



HILLINGDON
LONDON



Licensing Committee

Date: TUESDAY, 17 OCTOBER
2017

Time: 10.00 AM

Venue: COMMITTEE ROOM 3 -
CIVIC CENTRE, HIGH
STREET, UXBRIDGE UB8
1UW

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

To Councillors on the Committee:

Dominic Gilham (Chairman)

David Yarrow (Vice-Chairman)

Lynne Allen

Teji Barnes

Roy Chamdal

Allan Kauffman

Janet Gardner

Patricia Jackson

John Morse

Published: Monday, 9 October 2017

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Putting our residents first

Lloyd White
Head of Democratic Services
London Borough of Hillingdon,
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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 agree the minutes of the meeting held on 13 April 2017 1 - 6
- 4 To agree the minutes of the meeting held on 11 May 2017 7 - 8
- 5 To confirm the items of business in Part 1 will be considered in public and any items Part 2, in private

Part 1 - Members, Press and Public

- 6 Self-exclusions from Gaming Establishments and Online Gambling 9 - 14
A report is presented for a wider discussion by the Committee.
- 7 Street Trading Hearing Protocol 15 - 26
- 8 Decisions to revoke or suspend Personal licenses following convictions 27 - 32
- 9 Reducing the Strength Update 33 - 34
- 10 Legislative Update 35 - 38
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- 12 Ratification of Sub-Committee Minutes 41 - 62
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Agenda Item 3

Minutes

LICENSING COMMITTEE

13 April 2017

Meeting held at Committee Room 6 - Civic Centre,
High Street, Uxbridge UB8 1UW



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	<p>Committee Members Present: Councillors Dominic Gilham (Chairman), David Yarrow (Vice-Chairman), Lynne Allen, Teji Barnes, Jazz Dhillon, Janet Gardner, Patricia Jackson, John Morse and Brian Stead</p> <p>LBH Officers Present: Mark Braddock (Democratic Services), Ian Meens (Regulatory Services), Nicole Cameron (Legal Services)</p> <p>Also Present: Jim Reynolds (Gambling Commission), Sgt. Karl Spour and Acting Sgt. Ian Wares (Metropolitan Police Service)</p>
28.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>Apologies were received from Councillor Roy Chamdal.</p>
29.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>No declarations of interest were declared by Members present.</p>
30.	<p>TO AGREE THE MINUTES OF THE MEETING HELD ON 10 JANUARY 2017 (<i>Agenda Item 3</i>)</p> <p>Minor changes were made to the resolutions of the Committee in the minutes of the meeting held on 10 January 2017. The minutes were then confirmed as a correct record.</p>
31.	<p>TO CONFIRM THE ITEMS OF BUSINESS IN PART 1 WILL BE CONSIDERED IN PUBLIC AND ANY ITEMS PART 2, IN PRIVATE (<i>Agenda Item 4</i>)</p> <p>It was confirmed that all matters would be considered in public.</p>
32.	<p>PRESENTATION FROM THE GAMBLING COMMISSION (<i>Agenda Item 5</i>)</p> <p>Mr Jim Reynolds, Compliance Manager from the Gambling Commission, attended the meeting to give an overview to Members on the controls for gaming machines, technical safeguards in place, recent trends relating to the gaming industry statistics. Of particular note, Mr Reynolds informed Members that:</p> <ul style="list-style-type: none">• There were clear differences between the regulated fixed odd betting terminals or gaming machines and “skill-based” machines that did not include an element of ‘chance’ and were not covered under the Gambling Act.

- That games are tested in labs to ensure they comply with any game rules provided to the player, and how even art-work was also closely monitored to ensure compliance.
- That the distribution of prizes should always be random in the case of random games and that security arrangements are required by the Gambling Commission to prevent software tampering and fraud.
- That from the most recent published statistics, the total number of gaming machines available within Great Britain was 167,839 representing a gross cabling yield of £2.5 billion.
- That there were 8,709 betting shops in Great Britain, and recent trends indicated that this number was falling slightly.

During the discussion on the matters raised, Committee Members made the following comments and observations:

- How stakes and prizes operated for crane grab machines, which were category D in nature. This was later clarified after the meeting as follows:
 - *10p stake can have a maximum prize of £5 cash or £5 cash + £3 non cash*
 - *30p stake can have a maximum non-monetary prize to a value of £8.*
 - *They can have the stake increased to £1 when the prize, which must be a physical object, can go up to a value £50.*
- The proliferation of betting and gambling shops in certain town centre areas and how such premises were restricted to a maximum of 4 fixed odd betting terminals.
- The checks put in place when machines are in-situ to make sure they were operating correctly and how operating licenses required this, including the use of internet connection to test the software by suppliers.
- The graphics on 'skills-based' machines and how they increasingly looked like regulated gaming machines.
- Work by the All-Party Parliamentary Group into Fixed Odd Betting Terminals.

Following the presentation, Members thanked Mr Reynolds for his attendance and insight into the work and important role of the Gambling Commission.

RESOLVED:

That officers circulating the Gambling Commissions latest figures in the coming months.

33. ALCOHOL RELATED PROBLEMS, HAYES TOWN & REDUCING THE STRENGTH UPDATE (Agenda Item 6)

Members received an update report 'Reducing the Strength' and street drinking, particularly in Hayes Town. Mr Ian Meens, outlined the work that had been taking place with the Police in a joined-up way to educate and enforce the sale of alcohol by off-licences.

It was noted by Sgt. Karl Spour, that the Police took a comprehensive enforcement approach to off-licences based upon intelligence, which included illegal workers, drug paraphernalia being sold and targeting the most prolific street drinkers using the Borough-wide Public Space Protection Orders.

Committee Members expressed a sense of the difficulties around this subject, as street drinkers would move from premises to premises and buy one can at a time. A discussion took place around how best to mark alcohol being drink on the street, in order to determine which specific premises had sold them, however, the general view, was that this would be extremely difficult to work in practice and that visible enforcement would be more effective. Members' suggested involving the Hayes Town Partnership more in such efforts.

RESOLVED:

That the Committee:

- 1. Note the information within the report and provided by those present at the meeting;**
- 2. Agree a progress update on the matter from the Council and Police at its October 2017 meeting.**

34. **STREET TRADING HEARING PROTOCOL** (*Agenda Item 7*)

It was noted that officers had reviewed the existing hearing procedures in order to ensure that no conflict existed with the recently revised policies for Street Trading and Markets. Having been presented to the Committee in 2016, the procedures had since gone out for the required public consultation and no representations or comments were made.

Considering the updated protocol, the Committee made the following observations:

- Para. 2.1. should be made clearer around the timescales for making decisions on a license following representations;
- The notice period, on receipt of the notice of hearing, should be 48 hours rather than 5 days;
- The protocol should be clearer around speaking rights;
- The diagram of the committee room layout should be updated;
- On section 13.1 on appeals, reference to the word "may" should be "will".

It was agreed that officers would re-word the protocol and check whether any additional consultation was required before bringing it back to the Committee for approval.

RESOLVED:

That officers be requested to provide further amendments to the protocol, before bringing it back to the Committee for final approval.

35. **STREET TRADING POLICY** (*Agenda Item 8*)

Members were informed that licensing officers were considering a minor review of the current Street Trading Policy to get the Committee's early steer before taking any changes forward with the Cabinet portfolio holder.

It was considered that some of the wording could be tightened up in particular about

shop frontage, objections to licences, designated streets and both permanent and temporary licences. As such, Members' requested that more details be provided at the July Committee meeting.

RESOLVED:

That the Committee request officers provide a further update to the July 2017 meeting on proposed changes.

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

The Licensing Committee were advised on amendments to the Licensing Act 2003 brought about by the Policing and Crime Act 2017 and the Immigration Act 2016. In particular, Members noted changes to make the interim steps process more manageable, the extended definition of alcohol to include its vapourised state along with further restrictions and checks on personal license applications to those that have the right to live and work in the UK and revocation of licenses for certain convictions.

RECOMMENDATIONS:

That the Committee:

- 1. Will undertake further consideration of whether new powers related to the suspension or revocation of Personal Licences will be exercised by means of Sub-Committee hearing or by means of an application on paper;**
- 2. Note that consequential amendments to the Council's Licensing Policy and Sub-Committee Hearing Protocol will be tabled at future meetings.**

37. **HOUSE OF LORDS SELECT COMMITTEE ON THE LICENSING ACT 2003 - UPDATE** (*Agenda Item 10*)

Members of the Committee had a comprehensive discussion following publication of some far-reaching recommendations from the House of Lords' Select Committee review into the Licensing Act 2003.

There was overwhelming concern from Members present to some of the findings, in particular the recommendation that licensing functions should in future be undertaken by Planning Committees.

Members noted that the Lords' report was still only suggestive at this stage, but agreed to keep a watching brief on the Government's response.

RESOLVED:

That the Committee:

- 1. Notes the report from the House of Lords Select Committee.**
- 2. Agrees that Members' be kept updated on proceeding and any upcoming consultations.**

38. **DRAFT FORWARD PLANNER 2017/18 MY** (*Agenda Item 11*)

Members reviewed upcoming business to the Committee.

RESOLVED:

That the Committee:

- 1. Note the Forward Planner.**
- 2. Add a joint Police/Council update on “reducing the strength” be added to the October meeting.**

39. RATIFICATION OF SUB-COMMITTEE MINUTES *(Agenda Item 12)*

Relevant Members of the Committee agreed the minutes of a previous Licensing Sub-Committee hearing as a correct record and the Committee then ratified the minutes of the meeting.

RESOLVED:

- 1) That the Committee note the decisions of the Licensing Sub-Committees since the last Licensing Committee meeting and;**
- 2) That the Committee, and Members present at the following Sub-Committees, approve the following minutes as a correct record:**
 - a) 20 January 2017 (Part 1)**
 - b) 20 March 2017 (Part 1)**
 - c) 23 March 2017 (Part 1)**

The meeting, which commenced at 10.00 am, closed at 12.01 pm.

These are the minutes of the above meeting. For more information on any of the resolutions please Contact Mark Braddock in Democratic Services on Email: democratic@hillington.gov.uk. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

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Minutes

Licensing Committee
Thursday, 11 May 2017
Meeting held at Council Chamber - Civic Centre,
High Street, Uxbridge UB8 1UW



Published on: 18 May 2017
Come into effect on: Immediately (or call-in date)

Members Present:

Councillors Dominic Gilham (Chairman)
David Yarrow (Vice-Chairman)
Teji Barnes
Roy Chamdal
Jazz Dhillon
Janet Gardner
Patricia Jackson
Allan Kauffman
John Morse

Apologies:

Lynne Allen

1. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillor Allen.

2. ELECTION OF CHAIRMAN

RESOLVED: That Councillor Gilham be elected as Chairman of the Licensing Committee for the 2017/2018 municipal year.

3. ELECTION OF VICE CHAIRMAN

RESOLVED: That Councillor Yarrow be elected as Vice Chairman of the Licensing Committee for the 2017/2018 municipal year.

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SELF-EXCLUSION FROM GAMBLING

Committee name	Licensing Committee
Officer reporting	Ian Meens, Residents Services
Papers with report	Self-exclusion request form
Ward	All

HEADLINES

The Chairman has requested the Committee receive further information relating to what is known as “Self-Exclusion” - a procedure operated within gambling establishments throughout the United Kingdom. This initiative has been implemented from the Gambling Commission’s Licence Conditions and Codes of Practice under the terms of the Gambling Act 2014. Through “self-exclusion” a problem gambler can exclude themselves from the ability of being able to gamble.

RECOMMENDATION

That the Committee note the information.

INFORMATION

Self-exclusion is the system by which a person who identifies that they have a gambling problem can voluntarily make arrangements to prohibit themselves from being able to use gambling premises.

There are different means by which a person wishing to be excluded from gambling premises can achieve this. All licensed gambling venues and online gambling businesses operate a self-exclusion scheme. It is now possible to self-exclude from more than one establishment at the same time, making the process of self-exclusion much easier.

Arcades, betting shops, bingo venues and casinos all run the Multi-Operator Self-Exclusion Schemes (MOSES). In addition, all licensed gambling businesses do have to have their own self-exclusion arrangements to help those who decide to self-exclude.

The Multi Operator Self Exclusion Scheme (MOSES) works on the basis of the individual contacting the Multi Operator Self Exclusion Scheme by telephone and registering, as Betting shops are open to all adults, the scheme is based on people submitting photos that can be shared with operators to help staff recognise someone who has self-excluded and intervene if he or she breaches that undertaking of exclusion.

As online gambling has become such a large industry, there will also a dedicated national self-exclusion scheme for online gamblers being set up. It is expected that the scheme,

created by the Remote Gambling Association (RGA) trade association, will be called GAMSTOP. This should be operational by the end of 2017.

The scheme will enable UK consumers to exclude themselves via a single website process from all online gambling operators that are licensed by the Gambling Commission. Once an individual makes a self-exclusion agreement, the gambling company must close that person's account and return any money in the account to them. It must also remove their name and details from any marketing databases it uses.

Self-exclusion can also be made at specific operators by the completion of the self-exclusion forms and adding photographs. This will be limited to the same operator locally and will not incorporate all other operators.

The MOSES scheme covers the five main areas of Gambling:

- Arcades
- Betting shops
- Bingo
- Casino
- Online

Risk Assessment and the Local Area

As of 6th April 2016, bookmakers and other licensed gambling premises have been required to conduct a local area risk assessment for each of their premises to ensure that suitable controls and procedures are in place to protect vulnerable people.

The risk assessments are carried out to take into account risks presented in the local area, such as exposure to particular vulnerable groups and crime. The aim of this is to enable operators and local authorities to engage in constructive dialogue at an early stage, reducing the likelihood of costly enforcement action at a later date. This should identify and help vulnerable people.

Time scales for self-exclusion.

The time scale that a person can request to be excluded from gambling can vary from 6 months to 5 years, with betting shops being a minimum twelve month period. Some internet sites offer a 'timeout' option as well as self-exclusion such as 24 hours, 48 hours, 7 days, or 30 days or the ability to limit to an area of betting i.e. horses, dogs, sport etc...

Online operators

Someone who enters into a self-exclusion agreement with a popular operator online will be prevented from using their account for the specific period. At the end of the period a person can re-open the account. Twenty four hours is then given to the customer as a cooling off period by some operators before Gambling can re commence. No reactivation is allowed during the exclusion period.

Due to the extensive range of betting and gambling areas, the system of self-exclusion is far from being 100% successful. Internet databases rely on names or email accounts and small differences in spellings or a creation of a different email address or a different method of payment has circumvented previous exclusions.

Does self-exclusion work?

Self-exclusion is one of the tools available to people who feel they may be developing a problem with their gambling. It is a tool that may not work on its own and may require other interventions and support to help the problem gambler.

Responsibility for sticking with this lies with the individual, but they can expect the operator to do all they reasonably can to help them. Many problem gamblers have found they have been allowed to bet again unchallenged in betting shops from which they have excluded themselves.

Awareness of Self Exclusion

Data produced by the Gambling Commission published in February 2017 from a recent survey in 2016 showed that 6 percent of those who took part in the survey had self-excluded, however, just under 60 percent had not self-excluded and were not aware of the self-exclusion initiative. It is worth noting that gamblers who are aware of self-exclusion, but had not used this option, rose by 8 percent from 2015 to 2016.

Implications on related Council policies

The Council's Statement of Gambling Policy sets out the Council's objectives. However, Problem gambling and addiction is an issue for regulators, who may have to consider new laws and legislation to deal with ongoing issues – these issues could affect future policies within local government.

Legal implications

None at this stage

Financial Implications

None at this stage

Background Papers / Further Reading Material

[Gambling Commission Information](#)

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SELF-EXCLUSION REQUEST

Site Name:

Site Address:

Site Location Ref.: **Date:**...../...../.....

Customer Name:

Customer Date of Birth:

Customer Address:

.....

.....

I request that I be refused entry to:and other premises operated by this Company in the locality of for a period of six months from the date of signing, and that I am not allowed to rescind my self-exclusion during this period.

If I attend any of the premises set out in this agreement during the term of this exclusion, and am identified by staff, I will be requested to leave the premises forthwith. If I refuse and/or become a trespasser, I acknowledge and accept that I may be physically removed from the premises.

I acknowledge my responsibility in ensuring my adherence to this agreement.

I release the Company, it’s employees and agents from any liability or claims in the event that I fail to comply with this voluntary exclusion.

I have / have not* provided a photograph of myself to assist in the application of this request.
*(Delete as appropriate)

Signed..... (Customer) Date.....

Witnessed.....(Manager) Date.....

Note for Customer: If you would like to talk over the reason why you have taken the step of self-excluding yourself, telephone the GamCare National Helpline **0808 8020 133** for confidential help and advice.

THIS FORM MUST BE HELD ON SITE FOR THE DURATION OF THE SELF-EXCLUSION PERIOD AND A COPY GIVEN TO THE CUSTOMER. THIS FORM SHOULD ONLY BE ACCEPTED WHEN SIGNED IN THE PRESENCE OF MANAGEMENT.

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STREET TRADING HEARING PROTOCOL *LONDON LOCAL AUTHORITIES ACT 1990 (AS AMENDED)*

Committee	Licensing Committee
Officer Contact	Beejal Soni, Legal Services
Papers with report	Updated Street Trading Hearing Protocol
Ward(s) affected	All

HEADLINE

To amend and present an amended Street Trading Hearing Protocol in accordance with instructions issued by the Licensing Committee at its meeting on 13 April 2017.

RECOMMENDATION

That the Licensing Committee approve the attached Street Trading Hearing Protocol.

Background

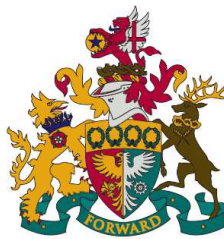
On 13 April 2017 the Regulatory Services Team presented the Licensing Committee with an amended Street Trading Hearing Protocol for approval. The minutes of the Licensing Committee meeting on 13 April 2017 reflect that the Licensing Committee:

"...noted that officers had reviewed the existing hearing procedures in order to ensure that no conflict existed with the recently revised policies for Street Trading and Markets. Having been presented to the Committee in 2016, the procedures had since gone out for the required public consultation and no representations or comments were made.

Considering the updated protocol, the Committee made the following observations:

- Para. 2.1. should be made clearer around the timescales for making decisions on a license following representations;
- The notice of hearing, on receipt of the notice of hearing, should be 48 hours rather than 5 days;
- The protocol should be clearer around speaking rights;
- The diagram of the committee room layout should be updated;
- On section 13.1 on appeals, reference to the word "may" should be "will". "

Legal Services confirm that no consultation is necessary in order to implement the observations of the Licensing Committee. A revised version for the Committee to approve is attached.



HILLINGDON

LONDON

Draft Street Trading Hearing Protocol

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	
4	Information to be provided in a Notice of Hearing.	
5	Failure of parties to attend a hearing	
6	Procedure at the hearing	
7	Determination of applications-time limits	
8	Record of proceedings	
9	Irregularities	
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 An trader who applies for a grant or renewal or variation of a street trading licence shall receive at least 21 calendar days' notice:
 - 2.1.1 that representations have been received against his/her street trading application; and.
 - 2.1.2 That the application will be determined by a Licensing Sub-Committee;
- 2.2 Where an application to revoke a street trading licence is received, the trader shall receive at least 21 calendar days' notice :
 - 2.2.1 Specifying the name of the authority applying for the revocation; and;
 - 2.2.2 Confirming that the application to revoke the licence will be determined by a Licensing Sub-Committee.

2 Timescales for Notice of Hearing to be given

- 2.2 The Authority shall give Notice of Hearing no later than 21 calendar days before the first day on which the hearing is to be held.
- 2.3 Where a hearing will take more than one day, the Authority must arrange for the hearing to take place on consecutive days.

3 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.

4 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 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.

2. Notice of Reply

6.1 On receipt of the Notice of Hearing, all parties must inform the Authority no later than 48 hours 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.

3. 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.

3.1 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.

3.2 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.

3.3 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.

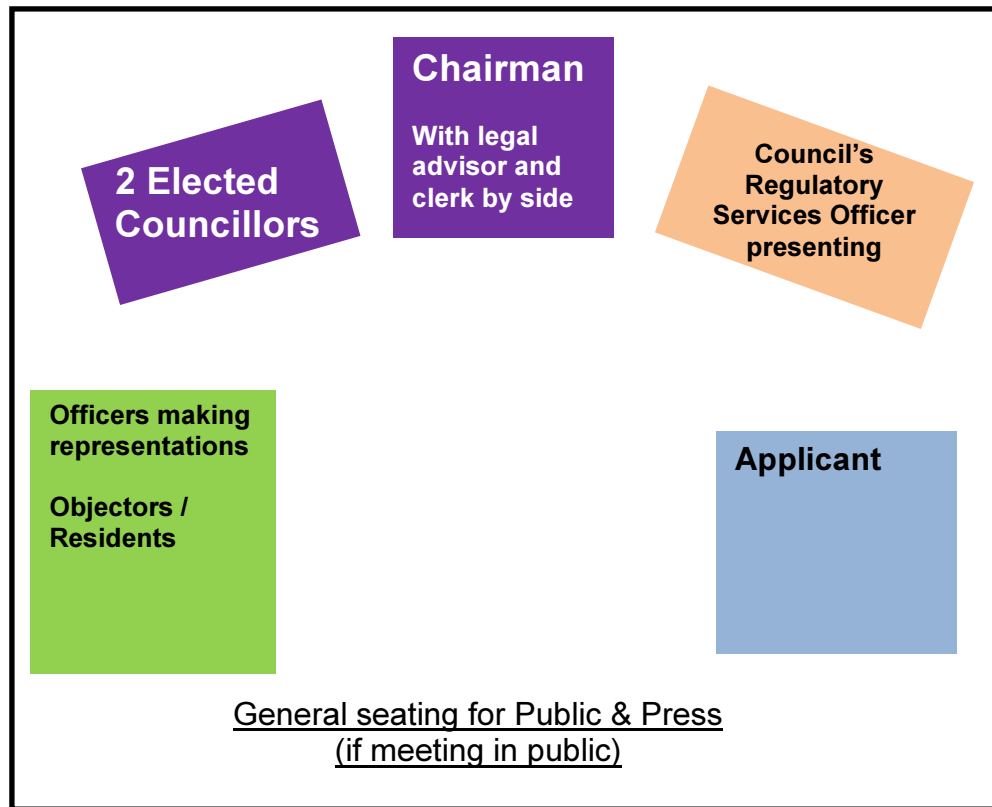
4. Procedure at the hearing

4.1 Composition of Sub-Committee

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

4.3 A Sub-Committee hearing will not proceed at least two members of the Sub-Committee are present and able to form a properly constituted Sub-Committee.

4.4 The general room layout for the hearing will be as outlined below



The meeting may, if held in public, be broadcast live by the Council. Both audio and video of those speaking will therefore be recorded and available publicly online.

4.5 The usual order of proceedings will be as set out below, but may vary depending on the nature of the hearing:

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 Regulatory Services Officer

The 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

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

Any Officer who has submitted representations

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.

Residents / objectors etc.. who have submitted formal representations

Other people who have made formal representations will be invited to address the Sub-Committee. Where there are a number of parties making similar representations the Chairman will expect the parties to nominate a spokesperson to make the representations. The Sub-Committee may ask questions.

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

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.

Sub-Committee deliberates

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.

Chairman announces the decision

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.

- 4.6 All parties to the Sub-Committee hearing or their representative may address the Sub-Committee when invited by the Chairman to do so.
- 4.7 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.
- 4.8 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.
- 4.9 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.
- 4.10 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.
- 4.11 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.
- 4.12 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.
- 4.13 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.

- 4.14 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.
- 4.15 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.
- 4.16 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.

5. Determination of the application and time limits

- 5.1 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.

6. 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.

7. Irregularities

- 11.1 Proceedings will not be rendered void only as the result of failure to comply with any provision of the Regulations.
- 7.1 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.
- 7.2 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.

8. Notices

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

2. It can be accessed by the recipient in a legible form;
3. It is capable of being reproduced as a document for future reference;
4. The recipient has agreed in advance to receive it in such form;
5. A copy is sent in documentary form forthwith to the recipient.

9. Appeals.

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

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

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

9.4 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

14.2 All applications once they are lodged will be available for viewing on Hillingdon Council's website at 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:

Phase Two – Council Chambers, Civic Centre, Uxbridge, UB8 1UW

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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DECISIONS TO REVOKE OR SUSPEND PERSONAL LICENSES FOLLOWING CONVICTIONS

Committee name	Licensing Committee
Officer reporting	Beejal Soni - Legal Services
Papers with report	None
Ward	All

HEADLINES

The Licensing Committee is requested to determine the procedures it wishes to implement when hearing applications to suspend/revoke Personal Licences issue

RECOMMENDATIONS:

That the Committee:

- 1. Determine the procedure for disposing of applications to suspend/revoke personal licences and;**
- 2. Instruct Democratic Services, acting in conjunction with Legal Services and the Regulatory Services Team to implement its decision by making consequential amendments to the relevant Hearing Protocols**

SUPPORTING INFORMATION

Since 06 April 2017, a Licensing Authority which issued a Personal Licence is now able to suspend (for up to 6 months) or revoke the Personal Licence where the Licensing Authority becomes aware that an individual holding a personal licence has been convicted of a "relevant offence" or a "foreign offence". A "foreign offence" being an equivalent offence committed in any place other than England and Wales. A list of relevant offences has previously been circulated to Members of the Licensing Committee and is also attached at Appendix A.

Where the Licensing Authority becomes aware that a holder of a Personal Licence has been convicted of a relevant offence or foreign offence, a Notice must be sent to the holder of a Personal Licence inviting the Personal Licence Holder to make representations regarding the conviction within 28 days. This notice cannot be sent until after the period for lodging an appeal against the conviction for a relevant offence has passed. Where an appeal has been lodged, it appeal must be decided and the conviction upheld in order for the Licensing Authority to exercise its powers.

This notice can be issued by a member of the Regulatory Services Team. At the expiry of this 28 day period, the Licensing Authority must determine whether or not to suspend/revoke the licence. Where the Licensing Authority is minded not to revoke the licence, it must notify the

Commissioner of the Metropolitan Police Services of this decision. The Commissioner may make representations within 14 days of being notified of the Licensing Authority's proposed decision. A final decision on the suspension/revocation of the Personal Licence can be made after the expiry of the 14 day period. The Personal Licence Holder may appeal the conviction to the Magistrates Court.

Options for Delegation of power to Suspending/Revoking a Personal Licence

The Policing and Crime Act 2017 does not set out any hearing procedures for determining whether or not to suspend/revoke Personal Licences. The Section 182 Guidance issued by the Secretary of State specifies at paragraph 4.45 that a Licensing Committee or Sub-Committee should determine the application to revoke a Personal Licence. It does not specify whether or not a hearing needs to take place.

S7(1) of the Licensing Act 2003 empowers a Licensing Committee to determine the decision-making procedures for applications under the Licensing Act 2003. It is therefore open to the Licensing Committee to elect to dispose of these hearings by:

1. Delegating to the Licensing Sub-Committee the power to determine the Application on the papers without a formal hearing; or
2. Delegating the decision-making powers for these applications to a Licensing Sub-Committee. The hearing procedure and timescales that apply to contested Personal Licence Applications can apply to Applications to revoke/suspend Personal Licences.

The Committee may wish to reach a view on how it sees best to determine such matters.

Implications on related Council policies

The new powers are designed to strengthen the ability of the Licensing Committee to prevent crime and disorder.

How this report benefits Hillingdon residents

The exercise of powers to suspend/revoke personal licences will ensure that safety and security of residents and patrons of licensed establishments.

Financial Implications

None directly from this report.

Legal Implications

Legal comments and implications have been integrated into this report.

BACKGROUND PAPERS

Policing and Crime Act 2017

<http://www.legislation.gov.uk/ukpga/2017/3/section/138/enacted>

In relation to convictions in English or Welsh Courts, the following are relevant offences under the Licensing Act 2003 and must be declared on your personal application for. Spent convictions do not need to be declared. See below for details of spent convictions.

Attempted / conspiracy offences

- An offence under Section 1 of the Criminal Attempts Act 1981 of attempting to commit an offence that is a relevant offence.
- An offence under Section 1 of the Criminal Law Act 1977 of conspiracy to commit an offence that is a relevant offence.

Copyright and trademark offences

- An offence under Section 1 of the Trade Descriptions Act 1968 (false trade description of goods) in circumstances where the goods in question are or include alcohol.
- An offence under any of the following provisions of the Copyright, Designs and Patents Act 1988 —
 - (a) Section 107(1)(d)(iii)(public exhibition in the course of a business of article infringing copyright);
 - (b) Section 107(3)(infringement of copyright by public performance of work etc.);
 - (c) Section 198(2)(broadcast etc. of recording of performance made without sufficient consent);
 - (d) Section 297(1)(fraudulent reception of transmission);
 - (e) Section 297A(1)(supply etc. of unauthorised decoder).

Drugs and drink/drug-driving offences

- An offence under any of the following provisions of the Misuse of Drugs Act 1971 —
 - (a) Section 4(2)(production of a controlled drug);
 - (b) Section 4(3)(supply of a controlled drug);
 - (c) Section 5(3)(possession of a controlled drug with intent to supply);
 - (d) Section 8 (permitting activities to take place on premises).

Firearms offences

- Any offence under the Firearms Act 1968.
- Any offence under the Firearms (Amendment) Act 1988.
- Any offence under the Firearms (Amendment) Act 1997.

Fraud, forgery and duty-evasion offences

- An offence under either of the following provisions of the Customs and Excise Management Act 1979 —
 - (a) Section 170 (disregarding subSection (1)(a))(fraudulent evasion of duty etc.);
 - (b) Section 170B (taking preparatory steps for evasion of duty).
- The offence at common law of conspiracy to defraud.
- Any offence under the Fraud Act 2006.
- Any offence under the Forgery and Counterfeiting Act 1981 (other than an offence under Section 18 or 19 of that Act).

Licensing offences

- Any offence under the Licensing Act 2003.
- Any offence under any of the following enactments—

- (a) Schedule 12 to the London Government Act 1963 (public entertainment licensing);
- (b) the Licensing Act 1964;
- (c) the Private Places of Entertainment (Licensing) Act 1967;
- (d) Section 13 of the Theatres Act 1968;
- (e) the Late Night Refreshment Houses Act 1969;
- (f) Section 6 of, or Schedule 1 to, the Local Government (Miscellaneous Provisions) Act 1982;
- (g) the Licensing (Occasional Permissions) Act 1983;
- (h) the Cinemas Act 1985;
- (i) the London Local Authorities Act 1990.

Theft offences

- An offence under any of the following provisions of the Theft Act 1968 —
 - (a) Section 1 (theft);
 - (b) Section 8 (robbery);
 - (c) Section 9 (burglary);
 - (d) Section 10 (aggravated burglary);
 - (e) Section 11 (removal of articles from places open to the public);
 - (f) Section 12A (aggravated vehicle-taking), in circumstances where sub Section (2)(b) of that Section applies and the accident caused the death of any person;
 - (g) Section 13 (abstracting of electricity);
 - (h) Section 15 (obtaining property by deception);
 - (i) Section 15A (obtaining a money transfer by deception);
 - (j) Section 16 (obtaining pecuniary advantage by deception);
 - (k) Section 17 (false accounting);
 - (l) Section 19 (false statements by company directors etc.);
 - (m) Section 20 (suppression, etc. of documents);
 - (n) Section 21 (blackmail);
 - (o) Section 22 (handling stolen goods);
 - (p) Section 24A (dishonestly retaining a wrongful credit);
 - (q) Section 25 (going equipped for stealing etc.).
- An offence under either of the following provisions of the Theft Act 1978 — (a) Section 1 (obtaining services by deception); (b) Section 2 (evasion of liability by deception).

An offence under either of the following provisions of the Food Safety Act 1990 in circumstances where the food in question is or includes alcohol—

- (a) Section 14 (selling food or drink not of the nature, substance or quality demanded);
- (b) Section 15 (falsely describing or presenting food or drink).

An offence under Section 92(1) or (2) of the Trade Marks Act 1994 (unauthorised use of trade mark, etc. in relation to goods) in circumstances where the goods in question are or include alcohol.

An offence under regulation 6 of the Business Protection from Misleading Marketing Regulations 2008 (offence of misleading advertising) in circumstances where the advertising in question relates to alcohol or to goods that include alcohol.

An offence under regulation 8, 9, 10, 11 or 12 of the Consumer Protection from Unfair Trading Regulations 2008 (offences relating to unfair commercial practices) in circumstances where the commercial practice in question is directly connected with the promotion, sale or supply of alcohol or of a product that includes alcohol. List of relevant offences

An offence under any of the following provisions of the Psychoactive Substances Act 2016—

- (a) Section 4 (producing a psychoactive substance);
- (b) Section 5 (supplying, or offering to supply, a psychoactive substance);
- (c) Section 7 (possession of psychoactive substance with intent to supply);
- (d) Section 8 (importing or exporting a psychoactive substance).

An offence under any of the following provisions of the Road Traffic Act 1988 —

- (a) Section 3A (causing death by careless driving while under the influence of drink or drugs);
- (b) Section 4 (driving etc. a vehicle when under the influence of drink or drugs);
- (c) Section 5 (driving etc. a vehicle with alcohol concentration above prescribed limit); (d) Section 6(6) (failing to co-operate with a preliminary test).

An offence under either of the following provisions of the Tobacco Products Duty Act 1979 —

- (a) Section 8G (possession and sale of unmarked tobacco);
- (b) Section 8H (use of premises for sale of unmarked tobacco).

An offence under Section 3 of the Private Security Industry Act 2001 (engaging in certain activities relating to security without a licence).

An offence under Section 7(2) of the Gaming Act 1968 (allowing child to take part in gaming on premises licensed for the sale of alcohol).

An offence under Section 46 of the Gambling Act 2005 if the child or young person was invited, caused or permitted to gamble on premises in respect of which a premises licence under this Act had effect. Sexual offences

A sexual offence, being an offence —

- (a) listed in Part 2 of Schedule 15 to the Criminal Justice Act 2003, other than the offence mentioned in paragraph 95 (an offence under Section 4 of the Sexual Offences Act 1967 (procuring others to commit homosexual acts));
- (b) an offence under Section 8 of the Sexual Offences Act 1956 (intercourse with a defective);
- (c) an offence under Section 18 of the Sexual Offences Act 1956 (fraudulent abduction of an heiress).

Violent offences

A violent offence, being any offence which leads, or is intended or likely to lead, to a person's death or to physical injury to a person, including an offence which is required to be charged as arson (whether or not it would otherwise fall within this definition).

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REDUCING THE STRENGTH UPDATE: Working alongside the Metropolitan Police

Committee name	Licensing Committee
Officer reporting	Ian Meens, Residents Services
Papers with report	None
Ward	All, but report focussed on Botwell/Townfield

HEADLINES

From the Committee meeting in April 2017, an update on partnership efforts with the Police, work together with Hayes Town Partnership on licensing enforcement matters within the Town.

RECOMMENDATION

That the Committee are informed of the actions taken and are updated with the progress made.

INFORMATION

The term Reducing the Strength relates to the initiative seeking to reduce the sale of 'super-strength' alcohol across the Borough, or in specific areas, such as Hayes Town. This initiative asks off-licenses to voluntarily stop the sale of 'super-strength' alcohol. This alcohol is classed as any beer, lager or cider with an alcohol volume of 6.5 percent or over.

The Police report that they have undertaken a number of initiatives in the Hayes Town area addressing the problem areas of concern.

The main aspects of the Council's attention has focussed around the behaviour of street drinkers and other identified aspects of the problems currently affecting the area. As the Council has an enforcement role relating to premises selling alcohol and ensuring that they comply with the terms and conditions of their licence, along with abiding by the four Licensing Objectives. The sale of super strength alcohol in individual units or single can sales is believed to significantly contribute to public nuisance and crime and disorder issues which have been reported in the Hayes Town area.

The Police have worked with British Waterways on identifying "make do" camps along the canal tow path and this action identified five different 'shacks'. Official warnings were served or placed upon these 'structures'. This 'warning' being the first stage for action to be taken if these dwellings remain, and removal becomes necessary.

The Police conducted a joint operation with the London Borough of Hillingdon Trading Standards officers on off-licensed premises in May. A number of alleged non-compliance practices were discovered and these are currently under review by the Council.

Classification: Public

Licensing Committee: 17th October 2017

Visits and inspections of premises have continued on six different occasions between June and August.

Generally the joint initiative has undertaken a number of actions, visits, inspections, meetings and training in an attempt to give a wider approach to the problems identified within the remit of the Licensing Service.

Implications on related Council policies

Meeting the objectives of the Council's Licensing Policy

How this report benefits Hillingdon residents

To reduce alcohol abuse and related anti-social behaviour in the Borough.

Financial Implications

None arising from this report.

Legal Implications

None.

BACKGROUND PAPERS

NIL

LEGISLATION UPDATE

Committee name	Licensing Committee
Officer reporting	Beejal Soni - Legal Services
Papers with report	None
Ward	All

HEADLINES

This report provides a case-law update and statistics related to the licensing of premises under the Gambling Act 2005.

RECOMMENDATIONS:

That the Licensing Committee note the report.

SUPPORTING INFORMATION

1. Case law Update

*Bamboodle Bar and Grill Ltd -v-Stratford upon Avon District Council (unreported)
Coventry & Warwickshire Magistrates Court
17-19 July 2017*

On 02 March 2017 the Stratford-Upon-Avon Licensing Sub-Committee revoked the premises licence for Bamboodle Bar and Grill Ltd. The reasons given for the revocation were:

- 1) The continuing failure by management to promote the licensing objectives of public safety, prevention of public nuisance and prevention of crime and disorder;
- 2) No real likelihood that the premises could or would be operated to promote the licensing objectives;
- 3) The owner, manager and their advisers had not grasped or had deliberately failed to grasp the importance of compliance with licence conditions and in maintaining an honest and open relationship with the licensing service;
- 4) The owner and manager of the premises had little or at best a casual regard for the safety of patrons and staff with little concern shown for the welfare of residents nearest to the venue.

The decision was subsequently appealed by the Premises Licence Holder. At the three-day hearing, the court found that there was no doubt that local residents had been severely adversely affected by noise nuisance coming from the premises and additionally with crowds of people associated with the premises on the pavement and highway causing unacceptable nuisance.

During the three-day appeal hearing the Magistrates heard evidence related to repeated overcrowding of the premises, noise nuisance and public nuisance on the street which could be attributed to the premises. The Court concluded that there was little prospect of the premises licence holder running the premises in a manner which upheld the licensing objectives. Consequently, it upheld the decision of the licensing authority. The appellant's company was also ordered to pay all the district council's costs of just over £25,000.

A transcript of the appeal hearing has been requested from solicitors acting on behalf of the district council. It is hoped this will be available and distributed to Members prior to the Licensing Committee meeting.

2. Statistics for premises licensed under the Gambling Act 2005

Licensing authorities (LAs) have a statutory duty to provide the Gambling Commission with specific information about gambling regulation in their area. The national statistics for 2016/17 have now been released by the Gambling Commission.

Headline National Figures	
11,248	Premises in Great Britain where a licence has been granted by the LA. A premises licence, rather than a permit, is required when an operator is using a premises for a gambling business licenced by the Commission
53,242	Permits and notifications currently in force for gambling-related activity in alcohol licensed premises, clubs and unlicensed family entertainment centres in Great Britain, as at 31 March 2017. This shows a 3% decline from March 2013
3,398	Permits/notifications were approved in the year ending March 2017. This shows a 43% decline from March 2013
3,621	Permits/notifications were made inactive (surrendered or revoked) in the year ending March 2017. This shows a 49% increase from March 2013
5,334	Inspections/visits were made by 249 LAs. 92% of which were pre-planned
131	LAs recorded nil inspections/visits in the year to 31 March 2017
5,334	Inspections/visits were made by 249 LAs. 92% of which were pre-planned
14	Average number of inspections/visits of premises where gambling activity took place per licensing authority (-1 from March 2016)
131	LAs recorded nil inspections/visits in the year to 31 March 2017
71	Total test purchasing visits conducted by licensing authorities (-39% from March 2017)

The report and statistics can be accessed at:

<http://www.gamblingcommission.gov.uk/news-action-and-statistics/Statistics-and-research/Statistics/Licensing-authority-statistics.aspx>

Implications on related Council policies

None at this stage

Financial Implications

None at this stage

Legal Implications

Legal comments are contained within the report.

BACKGROUND PAPERS

NIL

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LICENSING COMMITTEE - FORWARD PLANNER 2017/18

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

RECOMMENDATION:

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

17 October 2017	Proposed Agenda / Reports	Lead	Timings
10am Committee Room 3	Discussion: Self-exclusions from gaming establishments and online gambling	IM	Report deadline: 4 October Agenda Published: 9 October
	Decisions: Street Trading Hearing Protocol Decisions to revoke or suspend Personal licenses following convictions	Legal Legal	
	Informatives: Reducing the Strength Update Legislative Update	IM Legal	
	Business Review: Forward Planner Sub-Committee Minutes	MB	

9 January 2018	Proposed Agenda / Reports	Lead	Timings
10am Committee Room 5	Presentation: Vulnerable Adults and those subject to alcohol misuse.	TBC	Report deadline: 15 December Agenda Published: 29 December
	Decisions TBC	TBC	
	Informatives: Legislative Update	Legal	
	Business Review: Forward Planner Sub-Committee Minutes	MB	

12 April 2018	Proposed Agenda / Reports	Lead	Timings
10am Committee Room 6	Presentation: TBC	TBC	Report deadline: 29 March Agenda Published: 4 April
	Decisions Update on all relevant licensing policies / timelines for review	IM	
	Informatives: Summary report on officer delegated decisions (noting) Legislative Update	IM Legal	
	Business Review: Forward Planner Sub-Committee Minutes	MB	

Possible future items

- Building up the evidence base for sub-committee decisions - to incorporate into public health items
- Update from Public Health, following actions from the January 2016 meeting.
- Licensing Activity Update (annual)

SUB-COMMITTEE DECISIONS & RATIFICATION OF MINUTES

Committee	Licensing Committee
Officer Contact	Mark Braddock, Democratic Services
Papers with report	Minutes of Licensing Sub-Committees
Ward(s) affected	Various

HEADLINE

This report updates Members on recent Licensing Sub-Committee decisions since the last meeting and seeks ratification of the minutes of the sub-committees as an accurate record. The minutes shown are public minutes, as the meetings were considered in Part 1.

RECOMMENDATIONS

- A: That the Committee note the decisions of the Licensing Sub-Committees since the last Licensing Committee meeting and;**
- B: That the Committee, and Members present at the following Sub-Committee, approve the minutes as a correct record:**
- a) 23 May 2017 (Part 1)
 - b) 6 July 2017 (Part 1)
 - c) 7 July 2017 (Part 1)

(see below for breakdown of which Members attended which meeting to approve)

SUPPORTING INFORMATION

Overleaf are the licensing sub-committee decisions since the last meeting. They are strictly for noting and ratification only, as the decisions have been made and implemented. Attached to this report are a number of sets of minutes, which have yet to be approved formally.

Date of Meeting	Application or Matter Considered	Ward	Members Present	Sub-Committee Decision
23 May 2017 (Part 1)	Application for the Grant of a Premises Licence: Cineworld	South Ruislip	Gilham (Chairman), Allen, Jackson	Application GRANTED with conditions

Date of Meeting	Application or Matter Considered	Ward	Members Present	Sub-Committee Decision
6 July 2017 (Part 1)	Review the licence of Strawberry Local, 2-3 Gloucester Parade, Hayes	Pinkwell	Gilham (Chairman), Allen, Barnes	Licence SUSPENDED for 3 months with conditions attached
7 July 2017 (Part 1)	Review of a premises licence: Ahuja's Superstore, 1-3 Redmead Road, Hayes	Pinkwell	Gilham (Chairman), Chamdal, Morse	Licence REVOKED and DPS removed

Minutes

LICENSING SUB-COMMITTEE

23 May 2017

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



HILLINGDON
LONDON

	<p>Committee Members Present: Councillors Dominic Gilham (Chairman) Lynne Allen Patricia Jackson</p> <p>Interested Parties Present: Councillors Allan Kauffman Judy Kelly</p> <p>LBH Officers Present: Steven Dormer - Licensing Officer Jyoti Mehta - Legal Advisor Neil Fraser - Democratic Services Officer Liz Penny - Democratic Services Officer</p>
6.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>None.</p>
7.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>None.</p>
8.	<p>TO CONFIRM THAT THE ITEMS OF BUSINESS MARKED PART I WILL BE CONSIDERED IN PUBLIC AND ITEMS MARKED PART II WILL BE CONSIDERED IN PRIVATE (<i>Agenda Item 3</i>)</p> <p>It was confirmed that all items were Part I and would be considered in public.</p>
9.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>None.</p>
10.	<p>APPLICATION FOR THE GRANT OF A PREMISES LICENCE: CINEWORLD (<i>Agenda Item 5</i>)</p> <p>At the commencement of the hearing, the Legal Advisor, Ms Jyoti Mehta, drew the attendee's attention to the addendum, which included updated Legal comments which were confirmed to supersede the comments within the main report.</p> <p><i>Introduction by Licensing Officer:</i></p> <p>The Licensing Officer, Steven Dormer, introduced the application and report to the</p>

Sub-Committee, confirming that the Sub-Committee had been convened to assess an application for a new premises licence in respect of Cineworld, Old Dairy, South Ruislip, HA4 0HF. The application was for a licence to sell alcohol and late night refreshment, as well as exhibiting a variety of films, as well as entertainment such as live music and performance of dance.

Mr Dormer highlighted the addendum which included highlighted plans of the premises, which showed the ground floor entrance, the concessions stand and escalators, alongside auditoria and waiting areas. The Sub-Committee was informed that, as per the applicant's statement attached at Appendix 5, the cinema would sell alcohol from the concession stands, though in the future may choose to sell alcohol from mobile units within the premises.

As per the addendum, nearby licensed premises were detailed, which included:

Frankie & Benny's

Which has a licence for the sale of alcohol every day until 00:00, with a closing time of 00:30.

Chiquitos

Which has a licence for the sale of alcohol Monday to Sunday until 00:00, with a closing time until 00:30

Nandos

Which has a licence for the sale of alcohol Monday to Sunday until 00:00, with a closing time of 00:30

(All three of the above premises offer a sit down restaurant.)

Asda Stores

Which has a licence for off sales of alcohol 24 hours a day, seven days a week.

The Middlesex Arms Public House

Which has a licence for the sale of alcohol for the following hours:

From 10.00 hours until 00.00 hours, Sunday to Wednesday

From 10.00 hours until 01.00 hours, Thursday, Friday and Saturday

B&M Stores

Which has a licence for the off sale of alcohol from 08:00 hours until 00:00 hours every day.

Aldi Stores

Which has a licence for the off sales of alcohol up until 23:00 every day.

Mr Dormer confirmed that representations had been received from three interested parties, comprising of Councillors Kauffman and Kelly, together with a local resident. Councillors Kauffman and Kelly were in attendance, though the local resident was not. Details of all representations were confirmed to be found at Appendix 3 of the report.

Mr Dormer confirmed that the application had been submitted in accordance with the Licensing Act 2003, though there were parts of the section 182 guidance, issued by the Secretary of State, that the applicant may have not considered full. The Sub-Committee was reminded of the relevant sections pertaining to the promotion of the licensing objectives contained within points 8.39 to 8.41, and 8.43 to 8.46, of the guidance.

The Sub Committee was informed that, when submitted, the application was lacking in detail relating to the conditions and steps to be made in order to promote the licensing objectives. To ameliorate this, the Licensing Authority requested additional confirmation from the applicant on how they planned to manage the site, details of which were attached as Appendix 5 of the report.

Mr Dormer concluded by recommending that the licence be granted, subject to the conditions as set out in Appendix 1, together with a suggestion that the applicant establish a working relationship with local residents that would help address any potential concerns.

The Chairman requested clarification from Mr Dormer regarding the areas of the premises that the applicant was requesting to be licensed. Mr Dormer confirmed that the applicant was requesting a licence for the whole of the ground and first floor. With regard to the projection level, Mr Dormer stated that he would defer to the applicant on this matter.

The Chairman sought clarification from Mr Dormer as to the licensed hours requested for the sale of alcohol, as the agenda pack appeared to be requesting a 24 hour licence. Mr Dormer confirmed that the pack was incorrect and that the applicant was requesting a licence for the sale of alcohol until 3am.

Representation by the Applicant:

Ms Clare Johnson, representing Cineworld, confirmed that the Sub Committee should review the plans as submitted by the applicant, rather than the plans highlighted by Mr Dormer. The submitted plans showed that Cineworld were applying for an alcohol licence that covered the entirety of the premises.

With regard to the representations received, the Sub Committee was reminded that the objections related to the sale of alcohol, and the times of its sale, rather than the location of where it would be sold. The licensed premises in and around the site were reiterated to the Sub-Committee, including ASDA which was confirmed to hold a 24 hour licence for the off sale of alcohol.

Ms Johnson asserted that Cineworld had 96 cinemas within the U.K. and that the application before the Sub Committee was a standard Cineworld application typical of many previously successful applications. Processes and procedures were in place to ensure the licensing objectives were upheld, including CCTV, a challenge 25 policy, and staff training programmes. It was confirmed that in the last 6 months, no issues resulting from the sale of alcohol had been recorded, whilst no review of any of Cineworld cinemas had been required in the last 10 years, which was felt to be testimony to the way in which Cineworld worked to uphold the licensing objectives.

It was confirmed that the current application included a licence for music and dance, to allow the applicant the flexibility to run some form of entertainment for its patrons prior to their film. It was confirmed that this was not likely to be a regular occurrence.

The Sub-Committee was informed that Ms Johnson, alongside a Regional Manager and the Cinema General Manager, had met with various Police officers to discuss the proposed operation of the site. The Police were happy with the proposals, and had no concerns over any potential issues of crime and disorder, which was evidenced by the Police not lodging any objections to the application. The Sub

Committee was reminded that paragraph 2.1 of the guidance, which stated that Licensing Authorities should look to the Police as the main source of advice on the objective to prevent crime and disorder.

Similarly, no objections had been raised from the Environmental Health Officer, and no concerns had been raised that the granting of the licence would undermine the prevention of public nuisance objective. No representations had been received from any of the responsible authorities in respect of public safety, and no representations had been submitted by the Trading Standards Authority or the Children Safeguarding Board that suggested that the granting of the licence would be contrary to the protecting children from harm objective.

Ms Johnson referred the Sub-Committee to the objections received from the interested parties, confirming that Councillor Kauffman had stated that he welcomed Cineworld's proposal, but had concerns over the sale of alcohol until 3am, feeling that it would lead to public disorder. Ms Johnson asserted that this was a speculative opinion not supported by evidence or shared by the Police and other responsible parties, and therefore should not be taken into consideration. With regard to Councillor Kauffman's suggestion that people would be journeying to the cinema late at night to get a drink, it was confirmed that this was not Cineworld's experience at its other sites, and it was suggested that the ASDA store, located close by, would likely be a more popular destination for drinkers due to its 24 hour licence and its comparatively cheaper beverages.

With regard to Councillor Kelly's concerns that the sale of alcohol would lead to public disorder and could endanger children, it was reiterated that this was speculation that was not supported by evidence, and was not an opinion shared by the other responsible authorities.

In summary, Ms Johnson concluded that the application was from a responsible company with an impeccable track record in such matters, and it was requested that the Sub-Committee therefore grant the licence, as recommended by the Licensing Officer.

The Chairman sought clarity from the applicant as to whether they would be running a Challenge 21 policy or a Challenge 25 policy, as the application's stated Challenge 21 policy appeared to be contradicted by Ms Johnson's statement, (in Appendix 5), that specified Challenge 25. Ms Johnson confirmed that at the time of the submission of the application, Challenge 21 was correct, but that subsequently Cineworld had moved to a Challenge 25 policy, and that this would be in effect at this cinema, were the licence to be granted.

Councillor Allen requested confirmation of what containers the alcohol would be served in, and whether patrons would be able to take the drinks off site. Ms Johnson confirmed that alcohol would be decanted into plastic glasses at the point of sale. Patrons would be able to take the drinks off site, though the Sub Committee was reminded that consumption of alcohol off site was not licensable.

Representation by the Interested Parties:

Councillor Kelly confirmed that her concerns related to children being on premises in and around the sale of alcohol.

Councillor Kauffman confirmed that his concerns related to patrons leaving the cinema, drunk, in the early hours of the morning, which could lead to public order and noise

disturbances for the local residents of the area. Councillor Kauffman highlighted that many cinemagoers would likely be walking to the train station, open on Saturday and Sunday mornings, which took them past many residential dwellings. In addition, Councillor Kauffman highlighted South Ruislip's existing issues with anti social behaviour and violence, which he felt could be exacerbated by the alcohol on sale at the cinema.

Discussion:

The Chairman sought clarity from Ms Johnson regarding her statement in Appendix 5, which had confirmed that the concession area, from which alcohol was to be sold, would close when the last film showing began.

Ms Johnson confirmed that the statement had been submitted at the request of the Local Authority for Cineworld to specify the proposed way of working, and was not to be used to impose conditions. It was confirmed that the application was requesting licensing for the entire premises, to allow the applicant flexibility should they wish to sell alcohol from other points of sale, such as mobile units. Ms Johnson suggested that if this was confusing the Sub-Committee, she would be happy to withdraw the statement from the application.

The licence was requested to allow the premises to show films on a 24 hour basis. The Sub-Committee was informed that currently, the latest showing of films were at approximately 11pm, with large 'event' films occasionally shown at midnight or later. It was confirmed that although this was a rare occurrence, the licence was required to allow the proprietor the flexibility to show films at these times. In such instances, Cineworld would also want the ability to serve alcohol, hence the request for a licence to serve alcohol up to 3am.

Sam Tomlinson, Cinema General Manager, confirmed that it was his intention that all alcohol sales would stop upon commencement of the last film, but that the licence would be until 3am required to avoid any restrictions. With regard to Councillor Kelly's concerns, the Challenge 25 policy would be operated, to ensure no children were served alcohol on the premises.

The Chairman reminded Ms Johnson that were the statement in Appendix 5 to be withdrawn, the application terms would revert to the stated Challenge 21 policy. Ms Johnson confirmed that she would accept a Challenge 21 policy, if necessary. On this basis, the statement was withdrawn.

Committee Deliberation:

All parties were asked to leave the room while the Sub-Committee considered its decision.

All parties were invited back into the room for the Chairman to announce the decision of the Sub-Committee.

Decision:

RESOLVED: The Sub-Committee considered all the relevant representations made available to it and in doing so took into account the Licensing Act 2003, the

Guidance issued by the Secretary of State under Section 182 of that Act, the Council's Statement of Licensing Policy, the Licensing objectives and the Public Sector Equality Duty.

The decision of the Sub-Committee is to grant the licence subject to the following conditions:

- A colour digital CCTV system will be installed and maintained and images provided for a period of 31 days. These will be made available to the police/ or local authority on request;
- The premises will operate Challenge 25 policy;
- All training on age related products must be consistent with the Challenge 25 scheme.

REASONS

The Sub-Committee noted the following reasons for its decision:

1. The Sub-Committee considered the concerns relating to public nuisance , however, the Sub-Committee noted no specific incidents of public nuisance or harm being done or likely to be done to children were cited or linked to the premises.
2. The Sub-Committee accepted that the Challenge 25 Scheme and the mandatory staff training that will be provided on age related products would be sufficient protection to uphold the licensing objectives.
3. The Sub-Committee agreed that the Premises Licence should attach a condition requiring the Applicant to install and maintain CCTV System footage for 31 days instead of 28 days, as this would be in accordance with Appendix B of the Council's Statement of Licensing Policy.

RIGHT OF APPEAL

The Applicant for the premises licence or any other person who made relevant representations to the application may appeal against the Council's decision to the Justice Clerk at the Uxbridge Magistrates. Such an appeal may be brought within 21 days of receipt of this Notice of Decision.

The Applicant will be deemed to have received the Decision Notice, two days after the date on the accompanying letter, which will be posted by 1st class mail.

The meeting, which commenced at 2.00 pm, closed at 3.22 pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Neil Fraser on 01895 250692. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

The public part of this meeting was filmed live on the Council's YouTube Channel to increase transparency in decision-making, however these minutes

remain the official and definitive record of proceedings.

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Minutes

LICENSING SUB-COMMITTEE

6 July 2017

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



	<p>Committee Members Present: Councillors Dominic Gilham (Chairman) Lynne Allen Teji Barnes</p> <p>LBH Officers Present: Anisha Teji, Democratic Services Officer Jyoti Mehta, Legal Advisor Kiran Seyan, Senior Trading Standards Officer Steven Dormer, Licensing Officer</p>
11.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>There were no apologies for absence.</p>
12.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>There were no declarations of interest.</p>
13.	<p>TO CONFIRM THAT THE ITEMS OF BUSINESS MARKED PART I WILL BE CONSIDERED IN PUBLIC AND ITEMS MARKED PART II WILL BE CONSIDERED IN PRIVATE (<i>Agenda Item 3</i>)</p> <p>It was confirmed that items marked Part I would be considered in public.</p>
14.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>None.</p>
15.	<p>REVIEW THE LICENCE OF STRAWBERRY LOCAL, 2-3 GLOUCESTER PARADE, HAYES (<i>Agenda Item 5</i>)</p> <p><i>Introduction by Licensing Officer</i></p> <p>Steven Dormer, Licensing Officer at London Borough of Hillingdon introduced the report, photographs and addendum relating to a review of the premises license for Strawberry Local, 2-3 Gloucester Parade, Bourne Avenue, Hayes, UB3 1PR.</p> <p>The London Borough of Hillingdon's Trading Standards team along with the Metropolitan Police carried out operations at various premises throughout the Borough and seized illicit tobacco products from Strawberry Local. This application for review had been made by the Trading Standards team, the applicant, to consider a review of the premises licence under section 51 of the Licensing Act 2003.</p>

Mr Dormer confirmed that a visit had been undertaken by the Officers on Monday 3 July 2017 and the licence conditions appeared to be complied with. No follow up visits were made after the visit in December 2016. The Licence Holder had been cooperative when Officers visited the site and it was suggested that further conditions modifying the premises licence may help with protecting the public. Further visits from Officers in the future would also establish if the Licence Holder was complying with new conditions.

Representation by Applicant for the review

Kiran Seyan, Trading Standards Investigating Officer addressed the Sub Licensing Committee. The application had been submitted in support of the Licensing Objective: Prevention of Crime and Disorder.

Following complaints, on 7 December 2016, Officers from Trading Standards and the Metropolitan Police accompanied by Canine sniffer dogs conducted inspections of premises suspected of selling illicit goods. Concealed tobacco products were seized by Trading Standards and found in a printer copier behind the till, at the lower end of the tobacco gantry and in the Licence Holder's vehicle. Tobacco seized included 3650 cigarettes, 1580 grams of hand rolling tobacco, 14 sachets of chewing tobacco. Following the inspection the seized items were sent for confirmation to the brand representatives and it was confirmed that 60 Richmond cigarettes and 80 grams of the hand rolling tobacco were genuine. These items were returned to the Licence Holder on 19 May 2017. The other tobacco seized was confirmed to be counterfeit and non duty paid.

The Sub - Committee was invited to consider the Trading Standards recommendation that the licence be suspended for a period of time deemed suitable for the Licence Holder to comply with the conditions proposed by Trading Standards and the Licensing Officer.

Representation by the Licence Holder

Mr Panchal, on behalf of the Licence Holder Mr Dildar Singh Soni, submitted representations to the Sub Committee. He stated that the Licence Holder had held the licence since 2014. There had been no breaches of conditions or licensing matters during this period. The License Holder apologised for his actions. Once he had realised his error and following the inspection in December 2016, the Licence Holder had taken action to ensure that he is complying with the licence. He purchased his goods from registered suppliers and ensured that training manuals were in place. He also promoted the four licensing objectives and operated the challenge 25 scheme.

The Licence Holder apologised for his actions to the Sub Committee.

Discussion

During the Sub Licensing Committee's discussion, the following points were noted:

- The Committee was only exploring the non duty paid items seized under its jurisdiction
- Trading Standards conducted a revisit of the premises in May 2017 and there were no issues at the time of this visit. The Licence Holder engaged in a suitable manner.
- The Contraband products were found in a printer copier in the paper tray. At the bottom of the gantry there was also suspected illicit tobacco found.

- The signs which were required to be displayed in accordance with training manuals were not visible in the photographs before the Committee.
- The Licence Holder started selling the type of products in question for the first time.
- A few regular customers bought these illicit cigarettes.
- The Licence Holder had not shared details of the person who he had bought the items from and had no contact details for them. He paid for these items with cash and received no receipts.
- The Licence Holder bought 4000 cigarettes as he had to buy it as it was being sold. He paid 45 pounds of each sleeve and in total 900 pounds.
- Although the Licence Holder initially indicated that was his first time buying illicit products, the contraband products such as the oral tobacco were purchased from a person on more than one occasion. There was one regular customer who purchased this item. After the inspections in December 2016 the Licence Holder told the seller he no longer wanted to purchase these goods and stopped this process. Since then nothing further has been ordered or purchased.
- The Licence Holder is keen to comply with any conditions the licence requires and has learnt from the experience. The Licence Holder's representative will encourage him to share whatever information he has with authorities.

Committee Deliberation

All parties were asked to leave the room while the Sub-Committee considered its decision.

All parties were invited back into the room for the Chairman to announce the decision of the Sub-Committee.

The Decision

RESOLVED -

The Sub-Committee has considered all the relevant evidence made available to it and in doing so has taken into account the Licensing Act 2003, the Guidance issued by the Secretary of State under section 182 of that Act in particular paragraph 11:27, the Council's Statement of Licensing Policy and the Licensing objectives.

The Sub-Committee's decision is to suspend the premises license for a period of 3 months and that the following conditions shall be attached to the premises licence.

1. All images from the CCTV shall be retained for a period of 31 days and shall be available for inspection by the Police or Local Authority on request.
2. A challenge 25 scheme shall operate at the premises
3. Only photographic ID shall be acceptable as proof of age.
4. All tobacco and alcohol will be purchased from traders who are registered with HMRC for VAT purposes. Invoices for these purchases will be retained for a minimum 6 years and will be made available on request of the Police and all Responsible Authorities.

Right of appeal

No decision made by the Council will have effect during the time period within which an

appeal may be brought and until such time that any appeal has been determined or abandoned.

The applicant for review, holder of the Premises Licence, or any other person who made relevant representations to the application may appeal against the Council's decision to the Justice Clerk at the Uxbridge Magistrates Court. Such an appeal may be brought within 21 days of receipt of this Notice of Decision.

The Licence Holder will be deemed to have received the Decision Notice, two days after the date on the accompanying letter, which will be posted by first class mail.

The meeting, which commenced at 2pm, closed at 3.45 pm.

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

The public part of this meeting was filmed live on the Council's YouTube Channel to increase transparency in decision-making, however these minutes remain the official and definitive record of proceedings.

Minutes

LICENSING SUB-COMMITTEE

7 July 2017

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



	<p>Committee Members Present: Councillors Dominic Gilham (Chairman) Roy Chamdal John Morse</p> <p>Responsible Authorities Emly Mitchell, Metropolitan Police Licensing Enforcement Officer Kiran Seyan, Trading Standards Investigating Officer</p> <p>Respondents Present: Mr Rajinder Singh Khurana, Licence Holder Mr Panchal, Licensing Agent</p> <p>LBH Officers Present: Roisin Hogan, Legal Advisor Jhini Mukherjee, Licensing Officer Luke Taylor, Democratic Services Officer</p>
16.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>There were no apologies for absence.</p>
17.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>There were no declarations of interest.</p>
18.	<p>TO CONFIRM THAT THE ITEMS OF BUSINESS MARKED PART I WILL BE CONSIDERED IN PUBLIC AND ITEMS MARKED PART II WILL BE CONSIDERED IN PRIVATE (<i>Agenda Item 3</i>)</p> <p>It was confirmed that all items were Part I and would be considered in public.</p>
19.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>None.</p>
20.	<p>APPLICATION FOR A REVIEW OF A PREMISES LICENCE: AHUJA'S SUPERSTORE, 1-3 REDMEAD ROAD, HAYES, UB3 4AU (<i>Agenda Item 5</i>)</p> <p>At the commencement of the hearing, the Chairman drew the attendees' attention to the addendum, which included additional photographs and updated comments which were confirmed to supersede the comments within the main report.</p>

Introduction by Licensing Officer:

The Licensing Officer, Jhini Mukherjee, introduced the review and informed the Sub-Committee that this was an application initiated by Trading Standards, seeking a review of the Premises Licence of Guru Kirpa Traders Ltd (trading as Ahuja's Superstore), 1-3 Redmead Road, Hayes, UB3 4AU, on the grounds of the Prevention of Crime and Disorder. A submission in support of the review was received from the Metropolitan Police Service.

Ms Mukherjee made reference to the history of the site, as set out in the report, and highlighted the addendum, which included a revised order of proceedings and officer's recommendation, as well as additional photographs of the seized goods and the site.

Ms Mukherjee detailed visits to the premises on 7 December 2016, 19 May 2017, 1 June 2017 and 21 June 2017.

On 7 December 2016, a multi-agency operation led to the seizure of a large quantity of illicit tobacco and counterfeit DVDs, and a man identified as an illegal immigrant was working behind the counter.

On a further visit on 19 May 2017, a man behind the counter was potentially an illegal immigrant, although he claimed he was not working at the shop.

During a visit to the premises on 1 June 2017 by the Ms Mukherjee, Mr Khurana was not present and the person behind the counter had no knowledge of licensing objectives.

A further visit on 21 June 2017 did not lead to further licensing issues.

The Committee was invited to determine whether to:

- Modify the conditions of the licence;
- Exclude a licensable activity from the scope of the licence;
- Remove the designated premises supervisor (DPS);
- Suspend the licence for a period not exceeding three months; or
- Revoke the licence.

It was confirmed that the applicant was seeking a full revocation of the Premises Licence and this was supported by the Metropolitan Police Service.

Representation by the Applicant:

Ms Kiran Seyan of Trading Standards addressed the Sub-Committee and set out in her statement, detailing the events of multiple visits to Ahuja's Superstore.

On 7 December 2016, Ms Seyan led a multi-agency operation with sniffer dogs to inspect the premises as it was suspected of selling illicit tobacco. During this visit, it was noted:

- The DPS, Mr Khurana, was not present. A man, who identified himself as Mohammed Iqbal, was behind the till counter and the Metropolitan Police later identified this man as an illegal immigrant.
- Each of the agencies present conducted an inspection and concealed tobacco was found at various locations on the premises. Also, boxes of counterfeit Bollywood DVDs were also found.

- Mr Khurana arrived at the premises later and claimed that a Polish man had sold the tobacco to him. He stated that he had "never done it before".

A second visit to the premises was carried out on 19 May 2017. During this visit it was noted:

- A man, who identified himself as Captain Singh, moved from behind the till to in front of the counter when the Police entered the property.
- He claimed he was not working but was looking after the shop while the manager was out.

A further 21 June 2017 did not lead to any further trading standards issues. However, on each of the three visits carried out by Trading Standards, Mr Khurana was not present, and on two occasions an illegal immigrant was behind the counter.

Representation by the Interested Parties:

Ms Emly Mitchell, Metropolitan Police, confirmed the Police assisted with the operation on 7 December 2016 and confirmed an illegal immigrant was the only person in the shop. It was confirmed that Mr Iqbal had overstayed his visa and was not entitled to work in the UK. Mr Iqbal confirmed he worked 8am to 6pm each day for £300 a week in cash. Ms Mitchell also confirmed that the Licence Holder was also unable to provide CCTV, which was a breach of the Premises Licence Conditions.

Ms Mitchell informed the Sub-Committee that at the follow-up visit on 19 May, there was a man behind the counter who had no records, which suggested he was an illegal immigrant. He claimed he was not working at the shop, and if that was the case, then the shop was left without a staff member. On this occasion, the Police had to take the keys from behind the counter as the man present did not know where the keys were. At this time a section 19 Closure Notice was served. CCTV footage was again not provided.

Ms Mitchell confirmed that the Police supported a full revocation of the Premises Licence.

Representation by the Licence Holder:

Mr Panchal, submitting representations on behalf of the licence holder, stated that the Premises License holder has promoted the licensing objectives since the operation in December, and no illicit goods have been found on the premises since then.

Discussion:

When questioned about the visits by the agencies, Mr Khurana informed the Sub-Committee that Mr Iqbal was recommended to him by friends and had worked for him for two weeks. He had asked for Mr Iqbal's paperwork following the first operation, but Mr Iqbal did not return to the premises. Mr Khurana confirmed that he was aware it was not correct process to have paid Mr Iqbal in cash.

The Sub-Committee also heard that it was the first time that Mr Khurana purchased the goods, and he paid roughly £1,100 for the tobacco. Mr Khurana then confirmed that he was told that the tobacco could be sold duty-free but not that they were fake. When responding to the Chairman's questioning, Mr Khurana confirmed that he was aware to avoid paying duty on tobacco was illegal, and apologised for his mistake.

With regards to the visit on 19 May, the Sub-Committee asked who was working on this day, and Mr Khurana stated that he had to go to the hospital and left two men in the open shop to look after it while he was absent; he confirmed that they did not have

licensing training as they were not selling items.

Councillor Chamdal asked Mr Khurana about payments to Mr Iqbal and asked why he purchased the illicit tobacco if he was aware that it was against licensing law. Mr Khurana confirmed he was aware of the minimum wage and stated that his business had been affected by Asda in the local area, and he bought the tobacco to help his business' turnover and profit.

The Chairman asked how many cigarettes were purchased and how much was sold, and was informed that 5,000 mixed cigarettes were bought in November or December 2016, and some of these were sold.

With regards to the counterfeit DVDs, Mr Khurana stated he did not buy these and they were not for sale, as they were already in the shop when he purchased it and were left by the previous owner in the stock room.

Ms Seyan noted that if the counterfeit tobacco had cost £1,100 and the goods seized in the shop came to a rough value of £1,700 when sold at the market value, a significant quantity must have been bought and many of these would have been sold before the operation in December. Ms Seyan informed the Sub-Committee that the original referral regarding counterfeit goods being sold at Ahuja's Superstore was received anonymously in August 2016. Mr Khurana commented that the member of the public was mistaken and the goods were purchased in November or December.

Mr Panchal noted that Mr Khurana was improving his compliance with the licensing objectives and was happy to accept the new licence conditions that were proposed in the officer's recommendation.

Ms Mitchell stated that Mr Khurana had been fully aware he employed illegal immigrants, committed tax evasion and paid employees less than the minimum wage, and had not complied with the licensing objectives by purchasing illicit goods. Ms Seyan also noted that despite Mr Khurana's assertion that he was told the illicit cigarettes were duty free and not counterfeit; he should still not have purchased them and was aware that this was illegal.

Committee Deliberation:

All parties were asked to leave the room while the Sub-Committee considered its decision.

All parties were invited back into the room for the Chairman to announce the decision of the Sub-Committee.

Decision:

The Sub-Committee was of the opinion that there could be no justification for criminal activity which subverts the licensing objectives. In light of the intentional purchase and sale of counterfeit tobacco, the Sub-Committee found it difficult to believe Mr Khurana when he said he inherited the counterfeit DVDs when he bought the premises in 2015, and therefore had no intention of selling them. The Sub-Committee noted that Mr Khurana was unable to provide a reason or explanation for not removing or destroying the counterfeit DVDs in the intervening two years.

The Sub-Committee took note that there were five visits undertaken between December 2016 and June 2017. At two of the three visits by the Metropolitan Police Service and Trading Standards, there was an illegal worker at the premises and/or the premises was left unstaffed. Of the five visits undertaken, on four occasions there was no responsible or designated person present at the premises to ensure that the sale of

alcohol took place in accordance with the requirements of the Premises Licence.

A summary of the findings of the visits was discussed:

1. 7 December 2016 - illegal worker, DPS not there, no CCTV footage provided and illegal goods seized.
2. 19 May 2017 - illegal worker and/or premises unstaffed, DPS not there and no CCTV footage provided.
3. 1 June 2017 - The DPS was not present and the employee present at the premises did not understand or know the licensing objectives.
4. 21 June 2017 - the DPS was not there and the employee at the premises could not provide information about the premises, including finding the keys for the premises.
5. 30 June 2017 - The DPS was there. No non-compliances.

The Sub-Committee was of the opinion that the outcomes of four of the five visits pointed to a management style not suited to upholding the licensing objectives. The last visit took place one week before this hearing, and it is telling that it is the only occasion when the DPS was present at the premises.

The information provided by Mr Khurana in relation to the price paid and quantity of the illegal goods does not match up with the retail value of the goods seized. The Sub-Committee was of the opinion that larger quantities of illegal goods were initially purchased than those that were found at the premises.

Mr Khurana claimed he bought the illegal goods in November 2016 and that this was the first time he bought illegal goods. However, an anonymous telephone call was made in August 2016 reporting the sale of illicit goods at the property. The conclusion drawn is that Mr Khurana had purchased the illegal goods prior to November 2016.

Appendix B of the Council's Statement of Licensing Policy states that CCTV forage is a vital tool to detect and prevent crime. The installation and use of CCTV on licensed premises is therefore a key tool to uphold the licensing objective of Prevention of Crime and Disorder. However, on two occasions, Mr Khurana could not provide CCTV footage to the Metropolitan Police Services, in breach of the premises licence CCTV condition 5.

Paragraph 11.27 of the Section 182 guidance states that there is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. The crimes listed that are of relevance to this review include:

1. For the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected.
2. For knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter.
3. For the sale or storage of smuggled tobacco and alcohol.

Paragraph 11.28 of the Section 182 guidance states that where reviews arise and the licensing authority determines that crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence, even in the first instance, should be seriously considered.

The Sub-Committee has considered in its entirety the evidence of the Responsible Authorities, the conduct of Mr Khurana with regard to the numerous non-compliances and repeated breaches of the Premises Licence CCTV Condition 5 and the submissions and responses of Mr Khurana and Mr Panchal. The Sub-Committee finds overwhelmingly that Mr Khurana failed to manage his premises in a manner which upholds the licensing objective to prevent Crime and Disorder.

CAUSES OF CONCERN

The causes of concern can be isolated and identified as follows:

1. Mr Khurana did not demonstrate the standard of responsibility expected of a Designated Premises Supervisor;
2. Mr Khurana has knowingly purchased illegal goods and intelligence suggests he may have purchased more than what has been disclosed, on more than once occasion;
3. Mr Khurana has attempted to justify purchasing the large quantity of illegal goods due to competing businesses;
4. Mr Khurana has employed illegal workers;
5. Mr Khurana has left the premises unstaffed;
6. Mr Khurana has left the premises with staff who did not know, and could not uphold, the licensing objectives;
7. Mr Khurana has repeatedly breached the premises licence CCTV condition 5 to provide tapes or discs; and

The Sub-Committee notes that the premises licence is held by a limited company. Ms Mukherjee has advised that Mr Khurana is the only director of the company. Therefore, to all intents and purposes, Mr Khurana is the owner and DPS of the premises.

Mr Khurana's decision to wilfully ignore the conditions imposed on his licence make it unlikely that a modification of licence conditions will achieve any result which may uphold the licensing objectives. The Sub-Committee notes that Mr Khurana has intentionally run his premises in a manner that undermines all the licensing objectives.

In the event the Sub-Committee elected to remove the DPS, Mr Khurana would remain the owner of the premises and employer of the new DPS (if one is appointed). As a result, Mr Khurana would remain in a position to ensure that the premises are run in a manner which ensured that his business prospers by any means possible. The removal of the DPS may add to the management structure of the shop but will not remove the root cause of a management style which has demonstrably ignored the premises licence conditions and therefore subverted the licensing objectives.

The Sub-Committee consider that the revocation of the licence would remove Mr Khurana's involvement in the premises as both the Premises Licence Holder and the Designated Premises Supervisor.

The Sub-Committee noted that all Responsible Authorities had requested revocation of this Premises Licence. The Sub-Committee did not consider that an alternative sanction to revocation was an adequate response to the crimes committed and repeated breaches of the licence conditions.

RESOLVED:

That the Sub-Committee has considered all the relevant representations made available to it and in doing so has taken into account the Licensing Act 2003, the Guidance issued by the Secretary of State under Section 182 of that Act, the Council's Statement of Licensing Policy and the Licensing objectives. The Sub-Committee has paid particular attention to S144 of the Licensing Act 2003 read together with Paragraph 11.27 of the S182 Guidance issued by the Secretary of State. The Licensing Sub-Committee has determined that it is necessary and proportionate to revoke the premises licence for Ahuja's Superstore which will also result in Mr Rajinder Singh Khurana being removed as the Designated Premises Supervisor of the Premises.

RIGHT OF APPEAL:

No decision made by the Council will have effect during the time period within which an appeal may be brought and until such time that any appeal has been determined or abandoned.

The applicant for review, holder of the Premises Licence, or any other person who made relevant representations to the application may appeal against the Council's decision to the Justice Clerk at the Uxbridge Magistrates Court. Such an appeal may be brought within 21 days of receipt of this Notice of Decision. A copy of the appeal should be sent to the Council's Licensing Service.

The Licence Holder will be deemed to have received the Decision Notice, two days after the date on the accompanying letter, which will be posted by first class mail.

The meeting, which commenced at 2.00pm, closed at 3.38 pm.

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

The public part of this meeting was filmed live on the Council's YouTube Channel to increase transparency in decision-making, however these minutes remain the official and definitive record of proceedings.

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