



HILLINGDON  
LONDON



# Licensing Committee

**Date:** THURSDAY, 14 APRIL 2016

**Time:** 10.00 AM

**Venue:** COMMITTEE ROOM 5 -  
CIVIC CENTRE, HIGH  
STREET, UXBRIDGE,  
UB8 1UW

**Meeting  
Details:** Members of the Public and  
Press are welcome to attend  
this meeting.

## Councillors on the Committee:

Dominic Gilham (Chairman)  
David Yarrow (Vice-Chairman)  
Lynne Allen (Labour Lead)  
Roy Chamdal  
Jazz Dhillon  
Janet Gardner  
Judy Kelly  
Carol Melvin  
John Morse  
Brian Stead

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[www.hillingdon.gov.uk](http://www.hillingdon.gov.uk)

*Putting our residents first*

Lloyd White  
Head of Democratic Services  
London Borough of Hillingdon,  
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[www.hillingdon.gov.uk](http://www.hillingdon.gov.uk)

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# Agenda

- 1 Apologies for Absence
- 2 Declarations of Interest in matters coming before this meeting
- 3 To approve the minutes of the meeting held on 12 January 2016 1 - 4

## Part 1 - Public

### PRESENTATION

- 4 Shisha Cafes and Smoke Free legislation

Officers will present to Members an overview of legislation along with the Council's powers and responsibilities over such matters. Handouts will be provided at the meeting.

### POLICY DISCUSSION

- 5 Hearing Protocol for Street Trading 5 - 16
- 6 Betting Shops and Planning Guidance 17 - 18

### INFORMATIVES

- 7 Councillor Handbook on Gambling Regulation 19 - 22
- 8 Licensing Activity Update 23 - 24
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### BUSINESS

- 10 Forward Planner 29 - 30

## **Part 2 - Members' Only & Not for Publication**

### **11 Sub-Committee Decisions and Ratification of Minutes**

31 - 64

*This agenda item is to be considered in private as it contains 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. It is deemed that the public interest in withholding the information outweighs 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).*

# Agenda Item 3

## Minutes

### LICENSING COMMITTEE

12 January 2016

Meeting held at Committee Room 5 - Civic Centre,  
High Street, Uxbridge UB8 1UW



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	<p><b>Committee Members Present:</b> Councillors Dominic Gilham (Chairman), David Yarrow (Vice-Chairman), Lynne Allen (Labour Lead), Roy Chamdal, Janet Gardner, Judy Kelly and Brian Stead</p> <p><b>Also Present:</b> Sgt. Nick Davies and Acting Sgt. Ian Wares from the Metropolitan Police Service</p> <p><b>LBH Officers Present:</b> Dr. Steve Hajioff, Director of Public Health Stephanie Waterford and Claire Freeman from the Licensing Services Mark Braddock, Democratic Services and Beejal Soni, Legal Services</p>
19.	<p><b>APOLOGIES FOR ABSENCE</b> (<i>Agenda Item 1</i>)</p> <p>Apologies were received from Councillors Carol Melvin, Jazz Dhillon and John Morse.</p>
20.	<p><b>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING</b> (<i>Agenda Item 2</i>)</p> <p>No interests were declared by Members present.</p>
21.	<p><b>TO APPROVE THE MINUTES OF THE MEETING HELD ON 15 OCTOBER 2015</b> (<i>Agenda Item 3</i>)</p> <p>The minutes of the meeting held on 15 October 2015 were agreed as a correct record.</p>
22.	<p><b>TO CONFIRM THAT THE ITEMS OF BUSINESS MARKED PART 1 WILL BE CONSIDERED IN PUBLIC AND THE ITEMS MARKED PART 2 IN PRIVATE</b> (<i>Agenda Item 4</i>)</p> <p>This was confirmed.</p>
23.	<p><b>PUBLIC HEALTH AND LICENSING</b> (<i>Agenda Item 5</i>)</p> <p>The Director of Public Health for Hillingdon, Dr Steve Hajioff gave a presentation to the Committee about the relationship between public health and the licensing functions of the Council.</p> <p>An engaging discussion took place by Members on the topics raised, of which the salient points included:</p> <ul style="list-style-type: none"><li>• An understanding of the history of public health and how it had developed into a broader concept over time;</li></ul>

- The unknown health effects of alcohol addiction, such as dementia along with better intelligence on where drunken behaviour takes place and where Emergency Services are required to attend for drug and alcohol intoxication;
- That alcohol addiction problems were greater in the North of the Borough due to the more affluent population and that Brunel University's presence in Uxbridge was likely to skew results of alcohol related presentations at A&E;
- The recent changes brought in by the UK Government in relation to guidance on safe levels of drinking alcohol, where Members sought further clarification on;
- The importance of encouraging good nutrition and healthy eating in terms of light night refreshment licensing, street trading and markets;
- The move towards electronic cigarettes and vaping and how the Council can discourage such use in licenced premises, noting that in Wales, that the Assembly intended to pass a law to ban such devices in specific places;
- The worrying trend of Shisha Pipes and usage, which posed a far greater public health risk than ordinary smoking and understanding the limited role the Council had in prohibiting this legal high.
- Concerns about possible HPV transmission amongst users of e-cigarettes and Shisha Pipes, which could lead to cancer. Members felt this message needed to be re-enforced within local communities.
- Outdoor smoking areas, secondary smoking and the increase in noise as a result was flagged as an issue Members have had to tackle previously at licensing sub-committee hearings.
- The risks of psychoactive substances such as Nitrogen Dioxide were explored along with how the Police had recently tackled sales of this in local stores.

Members welcomed the recent representations from Public Health in relation to licensing applications and discussed what further assistance the Public Health Team could provide going forward in order to give Members a wider spectrum of evidence when considering applications.

The Committee expressed its sincere thanks to the Director on a useful presentation. During the discussion on the matter, the Committee requested the following actions:

#### **RESOLVED:**

**That:**

- 1. Information on the percentage of people presented at local A&E with alcohol related issues be provided to Committee Members.**
- 2. The Committee would welcome further liaison between the Public Health Team and the NHS in an effort to gather greater intelligence on A&E presentations and pick-up points by Emergency Services of intoxicated individuals etc..., in order to gain a better picture of problem areas or clusters in the Borough to inform the licensing sub-committees when making decisions about premises.**
- 3. The Public Health Team provide Members with further details on the new guidelines brought in by the UK Government on safe alcohol consumption.**
- 4. Information be provided to Members on the proposals in Wales to limit e-cigarette use and vaping.**
- 5. Licensing Officers be requested to consider informatives when making recommendations on licences in order to discourage use of e-cigarettes**

and vaping inside premises.

6. The Public Health Team provide Members with information about the transmission of HPV through newer forms of smoking and recommend consideration be given to increased publicity of this relatively unknown risk, including a fact sheet for Members.

24. **UPDATE ON LICENSING POLICIES RECENTLY APPROVED BY CABINET AND COUNCIL** (*Agenda Item 6*)

The Licensing Officer informed Members about the responses to the recent consultations on the Street Trading, Markets, Gambling and Licensing Policies which has been recommended by Cabinet to Council for adoption, where required. The Committee welcomed the adoption of many of their comments on the policies during the consultation phase.

25. **MEMBER WORKING GROUP REVIEW INTO UNDER 18 ALCOHOL RELATED PRESENTATIONS TO A&E** (*Agenda Item 7*)

The Chairman updated Members and the Director of Public Health present about the recent review by a Working Group of the External Services Scrutiny Committee into A&E admissions of under 18s in relation to alcohol. It was noted that whilst the figures in Hillingdon appeared high compared to neighbouring areas, the actual volume of cases were low. The review would be presented to Cabinet shortly with recommendations to improve cross-agency monitoring of this.

26. **POLICE ENFORCEMENT ACTIVITY UPDATE** (*Agenda Item 8*)

The Metropolitan Police representative informed Members of recent Test Purchase Operations in relation to off-licenses. It was welcomed that procedures had recently been updated to ensure follow up visits by Police Cadets along with improved record keeping. Members requested regular reporting back to the Committee and improved liaison by Trading Standards in relation to the sale of alcohol to underage children.

**RESOLVED:**

**That:**

1. The Metropolitan Police Service provide regular updates to the Committee on recent Test Purchase Operations and their success.
2. That the Council's Trading Standards Team strengthens its liaison on such matters with the Metropolitan Police and the sales of alcohol to underage children.

27. **LEGISLATIVE UPDATE** (*Agenda Item 9*)

The legal update was noted by Members, in particular how new regulations coming into effect would require trade buyers, for example, off licences or restaurants, who buy their alcohol from UK wholesalers for resale, to make sure that such wholesalers are approved by HMRC. Members were informed that the check would be made using an

online look up service, however, it was felt that this was wholly insufficient in terms of providing confidence to users and the Committee proposed other forms of approval logos or badging, similar to other consumer protection schemes.

**RESOLVED:**

**That the Legal Advisor draft a letter for the Chairman to send on behalf of the Committee to the relevant Government Minister detailing the proposal for improved badging and awareness of this scheme to buyers.**

28. **FORWARD PLANNER** (*Agenda Item 10*)

**RESOLVED:**

**That the Committee note the updated Forward Planner.**

29. **SUB-COMMITTEE DECISIONS & RATIFICATION OF MINUTES** (*Agenda Item 11*)

Relevant Members of the Committee agreed minutes of previous licensing sub-committee hearings as a correct record and the Committee then ratified the minutes of the meetings.

**RESOLVED:**

**That the Committee:**

- 1) **Note the decisions of the Licensing Sub-Committees since the last Licensing Committee meeting;**
- 2) **Note and ratify the minutes of the Licensing Sub-Committee meetings dated:**
  - a) **13 October 2015 (Part 1 & Part 2);**
  - b) **16 October 2015: RE: Bar (Part 1 & Part 2);**
  - c) **16 October 2015: Uxbridge Flower Stall (Part 1)**
  - d) **6 November 2015 (Part 1)**
  - e) **26 November 2015 (Part 1 & Part 2).**

The meeting, which commenced at 10.00 am, closed at 11.50 am.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Democratic Services on 01895 250636 or email: [democratic@hillingdon.gov.uk](mailto:democratic@hillingdon.gov.uk). Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.



## DRAFT STREET TRADING HEARING PROTOCOL

<b>Committee</b>	Licensing Committee
<b>Officer Contact</b>	Beejal Soni, Legal Services
<b>Papers with report</b>	Appendix 1: Draft Street Trading Hearing Protocol
<b>Ward(s) affected</b>	All

### HEADLINE

To request authorisation from the Licensing Committee to consult on an updated Street Trading Hearing Protocol.

### RECOMMENDATION

1. That the Licensing Committee considers the proposed Street Trading Hearing Protocol;
2. That, subject to any changes required by the Licensing Committee, the Regulatory Services Manager be authorised to begin a 28 day consultation on the introduction of a new hearing protocol for Street Trading applications.
3. That whilst a delegated function of the Committee, the portfolio Cabinet Member for Finance, Property and Business Services be informed prior to the consultation taking place by Regulatory Services.

### SUPPORTING INFORMATION

On 08 June 2011 the Licensing Committee approved urgent and non-urgent hearing procedures for Street Trading applications.

In December 2015, Cabinet approved the updating of the Council's Street Trading and Markets Policies. Officers subsequently reviewed existing hearing procedures in order to ensure that no conflict existed with the newly revised policies.

It has been concluded that the Street Trading Hearing Protocol requires a full revision because:

1. Licensing Sub-Committees now comprise 3 rather than 5 Members;
2. Applications which were regarded as urgent are now subject to longer application timescales. It is therefore unlikely that the Sub-Committee will be required to hear Urgent Street Trading applications;
3. The revised Street Trading Policy and Street Trading Hearing Protocol will provide a more efficient process for traders and officers of the Council.

The suggested new Street Trading Hearing Protocol is attached to this report marked Appendix 1 for Members' consideration.

Section 24(3B) of the London Local Authorities Act 1990 permits the Licensing Committee to prescribe the procedure to determine street trading applications. However, before the procedure is introduced, a 28 day consultation must be held with traders and/or their representatives on the proposed hearing procedure.

In the event that the Licensing Committee accepts the recommendation, the Cabinet Member will be briefed as licensing policy generally falls under his remit and then a 28 day consultation will be held with traders and/or their representatives. The results of this consultation will be reported back to the Licensing Committee on 13 July, along with a proposed final version of the hearing protocol for adoption.

### **Implications on related Council policies**

None at this stage.

### **Legal implications**

Legal comments are contained within this report.

### **Financial Implications**

None at this stage.

### **Background Papers / Further Reading Material**

NIL



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## Draft Street Trading Hearing Protocol

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**This protocol outlines the procedures that will be followed in relation to hearings held under the London Local Authorities Act 1990 to consider the grant or renewal or variation or revocation of a Street Trading Licence**

## Contents

1	Introduction	
2	Timescales	
3	Persons who must be notified by a hearing	
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6	Procedure at the hearing	
7	Determination of applications- time limits	
8	Record of proceedings	
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10	Notices	
11	Appeals	

## **1. Introduction**

- 1.1 Part III of The London Local Authorities Act 1990 (hereinafter referred to as "the Act") provide that a Council shall determine for itself the procedure to be followed at a hearing.
- 1.2 These procedures set out the way in which the Licensing Authority (hereinafter referred to as "the Authority") will conduct hearings under the Act for the grant or renewal or revocation or variation of a permanent or temporary Street Trading Licence.

## **2. Timescales**

- 2.1 A Licensing Sub-Committee may not refuse to grant or renew or vary or revoke a street trading licence unless the Licensing Officer has given least 21 calendar days' notice in writing to the trader that representation(s) has/have been received and advising the trader of the grounds on which the decision will be based.

## **3. Timescales for Notice of Hearing to be given**

- 3.1 The Authority shall give the formal Notice of Hearing no later than 5 clear working days before the first day on which the hearing is to be held.
- 3.2 Where a hearing will take more than one day, the Authority must arrange for the hearing to take place on consecutive days.

## **4. Persons who must be notified of a hearing**

- 4.1 The persons who must be notified of a hearing are set out below as a summary:
  - The Trader or proposed trader in an application for the grant, renewal or variation of a licence;
  - Any applicant for the variation or revocation of a licence issued under Part III of the London Local Authorities Act 1990;
  - Any person who has made representations about an application for the grant or renewal or variation or revocation of a licence.

## **5. Information to be provided in a Notice of Hearing**

- 5.1 The information and documentation that must accompany the Notice of Hearing relating to an application for the grant or renewal or variation or revocation of a licence includes:

- The agenda for the meeting, containing the Licensing Officer report;
- The procedure to be followed at the hearing;
- The method and time limit by which a party may inform the Sub-Committee of their intention to attend and/or to be assisted or represented by any person whether legally qualified or not;
- The right to question any other party;
- The right to address the Authority;
- The method and time limit by which a party may call witnesses to give evidence at the hearing
- The consequences if a party does not attend or is not represented at the hearing.

- 5.2 The Notice of Hearing will ask all parties to attend a briefing session 20 minutes before the hearing begins. At this briefing the Council's Legal Advisor will be available to answer questions or provide any clarification.
- 5.3 The Authority's Licensing Officer will prepare a report for the consideration by the Committee. This will be sent to the Trader with the Notice of Hearing.
- 5.4 The report prepared by the Authority's Licensing Officer will contain details of any objections received related to an application for the grant or renewal or variation or revocation of a street trading licence. The report will also provide the grounds upon which the decision of the Sub-Committee will be based.

## **6. Notice of Reply**

- 6.1 On receipt of the Notice of Hearing, all parties must inform the Authority no later than 1 working day before the date of the hearing whether they:
- Intend to attend or be represented at the hearing;
  - Wish to request that another person appear at the hearing (other than their representative) as a witness. If such a request is made, it should be accompanied by details of the name of that person and a brief description of the point or points about which that person may be able to assist the hearing.
- 6.2 Each party should send the Notice of Reply to the Democratic Services Department, London Borough of Hillingdon, Civic Centre, Uxbridge, Middlesex, UB8 1UW. The Notice of Reply will specify the deadline for sending it back to the Council.

## **7. Failure of parties to attend the hearing**

- 7.1 If a party has informed the Authority that they will not be attending or be represented at the hearing it may proceed in their absence.
- 7.2 If a party does not give notice that they will not be attending but fails to attend and is not represented the Authority may either:

- (a) Adjourn the hearing if it considers it to be necessary in the public interest; or
- (b) Hold the hearing in the party's absence.

- 7.3 If the Authority holds the hearing in the absence of a party, it will consider at the hearing the application, the representation or notice previously submitted by the party.
- 7.4 If the Authority adjourns the hearing to a specified date it must forthwith notify the parties of the date, time and place to which the hearing has been adjourned.

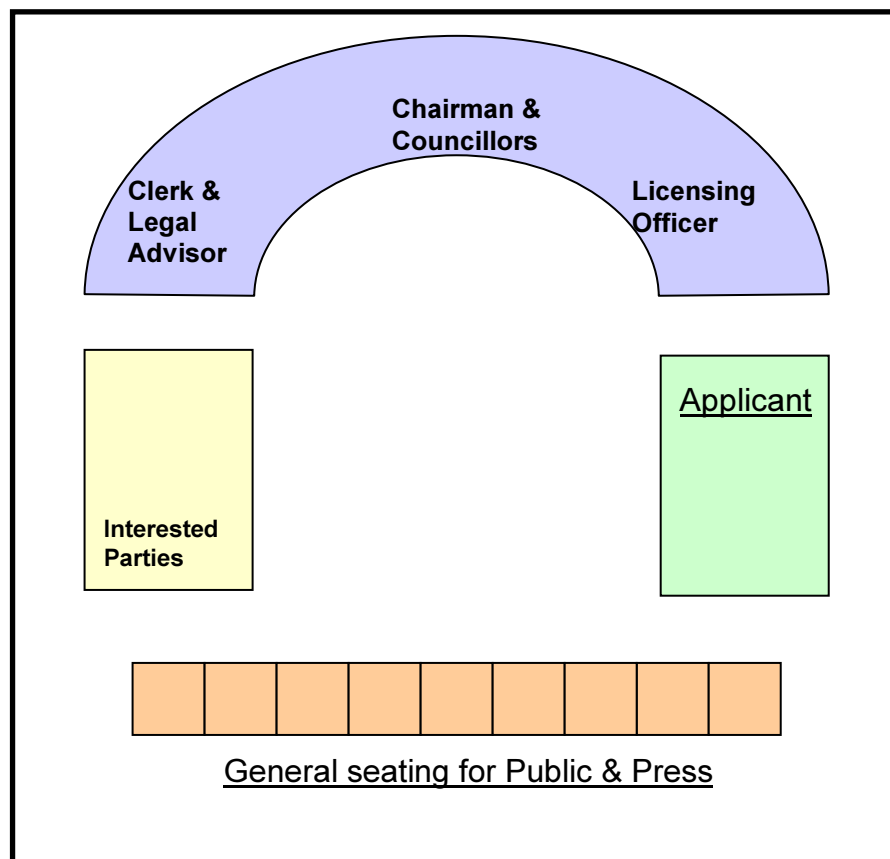
## 8. Procedure at the hearing

### 8.1 Composition of Sub-Committee

8.2 The Sub-Committee will, usually consist of three members appointed from members of the Authority's Licensing Committee.

8.3 No business shall be transacted unless at least two members of the Sub-Committee are present and able to form a properly constituted Sub-Committee.

8.4 The usual room layout for the hearing will be as outlined below:



8.5 The usual order of proceedings will be as set out below:

### Order of proceedings

The Chairman of the Sub-Committee will open the hearing by introducing the Councillors, explaining the purpose of the proceedings and the general procedure. The Chairman will then check that there are no additions or alterations to the list of those appearing at the hearing.

**Introduction by the  
Regulatory Services**



**The Applicant**



**Any Officer who has  
submitted representations**



**Interested Parties etc... who  
have submitted representations**



#### **DISCUSSION LED BY THE SUB-COMMITTEE**

The Chairman will lead the discussion. This will be a chance for all parties to provide comments on any submissions that have been made to the Sub-Committee.



**Closing remarks from  
each party**



**Sub-Committee  
deliberates**



**Chairman announces the  
decision**

The Licensing Officer will introduce the report and will outline the matter before the Sub-Committee, giving any relevant background information. Members may ask questions of the officer.

The Applicant or the person representing him/her will be invited to address the Sub-Committee. The Sub-Committee may ask questions.

Officers of the Council and/or any Officer who performs an enforcement function in relation to the Act will be invited to address the Sub-Committee. Councillors may ask questions of the Responsible Authorities.

Interested Parties will be invited to address the Sub-Committee. Where there are a number of parties making similar representations the Chairman may ask the parties to nominate a spokesman to make the representations. The Sub-Committee may ask questions.

The Chairman will invite the parties to the hearing, in reverse order, to make brief closing remarks on the application. The Applicant makes the final closing remarks.

The Sub-Committee will remain in the room to deliberate and make their decision, with only the Legal Advisor and the Clerk to the Sub-Committee remaining. All others present will be asked to leave the room.

Parties may return to the room when invited to do so and the Chairman will announce the decision. The Chairman will remind the Applicant that the decision will be sent to them in writing. There can be no further questions or statements.



- 8.6 The Sub-Committee may allow the parties to question any other party (if permission is given) and to address the relevant committee, but will seek in all cases to avoid repetition of matters (whether included in written material or otherwise) irrelevancy or any abuse of procedure.
- 8.7 The Sub-Committee will be guided by legal principles by determining whether evidence is relevant and fairly admissible. In particular, hearsay evidence may be admitted before the Sub-Committee but consideration will always be given to the degree of weight, if any, to be attached to such evidence in all the relevant circumstances.
- 8.8 When considering any representations or notice made by a party, the Authority may take into account documentary or other information produced by a party in support of their application, representation or notice, either:
- (a) Before the hearing; or
  - (b) With the consent of all other parties at the hearing.
- 8.9 If documentary or other evidence is submitted late or at the hearing, the Sub-Committee may decide to adjourn the hearing so as to allow Members and any other party time to consider the information and that may involve an adjournment of proceedings to another date. The Sub-Committee may decide not to consider the information if no satisfactory explanation is provided for its late submission.
- 8.10 Any party may withdraw their representations by contacting the Democratic Services Department by phone, letter or email, providing they give notice no later than 24 hours before the first day of the hearing. If, during the hearing, any party wishes to withdraw their representations they may do so orally by informing the Chairman.
- 8.11 A hearing under the Act shall take place in public save that:
- (a) The Sub-Committee may exclude the public from all or part of a hearing where it considers that, on balance, it is in the public interest to do so;
  - (b) The parties and any person representing them may be excluded in the same way as another member of the public.
  - (c) The Sub-Committee may exclude the public from all or part of a hearing where it is satisfied that there is a need to protect as far as possible, the commercial or other legitimate interests of a party to the hearing.
- 8.12 The Sub-Committee may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may:
- (a) Refuse to permit the person to return; or
  - (b) Allow them to return only on such conditions as the Authority may specify.

- 8.13 Any person excluded may, before the end of the hearing, submit to the Sub-Committee in writing, any information which, they would have been entitled to give orally had they not been required to leave and the Sub-Committee will take that information into account in reaching a determination of the application or review.
- 8.14 In order to ensure fairness to the Parties and/or in the interests of the proper consideration of the matter in question, the Sub-Committee may waive, vary or modify any part or the whole of these rules in any particular case.
- 8.15 The Chairman of the Sub-Committee has the power to extend time where it is appropriate to do so in the interests of the determination of the case.

## **9 Determination of the application and time limits**

- 9.1 The Sub-Committee will endeavour to make its determination and provide a summary of the reasons for its decision at the conclusion of the hearing. A written decision notice shall be provided to all parties to the hearing within 5 working days of the last day of the hearing.
- 9.2 Where the Sub-Committee has not made a decision immediately following the conclusion of the hearing, the Sub-Committee will make its decision within 5 working days of the last day of the hearing. The Authority will notify the parties to the hearing of the decision in writing as soon as reasonably practicable after the decision has been made.

## **10 Record of Proceedings**

- 10.1 The Authority must arrange for a record to be taken of the hearing in a permanent and intelligible form and for that record to be kept for six years from the date of determination. Where an appeal is brought against a determination by the Authority, the record must be kept for six years from the date of disposal of the appeal.

## **11 Irregularities**

- 11.1 Proceedings will not be rendered void only as the result of failure to comply with any provision of the Regulations.
- 11.1 Where the Authority considers that any person may have been prejudiced as a result of an irregularity relating to the Regulations, it will take such steps, as it thinks fit to cure the irregularity, before reaching its determination.
- 11.2 Clerical mistakes in any document recording a determination of the Authority or errors arising in such a document as a result of an accidental slip or omission may be corrected by the Authority.

## 12 Notices

12.1 Any notices under these regulations will be given in writing. Such a notice may be sent electronically, providing:

- (a) It can be accessed by the recipient in a legible form;
- (b) It is capable of being reproduced as a document for future reference;
- (c) The recipient has agreed in advance to receive it in such form;
- (d) A copy is sent in documentary form forthwith to the recipient.

## 13 Appeals.

13.1 Either those that have made an application or those who have made representations on an application may have the right to appeal the Authorities decision to the Magistrates' Court.

13.2 An appeal must be commenced within twenty one days of receipt of the written decision notice following the outcome of the Sub-Committee hearing.

13.3 Appeals may only be submitted in relation to permanent street trading licences. There is no appeal process for applications for temporary street trading licences.

13.4 The Notice of appeal should also be sent to the Authority's Legal Services Department.

## 14. Other information and contact details.

14.1 The minutes of a hearing will be made available on the Council's website at: [www.hillingdon.gov.uk](http://www.hillingdon.gov.uk)

14.2 All applications once they are lodged will be available for viewing on Hillingdon Council's website at [www.hillingdon.gov.uk](http://www.hillingdon.gov.uk) and in the Civic Centre Offices by appointment with the Regulatory Services Department during working hours.

14.3 The address and contact details for Democratic Services are:

Clerk to the Committee  
Democratic Services  
3E/05  
Civic Centre  
Uxbridge  
UB8 1UW                      Tel: 01895 250636 or email [democratic@hillingdon.gov.uk](mailto:democratic@hillingdon.gov.uk)

14.4 The address and contact details for Legal Services are:

Legal Services Department, 3E/04, London Borough of Hillingdon, Civic Centre  
Uxbridge, UB8 1UW  
DX: 45101 Uxbridge

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## BETTING SHOPS AND PLANNING GUIDANCE

<b>Committee</b>	Licensing Committee
<b>Officer Contacts</b>	Mandip Malhotra, James Rodgers, James Gleave Planning, Transportation and Community Projects
<b>Papers with report</b>	None
<b>Ward(s) affected</b>	All

### RECOMMENDATION

That the Committee note the briefing.

### INFORMATION

This Briefing Note has been prepared to set out the Council's current and emerging planning policies relating to controlling the spread of betting shops in the Borough.

#### Permitted Development Rights

Betting shops have previously fallen under Use Class A2 (Financial and Professional Services) of the General Use Classes Order of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) Order 2015. However, it is noted that the most recent amendment, The Town and Country Planning (Use Classes) (Amendment) (England) Order 2015, has now classed betting shops as sui generis (a use that does not fall within any use class).

As a sui generis use, any new betting shop must apply for full planning permission. The only exception to this relates to a new betting shop tenant moving into a unit formerly used (its last known use) as a betting shop. In this circumstance, the new tenant is able to operate under the previous users consent.

For any new planning proposals for betting shops, the Council will consider planning applications based on their impacts on amenity, concentration of similar uses, security of the locality and proximity to sensitive uses and against the relevant planning policies in place. Further details of adopted and emerging planning policies are set out below.

#### Existing/Adopted Policy Background

The London Plan notes that over-concentrations of betting shops and hot food takeaways can give rise to particular concerns for town centres. The Mayor of London's Town Centres SPG adopted in July 2014 states that there is an urgent need to enable local planning authorities to control the proliferation of betting shops and to address the implications this

can have for maintaining the vitality and viability of town centres and for protecting their amenity and safety.

Paragraph 8.18 of the Council's adopted Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) states that the Local Planning Authority aims to retain the retail function of all shopping areas, to meet the needs of the area each serves.

The adopted policy position seeks to retain predominantly 'A1' retail and a limited range of other 'A class' uses (banks and building societies and food and drink uses) within primary shopping areas, which are identified as being the main focus of retail activity. Secondary shopping areas are located on the periphery of primary areas and offer more flexibility to incorporate a mix of shopping and service uses, such as financial and professional services, launderettes and community facilities.

Any full planning application for a betting shop would be assessed on its merits, against existing planning policies. Proposals coming forward in shopping areas are likely to be resisted by officers on the basis that they do not support the retail function and are no longer classed as retail or 'A' class uses. However, the overall percentage of retail uses in these areas and the individual circumstances relating to each application would also need to be taken into account.

### **Emerging Hillingdon Local Plan: Part Two - Development Management Policies**

Paragraph 3.21 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies; states that there is a need to control the proliferation of betting shops and to address the implications they can have on maintaining the vitality and viability of town centres and protecting amenity and safety. It highlights the issues affecting amenity and the continued success of town centres, which justify planning authorities to consider the merits of proposals for betting shops.

Emerging Policy DMTC 4, Town Centre Uses, states that proposals for restaurants and hot food takeaways, drinking establishments, betting shops, night clubs, casinos, amusement centres, minicab offices and other similar uses will be supported provided that they:

- i) would not result in adverse cumulative impacts due to an unacceptable concentration of such uses in one area;
- ii) would not cause unacceptable disturbance or loss of amenity to nearby properties by reason of noise, odour, emissions, safety and security, refuse, parking or traffic congestion; and
- iii) would not detrimentally affect the character or function of an area by virtue of the proposed use or visual impact.

Again, this policy seeks to resist a concentration of betting shop uses in town centres. As all new betting shops must now apply for planning permission to open new premises, proposals will be assessed against the above adopted and emerging planning policies.

## COUNCILLOR HANDBOOK ON GAMBLING REGULATION

<b>Committee</b>	Licensing Committee
<b>Officer Contact</b>	Stephanie Waterford X 7232
<b>Papers with report</b>	Appendix 1 - Completed gambling checklist
<b>Ward(s) affected</b>	All

### HEADLINE

This report introduces the information requested on the checklist for councillors in the Local Government Association, councillor handbook on gambling regulation.

### RECOMMENDATION

**That the Licensing Committee notes Hillingdon's position in respect of the checklist.**

### SUPPORTING INFORMATION

- 1.1 At the October Committee meeting, Members were provided with a copy of the Local Government Association handbook on gambling regulation. This handbook had been developed to help guide local authorities to make full use of the range of tools at its disposal in relation to gambling. It also provides an overview of the responsibilities binding on Licensing Authorities and gambling operators within their local areas.
- 1.2 The handbook contains a checklist for councillors intended to help local authorities focus on key issues it should consider in its approach to local gambling regulation.
- 1.3 At the request of the Committee, the checklist has been completed to give an understanding of the current position regarding local gambling regulation in Hillingdon. Attached at appendix 1, officers will be happy to answer any further questions Members' may have.

### Legal implications

None at this stage.

### Financial Implications

None at this stage.

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LGA Gambling Regulation Councillors Handbook

Checklist for Councillors in England and Wales

Checklist of questions	Hillingdon Council position
Has the authority mapped local gambling provision / premises in the local area?	Not yet, Local Area risk profiling comes in April this year under the Gambling Act 2005 and it will be one of the actions required as part of this.
Is the authority aware of any specific gambling related risks in the local area? How might these be mitigated?	Yes, anti-social behaviour and theft in betting shops are risks specifically related to some areas in Hillingdon. This can be mitigated on a case by case basis when the local area profiles and local risk assessments are implemented.
Has the Authority set out an approach to preventing gambling by children and young people?	Yes, this is outlined in the Statement of Gambling Policy attached as Appendix 1 page 13 section 2.12 - 2.24
What is the authority's approach to tackling illegal gambling?	The current approach is based on intelligence or complaints received and using a multi agency strategy. Outlined in the Gambling policy Part 4, page 16 - 17, section 3.1 - 3.7.
Has the authority engaged with local public health, addiction and treatment charities, CAB, homeless charities etc about problem gambling in the locality?	Public Health were consulted on the Gambling Policy. All of these services will be engaged with as part of the implementation of local area profiling. There is currently no direct provision of a gambling addiction service based within Hillingdon.
Has the authority engaged with local operators and premises in developing its approach?	Operators and trade representatives were consulted on the Gambling Policy at the end of 2015. The authority will need to engage further with local operators when the local area profiles are actioned.
Has the authority clearly set out its expectations of operator local risk assessments?	Yes, in the Gambling Policy part 4 pages 18 - 19 Section 4.1 - 4.8.
Has the authority clearly set out its expectations of operators in relation to children and young people, including those sectors where children and young people might legitimately frequent premises?	Yes, in the Gambling Policy page 13, section 2.5 - 2.17.

<p>Has the authority developed and shared with operators its approach to compliance and enforcement?</p>	<p>Yes, in the Gambling policy page 8 - 10 Section 1.42 - 1.48.</p>
<p>How might partnership working with local operators support the authority's approach to local gambling regulation?</p>	<p>Partnership working with local operators may be supported in the following ways: Betwatch, compliance checks and action taken in line with enforcement policy. 'Open door' advice service for existing and new applicants.</p>
<p>How might tools and powers outside the Gambling Act support the authority's approach to local gambling regulation?</p>	<p>By working with the Metropolitan Police and Anti-Social Behaviour team, powers under acts such as the Anti-Social Behaviour and Policing Act 2014 can be used to support gambling regulation. These give powers such as Public Space Protection Orders and Dispersal Orders. Police can use their powers where crime is an issue. In addition there are powers under the Licensing Act to deal with gambling activities in alcohol premises.</p>
<p>Can the authority demonstrate how it has reached the fee levels it has set?</p>	<p>Service costs were calculated with input from Legal Services, Democratic Services and Finance when the legislation came into force. This was also benchmarked against other local authorities. Fees were then set accordingly and this was approved by Cabinet in 2007.</p>
<p>Has the authority ensured that licensing and planning policies share a common approach to new premises for gambling?</p>	<p>Yes, in the Gambling Policy, page 16 integrating strategies. Specifically sections 3.5 - 3.7.</p> <p>In addition, there is a section on betting shops in the Local Plan.</p>

## LICENSING ACTIVITY UPDATE

<b>Committee</b>	Licensing Committee
<b>Officer Contact</b>	Claire Freeman, Regulatory Services
<b>Papers with report</b>	None
<b>Ward(s) affected</b>	N/A

### HEADLINE

To provide an update for Members on key activity within Regulatory Services. Going forward, it is proposed to further develop the presentation of such statistical information so Members can understand trends and gain a useful overview of licensing activity.

### RECOMMENDATION

**That the Committee note the information.**

### SUPPORTING INFORMATION

The following table demonstrates information on the number and type of premises licences that are currently active across the Borough. For comparison, data from 2009/2010 has been provided to show how the profile of the Borough has changed over the last five years.

<b>Licence type</b>	<b>Active licences 2015 /16</b>	<b>Active licences 2009 / 10</b>
Clubs	<b>89</b>	<b>89</b>
Hotels	<b>36</b>	<b>34</b>
Off Licences	<b>297</b>	<b>254</b>
Public Houses	<b>113</b>	<b>152</b>
Restaurants	<b>154</b>	<b>149</b>
Takeaways	<b>76</b>	<b>76</b>
Other	<b>34</b>	<b>13</b>
Personal Licences	<b>3231</b>	<b>1944</b>
Temporary Event Notices (TENS) per year	<b>387</b>	<b>362</b>

The following table shows the number and type of premises licences processed during the year 2015/16:

<b>Licence type</b>	<b>No. processed</b>
Clubs	<b>1</b>
Hotels	<b>2</b>
Off Licences	<b>21</b>
Public Houses	<b>2</b>
Restaurants	<b>9</b>
Takeaway	<b>0</b>
Other	<b>2</b>
Personal Licences	<b>352</b>
Variations minor	<b>28</b>
Variations full	<b>10</b>
Change of DPS	<b>147</b>
Transfers	<b>44</b>

## LEGISLATIVE UPDATE

<b>Committee</b>	Licensing Committee
<b>Officer Contact</b>	Beejal Soni, Legal Services
<b>Papers with report</b>	None
<b>Ward(s) affected</b>	All

## HEADLINE

This report provides an update for Members on recent legislative developments.

## RECOMMENDATION

**That the Committee note the update.**

## SUPPORTING INFORMATION

### 1. Legislative Reform (Exempt Lotteries) Order 2016

In 2014 the Department for Culture, Media and Sport ran a consultation seeking views from charities and other organisations with an interest in fundraising through exempt lotteries. The proposed changes aimed to deregulate some of the requirements of exempt lotteries and allow charities and other non-commercial organisations to promote lotteries at all types of event and to enable private lotteries to fundraise for charities and other good causes.

Following the consultation, the Legislative Reform (Exempt Lotteries) Order 2016 was finalised and will take effect on the 6th April 2016.

The Order will enable lotteries to be provided as an incidental activity to another promotion, whether or not the main event is commercial or non-commercial. The results of incidental lotteries will no longer be required to be made public whilst the event is taking place and will enable lotteries, such as balloon races, to be used to raise funds for charity.

Private society lotteries will be able to raise funds for any purpose other than for private gain, removing the restriction providing that funds must be used for the purposes of the society alone. A private society includes any group or society whose main purpose is not connected with gambling such as religious groups or sports clubs.

Workplace and residents' lotteries will be allowed to be promoted for a purpose other than for private gain, such as raising funds for charitable purposes.

Some of the detail previously required to be displayed on private lottery tickets will also be removed.

There will still be some limitations as to how lottery promotions can be run although from the 6th April operators will be permitted to use lotteries as a means to raise funds for their chosen good causes.

The Gambling Commission is to review its advice and guidance to ensure that local authorities and promoters are aware of the new requirements once the changes come into force.

## **2. The Policing and Crime Bill**

The Policing and Crime Bill (hereinafter referred to as "the Bill") was introduced on 10 February 2016. Part 7 of the Bill relates to potential changes to the Licensing Act 2003.

In brief, proposed changes include:

- Amending the definition of alcohol to ensure that powdered alcohol and vaporised alcohol fall within the definition.
- Amending the summary review process to allow licensing authorities to keep interim steps in place between the review hearing and the outcome of any appeal. Also amending s.53B to limit the number of times a licensee can make representations against the interim steps before the review hearing.
- Giving licensing authorities the power to revoke or suspend a personal licence when someone is convicted of a relevant offence.
- Adding to the list of relevant offences.
- Removing the requirement to lay the 182 Guidance before Parliament when it is revised. (the guidance will retain its statutory status).

The proposal related to summary reviews is likely to be of interest to Members bearing in mind current arguments as to whether interim steps for summary reviews continue during any appeal period. The proposed amendment to the Licensing Act 2003 (as proposed in the Bill) will require the Licensing Authority to determine at the review hearing what interim steps should be in place pending the outcome of any appeal (or the expiry of the time limit for making an appeal) with licensees and the police being able to appeal the interim steps to a Magistrates' Court.

The Bill has been published on the parliament website:

<http://services.parliament.uk/bills/2015-16/policingandcrime.html>.

It has passed its second reading without amendment and is currently with the Public Bill Committee for consideration.

Further updates on the passage of the Bill will be provided to Members.

### **3. Home Office Crime Prevention Strategy**

The Home Office has released the Modern Crime Prevention Strategy which identifies 6 key drivers of crime, one of which is alcohol. Within the Strategy introduction, it confirms that crime has consistently fallen over the last 20 years. However, whilst traditional crimes such as burglary and street violence have halved, previously hidden crimes like child sexual abuse, rape and domestic violence have become more visible and statistically have increased.

A whole chapter of the Strategy is dedicated to alcohol as a driver of crime but one of the stated objectives of the Strategy is to make the night time economy safe so that people can consume alcohol safely without fear of becoming a victim of alcohol related crime or disorder, thereby enabling local economies to grow.

The chapter on alcohol as a driver of crime contains information that may be of interest to Members.

In brief, the Strategy proposes a three pronged approach to the prevention of alcohol related crime and disorder - improving local intelligence, establishing effective local partnerships and equipping the Police and Local Authorities with the right powers. It also acknowledges that individuals should shoulder their own share of responsibility when it comes to decisions they take about drinking to excess and subsequently committing acts of violence or disorder.

Within the partnership section, it is proposed that a new round of Local Alcohol Action Areas be launched. The importance of Local Authorities to creating safe spaces and diversification of the night time economy is discussed and there is continued support for Pubwatch, Best Bar None, Community Alcohol Partnerships and Purple Flag with a view to building positive behaviour change.

In the increased powers section is a proposal to provide Local Authorities and Police with even more powers over and above the considerable number of options currently available – the Government is to consult on a Group Review Intervention Power (GRIP), which will enable Licensing Authorities to consider licence conditions on a group of premises so as to address problems in a certain area. The Home Office is also looking at powers against individuals with the introduction of sobriety as a Court imposed Community Order to reduce alcohol related re-offending, which may be supported by an electronic monitoring strategy currently being piloted in London which will use GPS technology. If this is successful the indication is that it will be rolled out across the country before the end of the Parliament.

The Modern Crime Prevention Strategy provides a very clear indication of the direction the Government is seeking to adopt with regard to crime and disorder during the course of this Parliament. The Modern Crime Prevention Strategy can be accessed on the URL: <https://www.gov.uk/government/publications/modern-crime-prevention-strategy>

#### **Implications on related Council policies**

None at this stage - Officers will follow the progress of the Bill through Parliament and keep Members informed of any implications. The Home Office Crime Prevention Strategy may be referenced in Licensing Sub-Committee decision-making.

**Legal implications**

Legal comments are contained within this report.

**Financial Implications**

None at this stage

**Background Papers / Further Reading Material**

NIL



## LICENSING COMMITTEE - FORWARD PLANNER 2015/16

<b>Committee</b>	Licensing Committee
<b>Officer Contact</b>	Mark Braddock - Democratic Services
<b>Ward(s) affected</b>	N/A

### RECOMMENDATION:

That the Committee note the Forward Planner and suggest any alterations or additional topics or business items.

<b>14 April 2016</b>	<b>Proposed Agenda / Reports</b>	<b>Lead</b>	<b>Timings</b>
10am Committee Room 6	<b>Policies / Presentation:</b> <ul style="list-style-type: none"> <li>Shisha Cafes / Smoke Free legislation (hand outs included)</li> </ul>	CF	<b>Report deadline:</b> 1 April 2016 <b>Agenda Published</b> 6 April 2016
	<b>Policies</b> <ul style="list-style-type: none"> <li>Local Plan - Betting Shops</li> <li>Hearing Protocol for Street Trading</li> </ul>	JR BS	
	<b>Informatives:</b> <ul style="list-style-type: none"> <li>Legislative Update</li> <li>Enforcement Activity Update</li> <li>LGA Gambling Checklist</li> </ul>	BS CF CF	
	<b>Business Review:</b> <ul style="list-style-type: none"> <li>Forward Planner</li> <li>Sub-Committee Minutes</li> </ul>	MB	

<b>13 July 2016</b>	<b>Proposed Agenda / Reports</b>	<b>Lead</b>	<b>Timings</b>
10am Committee Room 6	<b>Presentation:</b> TBC		<b>Report deadline:</b> 30 June 2016 <b>Agenda Published:</b> 5 July 2016
	<b>Policies</b> <ul style="list-style-type: none"> <li>Update from Public Health, following actions from the January 2016 meeting.</li> <li>Building up the evidence base for sub-committee decisions</li> </ul>	SH  CF	
	<b>Informatives:</b> <ul style="list-style-type: none"> <li>Legislative Update</li> <li>Enforcement Activity Update</li> </ul>	BS SW	
	<b>Business Review:</b> <ul style="list-style-type: none"> <li>Forward Planner</li> <li>Sub-Committee Minutes</li> </ul>	MB	

19	Proposed Agenda / Reports	Lead	Timings
<b>October 2016</b>  10am Committee Room 6	<b>Presentation:</b> TBC		<b>Report deadline:</b> 6 October 2016 <b>Agenda Published:</b> 11 October 2016
	<b>Policies</b> <ul style="list-style-type: none"> <li>• TBC</li> </ul>		
	<b>Informatives:</b> <ul style="list-style-type: none"> <li>• Legislative Update</li> <li>• Enforcement Activity Update</li> </ul>	BS SW	
	<b>Business Review:</b> <ul style="list-style-type: none"> <li>• Forward Planner</li> <li>• Sub-Committee Minutes</li> </ul>	MB	

### Taken off the Planner

'Reducing the Strength' update - 14 April 2016 meeting

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