

## Minutes

Licensing Committee  
Tuesday 19 January 2010  
Meeting held at High Street, Uxbridge, UB8 1UW



Come into effect on: Immediately (or call-in date)

### **Members Present:**

Councillors Lynne Allen, Josephine Barrett (Chairman), Michael Bull (Vice-Chairman), Janet Gardner, Judy Kelly, Elizabeth Kemp, Peter Kemp, Carol Melvin and Andrew Retter

**Officers Present:** Natasha Dogra, Linda Etherington, David Frost, Sharon Garner, Bill Hickson, Norman Stanley, Beejal Soni, Sue Pollitt and Stephanie Waterford.

### **1. APOLOGIES FOR ABSENCE**

Apologies were received from Cllr David Allam.

### **2. DECLARATIONS OF INTEREST IN MATTER COMING BEFORE THIS MEETING**

None.

### **3. TO CONFIRM THAT ALL ITEMS MARKED PART 1 WILL BE CONSIDERED IN PUBLIC AND ALL THOSE MARKED IN PART 2 WILL BE CONSIDERED IN PRIVATE**

All items were Part 1 and were considered in public.

### **4. TO RECEIVE AND AGREE THE MINUTES OF 1 OCTOBER 2009**

The minutes were agreed by the Committee.

### **5. The Policing and Crime Act 2009 in respect of an amendment to the Licensing Act 2003 to enable councillors to make representations report**

Officers informed Members of the Committee that under the Policing and Crime Act 2009 new licensing powers would be implemented on 29<sup>th</sup> January 2010. These would amend section 13(3) and section 69(3) of the Licensing Act 2003. Amendments would allow any member of the Licensing Authority (any Councillor of an authority under the Licensing Act 2003) to make representations against a new application for a premises license or variation of a premises licence within their area. It also allowed members of the Licensing Authority to call premises licences and club premises certificates to be reviewed.

#### **Agreed:**

**The Committee agreed the amendments to the Policing and Crime Act 2009.**

### **6. An update on actions taken by the Metropolitan Police Service and**

### **Trading Standards in respect of actions taken by them in respect of sales of alcohol to underage persons report**

Officers informed the Committee that the report was to update Members on action taken by the Metropolitan Police Service and the Council's Trading Standards department concerning sales of alcohol to young persons.

The Trading Standards Service carried out several underage alcohol test purchase operations in conjunction with the Police in 2009. Out of the forty premises visited, nine were issued with a police Penalty Notice for Disorder (PND) for selling alcohol to a person under 18. Trading Standards Officers witnessed these sales.

Following the illegal sale of alcohol made by licensed premises, the Trading Standards Service contacted the proprietor of the business and conducted a formal interview with the proprietor, premises licence holder and DPS regarding the sale to ensure that underage sales at the premise did not recur.

Members of the Committee expressed their concerns over underage alcohol sales taking place in the borough. The Committee said more needed to be done to tackle this problem. Members asked officers how many complaints had been received from residents regarding the sale of alcohol to persons under the age of 18. Officers said four cases had been reported.

Officers informed the Committee that more could be done to tackle this problem if more resources such as staff were available to carry out site visits. At the moment, seven officers and one enforcement officer were available. However, officers worked closely with the Metropolitan Police Service and the Safer Neighbourhoods Team to keep underage sale of alcohol to a minimum.

#### **To Note:**

**The Committee noted the report and expressed their concerns over the rate of alcohol sales to underage persons.**

### **7. Sales of alcohol to underage persons via the internet or mail order**

At the previous Licensing Committee meeting, Members had requested further information regarding drink delivery services that operated in the borough. Officers provided the Committee with an update.

Officers informed Members of the process of performing a test purchase. The tasks involved identifying which companies delivered alcohol within Hillingdon, identifying which companies accepted cash as a method of payment (4 companies accepted cash), finding a suitable address where the delivery would take place and finding someone to pose as a potential buyer.

A test purchase would need to be permitted by the RIPA representative prior to the purchase commencing. Legal officers informed the Committee that since no formal complaint had been made regarding the sale of alcohol via internet sites and delivery companies it would be very hard to justify a test purchase.

<p>Moreover, it would also be costly and resourceful to carry out. Officers informed the Members that covert surveillance was used by RIPA for the prevention of crime based on evidence of the crime taking place. However, as the Committee did not have any evidence of a crime taking place it would be difficult to justify the activity of a test purchase.</p> <p><b>Agreed:</b>  <b>The Committee agreed not to carry out a test purchase.</b></p>	
<p><b>8. Attendance at Hearings by representatives of Responsible Authorities when they have not lodged a representation with the Licensing Authority</b></p> <p>Officers advised Members on the presence and involvement of the Metropolitan Police Services at Licensing Sub Committee hearings where no representations are received from the Metropolitan Police Services.</p> <p>Officers informed the Committee that in order to reach a fair and equitable decision, it was important that the Sub-Committee be provided with all information relevant to the hearing. Officers informed the Committee that they had been in touch with neighbouring Local Authorities and some did request representation at hearings and some did not. As the London Licensing Manager’s Forum had not yet taken place, Officers agreed to raise the question at the next meeting and report back to the Licensing Committee.</p> <p><b>Agreed:</b>  <b>That Licensing Officers would raise the question at the London Licensing Manager’s Forum of whether or not fellow local authorities invited representatives from Responsible Authorities to attend hearings even if they have not made a representation. This would be reported back to the following Licensing Committee meeting.</b></p>	
<p><b>9. Red and Yellow Card Scheme and Mandatory and Discretionary Conditions report</b></p> <p>Officers informed the Committee of proposals made by the Department of Culture, Media and Sport regarding a “red and yellow card” system. Under implementation of this system licensees caught performing illegal activities such as selling alcohol to underage children would not have their license revoked. Instead this first intervention would see further conditions imposed on the license holder and the license could be revoked for a set period of time. If a second intervention then took place the license would be fully revoked.</p> <p>Officers said the Committee’s views regarding the use of only mandatory powers and no discretionary powers had been reported back in the DCMS consultation.</p> <p><b>To Note:</b>  <b>The Committee noted the update.</b></p>	
<p><b>10. The Policing and Crime Act 2009 in respect of the adoptive provisions</b></p>	

**that will enable local authorities to control sex establishments report**

Officers informed the Committee that a consultation document was launched by the Home Office on 21 September 2009 to seek views on the proposed transitional arrangements for the regulation of lap dancing establishments. The new provisions to the Policing and Crime Act 2005 would mean that the Local Authority would be able to licence adult entertainment venues in the same way as sex shops under the Local Government Act 1982. This would enable the Local Authority to consider applications having regard to the appropriateness of the locality of the proposed premises and the number of premises in any area.

Local Authorities would also need to develop a licensing policy for the regulation of sex establishments within in the borough. Officers informed Members that licences were granted on a 12-month renewable basis and were dealt with on a case by case basis.

Legal Officers informed the Committee that the policy would not contravene any Human Rights.

**Agreed:**

**The Committee agreed to recommendation adoption of this policy to Cabinet.**

**11. DCMS consultation on a proposal to amend the Licensing Act 2003 in respect of Licensing Statements, Interim Authority Notices and Temporary Event Notices report**

Officers said on 8 December 2009 the DCMS published a consultation on their website in respect of a proposal to amend the Licensing Act 2003 for Licensing Statements Interim Authority Notices and Reinstatements on Transfer; and Temporary Event Notices.

Members were happy with the amendments to the Licensing Statements and commended the amendments to the Interim Authority Notices Reinstatements on Transfer. With regards to the Temporary Event Notices, Members asked Sgt Ian Meens whether the current period in which the police may object to a TEN was sufficient. Sgt Ian Meens informed the Committee that current time periods were insufficient, including the Police Confirmation period (in which the Police could allow a late notification by notifying the Local Authority).

**Agreed:**

**The Committee agreed that Norman Stanley would reply to the consultation on behalf of the Committee and convey their views as follows:**

- **To extend the period during which the Police may object to a TEN to 10 days.**
- **To give a new power to the Police to allow a late notification (i.e. fewer than 28 working days before the first day of the event) by notifying the Licensing Authority. This will be referred to as a Police Confirmation.**

<ul style="list-style-type: none"> <li>• <b>TEN forms should be submitted to the Local Licensing Authority on a weekday between 9.00 am and 5.00 pm.</b></li> </ul>	
<p><b>12. DCMS consultation on a proposal to amend the Licensing Act 2003 in respect of Personal Licences report</b></p> <p>Officers informed the Committee that on 15 December 2009 the DCMS published a consultation on their website in respect of a proposal to amend the Licensing Act 2003 to update the list of relevant offences that are treated as relevant offences for the purpose of obtaining and holding a personal licence under Part 6 of the Act.</p> <p>Members of the Committee agreed that the amendments should be included in the Act. Officers were asked whether criminal records could be obtained for foreign nationals requesting a licence, however this was not feasible.</p> <p><b>Agreed:</b>  <b>The Committee agreed that Licensing Officers would compose a reply to the consultation which would include the following:</b></p> <ul style="list-style-type: none"> <li>• <b>That the Committee commended the amendments</b></li> <li>• <b>Information regarding granting licences to persons with a history of terrorist activity or attempted terrorist activity should be included in the Act.</b></li> </ul>	
<p><b>13. Update on the progress of the implementation of the 2010-2013 Gambling Policy</b></p> <p>Officers informed the Committee that the Gambling Policy 2010-2013 was adopted by Full Council on 14 January 2010.</p> <p><b>To Note:</b>  <b>The Committee noted the update.</b></p>	
<p><b>14. Updates from Licensing Service on Licensing Applications Granted</b></p> <p><b>To Note:</b>  <b>The Committee noted the statistics.</b></p>	
<p><b>15. The Licensing Service's customer satisfaction survey report</b></p> <p>The Committee noted the statistics and commended the Licensing Service on the results of their customer satisfaction survey.</p>	
<p><b>16. Any Other Business - Street Trading</b></p> <p>Officers informed Members that on 14 January 2010 Full Council made a decision to authorise the Licensing Committee to consider and determine all Street Trading applications made under the London Local Authorities Act 1990. Officers advised the Licensing Committee to urgently take necessary steps to give effect to these new powers.</p>	

Officers said a majority of street trading licences currently in operation were due to expire on 31 March 2010. In order to prevent inconveniencing traders and to ensure that street trading licences do not lapse, the Licensing Committee is advised to urgently authorise Licensing Sub-Committees to consider and determine Street Trading Applications.

**Agreed:**

- **The Committee agreed the Part III of the London Local Authorities Act 1990: Street Trading – rules of procedure for Licensing Sub-Committees Hearings.**
- **The Committee authorised the delegation of Street Trading Application determination to the Licensing Sub-Committees.**

The meeting closed at 11:45 a.m.