

Minutes

Licensing Committee
Wednesday, 10am, 14 October 2020
Meeting held virtually live on the Council's
YouTube channel: Hillingdon London



Members Present:

Martin Goddard (Chairman)
Nick Denys (Vice-Chairman)
Lynne Allen (Opposition Lead)
Simon Arnold
Janet Gardner
Eddie Lavery
Carol Melvin
John Oswell
Colleen Sullivan
Alan Chapman

Officers Present:

Glen Egan
Daniel Ferrer
Stephanie Waterford
Kiran Seyan
Mark Braddock

3. APOLOGIES FOR ABSENCE

No apologies for absence had been received.

4. DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING

No interests were declared by Members present.

5. TO AGREE THE MINUTES OF THE MEETING HELD ON 14 JANUARY 2020

The minutes of the meeting held on 14 January 2020 were agreed as a correct record.

6. TO AGREE THE MINUTES OF THE MEETING HELD ON 14 MAY 2020

The minutes of the meeting held on 14 May 2020 were agreed as a correct record.

7. TO CONFIRM THAT THE ITEMS OF BUSINESS MARKED PART 1 WILL BE CONSIDERED IN PUBLIC AND ANY ITEMS OF BUSINESS MARKED PART 2 IN PRIVATE

It was confirmed items marked public and items marked private would be considered as set out on the agenda.

8. PRESENTATION BY TRADING STANDARDS - AN ACCOUNT OF A VISIT TO A LICENSED PREMISES

Kiran Seyan, Senior Trading Standards Officer gave a presentation on how Trading Standards undertake their visits and inspections to off-licences where potential breaches are investigated. It was noted that the service was intelligence led, receiving complaints from residents, council services, councillors, the police and other agencies regarding allegations primarily of under-age sales, counterfeit and non-duty goods.

Ms Seyan explained how visits were often multi-agency to ensure a holistic approach to the investigation, including the Police and Dog Unit, HMRC, the Licensing Team and brand representatives. It was outlined how the seizure of goods took place, the types of notices given and the detailed procedures followed to ensure all aspects of compliance was investigated during a visit.

The presentation showed Members examples of some of the illicit goods that had been seized during investigations and where they had been hidden by those operating local off-licences. It was noted that the main issues with alcohol were non-duty paid and for tobacco counterfeit, non-duty paid and also non-standardised packaging. It was explained that other goods are discovered on visits such as nitrous oxide cannisters, unlicensed medical products and even fake stamps.

In respect of the outcomes of such investigations, it was noted that Trading Standards seek to bring cases to prosecution but also to the Licensing Authority in respect of reviewing their license going forward.

Members thanked Ms Seyan for her presentation and commented on the following matters:

- Access to premises and the need for a warrant to access connected properties, e.g. flats above.
- Recent difficulties in receiving results of analysis of products from brand representatives due to the pandemic, with some requiring analysis abroad.

Due to brief technical difficulties with the Chairman's connection, Cllr Nick Denys, Vice-Chairman of the Committee temporarily led the conclusion of the item and thanked officers for their efforts in tackling such premises.

9. STATEMENT OF LICENSING POLICY - CONSULTATION

Mr Ferrer, Licensing Team Manager, introduced the report on the proposed update to the Statement of Licensing Policy which was out to consultation. It was noted that the Council was required to review its licensing policies at regular intervals to ensure that it was carrying out licensing functions in accordance with current legislation. During this review, it was explained that consideration had been given to how

changes might improve the way in which services are being delivered, to make them more efficient and customer friendly.

Mr Ferrer detailed the various proposed updates to the Policy line by line. The Chairman, who had re-joined, led a discussion with Members of the Committee who sought clarification and gave comment on the following matters for officers to consider and, where possible, include in the final draft Policy to be presented to Cabinet and then Council:

- The inclusion of all residents' associations in the consultation
- Shisha bars and their enforcement
- To include referencing and hyperlinking within the Policy to relevant documentation or websites
- More information about the Purple Flag Scheme and related guidance.

RESOLVED:

That the Committee considers the revisions to the Statement of Licensing Policy and offers comments to be considered by Cabinet at the end of the consultation period.

10. REVIEW OF LICENSING SUB-COMMITTEE HEARING PROTOCOLS

Ms Waterford, Service Manager Licensing, Food & Safety Regulation, introduced the report proposing a review of the hearing protocols for Licensing Sub-Committee meetings to ensure best practice and consistency in conducting all types of hearings. It was noted that the Hearing Protocols were last updated and adopted in 2015 and serve as the standard by which the Licensing Authority must determine applications across all delegated licensing regimes.

The Chairman and Members of the Committee offered the following points in respect of updating the hearing protocols and related matters in terms of the information presented to the Sub-Committees:

- Potential usefulness and legal consideration on site visits to premises prior to a hearing and protocols to ensure licensing and sometimes related planning considerations to not overlap or influence the other.
- The absence of the Police as a Responsible Authority from hearings even in circumstances where an Interested Party has issued a statement citing police information such as CAD numbers.
- Consideration of more detail in reports such as clarification of submissions made by the Applicant in the application form, Companies House searches and improved follow-up on information provided by Interested Parties.
- The appropriateness and relevance of video and photographic evidence submitted by Interested Parties.
- Consideration of time limits on speakers and best practice elsewhere to enable efficient meetings yet for all parties to have their due say.
- Ensuring awareness of the "High Risk Premises".
- The distinction and relevance between incidents and activities outside on public land in comparison to those within the confines of a licensed premise.

- Support for a “licensing policy advisor” to attending hearings to guide Members on the application of the Policy.

RESOLVED: That the Committee discusses the headings for review and instructs Officers to prepare draft Hearing Protocols ready for final review and adoption at the next Licensing Committee meeting in January 2021.

11. HOSPITALITY SECTOR CORONAVIRUS REGULATIONS 2020

Ms Waterford, Service Manager Licensing, Food & Safety Regulation, detailed the activity and recent actions taken by the Council in respect of ensuring compliance by the hospitality sector with the Coronavirus regulations.

Members were given an overview of the visits to pubs and hospitality premises since they were permitted to re-open on 4th July 2020 and it was noted that much effort had taken place prior to this date to ensure premises were well prepared and had the necessary guidance.

Members received further information on the various new regulatory measures in effect, including the implications of the Rule of 6, Track and Trace using QR codes, table service, use of face coverings and the 10pm curfew.

It was noted that a total over 510 visits had been carried out resulting in approximately 140 written warnings and that premises would also face Fixed Penalty Notices of £1,000 per breach if they did not comply with the regulations.

Members of the Committee made the following comments:

- The extent of the non-compliance with those premises that had received a written warning, of which only a very small number had low levels of compliance.
- Congratulations to the various officers seeking to ensure compliance and thereby assist in public health measures during the pandemic.
- Clarification with regards to external tables and chairs and temporary pavement licences and their positioning on the highway.

RESOLVED: That the Committee notes the report.

12. LEGISLATIVE AND INDUSTRY UPDATE

Mr Glen Egan, Office Managing Partner advised the Licensing Committee of a recent decision of the High Court concerning the application of the Public Sector Equality Duty to licensing functions. It was noted that the case illustrated the difficulty of assessing the impact of licensing changes where the clientele of establishments and their protected characteristics are difficult to identify.

RESOLVED: That the Committee note the report.

13. FORWARD PLANNER

An update was requested on the changes to Fixed Odd Betting Terminal rules and also it was suggested whether the brand representative could provide a virtual presentation for a future meeting, subject to the pandemic.

RESOLVED:

That the Committee note the Forward Planner and suggest any alterations to, or additional items, as set out.

14. RATIFICATION OF PAST LICENSING SUB-COMMITTEE MINUTES

Members were updated on recent Licensing Sub-Committee decisions since the last meeting and ratified the minutes of the recent sub-committees hearing.

RESOLVED: That the Committee, with the agreement of any Members present at the following Sub-Committees that they are a correct record, ratify the minutes of the following meetings:

- 10am, 16 January 2020 – Public Minutes
- 10am, 5 February 2020 – Public Minutes
- 2pm, 5 February 2020 – Public Minutes
- 10am, 24 February 2020 – Public Minutes
- 10am, 20 July 2020 – Public and Private Minutes
- 10am, 7 August 2020 – Public Minutes
- 10am, 26 August 2020 – Public Minutes

This item was considered in Part II as it contained information relating to an individual, information which is likely to reveal the identity of an individual and information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. That the public interest in withholding the information outweighed the public interest in disclosing it (exempt information under paragraphs 1, 2 & 7 of Part 1 of Schedule 12A to the Local Government [Access to Information] Act 1985 as amended).

15. ANY ITEMS THE CHAIRMAN AGREES AS URGENT AND RELEVANT

No further items were considered.

The meeting closed at 12.20pm.

The public part of this virtual meeting was broadcast live on the [Council's YouTube channel here](#) under The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) (Regulations) 2020. These are the official minutes of the above meeting.
