

Minutes

LICENSING COMMITTEE

17 April 2014

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



HILLINGDON
LONDON

	<p>Committee Members Present: Councillors Dominic Gilham (Chairman) David Yarrow (Vice-Chairman) Lynne Allen (Labour Lead) Mike Bull Josephine Barrett Peter Kemp Carol Melvin Brian Stead a Janet Gardner</p> <p>Also Present: Ian Wares, Acting Sgt, Metropolitan Police Service</p> <p>LBH Officers Present: Stephanie Waterford, Licensing Services Manager Charlene Ellis, Licensing Officer Nicole Cameron, Legal Advisor Nadia Williams, Democratic Services Officer</p>
14.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>Apologies had been received from Councillor Judy Kelly.</p>
15.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>There were no declarations of interest notified.</p>
16.	<p>TO AGREE THE MINUTES OF THE MEETING HELD ON 14 JANUARY 2014 (<i>Agenda Item 3</i>)</p> <p>The minutes of the meeting held on 14 January 2014 were agreed as a correct record.</p>
17.	<p>TO CONFIRM THAT ITEMS MARKED IN PART 1 WILL BE CONSIDERED IN PUBLIC (<i>Agenda Item 4</i>)</p> <p>It was confirmed that all items would be heard in Part 1.</p>
18.	<p>AMENDMENT TO LICENSING COMMITTEE DELEGATIONS (<i>Agenda Item 5</i>)</p> <p>Officers introduced the report and advised that the Committee was being asked to amend the Licensing Act 2003 under the Police Reform and Social Responsibility Act 2011, to delegate the power to suspend licences for non-payment of annual fees to the</p>

	<p>Deputy Chief Executive and Corporate Director of Residents Services . A function that was currently being undertaken by the Licensing Sub-Committees.</p> <p>Members indicated that initial reporting of the non-payment of fees to the Sub-Committees was the right way forward, as it had proved very helpful in sending out the message that the Council took non-payment of fees very seriously, to businesses that failed to make payment. The Committee agreed that it would now be appropriate to delegate the function to officers and noted that the Act allowed for officers to report any concerns about specific licences, to a Sub-Committee for a decision.</p> <p>Resolved - That the Licensing Committee approved the delegated powers to the Deputy Chief Executive and Corporate Director of Residents Services to suspend licences for non-payment of annual fees.</p>
19.	<p>PERSONAL LICENCES: GOVERNMENT RESPONSE TO THE CONSULTATION ON 'PERSONAL LICENCES; ENABLING TARGETED LOCAL ALTERNATIVES' (<i>Agenda Item 6</i>)</p> <p>In introducing the report, officers asked the Committee to note the outcome of the Government's consultation on Personal Licence: Enabling Targeted Local Alternatives, which ended on 7 November 2013. The proposal was for Licensing Authorities to abolish the requirement to renew a personal licence every ten years and in enabling the Licensing Authorities to develop their own more targeted alternatives to the personal licence system.</p> <p>It was noted that the Government Response to the consultation outlined their decision not to proceed with the proposal to abolish personal licences, due to lack of support.</p> <p>Members noted and welcomed the outcome.</p> <p>Resolved</p> <p>The Committee noted the report on Personal Licences: Government response to the Consultation on 'Personal Licences; Enabling Targeted Local Alternatives'.</p>
20.	<p>HOME OFFICE ALCOHOL STRATEGY (<i>Agenda Item 7</i>)</p> <p>Officers introduced the report and directed Members to note the statutory changes to the Home Office Alcohol Strategy in respect of modifications to the Mandatory Code of Practice, where businesses would be required by law, to comply with the licensing conditions of the Mandatory Code. It was noted that these changes were due to come into effect in May 2014.</p> <p>The Chairman asked officers to circulate confirmation to Members of the Committee once this came into effect in May 2014.</p> <p>Members welcomed the calculations attached to the report and noted that the calculations shown, appeared to have highlighted very low pricing and were therefore alarmed at the introduction of a minimum pricing. Officers advised that the introduction of minimum pricing was aimed at all alcohol retailers that offered heavily discounted alcohol products, particularly at smaller retailers such as off licences, as they were more likely to be ultra competitive with their pricing, due to the competition in cluster areas.</p>

A Member suggested that enforcement officers should be given the authority to check invoices of purchase and questioned whether mandatory conditions would prevent supermarkets from discounting other free gifts.

The Legal Advisor advised that supermarkets would be required to take all discounts into account and to also include them in the minimum pricing.

A Member expressed concerns that some shops would resort to reducing their prices, if they found that the minimum pricing had highlighted that they had been selling at a higher price than the minimum price.

The Committee discussed and expressed concerns at the increase in the number of off licence shops and the increasing number of grocery shops, which were now also selling alcohol.

The Chairman added that officers would update the Committee on the effects of the statutory change in due course.

Resolved -

- **That the report on the Home Office Strategy be noted.**
- **Requested officers to notify Committee Members when the modifications to the Mandatory Code of Practice came into effect.**

21. **CLASSIFICATION OF FILMS IN CINEMAS** (*Agenda Item 8*)

In introducing the report, officers advised that at the meeting of the Licensing Committee held on 14 January 2014, Members requested officers to research the regulatory powers for the classification of films (in relation to the deregulatory changes to entertainment licensing for community film exhibition). The Committee was informed that details of the powers that were available to the Council, as the Licensing Authority under the Licensing Act 2003, were outlined in the report.

During discussion, Members ascertained that films without a British Board of Film Classification (BBFC) would first need to be viewed by the Council in order to assess the classification before they could be shown in the community. To this end therefore, the Committee indicated that it would be in order for the Council to adopt the BBFC.

Officers advised that in cases where the BBFC rating was considered to be inappropriate, these could be overridden by the Council and there were examples of local authorities that had done so. The Committee was informed however, that in order to classify a film for exhibition, local authorities were required to adopt a policy with a clear procedure in place and Hillingdon Council would need to develop such a policy.

The Committee noted that whilst it would be impossible to monitor and control the films that people watched on the internet and in their own homes, there would need to be a balance between being a sensitive authority and the issue of safeguarding children. Officers added that all public showing of films would require a licence and once the policy was in place, Licensing Service would write to all licence holders to inform them of the introduction of the policy.

The Legal Advisor advised that not all cinema showings and public non-classified showing would have to be classified by the Council; the policy would merely set out the procedure, should the Council be required to review a classification or classify a public

	<p>showing.</p> <p>Resolved - That the Committee noted that officers would begin work on a film classification policy and procedure for consideration by the Licensing Committee.</p>
22.	<p>VOTE OF THANKS (<i>Agenda Item</i>)</p> <p>On behalf of the Licensing Committee, the Chairman extended a vote of thanks to Councillors Josephine Barrett, Mike Bull and Peter Kemp for all the work they had done as Licensing and Licensing Sub-Committee Members and for Hillingdon residents, as they moved on to pastures new.</p>
	<p>The meeting, which commenced at 10.00 am, closed at 11.48 am.</p>

These are the minutes of the above meeting. For more information on any of the resolutions please contact Nadia Williams on 01895 277655. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.