th March 2012 the Live Music Bill received Royal Assent and became the Live Music Act 2012. It was noted that the legislation would come into force on 1st October 2012.</p> <p>The effects of the new legislation will remove the licensing requirements for:</p> <ul style="list-style-type: none"> • Amplified live music between 08.00 hours and 23.00 hours before audiences of no more than 200 people on premises authorised to sell alcohol for consumption on the premises (e.g. pubs, clubs, hotels and restaurants) • Amplified live music between 08.00 hours and 23.00 hours before audiences of no more than 200 people in workplaces not licensed under the Licensing Act 2003 (e.g. shops, community centres, religious establishments) or premises licensed only for late night refreshment (e.g. takeaways) • Unamplified live music between 08.00 hours and 23.00 hours in all venues. <p>Where licensable activities (such as the sale of alcohol) continue to take place on premises, any licence conditions related to live music will be suspended.</p> <p>However, Licensing Authorities will be able to impose new or re-instate existing live music conditions following a Review of the premises licence or club premises certificate relating to a premises authorised to supply alcohol for consumption on the premises.</p> | Action by |

In addition, The Live Music Act would also remove all licensing requirements for the provision of entertainment facilities (e.g. providing facilities for making music and dancing).

Also, it will widen the licensing exemption for live music integral to a performance of Morris dancing or dancing of a similar type and the exemption applies to both live and recorded music instead of just unamplified live music.

Members were informed that the Key terms used in the Live Music Act 2012 were:

- ‘Music’ includes vocal or instrumental music or a combination of the two. Therefore, the performance of Karaoke is live music under this Act but the playing of music by a DJ is not a performance of live music.
- ‘Live music’ is a performance of live music in the presence of an audience which it is intended to entertain.
- A ‘Workplace’ is as defined in regulation 2 (1) of the Workplace (Health, Safety and Welfare) Regulations 1992 and is anywhere that is made available to any person as a place of work. It is a very wide term which can include outdoor spaces.
- ‘Audience’ – an activity is licensable as regulated entertainment if it falls within one or more of the descriptions of entertainment in paragraph 2 of Schedule 1 to the Licensing Act 2003 and takes place in the presence of an audience for whose entertainment it is provided, even if they do not wish to be entertained.
- ‘Relevant licensed premises’ refers to premises which are authorised to supply alcohol for consumption on the premises by a premises licence or a club premises certificate.

Any public performance of live unamplified music that takes place between 08.00 hours and 23.00 hours on any day no longer requires a licence in any location. An exception to this is where a specific condition related to live music is imposed following a review of the premises licence or club premises certificate.

Resolved –

That the report be noted

| 16. | <p>TOTAL NUMBER OF PREMISES (<i>Agenda Item 9</i>)</p> <p>Officers provided an update on the total number of premises which had been issued. The following information was noted: Premises Licences</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: left;">Type of Licence</th> <th style="text-align: left;">No. issued</th> </tr> </thead> <tbody> <tr> <td>Clubs</td> <td style="text-align: center;">85</td> </tr> <tr> <td>Entertainment Premises</td> <td style="text-align: center;">54</td> </tr> </tbody> </table> | Type of Licence | No. issued | Clubs | 85 | Entertainment Premises | 54 | Action by |
|------------------------|--|-----------------|------------|-------|----|------------------------|----|------------------|
| Type of Licence | No. issued | | | | | | | |
| Clubs | 85 | | | | | | | |
| Entertainment Premises | 54 | | | | | | | |

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| Hotels | 35 |
| Off Licences | 277 |
| Public Houses | 128 |
| Restaurants | 155 |
| Take Aways | 78 |
| Other | 30 |
| Total | 842 |

Personal Licences

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| Personal Licences | 2417 |
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Temporary Event Notices (tens)

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| Issued from Sep 2011 to Aug 2012 | 513 |
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At the conclusion of the item the Legal Officer notified Councillors that where relevant, the Licensing Service would, in compliance with its role as Responsible Authority, provide comments on an application to a Sub-Committee. These comments will be contained in the report attached to an application.

Resolved –

That the report be noted

The meeting, which commenced at 10.00 am, closed at 10.40 am.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Charles Francis 01895 556454. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.