



HILLINGDON
LONDON

VIRTUAL

Licensing Committee

Date: WEDNESDAY, 14
OCTOBER 2020

Time: 10.00 AM

Venue: THIS IS A VIRTUAL
MEETING

**Meeting
Details:** Watch a live broadcast of this
meeting on the Council's YouTube
channel: [Hillingdon London](#)

To all Members of the Committee:

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

Published:
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Putting our residents first

Lloyd White
Head of Democratic Services
London Borough of Hillingdon,
Phase II, Civic Centre, High Street, Uxbridge, UB8 1UW

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 14 January 2020 1 - 4
- 4 To agree the minutes of the meeting held on 14 May 2020 5 - 6
- 5 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

Part 1 - Members, Press and Public

- 6 Presentation by Trading Standards - an account of a visit to a licensed premises
- 7 Statement of Licensing Policy - consultation 7 - 68
- 8 Review of Licensing Sub-Committee Hearing Protocols 69 - 140
- 9 Hospitality Sector Coronavirus Regulations 2020 141 - 144
- 10 Legislative and Industry Update 145 - 148
- 11 Forward Planner 149 - 152

Part 2 - Private, Members' Only - Not for Publication

12 Ratification of past Licensing Sub-Committee minutes

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

13 Any items the Chairman agrees as urgent and relevant

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Minutes

Licensing Committee
10am, Tuesday, 14 January 2020
Meeting held at Committee Room 6 - Civic Centre,
High Street, Uxbridge



Committee Members Present:

Roy Chamdal (Chairman)
Teji Barnes (Vice-Chairman)
Lynne Allen
Simon Arnold
Janet Gardner
Allan Kauffman
Eddie Lavery
Brian Stead
Carol Melvin

15. APOLOGIES FOR ABSENCE

Apologies were received from Councillor John Oswell.

16. DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING

No interests were declared by Members present.

17. TO AGREE THE MINUTES OF THE MEETING HELD ON 11 JULY 2019

The minutes of the meeting held on 11 July 2019 were agreed as a correct record.

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

It was confirmed that all business would take place in public as set out on the agenda.

19. PRESENTATION ON LICENSING CASE STUDIES: MR DANIEL FERRER

The Committee received a presentation from Mr Ferrer, the Council's Licensing Team Manager in relation to two recent controversial case studies, how these were undertaken and the lessons learned. Mr Ferrer:

- Set out the two case studies, that of the William Jolle in Northwood and the Prince of Wales in Hillingdon;
- He explained the background to each case and the actions assigned within the Licensing Team in relation to taking them forward, including the differing roles of the Licensing Authority and the Case officer;

- Noted that preparations for the case, before a hearing, would include site visits, liaison with interested parties and discussions with the applicant to gather all relevant data;
- Explained how the Council's licensing policies were a key protection for residents from licensed premises breaking the licensing objectives;
- Set out the process of preparing the case to a licensing sub-committee, noting the close work with legal services and democratic services;
- Considering the successes of the licensing process, Mr Ferrer stated that these were around collaboration with teams, transparency in the process at sub-committee hearings, including broadcasting and being able to ultimately deliver upon residents' concerns;
- Noting the lessons from the process to-date, Mr Ferrer set out some improvements in internal processes and consideration of alternative tools to deal with problem premises, including expedited reviews and prosecution.

Councillors on the Committee welcomed the presentation by Mr Ferrer and commented on:

- The practice in reviewing all existing licenses to ensure they uphold modernised conditions and assist in meeting licensing objectives, where Mr Ferrer explained that this would only be done through a review or new application;
- Local insight into the issue of Shisha smoking in licensed premises and Traveller communities using licensed premises with little or no notice, including the important role of Pub Watch;
- How officers prioritise visits to inspect premises, based upon risk assessments and intelligence received;
- Whether those making representations also got a copy of the decision notice following a review or hearing, which Mr Ferrer indicated they did.

The Committee expressed its thanks to Mr Ferrer.

20. PRESENTATION FROM RESPONSIBLE AUTHORITY: TRADING STANDARDS

The Committee received a presentation from Ms Kiran Seyan, the Council's Senior Trading Standards Officer, about how the Service investigates off-licences for both underage sales and counterfeit goods. Ms Seyan detailed:

- The role and structure of the team in supporting good Trading Standards across the Borough and the various pieces of legislation used;
- How a multi-agency approach is often taken, with the Police, HMRC and Immigrations and Customs Enforcement in relation to visits to off-licences where intelligence reveals issues of concern, including illegal workers;
- The importance of brand representatives being in attendance to definitively identify illegal and counterfeit goods and also seize them;
- The use of sniffer dogs and ability to find hidden places storing counterfeit goods for sale;
- How the Trading Standards Officer co-ordinates visits and their role during, taking statements and the importance of the Consumer Rights Act;

- The occasional use of warrants secured from Magistrates to enter premises above shops where illegal goods may be stored;
- How the Proceed of Crime Act assists with investigations.

Councillors on the Committee welcomed the presentation by Ms Seyan and sought clarification on a number of matters including the following:

- What information can be made available to assist an investigation or visit, including invoices that may show purchases;
- Hotspot areas within the Borough;
- Compliance with the Alcohol Retail Scheme and use of accredited wholesalers.

The Committee expressed its thanks to Ms Seyan and proposed a more in-depth look at the work of Trading Standards to its work programme and at the next meeting.

21. LEGISLATIVE AND INDUSTRY UPDATE (VERBAL)

The Legal Officer updated Members on appeals hearings following Licensing Sub-Committee decisions and noted to-date that none of the Council's decisions taken had been technically wrong, though as new evidence had come to light, that evidence had been taken into account as part of the appeal which was a classed as hearing "de novo". The Legal Officer explained that this means a new hearing, when evidence not placed before the Licensing Authority or which related to the period between the Licensing Authority's decision and the appeal could be introduced.

It was also suggested following deliberations at Licensing Sub-Committees that the Chairman may wish to announce the "headline" decision, before reading out the formal decision wording, to provide clarity to those in the room and watching online.

22. COMMITTEE FORWARD PLANNER

The Committee looked ahead at planned business. The Chairman raised a number of topical items for Members to consider and to add to the work programme, at the appropriate time:

- To consider an appropriate Member visit to a licensed premise, as advised and organised by the Licensing Service;
- Provide an opportunity to view some of the counterfeit products seized by Trading Standards;
- Include a broader update on the work of Trading Standards when visiting licenced premises;
- An update on the effect of the Fixed Odd Betting Terminal gambling changes nationally and locally;
- An update on changes to licensing air-side at airports.

RESOLVED: That the Committee note the suggestions and the Forward Planner.

23. RATIFICATION OF PAST SUB-COMMITTEE MINUTES

Members noted the decisions and agreed the minutes of previous Licensing SubCommittee hearings as correct records.

RESOLVED: That the Committee, with the agreement of Members present at the following Sub-Committees that they are a correct record, ratify the minutes of the following meetings: 12 July 2019; 30 July 2019; 10am; 30 July 2019, 2pm; 9 September 2019, 10am; 9 September 2019, 2pm; 12 September 2019; 15 October 2019; 5 December 201; and 16 December 2019.

24. ANY ITEMS THE CHAIRMAN AGREES AS URGENT AND RELEVANT

No urgent matters were raised.

The meeting ended at 11.50am.

Minutes

Licensing Committee
Thursday, 14 May 2020
Meeting held at VIRTUAL - Live on the Council's
YouTube channel: Hillingdon London



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

Members Present:

Councillors Lynne Allen
Simon Arnold
Janet Gardner
Eddie Lavery
Brian Stead
Carol Melvin
John Oswell
Colleen Sullivan
Nick Denys (Vice-Chairman)
Martin Goddard (Chairman)

1. ELECTION OF CHAIRMAN

RESOLVED: That Councillor Goddard be elected as Chairman of the Licensing Committee for the 2020/21 municipal year.

2. ELECTION OF VICE CHAIRMAN

RESOLVED: That Councillor Denys be elected as Vice-Chairman of the Licensing Committee for the 2020/21 municipal year.

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STATEMENT OF LICENSING POLICY CONSULTATION

Committee name	Licensing Committee
Officer reporting	Daniel Ferrer, Licensing, Residents Services x7753
Papers with report	Appendix A - Overview of proposed policy changes Appendix B - Draft 2021 Statement of Licensing Policy Appendix C - Equality Impact Assessment
Ward	All

HEADLINES

This report is to consult with and invite comments from the Licensing Committee on the updated draft Statement of Licensing Policy (policy framework).

This Policy is deemed as 'Policy Framework' under the Council's constitution and so requires full approval by full Council.

RECOMMENDATIONS:

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.

SUPPORTING INFORMATION

The Council is required to review its licensing policies at regular intervals to ensure that it is carrying out licensing functions in accordance with current legislation. During this review, consideration has been given to how changes might improve the way in which services are being delivered, to make them more efficient and customer friendly.

A draft policy has been produced which now needs to be consulted upon, prior to final consideration by Cabinet or adoption by full Council.

The Licensing Act 2003 controls sales of alcohol, regulated entertainment and late night refreshment. The Council is required by Section 5 of the Licensing Act 2003 to review the Statement of Licensing Policy every five years. Hillingdon's current policy was adopted by Full Council in January 2016 and is therefore due for review, and subsequent approval by January 2021, before it expires. There have been some legislative changes under the Licensing Act. This has been incorporated into the revised policy.

Relevant appendices are:

- An overview document detailing the proposed changes is attached at **Appendix A**.
- The draft policy, attached at **Appendix B**
- Equality Impact Assessment at **Appendix C**

The proposed timetable for policy implementation is set out below:

24 th September 2020	Draft Policies to Cabinet.
5 th October 2020	Consultation period starts
14 th October 2020	Licensing Committee
15 th October 2020	Residents Education & Environmental Services POC
22 nd November 2020	Consultation period ends
10 th December 2020	Final policy to Cabinet post-consultation
14 th January 2021	Statement of Licensing Policy considered at Full Council.

Implications on related Council policies

The proposed Statement of Licensing Policy is a policy framework document under the Council's Constitution. As such, Cabinet is required to approve them in draft form with a timetable to include a period of formal consultation (minimum 6 weeks), to include Licensing Committee and the relevant Policy Overview Committee. Cabinet will then consider the responses of the consultation before deciding whether or not to recommend them to full Council for adoption.

How this report benefits Hillingdon residents

The regular review and adoption of the Statement of Licensing Policy ensures that the licensing framework are up to date and effective in ensuring a safe and regulated environment for users of licensed premises. It will also ensure that there are methods for robust enforcement and review of problem licensed premises.

Financial Implications

Corporate Finance has reviewed the report and confirms that there are no financial implications arising from the recommendations in this report.

Legal Implications

The Borough Solicitor confirms that the legal implications are included in the report. Further, more detailed legal advice will be given as necessary when the outcome of the Consultation is reported back to Cabinet.

BACKGROUND PAPERS

Current Statement of Licensing Policy

Revised Government Guidance issued by the Home Office under Section 182 of the Licensing Act 2003 - last updated 24 April 2018

Appendix A - Overview of proposed policy changes

Draft Statement of Licensing Policy

The Council is required by the Licensing Act 2003, to review the Statement of Licensing Policy every five years. The current policy was revised in 2016 and adopted by Full Council in January 2016.

There have been a number of changes in legislation, most notably the introduction of the Immigration Act 2016 and significant legislation related to the Coronavirus Pandemic in 2020. In addition, case law and updated Government guidance is also constantly influencing the interpretation of the legislation and shapes the way in which the Licensing Authority makes its decisions.

This policy relates to the Licensing Act 2003 only, which regulates alcohol sales, regulated entertainment and late night refreshment.

There are a number of changes to the layout and format of the policy document in order to make the document easier to read. Additional sections have also been included.

The Policy additions and changes are as follows:

Front Page

Amendment of relevant dates.

Contents Page

New sections have been added which include: 6. Partnership Working and Initiatives , 8. Immigration Act, 9. Modern Day Slavery and 24. Mobile, Remote and Internet Sales. Amendments have been made to section 7 from “Promotion of Equality” to “Equality Duty”. Therefore, there is a renumbering of the contents page.

Section 1 - Introduction & Background

1.2 has been updated for approximate figures for premises licences and personal licences.

Section 2 - Policy Statement

Addition at 2.4 to clarify when the Section 182 Government Guidance was last updated. Addition of 2.6 to state that the Licensing Authority may depart from this Policy in some circumstances but must give the reasons why.

Section 3 - Consultation

Addition to list at 3.1 of the Home Office - Immigration.

Section 4 - General Principles and the Role of the Licensing Authority

Minor amendment at 4.2 to clarify that conditions attached to premises licences or club premises certificates will relate to the licensing objectives.

Section 5 - Integration of Strategies and Avoidance of Duplication

Addition at 5.2 to clarify that conditions will be attached where “appropriate, reasonable and

proportionate". At 5.4 an updated list of pieces of legislation that the licensing authority should be mindful of to avoid duplication.

Section 6 - Partnership Working and Initiatives

This is a new section to highlight the importance of collaboration with other relevant authorities and recognition of valuable initiatives such as Pubwatch schemes, Business Improvement Schemes, Best Bar None and Purple Flag.

Section 7 - Equality Duty

This section has been retitled from "Promotion of Equality" and parts 7.1, 7.2 and 7.3 have been provided to stress that any Public Authority must now exercise its functions consistent with the Equalities Act 2020.

Section 8 - Immigration Act

This is a new section that takes into account the Immigration Act which came into force in 2016. 8.1 to 8.4 provides details of the main requirements for licence holders to have the right to work and the implications where they do not,

Section 9 - Modern Day Slavery

This is a new section that acknowledges the Modern Day Slavery Act 2015. 9.2 summarises the practical ways that the licensing authority can prevent modern day slavery whilst carrying out its licensing functions.

Section 10 - Licensing Objectives - The Prevention of Crime and Disorder

This section was previously at Section 7. Minor changes at 10.6 to amend phrases, "objections" to "representations" and "necessary" to "appropriate". This follows updates to the Act to change the test from necessary to appropriate. The original paragraph at 7.12 has been deleted which concerns the reference to Form 696. This has now been replaced with a paragraph at 10.13 advising applicants to still carry out a thorough risk assessment. This is because Form 696 was scrapped in November 2017. 7.14 has been deleted in full as the subject of Pubwatch schemes has now been inserted at 6.2 under the new section, "Partnership Working and Initiatives".

Section 11 - Licensing Objectives - Public Safety

This is a duplication of Section 8 of the current policy. The wording remains unchanged.

Section 12 - Licensing Objective - The Prevention of Public Nuisance

This section was previously at section 9. An additional sentence at 12.1 has been added to state that outside customers and the dispersal of customers may give rise to public nuisance issues. Additional bullet point at 12.4 has been inserted which concerns relevant signage being displayed prominently at the premises.

Section 13 - Licensing Objectives - Protection from Children from Harm

Renumbering of section as this was previously section 10. An additional paragraph has been submitted at 13.12 to confirm our expectations that all refusals for the sale of alcohol shall be recorded in a refusals log or incident log book. Furthermore, that this log shall be made available to the Police or authorised officers of the Council.

Section 14 - Public Health & Licensing

Renumbering of this section as this was previously section 11. The previous section 11.2 has been deleted and insertion of new paragraphs 14.2, 14.4 and 14.5 to reflect and be consistent with the Section 182 Government Guidance.

Section 15 - Licensing Committee

Renumbering of this section as this was previously section 12. The wording of this section remains unchanged.

Section 16 - Authorisations and Applications

Renumbering of this section as this was previously section 13. Minor additions have been submitted at 16.5 to clarify circumstances when an application may be returned to an applicant. For example, an incomplete operating schedule and also where regulations concerning Plans are not fully met. More information is provided at 16.13 to clarify the role of the Designated Premises Supervisor.

Section 17 - Representations

Renumbering of this section as this was previously section 14. 17.2 has been slightly amended to clarify the position of interested parties and to take account of the removal of the vicinity test. Inclusion of new paragraphs 17.4-17.8 to be consistent with the Section 182 Government Guidance regarding the position of the licensing authority.

Section 18 - The Role of the Ward Councillor

Renumbering of this section as this was previously section 15. Minor amendments found at 18.2 and 18.3 to clarify that Ward Councillors may initiate Review proceedings and that individual Councillors may publicise an application in addition to the applicant advertising their application. Further clarification is added at 18.5 to confirm that Ward Councillors may make a representation in writing to the Head of Service and that this representation shall also be forwarded to the Licensing Authority. 18.6 has been added to clarify that Councillors must not be members of the licensing sub-committee where they have been involved in campaigning about a particular application.

Section 19 - Decision Making and Licensing Hearings

Renumbering of this section as this was previously section 16. 19.1 has been amended to clarify that where there are no representations against an application then the licence will be granted under delegated authority with conditions attached to it that are consistent with the operating schedule. 19.2 has been added to take into account mediation between the applicant, licensing authority and other responsible authorities. 19.7 to 19.12 are new paragraphs and have been added to highlight general principles such as Members following their codes of conduct, ensuring no biasness, rules of natural justice and parties given a full and fair hearing. 19.8 makes reference to hearings being recorded on the Council's YouTube channel. A minor addition has been added at 19.13 to confirm that a Decision Notice will be sent out to all parties.

Section 20 - Licence Conditions

Renumbering of this section as this was previously section 17. 20.2 is a new paragraph and has been added to confirm that where measures are proposed in the operating schedule by the applicant, then these will become conditions of the licence and will be consistent with the operating schedule. An additional sentence has been added at the bottom of 20.3 to clarify that the licensing authority shall only impose conditions that are appropriate, proportionate and determined on a case by case basis.

Section 21 - Enforcement

Renumbering of this section as this was previously section 18. 21.1 to 21.5 are new paragraphs and have been added to clarify the licensing authority's expectations of licence holders or

premises uses once their authorisations have been granted. Furthermore these paragraphs detail how the licensing authority will inspect, check and ensure compliance. 21.7 to 21.9 contain minor amendments and make reference to current enforcement policies and codes.

Section 22 - Reviews

Renumbering of this section as this was previously section 19. Minor amendment to 22.6 has been made to confirm that the licensing authority will publish a Notice concerning Reviews on the Council's website in accordance with the 2003 Act. Additional information has been provided at 22.8 in relation to Expedited Reviews and interim steps, specifically that they can be made by the licensing sub-committee via telephone or other remote means. Further clarification has been added at 22.9 to confirm that the licensing authority must hold a full Review within 28 days from the date when the Expedited Review application was submitted.

Section 23 - Cumulative Effect

Renumbering of this section as this was previously section 20. The wording of this section remains unchanged.

Section 24 - Mobile, Remote and Internet Sales

This is a new section. Paragraph 24.1 to 24.5 have been added to provide information on how the licensing authority will deal with these types of applications and reflects the Section 182 Guidance.

Section 25 - Licensing Hours

Renumbering of this section as this was previously section 21. The wording of this section remains unchanged.

Section 26 - Exemptions

Renumbering of this section as this was previously section 22. The wording of this section remains unchanged.

Appendix A - Licensing Functions

The wording of this section remains unchanged.

Appendix B - Prevention of Crime & Disorder

Deletion of the first bullet point regarding capacity limits as this will now be located in Appendix C - Public Safety. Additional details and measures have been added to this list which include the following: Publicising permitted times for licensable activities, CCTV, incident logs and having a personal licence holder on duty at the premises. It should be noted that information at the end of this Appendix concerning Form 696 has been deleted. This is because these forms were scrapped in November 2017 as previously stated in the main body of the Policy at Section 10 - Licensing Objectives - Prevention of Crime & Disorder.

Appendix C - Public Safety

Additional examples have been added to the list at the start of this Appendix. These include: capacity limits (moved from Appendix A), clear and unobstructed escape routes, approved safety arrangements and measures related to outside drinkers and smokers.

Appendix D - Prevention of Public Nuisance

The wording of this section remains unchanged.

Appendix E - Protection from Children from Harm

The wording of this section remains unchanged.

Appendix F - Responsible Authorities

This table has now been updated to provide the current contact details for the responsible authorities. In addition, the Home Office - Immigration has been added.

Appendix G - Mandatory Conditions

The wording of this section remains unchanged.

Annex A - Ward Councillors making representations

Further information added here to clarify that representations shall be forwarded to the Licensing Authority and that it should address the licensing objectives. This issue has also been added to the main body of the Policy at 18.5.



HILLINGDON

LONDON

Statement of Licensing Policy The Licensing Act 2003

Effective – January 2016²¹ to January 2021²⁶

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1.0 Introduction & Background

1.1 The London Borough of Hillingdon is the Licensing Authority under the Licensing Act 2003 and is responsible for the administration and enforcement of the provisions relating to:

- Alcohol sales/supplies
- Regulated Entertainment
- Late Night Refreshment

1.2 The London Borough of Hillingdon currently has approximately ~~850~~ 800 premises authorisations in force and ~~4100~~ 3500 personal licences held by individuals.

2.0 Policy Statement

2.1 The Licensing Authority exercises a range of responsibilities including helping to develop a thriving food, drink and entertainment economy whilst safeguarding the local community against issues which may arise from licensed premises.

2.2 The London Borough of Hillingdon is required by Section 5 of the Licensing Act 2003, to determine and publish a statement of licensing policy at least once every five years. The Licensing Policy will provide the Authority with the fundamental principles in respect of carrying out its licensing functions.

2.3 The Policy is also intended to inform applicants, residents and other stakeholders about the way in which the Licensing Authority will make decisions and the operating standards expected from licensed premises in accordance with the licensing objectives.

2.4 In determining its policy, the Council will take into account the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003 ([last updated on 24th April 2018](#)).

2.5 In respect of all licensing functions and determination of any licensing policy, the Council has a duty to promote the four licensing objectives:

- The prevention of crime and disorder;
- The protection of children from harm;
- The prevention of public nuisance;
- Public safety.

Each objective is of equal importance.

[2.6 Determining and publishing a statement of its policy is a licensing function and so the Licensing Authority must have regard to the Guidance issued under Section 182 of the Act. The Licensing Authority may depart from this policy if the individual circumstances of any case](#)

merit such a decision in the interests of the promotion of the licensing objectives. However, if this done then the Licensing Authority shall give full reasons for departing from its policy.

3.0 Consultation

3.1 In reviewing the Council's Statement of Licensing Policy, the Council sought observations and comments from the following persons, organisations and groups and their comments have been incorporated into this policy where relevant:

- Chief Officer of Police for Hillingdon
- London Fire Brigade
- Chief Planning Officer
- Hillingdon Safeguarding Children Board
- Health and Safety Executive and Hillingdon's Health and Safety Enforcement Team
- Public Health
- Trading Standards
- Enforcing Authority for Public Nuisance
- Bodies representing holders of current authorisations
- Resident's Associations
- Ward Members
- Hillingdon's Anti-Social Behaviour Investigations Team
- Transport for London (TfL)
- The London Boroughs of Hounslow, Harrow, Ealing
- The Borough Council's of South Bucks, Three Rivers, Spelthorne, Slough
- Hillingdon Arts Council
- Individuals who have requested a copy of the draft policy.
- [Home Office - Immigration](#)

4.0 General Principles and the Role of the Licensing Authority

4.1 The role of the Licensing Authority is to ensure control of the licensable activities at licensed premises, qualifying clubs, temporary events and the conduct of the personnel involved with the licensable activities as required under the Act.

4.2 ~~Terms and Conditions~~ attached to the Premises Licences and Club Premises Certificates granted by the Licensing Authority will relate to the licensing objectives and matters over which the Premises Licence Holder or Club Management Committees have direct control.

4.3 The focus will be on the licensed premises and the activities in the vicinity of those premises. Those activities, on licensed premises, that

have a direct impact on members of the public living, working or engaged in normal activities in the area, fall within the scope of the licensing regime.

- 4.4 Anti-social behaviour of patrons in and around a licensed premises and disturbance or nuisance which can be proved to be emanating from particular premises, will be a consideration for the Licensing Authority in its enforcement and decision making role.

5.0 Integration of Strategies and avoidance of duplication

- 5.1 Many people and organisations are involved with, or affected by, the ways in which licensed premises are operated. Most are involved, directly or indirectly, in the promotion of the licensing objectives, particularly those relating to the prevention of crime and disorder and public nuisance. Amongst the various stakeholders there will be a wide range of strategies that relate to, or are influenced by, the exercise of the Council's licensing function.

- 5.2 The Licensing Authority recognises the need to avoid, so far as possible, duplication with other regulatory regimes. Some regulations, however, do not cover the unique circumstances of some licensable activities. The Licensing Authority will consider attaching conditions to Premises Licences and Club Premises Certificates where; these are [necessary appropriate, reasonable and proportionate](#) for the promotion of the licensing objectives; these are not already provided for in any other legislation; these are not contained within the applicant's operating schedule and if there are relevant representations

- 5.3 The Licensing Committee will be prepared to accept reports from other relevant departments of the Council regarding the state of the borough. These reports may include contributions from those responsible for the promotion of tourism, cultural development, planning, transport, reduction of crime or anti-social behaviour, community safety, social, and health and community development. This should enable the various agencies or departments with their own strategies, aims and objectives to keep the Licensing Committee aware of the wider picture in pursuance of the licensing objectives.

- 5.4 Planning and public nuisance legislation carry the highest risk of duplication with the Licensing regime ~~and are specifically mentioned in the Section 482 Guidance.~~ [While licence conditions should not duplicate other statutory provisions, licensing authorities and licensees should be mindful of requirements and responsibilities placed on them by other legislation. Relevant legislation may include the following:](#)

- [The Gambling Act 2005](#)
- [The Environmental Protection Act 1990](#)
- [The Noise Act 1996](#)
- [The Clean Neighbourhoods and Environmental Act 2005](#)

- [The Regulatory Reform \(Fire Safety\) Order 2005](#)
- [The Health and Safety at Work etc. Act 1974](#)
- [The Equality Act 2010](#)
- [The Immigration Act 2016](#)
- [Regulators' Code under the Legislative and Regulatory Reform Act 2006](#)

Planning

5.5 The licensing function is and should remain distinct from the Planning process. It will be for the planning process to determine land/building use decisions and the market place to determine need for particular types of premises/activities. Licensing decisions will be made with regard to the furtherance of the Licensing Objectives with regard to the particular use sought. However, it is strongly recommended that applicants ensure that:

- The proposed licensable activities do not contravene planning legislation;
- The hours sought are within the limits authorised by any planning permission.

Enforcing Authority for Public Nuisance

5.6 The Environmental Protection Unit is charged with enforcing regulations relating to Public Nuisance and is also a responsible authority for Public Nuisance matters under the Act.

5.7 It is accepted that the Licensing Authority will often work hand in hand with the Environmental Protection Unit where nuisance related issues occur at licensed premises. Whilst the Authority has a duty to uphold the prevention of public nuisance, it should be recognised that this duty will not replace the Authority's responsibilities under other legislation.

6.0 Partnership Working and Initiatives

6.1 The Licensing Authority encourages work between the Licensing Authority, relevant authorities such as Police, Environmental Health, Trading Standards and the licence holder themselves in order to solve licensing problems and to promote the licensing objectives.

6.2 Groups representing licence holders are encouraged to participate in their local crime and disorder reduction partnerships, such as Pubwatch schemes.

6.3 The Licensing Authority has a duty to work with all partners in order to deliver the promotion of the licensing objectives.

Business Improvement Districts

6.4 The Licensing Authority support and encourage further developments for Business Improvement Districts (BID's) where partnership arrangements and joint responsibility are formed with local businesses and stakeholders. BID's can play an important and positive role in discussing and tackling local issues and they have the ability to put forward appropriate schemes that are of benefit to the community.

Best Bar None

6.5 The Licensing Authority recognise the value of the Best Bar None Scheme in improving standards in the Evening and Night Time Economy. For example, they reduce alcohol related crime and disorder, build positive relationships between the licensed trade, police and local authorities and responsible owners are recognised and able to share good practice with others. Furthermore, they promote the town or city as a safe and vibrant city to go at night and shows a willingness to address alcohol related crime and anti social behaviour through the promotion of good practice and education.

Purple Flag

6.7 The Licensing Authority acknowledge that that Purple Flag status, an accreditation recognising a well managed night time economy, can bring real benefits which include:

- A raised profile and an improved public image for the location
- A wider patronage, increased expenditure
- Lower crime and anti-social behaviour
- A more successful mixed use economy in the longer term

6.0 7.0 Promotion of Equality Equality Duty

~~The Council, as the Licensing Authority, seeks the elimination of all forms of discrimination in respect of sex, religion, race, disability and sexual orientation in accordance with its established equal opportunities policy (as amended from time to time).~~

7.1 The Licensing Authority have a public sector equality duty to the following protected characteristics:

- Age
- Disability
- Sex, gender reassignment, sexual orientation
- Pregnancy and maternity
- Race, religion or belief
- Marriage and civil partnership

7.2 Under the Equality Act 2020 (S.149) a Public Authority must, in the exercise of its functions, have due regard to the need to:-

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the 2010 Act
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it

7.3 This policy has been subject to an Equalities Impact Assessment and it does not have an adverse effect on equality issues.

8.0 Immigration Act

8.1 Following the implementation of the Immigration Act 2016, the Licensing Authority will ensure that the "Entitlement to Work" test is checked and scrutinised for Personal Licence Holders and individual Premises Licence Holders, where the Premises Licence permits the sale of alcohol or late night refreshment.

8.2 Where an individual holding a Premises Licence within the Borough ceases to be entitled to work in the United Kingdom on or after 6th April 2017, the Premises Licence lapses immediately, and will lapse completely unless transferred or an Interim Authority lodged within 28 days

8.3 A Personal Licence issued by the Licensing Authority will lapse when an individual is no longer entitled to work in the United Kingdom on or after 6th April 2017.

8.4 The Licensing Authority will work closely with the Home Office Immigration Enforcement (HIOE) as a Responsible Authority. The Licensing Authority will advise the HIOE where applicants have committed immigration offences and furthermore provide the HIOE assistance when entering and carrying out their enforcement duties at licensed premises within the Borough.

9.0 Modern Day Slavery

9.1 The Licensing Authority acknowledges the implementation of the Modern Day Slavery Act 2015 and will therefore fully take on their responsibilities and statutory duties under the Act

9.2 This Licensing Authority recognises the role it can play in proactively preventing modern slavery, which includes consideration of:-

- Identification and referral of victims during inspections and visits

- [Reporting and referring for investigation via the National Crime Agency's national referral mechanism any of its licence holders or managers of premises as a cause for concern](#)
- [Assisting partners with Community safety services and disruption activities.](#)

10.7.0 Licensing Objectives - The Prevention of Crime and Disorder

[10.17.4](#) Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment, can be a source of crime and disorder. The Licensing Authority will expect operating schedules to satisfactorily address these issues from the design of the premises through to the daily operation of the business. Applicants are recommended to seek advice from the Police Licensing Officer and Licensing Authority Officers prior to making any application as early advice can alleviate representations being made once an application is submitted. Full contact details for both are contained within the Responsible Authorities contact in appendix B.

[10.27.2](#) Applicants should, where appropriate, take account of local planning and transport policies, and tourism, cultural and crime prevention strategies, when preparing their operating plans and schedules.

[10.37.3](#) Where a number of premises may be in close proximity it may be difficult to attribute the disorder to patrons of particular premises, however there is a duty on Premises Licence Holders or Club Management Committees to act responsibly to ensure their own customers do not contribute to crime and disorder whilst in their premises and in the vicinity of their premises.

[10.47.4](#) When addressing crime and disorder, the applicant should identify any particular issues that are likely to affect adversely the promotion of the crime and disorder objective. They should then include in the operating schedule how they will deal with those matters.

[10.57.5](#) Operating schedules should then show how they will address the issues identified. Further guidance on these measures is contained in Appendix B.

[10.67.6](#) Applications referred to the Licensing Sub-Committee where relevant [objections—representations](#) have been received will be determined on the individual merit of each case. The Licensing Sub-Committee has the power to impose specific conditions when considered [necessary appropriate](#) in respect of the Crime and Disorder objective.

[10.77.7](#)—The Council's Licensing Officers will work closely with the Metropolitan Police Service to ensure licence conditions are met,

matters relating to crime and disorder are resolved, and that licensed premises are being operated according to the requirements of the Act.

[10.87.8](#)—Following the grant of a premises licence, the Metropolitan Police Service, Elected Members and/or interested parties such as local residents and Ward Councillors can apply to the Licensing Authority for a review of the licence if they consider that the Prevention of Crime and Disorder objective has not been met and are relevant.

[10.97.9](#)—When making decisions about an application the Licensing Sub Committee will have regard to the Borough's Crime Prevention Strategy and any conditions attached to licences or certificates will so far as possible reflect local crime prevention strategies

[10.107.10](#)—High risk or poorly managed premises will be subject to a higher frequency of inspections than low risk and well managed premises. Some of these inspections will be unannounced and conducted whilst the premises are in use for the purpose of the licence.

[10.117.11](#)—In the interest of public order and the prevention of terrorism, the Licensing Authority would expect that for significant events, a comprehensive risk assessment is undertaken by premises licence holders to ensure that crime and disorder and public safety matters are identified and addressed. Accordingly, for premises that wish to stage promotions, or events (see examples set out in Appendix B), the Licensing Authority recommends those applicants address the Risk Assessment and debrief processes in their operating schedule.

~~[10.12.7.12](#)—The Licensing Authority recommends the Metropolitan Police Promotion / Event Risk Assessment Form 696 and the After Promotion / Event Debrief Risk Assessment Form 696A as useful and effective tools for this purpose. Where the Risk Assessment forms are used to assess the likely risks for any promotion or event, the Licensing Authority would normally expect that they will be completed following consultation with the Metropolitan Police Service. This procedure should also be considered by the applicant when completing their Operating Schedule. (N.B Form 696 scrapped in Nov. 2017)~~

[10.13](#) The Licensing Authority strongly encourages applicants to carry out a detailed and thorough risk assessment when carrying out promotions or events. Where the risk assessment identifies significant risks for an event or promotion then the Licensing Authority would normally expect the applicant to consult with the Police and the Licensing Authority.

[10.147.13](#)—Personal Licence applicants will have to meet specific standards with regard to their suitability. There are a number of obligations on Personal Licence Holders including those who are named as Designated Premises Supervisors, the breach of which could mean appearing before the Magistrates Court.

~~10.15 7.14—The Council recognises that effective Pub Watch schemes can contribute greatly to the prevention of crime and disorder objective in licensed premises. Upon grant of any licence, licence holders and/or Designated Premises Supervisors of alcohol licensed premises will be expected to participate in their local Pub Watch scheme. (Now dealt with in 6.2~~

11.0 8.0—Licensing Objectives - Public Safety

11.1 8.1—The Licensing Act 2003 Act covers a range of premises and activities, including cinemas, concert halls, theatres, nightclubs, public houses, cafes/restaurants and fast food outlets/takeaways. Each of these types of premises presents a mixture of risks to public safety, with many common to most premises and others unique to specific operations. It is essential that premises are constructed or adapted and operated so as to acknowledge and safeguard occupants against these risks.

11.3 8.2—The Licensing Authority will expect operating schedules to satisfactorily address these issues and applicants are advised to seek advice from the Borough's Licensing Officers and the London Fire Brigade contact details can be found in appendix F, before preparing their plans and schedules. Where an applicant identifies an issue relating to public safety (including fire safety) that is not covered by existing legislation, the applicant should identify in their operating schedule the steps that they will take to ensure public safety. Where representations are received and upheld at a hearing, the Licensing Authority will consider attaching conditions to licences and permissions to promote safety.

11.4 8.3—If relevant representations are received from a Responsible Authority, Elected Members or interested parties the application will be determined by a Licensing Sub-Committee.

11.5 8.4—Applications referred to the Licensing Sub-Committee will be determined on the individual merit of each case. The Licensing Sub-Committee have the power to impose specific conditions when considered necessary in respect of the Public Safety objective.

11.6 8.5—Following the grant of a premises licence, the London Fire and Emergency Planning Authority, Elected Members and/or the Enforcing Authority within the meaning given by section 18 of the Health and Safety at Work etc. Act 1974 and/or interested parties such as local residents and businesses can apply to the Licensing Authority for a review of the licence if they consider that the Public Safety objective has not been met.

11.7 8.6—The Licensing Authority's Licensing Officers will conduct inspections of licensed premises to ensure that the approved safety

standards are being maintained and that licence conditions are being complied with.

[11.8](#) [8.7](#)—High risk or poorly managed premises will therefore be subject to a higher frequency of inspections than low risk and well managed premises. Some of these inspections will be unannounced and conducted whilst the premises are in use for the purpose of the licence.

[11.9](#) [8.8](#)—The Council’s Licensing Officers, Fire Safety Officers and Health & Safety Officers will work closely together to resolve matters relating to public safety in licensed premises.

[12.0](#) [9.0](#)—Licensing Objectives - The Prevention of Public Nuisance

[12.1](#) [9.1](#)—Licensing Sub Committees will be mindful that licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises. When addressing public nuisance the applicant should identify any particular issues that are likely to affect adversely the promotion of the licensing objective to prevent public nuisance. They should then include in the operating schedule how they will deal with those matters. The concerns mainly relate to noise nuisance from within the premises or from the use of any outside areas, light pollution, smoke and noxious smells. [This may also include patrons outside a premises and the dispersal of customers.](#) Due regard will be given to the impact these may have and the Licensing Authority will expect operating schedules to satisfactorily address these issues.

[12.2](#) [9.2](#)—Appendix D provides a list of examples of activities which could give rise to public nuisance and measures which can be taken to prevent such nuisance occurring.

[12.3](#) [9.3](#)—Applicants should give particular consideration to measures to reduce the occurrence of public nuisance associated with accommodating smokers outside the premises, following the introduction of smoke free areas in enclosed or substantially enclosed places.

[12.4](#) [9.4](#)—In relation to smoking outside licensed premises, it is expected that:

- Suitable receptacles for customers will be provided and maintained to dispose of cigarette litter in areas used, or likely to be used, for smoking
- Licensees will take all reasonable steps to discourage smoking on the public highway close to residential premises, particularly after 10pm. This could include measures such as a ban on customers taking drinks outside on to the public highway, the use of door

supervisors, or imposing a time after which re-admissions to the premises will not be permitted

- Garden areas to be cleared at a reasonable time where not doing so could cause nuisance to neighbouring residents.
- Appropriate signage to be displayed prominently at the premises.

12.5 9.5—Where an application includes provision of a smoking shelter then the Licensing Authority expects the shelter to be situated as far as possible from neighbouring residential premises.

12.6 9.6—If relevant representations are received from a Responsible Authority, Elected Members or interested parties, the application will be determined by a Licensing Sub-Committee.

12.7 9.7—Applications referred to the Licensing Sub-Committee will be determined on the individual merit of each case. The Licensing Sub-Committee have the power to impose specific conditions when considered necessary in respect of the Prevention of Public Nuisance objective.

12.8 9.8—Following the grant of a premises licence, the Council's Environmental Protection Unit, Elected Members and/or interested parties such as local residents and businesses can apply to the Licensing Authority for review of the licence if they consider that the Prevention of Public Nuisance objective has not been met.

12.9 9.9—The Licensing Authority's Licensing Officers will conduct inspections of licensed premises to ensure that the conditions relating to the prevention of public nuisance are being complied with.

12.10 9.10—High risk or poorly managed premises will therefore be subject to a higher frequency of inspections than low risk and well managed premises. Some of these inspections will be unannounced and conducted whilst the premises are in use for the purpose of the licence.

12.11 9.11—The Council's Licensing Officers and Environmental Protection Officers will work closely with the Council's Anti-Social Behaviour Investigations Team, requesting monitoring visits of specific premises and receiving feedback regarding the witnessing of statutory noise and public nuisance or the breach of licence conditions.

13.0 10.0 **Licensing Objectives - The Protection of Children from Harm**

13.1 10.1 The range of 'licensed premises' under the Licensing Act 2003 is very broad. It includes pubs, cinemas, theatres, restaurants, off licences etc.

13.2 10.2 Under the Licensing Act 2003, unaccompanied children under the age of 16 are not allowed on premises such as public houses which

are used exclusively or primarily for the supply of alcohol for consumption on the premises.

13.3 ~~40.3~~ This restriction does not apply to premises such as restaurants and bowling alleys etc. where the supply of alcohol is not the principal use of the premises. However, unaccompanied children under the age of sixteen are not permitted in such premises between the hours of midnight and 5 a.m. Admission of children will always be at the discretion of those managing the premises unless specifically prohibited by way of licence conditions.

13.4 ~~40.4~~—Applicants and licence holders are encouraged to be mindful of the adult nature of licensed premises and to make adequate provision for the protection of children from harm in their operating schedules. Applicants are advised to contact the Safeguarding Children and Quality Assurance team directly to seek advice prior to submitting their application.

13.5 ~~40.5~~—It is recognised that the Mandatory Conditions attached to premises licences where alcohol is sold/supplied must have in place an age verification scheme. The Licensing Authority would normally expect this scheme to include a challenge for photo identification to all persons who appear to be under the age of 25 years i.e. 'Challenge 25'

13.6 ~~40.6~~—If relevant representations are received from a Responsible Authority, Elected Members or interested parties the application will be determined by a Licensing Sub-Committee.

13.7 ~~40.7~~—Applications referred to the Licensing Sub-Committee will be determined on the individual merit of each case. The Licensing Sub-Committee have the power to impose specific conditions when considered necessary in respect of the Protection of Children from Harm objective.

13.8 ~~40.8~~—Following the grant of a premises licence, the Council's Safeguarding Children and Quality Assurance team, Elected Members and/or interested parties such as local residents and businesses can apply to the Licensing Authority for a review of the licence if they consider that the Protection of Children from Harm objective has not been met.

13.9 ~~40.9~~—The Licensing Authority's Licensing Officers will conduct inspections of licensed premises to ensure that the conditions relating to the protection of children from harm are being complied with.

13.10 ~~40.10~~—High risk or poorly managed premises will therefore be subject to a higher frequency of inspections than low risk and well managed premises. Some of these inspections will be unannounced and conducted whilst the premises are in use for the purpose of the licence.

13.11 ~~40.11~~—The Licensing Authority will expect that each operator dealing in the sale and supply of alcohol implements a proof of age policy in line with the Mandatory Licence conditions. The Authority expects premises licence holders to ensure that their staff are adequately trained and in every case where there is any doubt as to whether the customer is aged eighteen or over: ‘No ID- No sale’.

13.12 ~~It is expected that all refusals of alcohol shall be recorded by the operator in a Refusal or Incident Log. This Log should be made available for inspection to a Police Officer or authorised officer from the Local Authority.~~

13.13 ~~40.12~~—Trading Standards Officers and Police Officers will carry out test purchases of alcohol using young volunteers. Where sales are made, enforcement action will be taken against all responsible persons.

Children’s access to cinemas

13.14 ~~40.13~~ The Licensing Authority accepts that the British Board of Film Classification (BBFC) is the recognised authority in categorising films. It therefore accepts the BBFC classifications with respect of children’s films. The Licensing Authority will expect applicants to include in their operating schedules arrangements for restricting children from viewing age-restricted films classified according to BBFC recommendations.

Children and Regulated Entertainment

13.15 ~~40.14~~—There are many kinds of regulated entertainment which are specifically arranged for children, such as plays, concerts, film shows, some of which may be school based. When it is proposed to present an entertainment specifically for children, then additional safety measures may need to be considered. The Council’s Licensing Officers and the Safeguarding Children and Quality Assurance team are able to offer advice and guidance in respect of such presentations and organisers of such events are encouraged to seek such advice.

14.0 ~~11.0~~—Public Health & Licensing

14.1 ~~41.1~~—The Director of Public Health in Hillingdon is a responsible authority under the Licensing Act 2003, and may; make representations in respect of premise licence applications and club premise certificates, and may also apply to review premise licences and certificates.

~~41.2—At the time of writing, there is no licensing objective correlating purely to public health, and as such any representations or applications made by the Director for Public Health must be based upon one or more of the current licensing objectives. Representations relating solely to public health issues are not relevant under the Act.~~

14.2 Public Health may hold useful information which may be used by them to make representations in its own right or to support representations by other responsible authorities. These representations can potentially be made on the grounds of all four licensing objectives.

14.3 ~~11.3~~—A range of public health issues may relate directly to one or more of the Licensing Objectives; for example, violent assaults, cases of alcohol poisoning at licensed premises, issues with loud noise emanating from premises.

14.4 Public Health may- record data where intoxication of patrons at specific premises has led to accidents and injuries from violence, resulting in attendances at emergency departments and the use of ambulance services. Some of these incidents will be reported to the police, but many will not. This information can be relevant to the public safety and crime and disorder objectives.

14.5 The Licensing Authority recognises the potential for Public Health to participate in the licensing process in relation to the protection of children from harm. This objective concerns the physical safety of children and also their moral and psychological wellbeing. Public Health may be able to present evidence relating to under 18's alcohol-related emergency department attendance, hospital admissions and underage sales of alcohol linked to a specific premises and their practices.

14.6 The Licensing Authority will work with the Director of Public Health and his staff in order to identify and utilise relevant public health data within the licensing process.

15.0 ~~12.0~~ **Licensing Committee**

15.1 ~~12.1~~—A Licensing Committee consisting of at least ten, but not more than fifteen Councillors has been appointed. The Licensing Committee will be kept informed by way of reports from officers on a wide range of matters which may impact on their role.

15.2 ~~12.2~~—The Licensing Act 2003 dictates that uncontested applications shall be granted and that such applications should be dealt with by specific officers who have been so delegated by the Licensing Authority.

15.3 ~~12.3~~—Whenever relevant representations have been received from Responsible Authorities; Elected Members and/or Interested Parties in respect of an application, that application will be referred to a Licensing Sub-Committee for determination.

~~15.4~~ ~~12.4~~—Although the Licensing Authority welcomes views from all members of the community, Government guidance states that the Council as the Licensing Authority should be aware that the views of vocal minorities should not be allowed to predominate over the general interests of the community that the Licensing Committee represents.

~~16.0~~ ~~13.0~~ **Authorisations and Applications**

~~16.1~~ ~~13.1~~—There are a number of authorisations relating to:

- Sale/Supply of alcohol
- Regulated entertainment
- Late Night Refreshment

These are;

Premises Licences

~~16.2~~ ~~13.2~~—Any person aged eighteen years or over who is carrying on, or who proposes to carry on, a business that involves the use of premises for licensable activities may apply for a premises licence either on a permanent basis or for a time-limited period. 'A person' in this context includes a business or partnership.

~~16.3~~ ~~13.3~~—A premises licence lasts indefinitely and may be transferred or varied at any time.

~~16.4~~ ~~13.4~~—The premises licence application form and operating schedule should be completed clearly and concisely to reflect the exact nature of the business and how the four licensing objectives will be addressed. All sections of the application form must be completed. Guidance as to what type of information should be included in the operating schedule is given in the appendices to this Policy.

~~16.5~~ ~~13.5~~—Applications which are incomplete or illegible will be returned to the applicant with an explanation for the return. Reasons may include incomplete or missing forms, ~~incomplete Operating Schedule,~~ the absence of the fee, absence of required plans or insufficient information detailed on the plans, as required under [Section 23 of The Licensing Act 2003 \(Premises Licences and Club Premises Certificates Regulations 2005 Statutory Instrument 42 and the operating schedule.](#) For personal licences also the absence of certificates or photographs.

~~16.6~~ ~~13.6~~—Applicants are advised to seek advice from the Council's Licensing Officers and the Responsible Authorities concerning the licensing requirements for premises and/or licensable activities being applied for prior to completing their operating schedule. Large or unusual events need particular consideration and applicants are advised to consult the Council's Licensing Officers for guidance and to submit applications as far in advance as possible. When required, the

Council's Licensing Officers will provide all applicants with advice and guidance in respect of completing their application forms and, in particular, how they should address each one of the four licensing objectives in their operating schedules.

[16.7](#) ~~13.7~~—Notwithstanding 13.6 above, it is the applicant's responsibility to complete the application to a satisfactory standard and they should seek professional legal advice as necessary.

Members Clubs

[16.8](#) ~~13.8~~—Some activities carried out by clubs need to be licensed under the Act but generally, members clubs are treated differently to proprietary clubs and commercial premises. A club is an organisation where members have joined together for a particular reason i.e. social, sporting or political and have combined to buy alcohol in bulk as members of the organisation for supply to members. In order to apply for a Club Premises Certificate the club needs to be a 'Qualifying Club'.

[16.9](#) ~~13.9~~—Where there is doubt about the eligibility for a club premises certificate, the Licensing Authority will seek assurances and evidence from applicants that they are a qualifying club for the purposes of the Act. Such evidence may include membership records, minutes of committee meetings etc.

Temporary Event Notices

[16.10](#) ~~13.10~~—Anyone may give the Licensing Authority a Temporary Event Notice (TEN). This procedure allows people to hold an event involving licensable activities without having to apply for a Premises Licence or Club Premises Certificate.

[16.11](#) ~~13.11~~—The Act provides a system for the temporary carrying on of any licensable activity outside of the terms of a premises licence or club premises certificate. Under this system no authorisation as such is required from the licensing authority. Instead a person wishing to hold an event at which such activities are proposed to be carried on (the "premises user") gives notice to the licensing authority of the event.

Personal Licences

[16.12](#) ~~13.12~~—To sell alcohol in licensed premises at least one person needs to hold a 'Personal Licence' which has been granted by the Licensing Authority where they live. This requirement does not apply to 'qualifying clubs'.

[16.13](#) ~~13.13~~—In some premises there may be more than one person holding a 'Personal Licence' and it is important that one person is named as being in control, this person is called the 'Designated Premises Supervisor'. [The Designated Premises Supervisor is the key person](#)

who will usually be responsible for the day to day management of the premises.

16.14 ~~13.14~~—There is one exemption from the need for a personal licence holder and “Designated Premise Supervisor” in line with the mandatory requirements of the Licensing Act 2003 section 19(2) and 19(3). That is in the case where a community premises (church, community and village halls etc.) has applied for and been granted an application to disapply these mandatory conditions.

16.15 ~~13.15~~—In determining applications for personal licences the Licensing Authority will have regard to the guidelines issued by the Secretary of State under section 182 of the Licensing Act 2003 and any secondary legislation. The promotion of the four licensing objectives applies to the consideration of applications for personal licences equally as it does to applications for premises licences.

17.0 ~~14.0~~ **Representations**

17.1 ~~14.1~~—This policy will not seek to exclude any rights enshrined in the Act or any other legislation for applicants or those making representations against applications. Each application and representation will be treated on its merits taking into account the legislation, the Guidance issued under section 182 of the Licensing Act 2003 and this policy.

17.2 ~~14.2~~—Representations can be made to the Council, as Licensing Authority, by a ‘Responsible Authority’ or by ‘Interested Parties’ which include individuals such as residents or bodies ~~or individuals who live in the vicinity of such a premises, and such as a~~ residents association, trade associations and other businesses operating ~~in the vicinity~~. Representations can be made concerning:-

- Applications for new premises licences or club premises certificates
- Applications to vary premises licences or club premises certificates
- Personal licence applications on criminal grounds (only by the Police)

17.3 ~~14.3~~—Responsible Authorities are the public authorities specifically designated under the Licensing Act 2003 to be consulted on all licence applications and are also entitled to make representations. A full list of Responsible Authorities is attached as Appendix F.

17.4 The Licensing Authority expect other responsible authorities, where they have concerns, to raise representations that fall within their remit. For instance, where there are concerns of crime and disorder, then the police should submit a representation.

17.5 The Licensing Authority is not generally expected to act as a responsible authority on behalf of other parties such as residents. However, there may be times where the Licensing Authority may feel it is appropriate to do so. For instance, this may be where the relevant responsible authority have failed to take action and the Licensing Authority is aware of relevant grounds to make a representation.

17.6 Where the Licensing Authority does act as a responsible authority and wishes to submit a representation, they may do so by assessing the application, visiting the premises if they feel it is appropriate to do so and look at the potential impact the application will have on the Licensing objectives. In addition, the Licensing Authority shall review their records to check the history of the premises and confidence in management and the level of compliance with conditions attached to the premises licences.

17.7 Each responsible authority has equal standing and may act independently without waiting for representations from any other responsible authority.

17.8 In cases where the Licensing Authority is also acting as responsible authority the Licensing Authority will ensure a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest. For example, the Licensing Authority will distinguish the licensing case officer with the officer nominated to act as the responsible authority by allocating clear and distinct functions.

17.9 14.4—The Licensing Act 2003 also permits Elected Members to make representations on their own behalf as well as on behalf of their constituents. Members of the public who are making representations may also request that their Ward Councillor speaks on their behalf at public hearings to determine applications.

17.10 14.5—Representations about an application must be made in writing to the Council's Regulatory Services-Licensing Team within the statutory time limits.

17.11 14.6—Written representations include letters and emails. Representations received after the end of the public consultation period cannot legally be accepted and will not be considered by the Licensing Authority.

17.12 14.7—Representations must contain;

- a) The name, full address & post code, of the person making them;
- b) The reasons for their representation;
- c) Which of the four Licensing Objectives the representation relates to i.e. Crime and disorder; Public Nuisance; Public safety; Protection of children from harm.

17.13 ~~14.8~~—Representations which do not meet this requirement may be rejected as being irrelevant or frivolous or vexatious.

17.14 ~~14.9~~—Representations based on ‘Need’ for licensed premises, concerns the commercial demand for another pub, restaurant, off licence or hotel. This is not a matter for the licensing authority in discharging its licensing functions. ‘Need’ is a matter for planning committees and for the market. Representations made on the basis of need are likely to be rejected.

17.15 ~~14.10~~—All valid representations will form part of a committee report that will become a public document. It will be given to the applicant, their agent, responsible authorities, other persons making representations and any other party requesting a copy as well as the Licensing Subcommittee 10 working days prior to the hearing. Anonymous representations will not be accepted.

17.16 ~~14.11~~—Petitions may be submitted but are not as informative as individual correspondence and as such may be given less weight when considered by a Licensing Sub Committee.

17.17 ~~14.12~~—Petitions will only be accepted if on each sheet it clearly shows

- The name and address of the application site
- Reasons for the representation and
- Which of the four Licensing Objectives are relevant

17.18 ~~14.13~~—Each petitioner must give their name, full address including post code.

17.19 ~~14.14~~—Failure to comply with any of the above requirements could lead to the petition being rejected.

17.20 ~~14.15~~—The Licensing Authority follows the guidance of the Secretary of State concerning the judgments of representation as being irrelevant, vexatious and frivolous. A representation would be ‘irrelevant’ if it does not relate to the application or to the promotion of the licensing objectives in the context of the application.

17.21 ~~14.16~~—In considering whether or not a representation is ‘vexatious or frivolous’ the Licensing Authority must determine whether any ordinary and reasonable person would consider the matter to be vexatious or frivolous. Vexation may arise where, for example, there is a dispute between rival businesses. Frivolous representations would be categorised by a lack of seriousness.

17.22 ~~14.17~~—Where a representation is found to be irrelevant, vexatious or frivolous, the person making it will be informed and that representation will be disregarded.

18.0 ~~15.0~~ The Role of the Ward Councillor

18.1 ~~15.1~~—Ward Councillors play an important role in the local community. They can make representations in writing and speak at the hearing on behalf of an interested party such as a local resident or local business if specifically requested to do so. They can also make representations as an interested party in their own right (see annex A with regard to Councillors making representations).

18.2 ~~15.2~~—~~For example, W~~ard Councillors may apply for a review of a licence if problems ~~at specific premises, which justify intervention,~~ are brought to their attention which justify intervention and relate to the licensing objectives.

18.3 ~~15.3~~—Ward Councillors are informed of all new applications and any application to vary a licence in their ward. Individual Councillors may publicise an application locally in addition to the statutory publication and advertising carried out by the applicant.

18.4 ~~15.4~~—Local residents and businesses may wish to contact their local ward Councillors in respect of a licence application. Details on how to contact Ward Councillors may be obtained from the Council's Website.

18.5 ~~15.5~~—Ward Councillors may attend hearings of licensing Sub Committees considering applications and speak on behalf of local residents and businesses, but only if;

- They have made a personal representation;
- They have made a representation on behalf of local residents or businesses as 'community advocates'
- They have been nominated by (an objector) who cannot attend the hearing or prefers to be represented at the hearing.

Note: Where a Ward Councillor makes representations upon an application within their ward, in writing, to the Head of Administrative, Technical and Business Services within the appropriate statutory period of consultation for the application, and this representation has been forwarded to the Licensing Authority, that application shall ~~then~~ be ~~submitted~~ ~~scheduled~~ to be heard by the Licensing Sub-Committee for determination. The Ward Councillor must include in their representations the reasons why they wish the application to be determined by the Sub-Committee and how the application adversely affects the licensing objectives. [policy clarification added by full Council on 7 September 2017]

18.6 Councillors must not be members of the licensing sub-committee if they are involved in campaigning about the particular application.

19.0 ~~16.0~~—Decision Making and Licensing Hearings

19.1 ~~16.1~~—Applications for premises licences, club premises certificates, interim authorities, provisional statements, variation of designated premises supervisors and personal licences that do not attract representations will be granted under delegated authority and be issued as applied for; any conditions, apart from mandatory conditions, will reflect and be consistent with the applicant's operating schedule.

19.2 The Licensing Authority and other Responsible Authorities , where appropriate, may choose to mediate with the applicant and other parties with a view to alleviate concerns from the application and discuss potential conditions or further measures so agreement may be reached and that there is no longer a need to go to a formal hearing.

19.3 ~~16.2~~—The Licensing Authority will form Sub-Committees consisting of three elected members led by one Chairman.

19.4 ~~16.3~~—The full Licensing Committee will sit when it is considered appropriate to comply with any requirements of the Licensing Act 2003 or accompanying Regulations.

19.5 ~~16.4~~—A Licensing Sub-Committee will sit to hear all applications for premises licences, club premises certificates, interim authorities, provisional statements, designated premises supervisors and personal licences which have attracted relevant representations from either a 'responsible authority' or 'other person'. A full scheme of delegations can be found at Appendix A

19.6 ~~16.5~~—A Licensing Sub-Committee will also sit to hear cases where the police and/or the Council's Noise and Nuisance officers have opposed a Temporary Event Notice on the basis that, should the event go ahead, one or more of the licensing objectives would not be promoted.

19.7 Members will, at all times, comply with the council's member code of conduct which should set out the standards that members must observe.

19.8 Licensing Sub-Committee hearings will be broadcasted live on Hillingdon Council's YouTube Channel. Parties attending hearings will be made aware that the Council will film and record proceedings for both official record and resident digital engagement in democracy.

19.9 It is important for the licensing authority and its committee to ensure that there is neither actual nor an appearance of bias in its decision-making.

19.10 The rules of natural justice will apply. For example, a party must know the case against them; anyone affected by a decision has a right to be heard; and no one should be a judge in his own cause.

19.11 All the parties will be given a full and fair hearing, that shall be conducted in an open, transparent and accountable manner.

19.12 Applications will be considered on the basis of whether they promote the four licensing objectives. Each application will be considered on its own merits and whilst consistency is important similar applications may be decided in different ways.

19.13 ~~16.6~~ Any decisions made by the Licensing Sub Committee will be announced verbally at the end of the hearing where possible, and a Decision Notice will be sent in writing to the applicant and any person who has made a valid representation within five working days.

20.0 ~~17.0~~ **Licence Conditions**

20.1 ~~17.1~~—Conditions on premises licences and club certificates are determined by:

- The measures put forward on the Operating Schedule
- Mandatory conditions within the Act (current list included as Appendix G)
- Measures decided at a hearing by the Licensing Sub Committee

20.2 Conditions attached to licences by the Licensing Authority that have been proposed by the applicant in their operating schedule should be consistent with the steps set out in the operating schedule. This means that the effect of these conditions should be substantially the same as that intended by the terms of the operating schedule.—

20.3 ~~17.3~~—Any conditions attached to licences following relevant representations will focus on matters within the control of the Premises Licence Holder or Club Management Committees. They will address matters which have a direct impact on those living, working or engaged in normal activities in the vicinity, as well as patrons of the licensed premises.

They will not be used as a means of attempting to attach responsibility to Premises Licence Holders or Club Management Committees for matters outside their reasonable control, such as anti-social behaviour once away from the premises or licensable activity.

Conditions imposed by the Licensing Authority shall be **appropriate**, proportionate and should be determined on a case-by-case basis.

20.4 ~~17.3~~—The Licensing Authority will not impose standard conditions upon every licence issued, however it may have regard to model conditions produced by the Government and/or the Institute of

Licensing and it may choose to impose these in appropriate circumstances.

21.0 ~~18.0~~ Enforcement

- 21.1 The Licensing Authority **expects** all responsible licence holders to adhere to conditions attached to their premises licence and to fully promote the licensing objectives. This is also expected from holders of Club Premises Certificates, users of Temporary Event Notices and Personal Licence holders of the Borough.
- 21.2 Authorised officers of the Council will carry out both pro-active risk rated inspections and re-active inspections to investigate complaints and referrals to ensure compliance.
- 21.3 The Licensing Authority shall focus on agreed problem and high-risk premises which require greater attention, while providing a lighter touch for low risk premises or those that are well run. This should ensure that the Council resources are used efficiently and effectively.
- 21.4 The Licensing authority **reminds** operators of licensed premises that it is incumbent on them to provide appropriate training for their staff to ensure the promotion of the licensing objectives.
- 21.5 It is a criminal offence under section 136 of the 2003 Act to carry on any of the licensable activities other than in accordance with a licence or other authorisation under the 2003 Act. **It is also an offence for a person to knowingly allow the licensable activity to be carried on.** The fine for this offence is unlimited. The local authority, the Police and other authorised persons under the Act have powers to take action in relation to premises carrying on unauthorised activities.
- 21.6 ~~18.1~~—Any enforcement action taken in relation to the duties of this Licensing Authority under the Licensing Act 2003 will comply with the London Borough of Hillingdon Council's ~~the current Residents Services Enforcement Policy~~ current 'Prosecutions and Sanctions Policy'
- 21.7 ~~18.2~~—The Council also supports the 'Hampton Principles' of avoiding duplication when carrying out inspections and will endeavour to carry out its inspections of licensed premises in accordance with those principles.
- 21.8 ~~18.3~~—Enforcement Officers will also comply with ~~the~~ 'The Code for Crown Prosecutors' published by the Crown Prosecution Service Regulators Code', which can be accessed at: <https://www.gov.uk/government/publications/regulators-code> <https://www.cps.gov.uk/publication/code-crown-prosecutors>

21.9 ~~18.4~~—The Licensing Authority’s Officers may carry out joint enforcement inspections with Metropolitan Police officers and other authorised officers of the Responsible Authorities.

22.0 ~~19.0~~—Reviews

22.1 ~~19.1~~—At any stage following the grant of a premises licence or a club premises certificate, an application for a review application can be submitted to the Licensing Authority by a Responsible Authority, any Elected Member or an Interested Party in connection with any of the four licensing objectives.

22.2 ~~19.2~~—The Council, as Licensing Authority, will reject an application for review where it considers that the complaint is:

- Not relevant to any of the Licensing Objectives
- Vexatious, frivolous or repetitious

22.3 ~~19.3~~—The Licensing Authority will be prepared to facilitate mediation between the licensee and those who may be intending to review the licence, depending upon the severity of the individual circumstances.

22.4 ~~19.4~~—It is recommended that applications for review of premises licences are not made until at least six months after the grant of a licence in order to allow time for evidence to be gathered on the grounds for review.

22.5 ~~19.5~~—Premises subject to review must display a statutory notice so that it is visible to passers-by, stating the ground for review and advising those who wish to make a representation to write to the Licensing Authority.

22.6 ~~19.6~~—The Licensing Authority will also place publish similar notices at the Civic Centre and on the Council’s website.

22.7 ~~19.7~~—The Violent Crime Reduction Act 2006 gives the police power to review a premises licence with immediate effect where a senior police officer considers there is the risk of serious crime or disorder at the premises. This is known as an ‘expedited review’.

22.8 ~~19.8~~—Where an ‘expedited review’ has been applied for by the Police, the Licensing Authority will convene a Licensing Sub-Committee who will consider any interim immediate steps that may include modifying the licence conditions, suspending the licence or removing the designated premises supervisor (DPS). Interim steps will be imposed by the Licensing Sub-Committee within two working days from receipt of the application. There is no requirement for a formal hearing to be held in order to take interim steps. Therefore, the relevant sub committee members can communicate by telephone or other remote

means in order to reach a decision. A written record should always be produced as soon as possible after a decision is reached.

22.9 ~~19.9~~—The Licensing Sub-Committee may impose interim steps without consulting with the licence holder, however, every effort will be made to contact the licence holder and inform him of the review. If interim steps are imposed, the Licensing Authority shall immediately notify the licence holder and the police. The licence holder is entitled to make representations at this stage and a hearing will be held to facilitate this. The Licensing Authority must hold a full review of the premises licence and determine the review within 28 days after the day of receipt of the chief officer's application.

23.0 ~~20.0~~ **Cumulative Effect**

23.1 ~~20.1~~—Whilst the London Borough of Hillingdon does not have a concentration of licensed premises as found in central London boroughs, it nevertheless has a relatively large number of pubs and restaurants in Town Centre areas. Most of these Town Centre areas are also home to many residents. However, the Council, as the Licensing Authority, does not propose, at this stage, to set quotas for particular types of licences.

23.2 ~~20.2~~—Applications will be considered on their individual merit thus ensuring that the characteristics of the many different types of licensable activity are fully considered. If crime and disorder or general disturbance/nuisance do prove to be linked to the concentration of customers of licensed premises in any particular areas, then the Licensing Authority will consider introducing controls over the issue of new licences through a 'Special Policy' (to limit the number of licensed premises)

23.3 ~~20.3~~—It would first be necessary to establish that, because of the number and density of licensed premises selling alcohol in a particular area, there are exceptional problems of nuisance, disturbance and or disorder outside or away from those licensed premises as a result of their combined effect. Where particular premises are identified as being responsible for the problems it may be possible to take specific measures against those individual Premises Licence Holders or Club Management Committees following relevant representations.

23.4 ~~20.4~~—Where there is public disorder from a minority of people who display anti-social behaviour away from licensed premises, there are other measures available to the Police Authority to address such issues.

23.5 ~~20.5~~—Before deciding whether to adopt a Special Policy (to limit the number of licensed premises), the Council as the Licensing Authority must be sure that the imposition of individual conditions to particular premises would not solve the problem. The Council as the Licensing

Authority has a duty under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder. It must be sure it has met its obligations under the Crime and Disorder Act 1998 and in terms of its promotion of the licensing objectives under the Licensing Act 2003.

23.6 ~~20.6~~—If objector representations are made as to the cumulative effect of a new application and hence the need for a Special Policy (to limit the number of licensed premises), the onus will be on the objector to provide the evidence that the additional premises would produce the impact claimed.

23.7 ~~20.7~~—If a Special Policy (to limit the number of licensed premises) is introduced it will be reviewed regularly to assess whether or not it is still needed.

24.0 Mobile, Remote and Internet Sales

24.1 The Licensing Authority may receive applications for the sale of alcohol where the order for alcohol, or payment for it, takes place may not be the same as the place where the alcohol is appropriated to the contract. This situation occurs when sales are made online, by telephone, or mail order. The sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract. It will be the premises at this location which need to be licensed.

24.2 In these cases, the Licensing Authority will ensure that the subsequent premises licence will be subject to appropriate conditions including the times of day during which alcohol may be sold and also the mandatory licence conditions such as age verification measures.

24.3 Operators who run premises providing ‘alcohol delivery services’ should advise the licensing authority that they are operating such a service in their operating schedule. This ensures that the licensing authority can properly consider what conditions are appropriate to attach to their premises licence.

24.4 Premises with an existing premises licence, which choose to operate such a service in addition to their existing licensable activities, should contact their licensing authority for its view on whether this form of alcohol sale is already permitted or whether an application to vary the licence will be required.

24.5 The Licensing Authority may also receive mobile, remote, internet sales for late night refreshment such as fast food orders. Applicants should be mindful of the impact of such applications on the licensing objectives particularly the prevention of public nuisance. For instance, there may be concerns of vehicles or noise created by waiting vehicles or drivers outside the premises for pick up. Applicants should put in place appropriate measures and address these issues in their operating schedule.

25.0 ~~21.0~~ Licensing Hours

25.1 ~~21.1~~—Prior to the introduction of the Licensing Act 2003, it was believed that fixed and artificially early closing times (established under the Licensing Act 1964) were one of the key causes of rapid binge drinking prior to closing times and one of the causes of disorder and disturbance when large number of customers were required to leave the premises simultaneously.

25.1 ~~21.2~~—The aim through promotion of the licensing objectives should be to reduce the potential for concentrations and achieve a slower dispersal of people from licensed premises through flexible opening times.

25.3 ~~21.3~~—Arbitrary restrictions that would undermine the principle of flexibility will therefore be avoided. The four licensing objectives will be paramount at all times and the Council will always consider the individual merits of each case.

25.4 ~~21.4~~—In accordance with guidance there is no fixed restriction on terminal hours for any particular areas of the borough. Such a restriction could cause the migration of patrons from one area to another and create the circumstances that the legislation is attempting to avoid. Each application will be dealt with on its merits. It is for the applicants to detail in their Operating Schedule exactly what times they intend to open and close the premises and what measures they will take to ensure that they do not cause nuisance or disturbance to their neighbours in the vicinity. The later the terminal hour applied for, the greater will be the need to address the issues of disturbance and nuisance.

25.5 ~~21.5~~—Shops, stores and supermarkets licensed to sell alcohol will normally be allowed to do so for the full duration of their trading hours. Restrictions may be applied, for example where representations are made indicating the particular premises or patrons of the premises are linked to disorder and or disturbance.

26.0 ~~22.0~~ Exemptions

26.1 ~~22.1~~ There are a number of circumstances where entertainment related activities are exempt from regulation. These activities are specifically addressed in detail in the Section 182 Guidance. In summary, these are:

- Live Music
- Recorded Music
- Plays
- Performances of Dance

- Indoor Sport
- Any entertainment provided by a local authority, school or hospital
- Community exhibitions of film

26.2 ~~22.2~~ The exemption for entertainment is subject to certain conditions relating to the timings of the entertainment and maximum audience numbers, i.e. between the hours of 08.00 and 23.00 and for audiences of no more than 500 people.

26.3 ~~22.3~~ In licensed premises, where the exemptions apply, any conditions relating to entertainment would be suspended between the hours of 08.00 and 23.00. However, the Licensing Authority is empowered to lift the suspension of licence conditions upon a licence review where there are demonstrable effects on one or more of the licensing objectives.

26.4 ~~22.4~~—It should be noted that any dance performances of an adult nature, involving nudity, are still regulated under the Local Government (Miscellaneous Provisions) Act 1982 and separate permission would apply.

Appendix A

TABLE OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	SUB-COMMITTEE	OFFICERS
Application for a personal licence	If a Police objection	If no objection made
Application for personal licence, with unspent convictions	If a Police objection	If no objection made
Application for premises licence/club premises certificate	If a relevant representation made	If no representation made
Application for provisional statement	If a relevant representation made	If no representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no representation made
Application to vary designated premises supervisor	If a Police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a Police objection	All other cases
Application for Interim Authorities	If a Police objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a representation/objection is irrelevant, frivolous, vexatious, etc.		All cases
Decision to object when local authority is a consultee and not the lead authority	All cases	
Determination of an objection to a Temporary Event Notice	All cases	
Revocation of Personal Licence where convictions come to light after grant	All cases	
Determination of application by Community Premises to include alternative licence condition	If a Police objection	All other cases
Decision whether to consult other responsible authorities on minor variation applications		All cases
Determination of minor variation applications		All cases

APPENDIX B – PREVENTION OF CRIME AND DISORDER

Examples of measures to prevent crime and disorder which applicants are encouraged to give when completing their Operating Schedules:

- ~~• The setting of a safe capacity limit – This is important in order to prevent overcrowding giving rise to risk of crime and disorder~~
- Use of crime prevention notices – For use in circumstances where it would be helpful to warn customers of prevalence of crime which may target them, for instance, to warn of pickpockets or bag snatchers
- Publicising details of the premises operation – Display details of the premises opening ~~and~~ closing times and permitted times for licensable activities
- Installing CCTV – The presence of CCTV cameras can be an important means of deterring crime both inside and outside of the premises. It can also help to provide valuable evidence in the event that an incident does occur. CCTV should be maintained in good working order and used at all times with a thirty one day library of recordings maintained at all times. In addition, a staff member who is able to operate the CCTV system shall be on the premises at all times when the premises is open. The staff member shall be able to provide the Police or authorised officer copies of recent CCTV images or data with minimum delay when requested.
- An incident log shall be kept at the premises and made available on request to a Police Officer or an authorised officer. The following incident should be recorded in the log:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system , searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - ~~• (h) any visit by a relevant authority or emergency service~~
- Removing low cost high strength alcohol from offer – To help reduce street crime and violence and anti-social behaviour from public drunkenness
- Developing a drugs policy in conjunction with the police – Establish a clear written anti-drugs policy and publicise this to customers

- Preventing counterfeit products, such as alcohol, tobacco, DVDs, CDs and other goods from being offered for sale upon the premises
- Exercising control over the removal of open drink containers – To prevent the use of containers as weapons in the street
- Using plastic containers and toughened glass – Consideration should be given to the use of safer alternatives to glass which would inflict less severe injuries if used as weapons. Note: That any glass alternatives used for measuring draft beer and cider must be lawful for trade use under weights and measures legislation.
- Introducing bottle bans – Decant drinks into glasses before being handed across a bar
- Providing seating for customers – sufficient to ensure that the majority of customers do not have to stand
- Ensuring good availability of soft drinks and food
- Employing an appropriate number of SIA registered door supervisors – Valuable for maintaining orderly behaviour in queues; searching and excluding those suspected of carrying offensive weapons, or illegal drugs; keeping out banned individuals; or controlling admissions and departures
- Making personal searches by door supervisors a condition of entry – Including the provision of signage and female SIA for personal searches conducted on female customers and performers
- Providing door supervisors with search wands / search arches – Maintained in good working order and used on all occasions
- Providing a drugs and weapons box – Kept under the direct control of premises management with all seized drugs and weapons to be handed over to the police in accordance with the police code of practice
- Installing ID scanning and recording equipment – Requiring all patrons to provide ID and agree to being recorded. Provide notices to this effect in conjunction
- Establishing a last admissions policy – For both admissions and readmissions. Publicise this at the premises
- Establishing a dispersals policy – Helping to reduce the potential for disturbance to local residents
- Co-operating with the police and Council on venue hire agreements – Providing good notice (at least one month) of all internal and external promoters engaged at the premises. Also comply with requests from the

police not to engage a specific promoter where this is recommended by the police for crime and disorder

- [Specifying that there shall be a personal licence holder on duty on the premises at all times when the sale of alcohol can take place](#)

Premises Licence Holders and representatives from Clubs are expected to participate in Pub Watch, Club Watch, Business Watch and Radio Link and similar schemes.

Dispersal

The Licensing Authority considers the orderly dispersal of customers from licensed premises to be an important factor in promoting the licensing objectives. In considering any application for the grant or variation of a licence serious consideration will be given to the dispersal arrangements from the premises and the effect that granting the licence might have on the dispersal arrangements of other licensed premises in the area. The Licensing Authority will pay particular attention to an application which may delay orderly dispersal or is likely to encourage people to remain in the vicinity.

Drugs

The Licensing Authority recognises that drug misuse is not something that is relevant to all licensed premises however it is committed to the reduction and eradication where possible of drugs from licensed premises as part of its role in promoting the Crime and Disorder licensing objective.

If relevant representations are received to following an application for the grant or variation of a licence, special conditions may be imposed to support the prevention of the sale, supply and consumption of drugs.

In premises where drugs misuse is problematic and where the Police or others apply for a 'Review' of the licence, the Licensing Authority will consider this as being very serious and will give appropriate consideration to the full range of options available including the suspension and revocation of the licence. The Licensing Authority recognises that each case is individual and will be decided on the facts and its specific merits.

Nightclubs and other similar venues

Nightclubs and other similar venues should, when completing their operating schedule, consider including reference to the use of risk assessments for the different types of music and DJ's/MC's or similar that they propose to use.

In addition, if it is proposed, on occasions, to stage significant events or promotions, then applicants should also consider when completing their operating schedule, submitting a separate risk assessment for each individual

event or promotion followed by the submission of a subsequent 'de-brief' report.

~~Detailed below are examples of conditions that applicants may wish to considering offering in their operating schedule:-~~

~~1. The premises licence holder shall undertake a risk assessment of any promotion or event (as defined over) using the MPS Promotion/Event Risk Assessment (Form 696) or an equivalent and provide a copy to the Metropolitan Police Service using the email as detailed below and the Licensing Authority not less than fourteen days before the event is due to take place.~~

~~2. Where an 'event' has taken place, the premises licence holder shall complete follow up feedback using form 696a and submit this to the Metropolitan Police by email as detailed below within three days of the conclusion of the event.~~

~~Licensing-xh@met.pnn.police.uk~~

~~ClubsFocusDesk-CO14@met.police.uk~~

~~Definition of an 'Event'~~

~~The recommended guidance to music event organisers, management of licensed premises or event promoter on when to complete Form 696 is where you hold an event that is—~~

- ~~• promoted / advertised to the public at any time before the event, and~~
- ~~• predominantly features DJs or MCs performing to a recorded backing track, and~~
- ~~• runs anytime between the hours of 22.00 hours and 04.00 hours, and~~
- ~~• is in a nightclub or a large public house.~~

APPENDIX C – PUBLIC SAFETY

Examples of measures to promote Public Safety may include:

- The setting of a safe capacity limit – This is important in order to prevent overcrowding
- Escape routes to be clear, unobstructed, well maintained, immediately available and clearly identified in accordance with the plans provided.
- The approved arrangements at the premises, including the means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment shall at all times be maintained in good condition and full working order.
- Appropriate measures to ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway

Publications which applicants should consider when preparing their operating schedules:-

- British Standard 9999 - Code of Practice for Fire Safety
- Regulatory Reform (Fire Safety) Order 2005 – clause 14(2) (a)-(h)
- British Standard 7671 - Requirements for Electrical Installations (I.E.E. Wiring Regulations)
- British Standard 5266 - Code of Practice for emergency lighting systems
- British Standard 5839 - Fire detection and alarm systems for buildings
- Model National Standard Conditions for Places of Entertainment – Published by LDSA Publications, PO Box 266, Bromley, Kent, BR2 9ZN
- Technical Standards for Places of Entertainment - Published by LDSA Publications, PO Box 266, Bromley, Kent, BR2 9ZN
- Purple Guide - A guide to health, safety and welfare at large events <http://www.thepurpleguide.co.uk/>
- Managing Crowds Safely, HSG154 (ISBN 0-7176-1834-X)
- 5 Steps to Risk Assessment, Case Studies (HSE 1998) (ISBN 0-7176-1580-4)

- The Guide to Safety at Sports Grounds published by HMSO, The Green Guide (ISBN 0-11-341072-7)
- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances, www.streetartsnetwork.org/pages/publications
- Home Office and London Drug Policy Forum guidance 'Safer Clubbing'

APPENDIX D – PREVENTION OF PUBLIC NUISANCE

Relevant issues might include:

- Preventing noise and vibration escaping from the premises, including music, noise from plant and patrons
- Preventing disturbance by patrons arriving at, gathering outside of, being admitted or re-admitted to or departing from the premises, particularly, but not exclusively between 11pm and 7am hours
- Preventing vehicle queues forming outside of the premises, or where some form of queuing is necessary, the steps to prevent disturbance or obstruction
- Ensuring clear up operations conducted by staff do not cause a nuisance and that staff leave the premises quietly
- Addressing arrangements made for parking by patrons
- Considering whether there is sufficient public transport provision and where licensed taxis or private hire vehicles are likely and any arrangements made to prevent disturbance to local residents
- Controlling disturbance that may be caused by the use of gardens / terraces / external and other open-air areas including the highway, particularly in relation to smoking and the passage of patrons between internal and external areas
- Preventing nuisance from the positioning and operation of plant and machinery such as kitchen extraction systems, ventilation plant, condensers
- Restricting delivery and collection times (waste, equipment and consumables) to between 8am and 8pm hours
- Limiting any nuisance or glare caused by the positioning of external lighting, including security lighting
- Preventing odour or pests from refuse storage and waste disposal and the accumulation of litter and smokers waste in the vicinity of the premises

- The need for regular patrols of the boundary of the premises and / or at the nearest residential to ensure nuisance impacts are not being experienced by neighbours.

Management controls should be considered for:

- The numbers of persons using any licensed external area at any one time
- The hours of operation of any licensed external area, requiring patrons to return back into the premises at a specific time. In residential areas, this is particularly important
- The numbers of smokers allowed outside of the premises at any one time
- The taking of drinks outside of the premises when patrons step outside to smoke. This can be assisted by providing a 'drinks safe' area for patrons who temporarily leave the premises
- Queues of patrons awaiting admission and how these are arranged
- The areas within which patrons may congregate outside of the premises, restricting them, for instance, to the curtilage or footprint of the premises
- The times within which live music and / or amplified sound may be played in any external area or marquees or relayed by external speakers (where permitted under the terms of the licence)
- The times within which barbecues or other cooking facilities may be provided within any external area
- Terminal hour for last admissions and readmissions to the premises
- The supervision of patrons using any external area so as to prevent nuisance and disturbance
- Arrangements made with local cab companies calling for customers, requiring that they call within the premises for their customers without sounding their horn in the street
- The reduction of music levels within the premises 30 minutes before closing so as to reduce levels of excitement among patrons upon leaving

- The display of notices at exit points asking patrons to ‘ please leave quietly’ and be mindful of local neighbours when leaving the premises
- The supervision of patrons outside of the premises to ensure quick dispersal from the immediate area upon closing time
- The clearance of any litter created by the operation of the premises
- The hours during which external activities such as the handling and removal of waste or musical equipment or the delivery of goods
- Restricting the use of artificial lighting outside of the premises so as to reduce the potential for light nuisance
- Applicants are advised to seek advice from the Council’s Environmental Health Officers contact details can be found in appendix F before preparing their plans and operating schedules. Where representations are received and upheld at a hearing the Licensing Authority will consider attaching conditions to licences and permissions to prevent public nuisance.

Publications which should be considered when preparing operating schedules:

- a) British Standard 4142 2014: Methods for rating and assessing industrial and commercial sound
- b) London Borough of Hillingdon Supplementary Planning Guidance - Noise
- c) Control of ‘Noise’ published by the British Beer and Pubs Association

APPENDIX E – PROTECTION OF CHILDREN FROM HARM

The Licensing Authority will consider any of the following options when dealing with a licence application where limiting the access of children is considered necessary to prevent harm to children:

- Limitations on the hours when children may be present.
- Limitations on the presence of children under certain ages when particular specified activities are taking place.
- Limitations on the parts of premises to which children might be given access.
- Limitations on ages below eighteen.
- Requirements for an accompanying adult.
- Full exclusion of people under eighteen from the premises when any licensable activities are taking place.

The following are examples of premises that will raise concern:

- Where entertainment or services of an adult or sexual nature are commonly provided.
- Where there have been convictions of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking.
- A known association with drug taking or drug dealing.
- Where there is a strong element of gambling on the premises.
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

APPENDIX F

Responsible Authorities:

<p>The Licensing Service</p> <p>London Borough of Hillingdon Civic Centre 4W/01 High Street Uxbridge UB8 1UW</p> <p>licensing@hillingdon.gov.uk <i>Licensing Authority</i></p>	<p>Police Licensing Dept</p> <p>Uxbridge Police Station 1 Warwick Place Uxbridge UB8 1PG</p> <p>xh@met.pnn.police.uk</p> <p><i>Hillingdon Police Enforcement</i> For all Areas</p>
<p>Fire Safety Regulation: North West Area 1</p> <p>London Fire Brigade 169 Union Street London Se1 0LL Attn: North West Area Team</p> <p>FSR-AdminSupport@london-fire.gov.uk</p>	<p>Service Manager- Safeguarding Children and Quality Assurance 4S/07</p> <p>Social Services London Borough Of Hillingdon Civic Centre Uxbridge UB8 1UW</p> <p>safeguardingchildrenadmin@hillingdon.gov.uk</p> <p>A body involved in the Protection of Children from Harm</p>
<p>Health & Safety Executive</p> <p>Rose Court 2 Southwark Bridge London SE1 9HS www.hse.gov.uk</p> <p><i>Enforcing Authority for the Health and Safety at Work Act 1974</i></p>	<p>Trading Standards Service</p> <p>London Borough of Hillingdon Civic Centre Uxbridge UB8 1UW</p> <p>Attn Divisional Trading Standards Officer</p> <p>tradingstandards@hillingdon.gov.uk</p> <p><i>Enforcing Authority under the Weights and Measures Act 1985</i></p>
<p>Environmental Protection Unit</p> <p>London Borough Of Hillingdon Civic Centre Uxbridge UB8 1UW</p> <p>asbinvestigations@hillingdon.gov.uk</p>	<p>Head of Planning</p> <p>London Borough Of Hillingdon Civic Centre Uxbridge UB8 1UW</p> <p>Planning@hillingdon.gov.uk</p>

<p><i>Enforcing Authority for matters relating to Environmental Pollution and Public Nuisance</i></p>	<p><i>The Planning Authority</i></p>
<p>Public Health</p> <p>London Borough of Hillingdon Civic Centre Uxbridge UB8 1UW</p> <p>shajioff@hillingdon.gov.uk</p> <p><i>Health Authority Body</i></p>	<p>Food, Health & Safety Team</p> <p>London Borough of Hillingdon Civic Centre Uxbridge UB8 1UW</p> <p>EnvironmentalhealthCP@hillingdon.gov.uk</p> <p><i>Enforcing Authority for the Health and Safety at Work Act 1974</i></p>
<p>London Waterways</p> <p>Canal & River Trust Docklands Office 420 Manchester Road London E14 9ST</p> <p>enquiries.london@canalrivertrust.org.uk</p>	<p>Home Office (Immigration Enforcement)</p> <p>Alcohol Licensing Team Lunar House 40 Wellesley Road Croydon CR9 2BY</p> <p>alcohol@homeoffice.gsi.gov.uk</p>

Appendix G - Current Mandatory Conditions under the Licensing Act 2003

All Premises Licence authorising supply of alcohol

1. No supply of alcohol may be made under the Premises Licence –
 - (a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
 - (b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.
 - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
 - (a) a holographic mark or
 - (b) an ultraviolet feature.
6. The responsible person shall ensure that –
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);
 - (b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

Where—

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence-

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(7).

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

If the Premises Licence allows Exhibition of Films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection (3) (b) applies, admission of children must be restricted in accordance with any recommendation by that body.
3. Where
 - (a) The film classification body is not specified in the licence, or
 - (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4. In this section “children” means any person aged under 18; and “film classification body” means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

If the Premises Licence has conditions in respect of Door Supervision except theatres, cinemas, bingo halls and casinos

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:
 - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) be entitled to carry out that activity by virtue of section 4 of the Act.

2. But nothing in subsection (1) requires such a condition to be imposed:
 - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or
 - (b) in respect of premises in relation to:
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

3. For the purposes of this section:
 - (a) “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and
 - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Annex A

Clarification added by full Council on 7 September 2017 with respect to ward councillors making representations:

Where a Ward Councillor makes representations upon an application within their ward, in writing, to the Head of Administrative, Licensing, Technical and Business Services within the appropriate statutory period of consultation for the application, and this representation has been forwarded to the Licensing Authority, that application shall then be ~~submitted~~ scheduled to be heard by the Licensing Sub-Committee for determination. The Ward Councillor must include in their representations the reasons why they wish the application to be determined by the Sub-Committee and how the application adversely affects the licensing objectives.



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Equality Impact Assessment

STEP A) Description of what is to be assessed and its relevance to equality

What is being assessed? Please tick

Review of a service Staff restructure Decommissioning a service

Changing a policy Tendering for a new service A strategy or plan

The review of the Council's Statement of Licensing Policy which takes place every 5 years and must be in place by January 2021

Who is accountable? E.g. Head of Service or Corporate Director

London Borough of Hillingdon – 'The Licensing Authority'

Date assessment completed and approved by accountable person

9th September 2020

Names and job titles of people carrying out the assessment

Daniel Ferrer, Licensing Team Manager

A.1) What are the main aims and intended benefits of what you are assessing?

Comprehensive review and consultation to implement the Council's new Statement of Licensing policy. As a result, it is intended that this assessment will support effective and efficient delivery of licensing functions and the Council's objectives and allow for stakeholders views to be taken into account.

A.2) Who are the service users or staff affected by what you are assessing? What is their equality profile?

The main users of the service that will be affected will be the actual applicants. Looking at previous applications and licences granted for premises and personal licence holders the equality profile for the applicants is very mixed. However, it is clear that a substantial amount of applicants come from a Black, Asian, Minority and Ethnic Background.

This is particularly the case where applicants have a premises or reside in the south parts of the Borough such as Hayes. This is evident when applications are related to off licence, takeaways and family run restaurants. Some of these applicants will decide to instruct an agent or seek legal advice but some will choose to draft their application themselves and attend subsequent licensing hearings in person.

A.3) Who are the stakeholders in this assessment and what is their interest in it?

Stakeholders	Interest
Applicants and licence holders	Ensure that they are supported by the Authority in making their applications and kept fully informed of the process and the implications of the reviewed statement of licensing policy.
Residents and Businesses	Ensuring that specific requirements have been met by the applicant/licence holder and they are able to submit their objection/representation if it is valid under the legislation.
Licensing Committee, Cabinet & Council	Ensuring processes are followed in accordance with licensing legislation and that all information is presented to them in full so appropriate, reasonable and proportionate decisions can be made.
Chief Executive, Corporate Directors & Staff	Ensuring processes are followed in accordance with licensing legislation and that all information is presented to them in full so appropriate, reasonable and proportionate decisions can be made.

A.4) Which protected characteristics or community issues are relevant to the assessment? ✓ in the box.

Only tick the boxes which relate to the data you have in A2.

Age	✓	Religion or belief	✓
Disability	✓	Sex	✓
Gender reassignment	✓	Sexual Orientation	✓
Marriage or civil partnership	✓	Community Cohesion	✓
Pregnancy or maternity	✓	Community Safety	✓
Race/Ethnicity	✓	Other – please state	

STEP B) Consideration of information; data, research, consultation, engagement

B.1) Consideration of information and data - what have you got and what is it telling you?

The main source of data and information are the current records kept by the Licensing Authority. Applications for premises licences and personal licences state the applicant's contact details and their right to work status. In addition, there is the information and feedback received from officers who engage with applicants on the phone or face to face during site visits. It is noted that a substantial amount of applicants and indeed licence holders are from a Black, Asian, Minority and Ethnic Background. This is particularly the case where applicants have a premises or reside in the south parts of the Borough such as Hayes. This is particularly evident when assessing applications which relate to off- licences, takeaways and family run restaurants.

Consultation

B.2) Did you carry out any consultation or engagement as part of this assessment?

Please tick ✓ NO ✓ YES

If no, explain why:

It was not felt necessary to complete consultation as part of this assessment however, in the implementation of the policy, there will be ongoing engagement with potential applicants and other relevant parties during formal consultation.

B.3) Provide any other information to consider as part of the assessment

The new Statement of Licensing policy is not anticipated to have a significant impact as there is a strong degree of consistency between the old and new document, it is merely reflecting updates to legislation and Secretary of State guidance.

On the whole, the amendments proposed have been drafted to clarify, formalise and, in some cases, simplify the processes in relation to applications under the Licensing Act 2003. The principles governing the Statement of Licensing policy remain consistent with the previous policy statement and recognise the wider community impacts that the Licensing Authority, residents, business community and other stakeholders must be aware of when participating in the licensing process. The new Statement of Licensing Policy recognises the need for a balance between the rights of businesses and the community.

The Licensing Authority have a public sector equality duty to the following protected characteristics:

- Age
- Disability
- Sex, gender reassignment, sexual orientation
- Pregnancy and maternity
- Race, religion or belief
- Marriage and Civil Partnership

Under the Equality Act 2020 (S.149) a public authority must, in the exercise of its functions, have due regard to the need to:-

- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the 2010 Act
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

C) Assessment

What did you find in B1? Who is affected? Is there, or likely to be, an impact on certain groups?

C.1) Describe any **NEGATIVE** impacts (actual or potential):

Equality Group	Impact on this group and actions you need to take
Applications from a Black, Asian, Minority and Ethnic background	<p>There will be many applicants from a Black, Asian and Minority Ethnic background whose first language is not English and who will therefore require assistance with their applications and the explanation of the legislation including the new reviewed Statement of Licensing policy.</p> <p>The Licensing Team will offer advice on the telephone with completing on-line applications and will accommodate appointments during office hours. In addition, consideration will be given to officers carrying out site visits to meet the applicants to gain a better understanding of their proposed application.</p>

C.2) Describe any **POSITIVE** impacts

Equality Group	Impact on this group and actions you need to take
Applications from a Black, Asian, Minority and Ethnic background	<p>Better quality of applications being submitted and as a result residents, responsible authorities and members of the Licensing Committee being well informed to make decisions in considering applications. Furthermore, better relationships will be formed with applicants and so it is hoped that there will be higher standards of compliance when the applicants operate.</p>

D) Conclusions

The Licensing Team has identified that a substantial amount of applications will continue to be received from those from a Black, Asian, Minority and Ethnic background. This will be particularly the case where applications are received from applicants who work or reside in the south of the Borough.

Literacy issues have been identified within these communities. Applicants will require some assistance with their applications, supporting documentation and explanation of Government guidance and the Council's Statement of Licensing Policy.

The Licensing Team will offer telephone advice for on-line forms and consideration will be given to meeting the applicant at Council Offices or the premises to assist them in completing application forms.



Signed and dated: 17.08.20

Name and position: Daniel Ferrer, Licensing Team Manager

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REVIEW OF LICENSING SUB-COMMITTEE HEARING PROTOCOLS

Committee name	Licensing Committee
Officer reporting	Stephanie Waterford, Residents Services
Papers with report	Hearing protocols
Ward	All

HEADLINES

As Members will be aware, as part of this agenda, the Statement of Licensing Policy is currently being reviewed. It, therefore, would be timely to also review the suite of Licensing Sub-Committee Hearing Protocols to ensure best practice and consistency in conducting all types of Licensing Hearings.

RECOMMENDATIONS:

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.

SUPPORTING INFORMATION

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 Hearing Protocols currently in place are;

- 1) Protocol for new and variation applications under the Licensing Act 2003 and Gambling Act 2005
- 2) Protocol for reviews under the Licensing Act 2003 and Gambling Act 2005
- 3) Protocol for Scrap Metal Dealers Act 2013
- 4) Protocol for Sex Establishment Licences
- 5) Protocol for Street Trading Applications
- 6) Protocol for Film Classifications (order of proceedings only)

These hearings contain common principles and headings which are underpinned by the principle legislation. The three main protocols used are in relation to Licensing, Gambling and Street trading matters. However, Members have in past years sat on hearings relating to Sex Establishments and Film Classification.

Officers recommend that Members discuss the protocols and instruct Officers to prepare draft versions for the next Full Licensing Committee meeting in January 2021 for fuller consideration and approval.

A copy of each of the above protocols is enclosed as part of this report.

Topics for potential discussion and review could include;

- Information contained in the Licensing Officers report
- Procedure at the Hearing - i.e. representations, evidence, parties to the hearing
- Updating to reflect remote hearings, noting though this is currently superseded by temporary regulations in effect to May 2021.

Members may have their own matters to raise.

BACKGROUND PAPERS

- S182 Guidance under the Licensing Act 2003
- Hearing Regulations 2005
- Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020



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Hearing Protocol

This protocol outlines the procedures that will be followed in relation to hearings held under the Licensing Act 2003 and the Gambling Act 2005

Agreed and adopted by the Licensing Committee on 15 October 2015

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1. Introduction

- 1.1 The Licensing Act 2003 (Hearings) Regulations 2005 and the Gambling Act 2005 (Proceedings of Licensing Committees and Sub-committees) (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007 ("together hereafter the Regulations") provide that a Licensing Authority shall, subject to the provisions of those Regulations, determine for itself the procedure to be followed at a hearing.
- 1.2 These procedures set out the way in which the Licensing Authority will conduct hearings under the Licensing Act 2003 ("hereinafter the 2003 Act") and the Gambling Act 2005 ("hereafter 2005 Act") and the associated Regulations.
- 1.3 Appendix 1 of this protocol includes the procedure that will be adopted by the Licensing Authority in the event that an interim hearing must be held following notice of a Summary Review pursuant to Section 53A of the Act.

2. Timescales

- 2.1 Most hearings under the 2003 Act must take place within 20 working days from the last date in which representations can be made.
- 2.2 Exceptions under the 2003 Act:
 - Within 10 working days from the day after the Authority receives the notice for a review of the premises licence following a Closure Order.
 - Within 7 working days from after the end of the period within which the police can object to:
A temporary event notice (the police must give notice of their objection within 3 working days of being given a copy of the notice); and
 - Within 5 working days beginning with the day after the end of the last date for the police to object to an interim authority notice (the police must give notice of their objection within 2 working days of being given a copy of the notice).
- 2.3 For applications made under the 2005 Act the Authority must commence a hearing as soon as reasonably practicable after the expiry of the statutory period where representations can be received.
- 2.4 These matters are more fully set out in the Regulations.
- 2.5 Where a hearing will take more than one working day, the Authority must arrange for the hearing to take place on consecutive working days.

3. Timescales for Notice of Hearing to be given

3.1 In most cases, the Authority shall give notice of a hearing no later than 10 working days before the first day on which the hearing is to be held.

3.2 Exceptions under the 2003 Act:

- Review of a premises licence following a Closure Order;
- Summary Review of premises licence

At least two working days notice must be given to the parties to a hearing for determination of:

- Police objection to an Interim Authority Notice;
- Police objection to a Temporary Event Notice.

4. Persons who must be notified of a hearing

4.1 The persons who must be notified of a hearing are set out below as a summary:

- Any applicant for any licence, provisional statement or review made under the 2003 Act and the 2005 Act;
- The premises user who submitted the temporary event notice under the 2003 Act;
- Any person who has made relevant representations about an application for a licence or provisional statement or review;
 - Any police officer who has given notice of objection under the 2003 Act to a person specified as a Designated Premises Supervisor;
 - An interim authority;
 - Transfer of a premises licence;
 - Transfer of a club premises licence;
 - Transfer of a club premises certificate;
 - A temporary event notice;
 - A personal licence.
 - Any holder of a premises licence or club premises certificate when an application is made for review.

5. Information to be provided in a Notice of Hearing

5.1 The information and documentation that must accompany the Notice of Hearing relating to an application or notice under the 2003 Act includes:

- The procedure to be followed at the hearing;
- The right of the party to attend and to be assisted or represented by any person whether legally qualified or not;

- The ability to give further information in support of their application where the Authority has sought clarification;
- The right to question any other party;
- The right to address the Authority;
- Notice of any particular on which the Authority will want clarification at the hearing;
- The consequences if a party does not attend or is not represented at the hearing;

5.2 The information and documentation that must accompany the Notice of Hearing relating to an application under the 2005 Act includes:

- The consequences where a party informs the Sub-Committee that he/she does not wish to attend or be represented at the hearing or fails to inform the Sub-Committee whether he/she will attend or be represented at the hearing;
- The requirements imposed on the Sub-Committee in conducting a hearing as set out in the Regulations;
- The consequences where a party has indicated that he/she wishes to attend or be represented at the hearing, but fails to attend or be represented at the hearing;
- The procedure to be followed at the hearing;
- The time limit and method by which a party should inform the Sub-Committee that he/she wishes to be assisted or represented by another person;
- The time limit and method by which a party should inform the Licensing Authority that he/she will want to call a witness to give evidence at the hearing, and the matters in relation to which he/she will want to call a witness to give evidence at the hearing and the matters in relation to which he/she wishes that witness to give evidence;
- The time limit and method by which a party should inform the Sub-Committee that he/she is willing to consent to the application being determined without a hearing;
- The matters on which the Sub-Committee considers at the time that it will want clarification at the hearing from a party.

5.3 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.

6. Notice of Reply

6.1 On receipt of the Notice of Hearing, all parties must inform the Authority whether they:

- Intend to attend or be represented at the hearing;
- Consider a hearing to be unnecessary; and
- 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 In the case of a hearing under-

- Section 48(3)(a) cancellation of interim authority notice following police objection; or
 - Section 105(2)(a) counter notice following police objection to Temporary Event Notice
- The party must return the notice no later than one working day before the day of the hearing.
 - In the case of a hearing under-
 - Section 167(5)(a) review of a premises licence following a closure order ; or
 - Section 53C review of premises licence following review notice; or
 - Paragraph 4(3)(a) of Schedule 8 conversion of an existing licence; or
 - Paragraph 16(3)(a) of Schedule 8 conversion of an existing club licence; or
 - Paragraph 26(3)(a) of Schedule 8 determination of application by holder of justices' licence for grant of personal licence
 - The party must return the notice no later than two working days before the day of the hearing.
 - In any other case, the party must give no later than five working days before the day of the hearing.

7. Failure of parties to attend the hearing

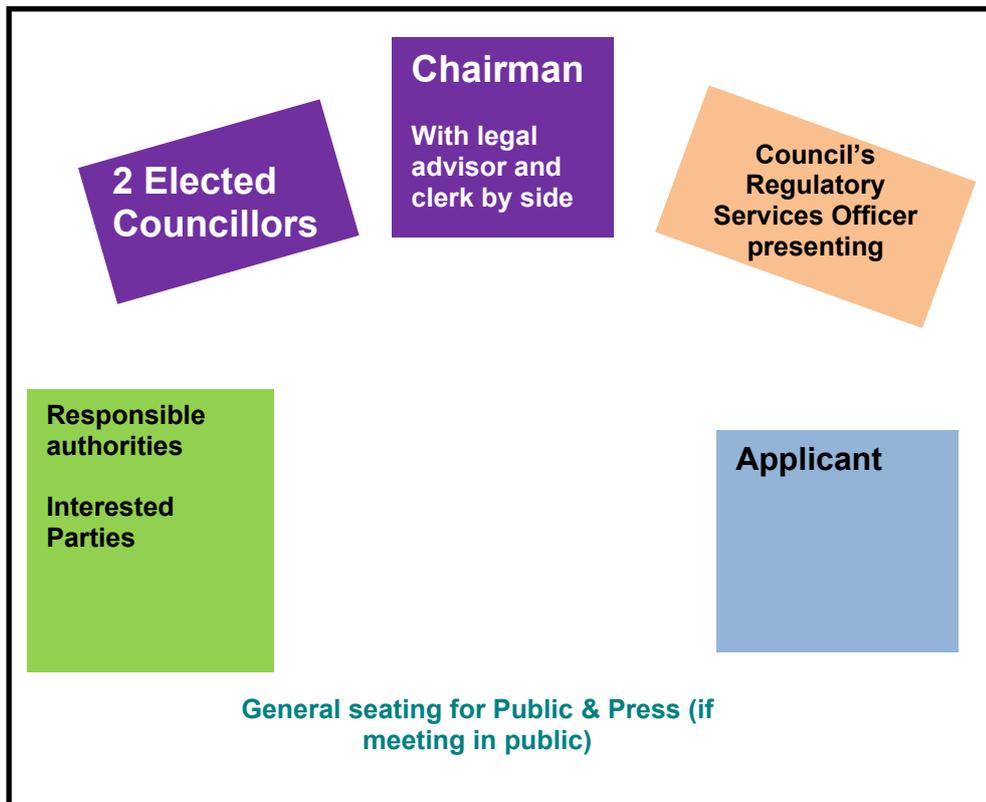
- 7.1 If a party has informed the Authority that they will not be attending or be represented at the hearing it may proceed in their absence.
- 7.2 If a party does not give notice that they will not be attending but fails to attend and is not represented the Authority may either:
- (a) Adjourn the hearing if it considers it to be necessary in the public interest; or
 - (b) Hold the hearing in the party's absence.
- 7.3 If the Authority holds the hearing in the absence of a party, it will consider at the hearing the application, the representation or notice given by the party.
- 7.4 If the Authority adjourns the hearing to a specified date it must forthwith (as soon as reasonably practicable under the Gambling Act regulations) notify the parties of the date, time and place to which the hearing has been adjourned.

8. Procedure at the hearing

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

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

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



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.

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

Order of proceedings - applications

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

Introduction by the Council's Licensing Officer



The Applicant / Licence Holder



Responsible Authorities (if present)



Other Parties (residents etc...)



DISCUSSION LED BY THE SUB-COMMITTEE

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



Closing remarks from each party



Sub-Committee deliberates



Chairman announces the decision

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

The Applicant, licence holder or the person representing him/her will be invited to address the Sub-Committee. They will be allowed sufficient time to present his/her case. The Sub-Committee may ask questions.

Responsible Authorities will be invited to address the Sub-Committee and will be allowed sufficient time. The Sub-Committee may ask questions of the Responsible Authorities.

Other parties 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 and all will be allowed sufficient time. The Sub-Committee may ask questions of the Other Parties.

The Chairman will invite the Responsible Authorities and Other Parties to make brief closing remarks on the application. The Applicant / licence holder makes the final closing remarks.

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

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

- 8.6 The Sub-Committee may allow the parties to question any other party (if permission is given) and to address the Sub-Committee, but will seek in all cases to avoid repetition of matters (whether included in written material or otherwise) irrelevancy or any abuse of procedure.
- 8.7 The Sub-Committee will be guided by legal principles by determining whether evidence is relevant and fairly admissible. In particular, hearsay evidence may be admitted before the Sub-Committee but consideration will always be given to the degree of weight, if any, to be attached to such evidence in all the relevant circumstances.
- 8.8 When considering any representations or notice made by a party, the Authority may take into account documentary or other information produced by a party in support of their application, representation or notice, either:
- (a) Before the hearing; or
 - (b) With the consent of all other parties at the hearing.
- 8.9 If documentary or other evidence is submitted late or at the hearing, the Sub-Committee may decide to adjourn the hearing so as to allow Members and any other party time to consider the information and that may involve an adjournment of proceedings to another date. The Sub-Committee may decide not to consider the information if no satisfactory explanation is provided for its late submission.
- 8.10 Any party may withdraw their representations by contacting the Democratic Services Department by phone, letter or email, providing they give notice no later than 24 hours before the first day of the hearing. If, during the hearing, any party wishes to withdraw their representations they may do so orally by informing the Chairman.
- 8.11 The Sub-Committee when determining an application or notice under the provisions of the 2003 Act will disregard any information given by a party, or any other person appearing at the hearing which is not relevant to:
- (a) Their application, representation or notice;
 - (b) In the case of another person, the application representation or notice of the party requesting their appearance;
 - (c) The promotion of the licensing objectives; or
 - (d) In relation to a hearing to consider a notice given by the Police the crime prevention objective.
- 8.12 A hearing under the 2003 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.

8.13 A hearing under the 2005 Act shall take place in public save that:

(a) The Sub-Committee may direct that all or part of a hearing must be in private if it is satisfied that it is necessary in all circumstances of the case, having regard to:

- Any unfairness to a party that is likely to result from a hearing in public; and
- The need to protect as far as possible, the commercial or other legitimate interests of a party.

8.14 The Sub-Committee may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may:

- (a) Refuse to permit the person to return; or
(b) Allow them to return only on such conditions as the Authority may specify.

8.15 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.

9 Determination of the application and time limits

9.1 For applications determined under the 2003 Act the Sub-Committee must make its determination at the conclusion of the hearing where the application is for:

- (a) A review of a premises licence following a closure order;
(b) A summary review of a premises licence
(c) A personal licence by the holder of a justices licence;
(d) A counter notice following police objection to a temporary event notice.

9.2 In any other case, the Authority must make its determination within the period of five working days, beginning with the day or the last day on which the hearing was held.

9.3 Where a hearing has been dispensed with because all of the parties have agreed that a hearing is unnecessary (and the Authority has agreed, giving notice to the parties in writing) then the Authority must make its determination for the 2003 Act applications, reviews and notices within 10 working days beginning with the day the Authority gives such notices to the parties.

10 Record of Proceedings

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

11 Irregularities

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

12 Notices

- 12.1 Any notices under these regulations will be given in writing. Such a notice may be sent electronically, providing:
- (a) It can be accessed by the recipient in a legible form;
 - (b) It is capable of being reproduced as a document for future reference;
 - (c) The recipient has agreed in advance to receive it in such form;
 - (d) A copy is sent in documentary form forthwith to the recipient.

13 Appeals.

- 13.1 Either those that have made an application or those who have made representations on an application may have the right to appeal the Authorities decision to the Magistrates' Court.
- 13.1 An appeal must be commenced within twenty one days beginning with the day on which the appellant was notified by the Licensing Authority of their decision.
- 13.2 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 Applicants for new premises licences, club premises certificates, applications for provisional statements and applications for variations of existing premises licences or club premises certificates must display a notice on the premises and advertise the application in a local newspaper.
- 14.3 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.

14.4 The address and contact details for Democratic Services are:

Clerk to the Committee
Democratic Services
Phase 2 – Council Chambers
Civic Centre
Uxbridge
UB8 1UW

Email: democratic@hillington.gov.uk
Tel: 01895 250636

14.5 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

APPENDIX 1

Hearing Protocol for interim hearings held pursuant to Section 53A to 53C of the Licensing Act 2003.

1. Introduction.

- 1.1 The powers under Section 53A to 53C of Licensing Act 2003 ("the Act") are aimed at tackling serious crime and serious disorder.
- 1.2 The powers allow the police to trigger a fast track process to review a premises licence where the police consider that the premises are associated with serious crime or serious disorder (or both) and the Licensing Authority to respond by taking interim steps quickly, where appropriate, pending a full review.

2. Triggering the expedited review.

- 2.1 The Chief Officer of Police for the area in which the premises are situated may apply to the Licensing Authority for an expedited licence review if a senior member of the force has issued a certificate that in his/her opinion a licensed premises is associated with serious crime and serious disorder (or both).

3. The Licensing Authority and the interim steps.

- 3.1 Within 48 hours of receipt of the chief officer's application, the licensing authority must give the premises licence holder and the responsible authorities a copy of the application for review and a copy of the certificate and must also consider whether it is necessary to take interim steps pending the determination of the review applied for. When calculating the 48 hour period any non-working day will be disregarded.
- 3.2 Consideration of the interim steps may take place without the holder of the premises licence having been given an opportunity to make representations to the relevant Licensing Sub-Committee. There is no requirement to hold a formal hearing in order to take interim steps. This means that the relevant Sub-Committee members can communicate by telephone or other means in order to reach a decision. In such circumstances, a written record will always be produced as soon as possible after a decision is reached.
- 3.3 The interim steps that the Licensing Authority must consider taking are-
 - The modification of the conditions of the premises licence;
 - The exclusion of the sale of alcohol by retail from the scope of the licence;
 - The removal of the designated premises supervisor from the licence;
 - The suspension of the licence.
- 3.4 In the event that the Licensing Authority decides to take one or more such steps-
 - (a) Its decision takes effect immediately or as soon after that as the Licensing Authority directs; but
 - (b) It must give immediate notice of its decision and of its reasons for making it to-

- (i) the holder of the premises licence; and
- (ii) the Chief Officer of the Police for the area in which the premises are situated.

3.5 The Act does not specify that the immediate notice has to be in writing. Where the Licensing Authority decides that the decision should take immediate effect and the licence holder was not present for the decision, then it will approach the licence holder by telephone and the call will be followed up as soon as possible with a written version of the decision and the reasons which is identical to or not significantly different from the version given by telephone.

4. Making representations against the interim steps.

4.1 The holder of the premises licence may make representations against the interim steps taken by a Licensing Authority.

4.2 There is no time limit for the premises licence holder to make representations on the interim steps, although in practice this would at some point be superseded by the full review which has to be completed within 28 days of the application being received by the Licensing Authority.

4.3 On receipt of a representation the Licensing Authority must, if the representations are not withdrawn, hold a hearing to consider those representations within 48 hours of the time of its receipt.

4.4 The Licensing Authority must give advance notice of the hearing to-

- (a) the holder of the premises licence;
- (b) the chief officer of police for the area in which the premises are situated.

4.5 At the hearing, the Licensing Authority must -

- (a) consider whether interim steps are appropriate for the promotion of the licensing objectives; and
- (b) determine whether to withdraw or modify the steps taken.

4.6 The Licensing Authority cannot adjourn the hearing to a later date if the licence holder fails to attend at the scheduled time.

4.7 The licence holder does not need to be present for the hearing to take place.

4.8 There is no timescale for notifying the licence holder of the hearing under this process, providing the notification takes place before the hearing is held. However, the Licensing Authority will aim to provide the licence holder with as much notice as is possible in the circumstances to afford the holder a maximum opportunity to prepare for and attend the hearing.

4.9 There is no right of appeal to a Magistrates' Court against the Licensing Authority's decision at this stage.

5. The review of the premises licence.

5.1 Within 28 days of receipt of an application under section 53A of the Act, the Licensing Authority must:

- hold a Sub-Committee hearing to consider the application for review and any relevant representations;
- take such steps as it considers appropriate for the promotion of the licensing objectives;
- secure that, from the coming into effect of the decision made on the determination of the review, any interim steps having effect pending that determination cease to have effect.

5.2 Those steps are-

- (a) the modification of the conditions of the premises licence;
- (b) the exclusion of a licensable activity from the scope of the licence;
- (c) the removal of the designated premises supervisor from the licence;
- (d) the suspension of the licence for a period not exceeding three months; or
- (e) revocation of the licence.

5.3 The Licensing Authority must:

- advertise the review inviting representations from any persons for no less than seven consecutive days and if applicable on the Licensing Authority's website;
- advertise that any representations made by the premises licence holder, responsible authority and any other persons should be submitted to the Licensing Authority within 10 working days of the advertisement of the review appearing; and
- give formal notice of the hearing no later than five working days before the day or first day on which the hearing is to be held to the premises licence holder and to every responsible authority.

5.4 A party shall give to the Licensing Authority a notice no later than two working days before the day or first day of the hearing stating whether-

- he intends to attend or be represented at the hearing;
- he considers a hearing to be unnecessary
- he would like permission for any other person to appear at the hearing and if so, explain on which points that person will be able to contribute.

5.5 The regulations relating to hearings are set out in the Licensing Act 2003 (Hearings) Regulations 2005. They apply to final hearings under the section 53A(2)(b). The issues that these regulations deal with include who can make representations and what those representations can be about. It is therefore possible for responsible authorities or any other persons to make representations in relation to any of the licensing objectives, not just crime and disorder. Similarly where it is in the public interest, the regulations relating to the exclusion of individuals from hearings, or conducting the hearing in private, will apply.

- 5.6 The Licensing Authority must notify the determination and its reasons for making it to-
- (a) the holder of the premises licence;
 - (b) any person who made relevant representations; and
 - (c) the chief officer of police for the area in which the premises are situated.
- 5.7 An appeal may be made to the Magistrates' Court within 21 days of the licence holder being notified of the Licensing Authority's determination on the review.
- 5.8 An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who made relevant representations.
- 5.9 The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the disposal of the appeal.

PROCEDURE WHERE ALL PARTIES HAVE AGREED TO DISPENSE WITH A HEARING
UNDER THE LICENSING ACT 2003 AND GAMBLING ACT 2005 – agreed by the Licensing
Committee on 12 July 2018

1. This procedure supplements Paragraph 9.3 of the Licensing Act 2003 and Gambling Act 2005 Hearing Protocol.
2. This procedure may be utilised by a Licensing Sub-Committee :
 - 2.1 Following the publication of a Licensing Sub-Committee Agenda; and
 - 2.2 Up to 24 hours before a Licensing Sub-Committee hearing is convened to determine an application brought under the Licensing Act 2003 and/or Gambling Act 2005; and
3. In order for this procedure to be utilised, all parties to the hearing should provide the licensing officer with correspondence confirming:
 - 3.1 The terms of any agreement reached with regard to a licensing application; and
 - 3.2 That they are of the opinion that a hearing can be dispensed with; and
 - 3.3 A request to grant the application on the terms agreed by all parties
4. The information contained in Paragraph 3 above will form the basis of an electronic report to the Licensing Sub-Committee and its legal advisor containing:
 - 4.1 A copy of the application;
 - 4.2 The relevant representations received;
 - 4.3 Copies of the correspondence referred to in Paragraph 3 above;
 - 4.4 A recommendation that the Sub-Committee (1) dispenses with the hearing and (2) determines the application on the basis of the information contained in the report.
5. When considering the abovementioned report and determining the application, the Sub-Committee do not have to formally meet. The Democratic Services team will ensure that the Sub-Committee are able to discuss the application with each other in order to reach a determination. The discussion may take place by holding an informal meeting, Skype connection, telephone conference or other suitable electronic/digital method of communication.
6. Democratic Services will ensure that Legal and Democratic Services officers are available to provide assistance as required
7. The Sub-Committee must:
 - 7.1 First decide whether they agree to dispense with a hearing; and
 - 7.2 Secondly, whether they agree to grant the application on the conditions agreed by the parties.
8. The matters referred to in Paragraph 7 do not have to be unanimously agreed.
9. If the Sub-Committee do not agree to any one of the matters referred to in Paragraph 7 above, a Sub-Committee must take place within 10 working days of the refusal of the application to dispense with a hearing. .
10. If the Sub-Committee agrees to the matters referred to in Paragraph 7 above, the Chairman should provide written confirmation of the decision to the Democratic Services team.
11. A decision notice will be prepared and sent to all parties in the usual way.



HILLINGDON
LONDON

Hearing Protocol

This protocol outlines the procedures that will be followed in relation to hearings held under the Licensing Act 2003 and the Gambling Act 2005

Agreed and adopted by the Licensing Committee on 15 October 2015

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1. Introduction

- 1.1 The Licensing Act 2003 (Hearings) Regulations 2005 and the Gambling Act 2005 (Proceedings of Licensing Committees and Sub-committees) (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007 ("together hereafter the Regulations") provide that a Licensing Authority shall, subject to the provisions of those Regulations, determine for itself the procedure to be followed at a hearing.
- 1.2 These procedures set out the way in which the Licensing Authority will conduct hearings under the Licensing Act 2003 ("hereinafter the 2003 Act") and the Gambling Act 2005 ("hereafter 2005 Act") and the associated Regulations.
- 1.3 Appendix 1 of this protocol includes the procedure that will be adopted by the Licensing Authority in the event that an interim hearing must be held following notice of a Summary Review pursuant to Section 53A of the Act.

2. Timescales

- 2.1 Most hearings under the 2003 Act must take place within 20 working days from the last date in which representations can be made.
- 2.2 Exceptions under the 2003 Act:
 - Within 10 working days from the day after the Authority receives the notice for a review of the premises licence following a Closure Order.
 - Within 7 working days from after the end of the period within which the police can object to:
A temporary event notice (the police must give notice of their objection within 3 working days of being given a copy of the notice); and
 - Within 5 working days beginning with the day after the end of the last date for the police to object to an interim authority notice (the police must give notice of their objection within 2 working days of being given a copy of the notice).
- 2.3 For applications made under the 2005 Act the Authority must commence a hearing as soon as reasonably practicable after the expiry of the statutory period where representations can be received.
- 2.4 These matters are more fully set out in the Regulations.
- 2.5 Where a hearing will take more than one working day, the Authority must arrange for the hearing to take place on consecutive working days.

3. Timescales for Notice of Hearing to be given

3.1 In most cases, the Authority shall give notice of a hearing no later than 10 working days before the first day on which the hearing is to be held.

3.2 Exceptions under the 2003 Act:

- Review of a premises licence following a Closure Order;
- Summary Review of premises licence

At least two working days notice must be given to the parties to a hearing for determination of:

- Police objection to an Interim Authority Notice;
- Police objection to a Temporary Event Notice.

4. Persons who must be notified of a hearing

4.1 The persons who must be notified of a hearing are set out below as a summary:

- Any applicant for any licence, provisional statement or review made under the 2003 Act and the 2005 Act;
- The premises user who submitted the temporary event notice under the 2003 Act;
- Any person who has made relevant representations about an application for a licence or provisional statement or review;
 - Any police officer who has given notice of objection under the 2003 Act to a person specified as a Designated Premises Supervisor;
 - An interim authority;
 - Transfer of a premises licence;
 - Transfer of a club premises licence;
 - Transfer of a club premises certificate;
 - A temporary event notice;
 - A personal licence.
 - Any holder of a premises licence or club premises certificate when an application is made for review.

5. Information to be provided in a Notice of Hearing

5.1 The information and documentation that must accompany the Notice of Hearing relating to an application or notice under the 2003 Act includes:

- The procedure to be followed at the hearing;
- The right of the party to attend and to be assisted or represented by any person whether legally qualified or not;

- The ability to give further information in support of their application where the Authority has sought clarification;
- The right to question any other party;
- The right to address the Authority;
- Notice of any particular on which the Authority will want clarification at the hearing;
- The consequences if a party does not attend or is not represented at the hearing;

5.2 The information and documentation that must accompany the Notice of Hearing relating to an application under the 2005 Act includes:

- The consequences where a party informs the Sub-Committee that he/she does not wish to attend or be represented at the hearing or fails to inform the Sub-Committee whether he/she will attend or be represented at the hearing;
- The requirements imposed on the Sub-Committee in conducting a hearing as set out in the Regulations;
- The consequences where a party has indicated that he/she wishes to attend or be represented at the hearing, but fails to attend or be represented at the hearing;
- The procedure to be followed at the hearing;
- The time limit and method by which a party should inform the Sub-Committee that he/she wishes to be assisted or represented by another person;
- The time limit and method by which a party should inform the Licensing Authority that he/she will want to call a witness to give evidence at the hearing, and the matters in relation to which he/she will want to call a witness to give evidence at the hearing and the matters in relation to which he/she wishes that witness to give evidence;
- The time limit and method by which a party should inform the Sub-Committee that he/she is willing to consent to the application being determined without a hearing;
- The matters on which the Sub-Committee considers at the time that it will want clarification at the hearing from a party.

5.3 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.

6. Notice of Reply

6.1 On receipt of the Notice of Hearing, all parties must inform the Authority whether they:

- Intend to attend or be represented at the hearing;
- Consider a hearing to be unnecessary; and
- 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 In the case of a hearing under-

- Section 48(3)(a) cancellation of interim authority notice following police objection; or
 - Section 105(2)(a) counter notice following police objection to Temporary Event Notice
- The party must return the notice no later than one working day before the day of the hearing.
 - In the case of a hearing under-
 - Section 167(5)(a) review of a premises licence following a closure order ; or
 - Section 53C review of premises licence following review notice; or
 - Paragraph 4(3)(a) of Schedule 8 conversion of an existing licence; or
 - Paragraph 16(3)(a) of Schedule 8 conversion of an existing club licence; or
 - Paragraph 26(3)(a) of Schedule 8 determination of application by holder of justices' licence for grant of personal licence
 - The party must return the notice no later than two working days before the day of the hearing.
 - In any other case, the party must give no later than five working days before the day of the hearing.

7. Failure of parties to attend the hearing

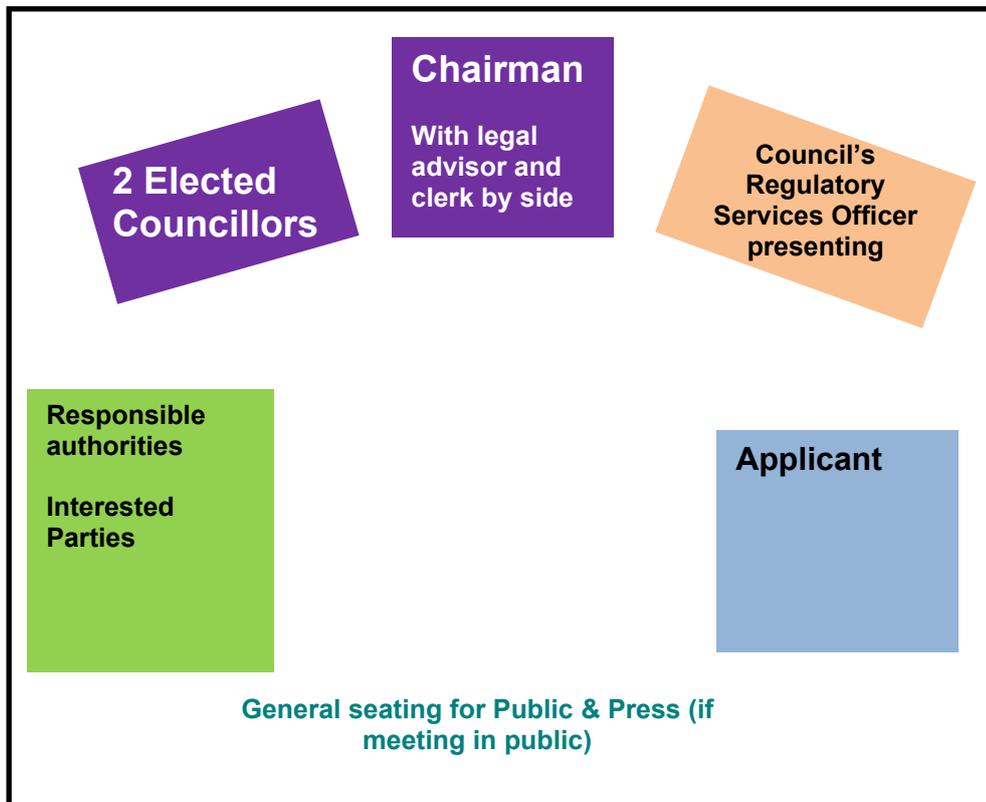
- 7.1 If a party has informed the Authority that they will not be attending or be represented at the hearing it may proceed in their absence.
- 7.2 If a party does not give notice that they will not be attending but fails to attend and is not represented the Authority may either:
- (a) Adjourn the hearing if it considers it to be necessary in the public interest; or
 - (b) Hold the hearing in the party's absence.
- 7.3 If the Authority holds the hearing in the absence of a party, it will consider at the hearing the application, the representation or notice given by the party.
- 7.4 If the Authority adjourns the hearing to a specified date it must forthwith (as soon as reasonably practicable under the Gambling Act regulations) notify the parties of the date, time and place to which the hearing has been adjourned.

8. Procedure at the hearing

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

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

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



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.

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

Order of proceedings – reviews

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

**Introduction by the Council's
Regulatory Services /
Licensing Officer**

The licensing officer will introduce the report and will outline impartially the matter before the sub-committee, giving any relevant background information.

**The Applicant for the
Review**

The Chairman calls on the Applicant to present their case giving factual information about their grounds for the review application, and calls any supporters or witnesses.

**Responsible Authorities
and/or Other Parties**

Responsible Authorities who have submitted relevant representations will be invited to address the Sub-Committee. Thereafter Other Parties (e.g. Residents, Ward Councillors) who have submitted relevant representations will be invited to address the Sub-Committee

The Licence Holder

The Licence/Certificate Holder presents their case and calls any supporters or witnesses.

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 Licence Holder makes brief closing remarks on the application under question, followed by Responsible Authorities and Other Parties. The Applicant(s) 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 Clerk to the Committee remaining. All other present will be asked to leave the room. If the meeting is being broadcast, any filming will be stopped for this part.

**Chairman announces the
decision**

Parties may return to the room when asked and the Chairman announces the decision. The Chairman reminds the Licence/Certificate Holder that the decision will be sent to them in writing. There can be no further questions or statements.

- 8.6 The Sub-Committee may allow the parties to question any other party (if permission is given) and to address the Sub-Committee, but will seek in all cases to avoid repetition of matters (whether included in written material or otherwise) irrelevancy or any abuse of procedure.
- 8.7 The Sub-Committee will be guided by legal principles by determining whether evidence is relevant and fairly admissible. In particular, hearsay evidence may be admitted before the Sub-Committee but consideration will always be given to the degree of weight, if any, to be attached to such evidence in all the relevant circumstances.
- 8.8 When considering any representations or notice made by a party, the Authority may take into account documentary or other information produced by a party in support of their application, representation or notice, either:
- (a) Before the hearing; or
 - (b) With the consent of all other parties at the hearing.
- 8.9 If documentary or other evidence is submitted late or at the hearing, the Sub-Committee may decide to adjourn the hearing so as to allow Members and any other party time to consider the information and that may involve an adjournment of proceedings to another date. The Sub-Committee may decide not to consider the information if no satisfactory explanation is provided for its late submission.
- 8.10 Any party may withdraw their representations by contacting the Democratic Services Department by phone, letter or email, providing they give notice no later than 24 hours before the first day of the hearing. If, during the hearing, any party wishes to withdraw their representations they may do so orally by informing the Chairman.
- 8.11 The Sub-Committee when determining an application or notice under the provisions of the 2003 Act will disregard any information given by a party, or any other person appearing at the hearing which is not relevant to:
- (a) Their application, representation or notice;
 - (b) In the case of another person, the application representation or notice of the party requesting their appearance;
 - (c) The promotion of the licensing objectives; or
 - (d) In relation to a hearing to consider a notice given by the Police the crime prevention objective.
- 8.12 A hearing under the 2003 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.

8.13 A hearing under the 2005 Act shall take place in public save that:

(a) The Sub-Committee may direct that all or part of a hearing must be in private if it is satisfied that it is necessary in all circumstances of the case, having regard to:

- Any unfairness to a party that is likely to result from a hearing in public; and
- The need to protect as far as possible, the commercial or other legitimate interests of a party.

8.14 The Sub-Committee may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may:

- (a) Refuse to permit the person to return; or
(b) Allow them to return only on such conditions as the Authority may specify.

8.15 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.

9 Determination of the application and time limits

9.1 For applications determined under the 2003 Act the Sub-Committee must make its determination at the conclusion of the hearing where the application is for:

- (a) A review of a premises licence following a closure order;
(b) A summary review of a premises licence
(c) A personal licence by the holder of a justices licence;
(d) A counter notice following police objection to a temporary event notice.

9.2 In any other case, the Authority must make its determination within the period of five working days, beginning with the day or the last day on which the hearing was held.

9.3 Where a hearing has been dispensed with because all of the parties have agreed that a hearing is unnecessary (and the Authority has agreed, giving notice to the parties in writing) then the Authority must make its determination for the 2003 Act applications, reviews and notices within 10 working days beginning with the day the Authority gives such notices to the parties.

10 Record of Proceedings

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

11 Irregularities

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

12 Notices

- 12.1 Any notices under these regulations will be given in writing. Such a notice may be sent electronically, providing:
- (a) It can be accessed by the recipient in a legible form;
 - (b) It is capable of being reproduced as a document for future reference;
 - (c) The recipient has agreed in advance to receive it in such form;
 - (d) A copy is sent in documentary form forthwith to the recipient.

13 Appeals.

- 13.1 Either those that have made an application or those who have made representations on an application may have the right to appeal the Authorities decision to the Magistrates' Court.
- 13.1 An appeal must be commenced within twenty one days beginning with the day on which the appellant was notified by the Licensing Authority of their decision.
- 13.2 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 Applicants for new premises licences, club premises certificates, applications for provisional statements and applications for variations of existing premises licences or club premises certificates must display a notice on the premises and advertise the application in a local newspaper.
- 14.3 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.

14.4 The address and contact details for Democratic Services are:

Clerk to the Committee
Democratic Services
Phase 2 – Council Chambers
Civic Centre
Uxbridge
UB8 1UW

Email: democratic@hillington.gov.uk
Tel: 01895 250636

14.5 The address and contact details for Legal Services are:

Legal Services Department
3E/04
London Borough of Hillington
Civic Centre
Uxbridge
UB8 1UW

DX: 45101 Uxbridge

APPENDIX 1

Hearing Protocol for interim hearings held pursuant to Section 53A to 53C of the Licensing Act 2003.

1. Introduction.

- 1.1 The powers under Section 53A to 53C of Licensing Act 2003 ("the Act") are aimed at tackling serious crime and serious disorder.
- 1.2 The powers allow the police to trigger a fast track process to review a premises licence where the police consider that the premises are associated with serious crime or serious disorder (or both) and the Licensing Authority to respond by taking interim steps quickly, where appropriate, pending a full review.

2. Triggering the expedited review.

- 2.1 The Chief Officer of Police for the area in which the premises are situated may apply to the Licensing Authority for an expedited licence review if a senior member of the force has issued a certificate that in his/her opinion a licensed premises is associated with serious crime and serious disorder (or both).

3. The Licensing Authority and the interim steps.

- 3.1 Within 48 hours of receipt of the chief officer's application, the licensing authority must give the premises licence holder and the responsible authorities a copy of the application for review and a copy of the certificate and must also consider whether it is necessary to take interim steps pending the determination of the review applied for. When calculating the 48 hour period any non-working day will be disregarded.
- 3.2 Consideration of the interim steps may take place without the holder of the premises licence having been given an opportunity to make representations to the relevant Licensing Sub-Committee. There is no requirement to hold a formal hearing in order to take interim steps. This means that the relevant Sub-Committee members can communicate by telephone or other means in order to reach a decision. In such circumstances, a written record will always be produced as soon as possible after a decision is reached.
- 3.3 The interim steps that the Licensing Authority must consider taking are-
 - The modification of the conditions of the premises licence;
 - The exclusion of the sale of alcohol by retail from the scope of the licence;
 - The removal of the designated premises supervisor from the licence;
 - The suspension of the licence.
- 3.4 In the event that the Licensing Authority decides to take one or more such steps-
 - (a) Its decision takes effect immediately or as soon after that as the Licensing Authority directs; but
 - (b) It must give immediate notice of its decision and of its reasons for making it to-

- (i) the holder of the premises licence; and
- (ii) the Chief Officer of the Police for the area in which the premises are situated.

3.5 The Act does not specify that the immediate notice has to be in writing. Where the Licensing Authority decides that the decision should take immediate effect and the licence holder was not present for the decision, then it will approach the licence holder by telephone and the call will be followed up as soon as possible with a written version of the decision and the reasons which is identical to or not significantly different from the version given by telephone.

4. Making representations against the interim steps.

4.1 The holder of the premises licence may make representations against the interim steps taken by a Licensing Authority.

4.2 There is no time limit for the premises licence holder to make representations on the interim steps, although in practice this would at some point be superseded by the full review which has to be completed within 28 days of the application being received by the Licensing Authority.

4.3 On receipt of a representation the Licensing Authority must, if the representations are not withdrawn, hold a hearing to consider those representations within 48 hours of the time of its receipt.

4.4 The Licensing Authority must give advance notice of the hearing to-

- (a) the holder of the premises licence;
- (b) the chief officer of police for the area in which the premises are situated.

4.5 At the hearing, the Licensing Authority must -

- (a) consider whether interim steps are appropriate for the promotion of the licensing objectives; and
- (b) determine whether to withdraw or modify the steps taken.

4.6 The Licensing Authority cannot adjourn the hearing to a later date if the licence holder fails to attend at the scheduled time.

4.7 The licence holder does not need to be present for the hearing to take place.

4.8 There is no timescale for notifying the licence holder of the hearing under this process, providing the notification takes place before the hearing is held. However, the Licensing Authority will aim to provide the licence holder with as much notice as is possible in the circumstances to afford the holder a maximum opportunity to prepare for and attend the hearing.

4.9 There is no right of appeal to a Magistrates' Court against the Licensing Authority's decision at this stage.

5. The review of the premises licence.

5.1 Within 28 days of receipt of an application under section 53A of the Act, the Licensing Authority must:

- hold a Sub-Committee hearing to consider the application for review and any relevant representations;
- take such steps as it considers appropriate for the promotion of the licensing objectives;
- secure that, from the coming into effect of the decision made on the determination of the review, any interim steps having effect pending that determination cease to have effect.

5.2 Those steps are-

- (a) the modification of the conditions of the premises licence;
- (b) the exclusion of a licensable activity from the scope of the licence;
- (c) the removal of the designated premises supervisor from the licence;
- (d) the suspension of the licence for a period not exceeding three months; or
- (e) revocation of the licence.

5.3 The Licensing Authority must:

- advertise the review inviting representations from any persons for no less than seven consecutive days and if applicable on the Licensing Authority's website;
- advertise that any representations made by the premises licence holder, responsible authority and any other persons should be submitted to the Licensing Authority within 10 working days of the advertisement of the review appearing; and
- give formal notice of the hearing no later than five working days before the day or first day on which the hearing is to be held to the premises licence holder and to every responsible authority.

5.4 A party shall give to the Licensing Authority a notice no later than two working days before the day or first day of the hearing stating whether-

- he intends to attend or be represented at the hearing;
- he considers a hearing to be unnecessary
- he would like permission for any other person to appear at the hearing and if so, explain on which points that person will be able to contribute.

5.5 The regulations relating to hearings are set out in the Licensing Act 2003 (Hearings) Regulations 2005. They apply to final hearings under the section 53A(2)(b). The issues that these regulations deal with include who can make representations and what those representations can be about. It is therefore possible for responsible authorities or any other persons to make representations in relation to any of the licensing objectives, not just crime and disorder. Similarly where it is in the public interest, the regulations relating to the exclusion of individuals from hearings, or conducting the hearing in private, will apply.

- 5.6 The Licensing Authority must notify the determination and its reasons for making it to-
- (a) the holder of the premises licence;
 - (b) any person who made relevant representations; and
 - (c) the chief officer of police for the area in which the premises are situated.
- 5.7 An appeal may be made to the Magistrates' Court within 21 days of the licence holder being notified of the Licensing Authority's determination on the review.
- 5.8 An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who made relevant representations.
- 5.9 The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the disposal of the appeal.

Appendix 2

PROCEDURE WHERE ALL PARTIES HAVE AGREED TO DISPENSE WITH A HEARING UNDER THE LICENSING ACT 2003 AND GAMBLING ACT 2005 – agreed by the Licensing Committee on 12 July 2018

1. This procedure supplements Paragraph 9.3 of the Licensing Act 2003 and Gambling Act 2005 Hearing Protocol.
2. This procedure may be utilised by a Licensing Sub-Committee :
 - 2.1 Following the publication of a Licensing Sub-Committee Agenda; and
 - 2.2 Up to 24 hours before a Licensing Sub-Committee hearing is convened to determine an application brought under the Licensing Act 2003 and/or Gambling Act 2005; and
3. In order for this procedure to be utilised, all parties to the hearing should provide the licensing officer with correspondence confirming:
 - 3.1 The terms of any agreement reached with regard to a licensing application; and
 - 3.2 That they are of the opinion that a hearing can be dispensed with; and
 - 3.3 A request to grant the application on the terms agreed by all parties
4. The information contained in Paragraph 3 above will form the basis of an electronic report to the Licensing Sub-Committee and its legal advisor containing:
 - 4.1 A copy of the application;
 - 4.2 The relevant representations received;
 - 4.3 Copies of the correspondence referred to in Paragraph 3 above;
 - 4.4 A recommendation that the Sub-Committee (1) dispenses with the hearing and (2) determines the application on the basis of the information contained in the report.
5. When considering the abovementioned report and determining the application, the Sub-Committee do not have to formally meet. The Democratic Services team will ensure that the Sub-Committee are able to discuss the application with each other in order to reach a determination. The discussion may take place by holding an informal meeting, Skype connection, telephone conference or other suitable electronic/digital method of communication.
6. Democratic Services will ensure that Legal and Democratic Services officers are available to provide assistance as required
7. The Sub-Committee must:
 - 7.1 First decide whether they agree to dispense with a hearing; and
 - 7.2 Secondly, whether they agree to grant the application on the conditions agreed by the parties.
8. The matters referred to in Paragraph 7 do not have to be unanimously agreed.
9. If the Sub-Committee do not agree to any one of the matters referred to in Paragraph 7 above, a Sub-Committee must take place within 10 working days of the refusal of the application to dispense with a hearing. .

10. If the Sub-Committee agrees to the matters referred to in Paragraph 7 above, the Chairman should provide written confirmation of the decision to the Democratic Services team.

11. A decision notice will be prepared and sent to all parties in the usual way.



HILLINGDON

LONDON

Street Trading Hearing Protocol
Approved by the Licensing Committee
17 October 2017

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.	
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7	Determination of applications- time limits	
8	Record of proceedings	
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10	Notices	
11	Appeals	

1. Introduction

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

2. Timescales

- 2.1 Any 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.

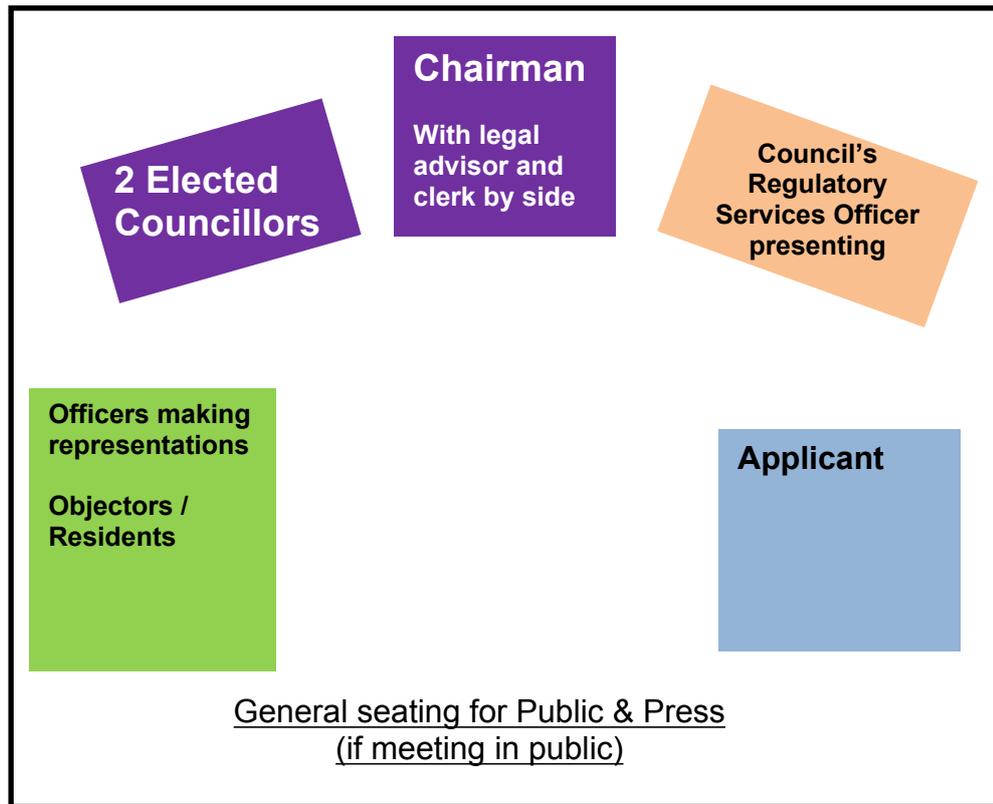
4. Procedure at the hearing

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 unless 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:

Democratic Services
London Borough of Hillingdon
Phase Two, Council Chambers
Civic Centre
Uxbridge
UB8 1UW

Telephone: 01895 250470

Email: democratic@hillingdon.gov.uk

14.4 The address and contact details for Legal Services are:

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

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HILLINGDON
LONDON

Scrap Metal Dealers Act 2013

Licensing Sub-Committee Hearing Protocol for determining new (& renewal) & variation Scrap Metal Dealer licences

This protocol outlines the procedures that will apply:

Full details of the regulations surrounding sub-committee hearings are available for download on the gov.co.uk website by [clicking here](#).

It is important that you carefully read these procedures before you attend and speak at a Licensing sub-committee hearing

Date: 2013

1. On receiving the Notice of Hearing

What is the Notice of Hearing?

The Hillingdon Licensing Service will give appropriate notice of the hearing, which depends upon the type of application to be considered.

A Notice of the Hearing will be sent to all parties accompanied by:

- Date, time and location of the actual hearing and a procedural briefing to be held beforehand;
- This procedure note, the report from the Council's Licensing Officer with relevant representations attached;
- Confirmation that a party may be assisted / represented by a person who does not have to be legally qualified;
- Confirmation that a party to the hearing may address the authority, give further information on a point on which the authority requires clarification and, if considered by the authority to be required, question another party to the hearing;
- The consequences of not attending or being represented at a hearing (which normally will be that the hearing will proceed in the party's absence); and
- A note of any particular points on which the Hillingdon Licensing Service wants clarification.

Contact Information:

To give notice or any queries relating to the hearing please contact:

Clerk to the Committee

Tel: 01895 277655

Email: democratic@hillingdon.gov.uk

Write to: Clerk to the Committee, Democratic Services, 3E/05, Civic Centre, Uxbridge, UB8 1UW

What do I do when I receive the Notice of Hearing?

On receipt of the Notice of Hearing, all parties must inform the Clerk to the Committee – **normally no later than 2 working days before the hearing*** – whether they:

- Intend to attend or to be represented at the hearing;
- Consider a hearing to be unnecessary; and
- 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 full description of the points about which that person may be able to assist the hearing.

All parties to the hearing are also reminded of their right to have a legal representative at the hearing.

If a party does not notify the above to the Clerk to the Committee before the relevant deadline they may not be entitled to speaking rights at the hearing.

IT IS IMPORTANT THAT YOU REPLY TO THE NOTICE **If I want to withdraw my application - how do I do this?**

The applicant may withdraw their application by contacting the Licensing Service by phone, letter or email, providing they give notice no later than 24 hours before the hearing. If, during hearing, any party wishes to withdraw their representations they may do so orally by informing the Chairman.

What happens if I cannot attend the sub-committee hearing?

If you have made an application and are unable to attend the sub-committee hearing, the sub-committee will only hear and consider any evidence and arguments put forward by or on behalf of the applicant and other parties present.

Can you accommodate any special needs I may have?

Yes, if any person, who intends to be present at the hearing, has any special needs, (for example in connection with access, hearing, language or vision) this should be brought to the attention of the Clerk to the Committee prior to the hearing in order that appropriate provision may be made.

Can the date of the hearing be changed?

Unfortunately, the Hillingdon Licensing Service cannot usually be flexible in the dates for hearings. Each request for a change of date will be considered on its own merits.

2. Before the Hearing

You will have been notified of the date and time of the Licensing Sub-committee hearing. The hearings will normally take place at the Civic Centre, High Street, Uxbridge in one of the Committee Rooms.

How do I get to the Civic Centre?

Parking may be available via the entrance to the Civic Centre in the High Street by contacting the Clerk to the Committee in advance. Parking is also available in the nearby Chimes Shopping Centre Car Park. Bus routes 207, U1, U3, U4 and U7 all stop at the Civic Centre. Uxbridge underground station, with the Piccadilly and Metropolitan lines, is a short walk away.

Please enter from the main reception where you will be directed to the relevant Committee Room. Please switch off your mobile phone when entering the room and note that Hillingdon Council operates a no-smoking policy in its offices.

Will the hearing be in public?

For Scrap Metal Dealers, all hearings will be held in private.

Will other parties or objectors be present?

In exceptional circumstances, representatives of other consulted bodies such as the police or the Environment Agency may attend the hearing.

I have some new evidence - may I present it?

The sub-committee **will not** normally allow the production of new written evidence not previously submitted by any party. In the case where the sub-committee does allow new evidence, they must give their consent before it is heard.

If new material is permitted, the hearing may need to be adjourned to allow time to consider it and for parties to respond to it. Accordingly, any application to have new material considered should demonstrate exceptional reasons for its admission. It is, therefore important for applicants to ensure that all evidence is submitted in writing as soon as possible and in accordance with the relevant timescales.

Will I be briefed on procedure before the hearing?

Yes, in the notice of hearing, you will have been asked to attend a procedural briefing before the hearing starts. All parties will be asked to attend this briefing so that the Council's Licensing Officer or Legal Advisor can outline the procedures to be followed at the hearing.

Who are the people on the Licensing sub-committee?

Three elected councillors of the London Borough of Hillingdon sit on a Licensing sub-committee and it is only they who can determine the application. Its minimum membership is two. Councillors who sit on the sub-committees have been trained in the new Scrap Metal Dealers Act and regulations and have experience of determining applications of various kinds.

One of the Councillors will be the Chairman of the hearing and it will be he/she who will call parties to speak and ensure time limits are adhered to as set out in the procedures.

Other people who will be present along with the Councillors include:

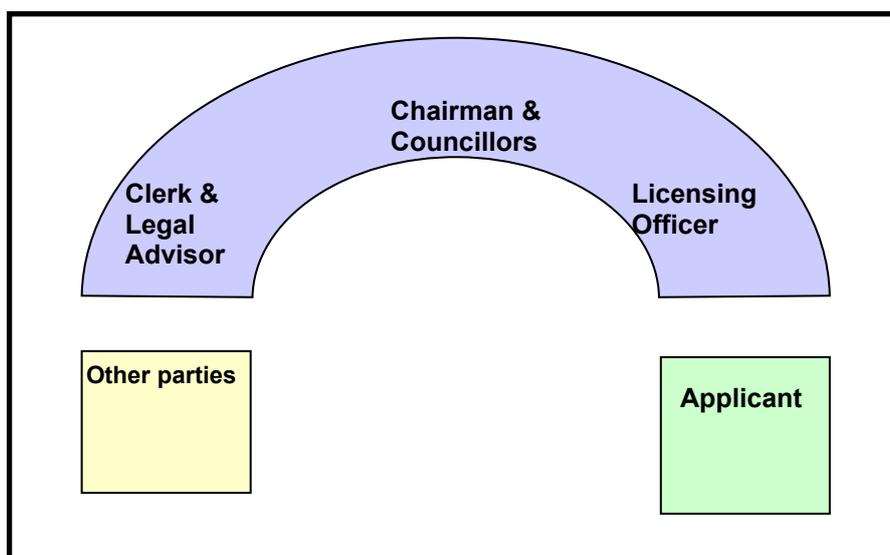
- The **Council's Licensing Officer** who will introduce the Officer report and outline his/her role.
- A **Legal Adviser** whose role is to assist the Committee with legal advice and to ensure that a fair and balanced hearing takes place.
- A **Clerk to the Committee** whose role is to summarise and record decisions on individual matters and to provide help and assistance to members of the public attending such meetings.

3. During the Hearing

The procedure at the sub-committee hearing will, in general, be based on those used in a court of law. Although the strict rules of evidence will not apply, they will be observed to a great extent, because this is the best way of hearing the evidence from all parties. The hearing will take the form of a discussion led by the sub-committee councillors. The sub-committee will seek clarification on the issues from the parties as it considers appropriate.

Where shall I sit at the hearing?

Once you have attended the procedural briefing, you will be directed into the relevant Committee Room. The set up of the room for those involved will generally be as shown below:



In general, how will the hearing be conducted?

The procedure to be followed at the hearing will normally be as shown in the flow chart below, although all procedural matters will be subject to the discretion of the Chairman. All persons present will be requested to identify themselves and to give the reason for their presence. The sub-committee may consider any request from a party for another person to appear at the hearing as their representative.

It is important to note that cross-examination will not normally be permitted. Evidence, discussion and address must be relevant to the issue of suitability of an applicant. Repetition should also be avoided. The sub-committee will seek to prevent irrelevant and repetitive matters.

If, during its deliberations, the sub-committee considers that it is necessary for any person present at the hearing to provide further information or clarification on a particular point the hearing may be reconvened to deal with that issue. The sub-committee can also ask for procedural, technical or legal matter to be clarified by officers present at any time during the proceedings.

What is the 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, which will have been prepared in advance by the Clerk to the Committee and will then outline the procedure that will be followed for the remainder of the hearing. The procedure is as follows:

Introduction by the Council's Licensing Officer



The Applicant



Other parties e.g. Police/Environment Agency



OPTIONAL - DISCUSSION LED BY THE SUB-COMMITTEE
A discussion will only occur if the sub-committee feels that there is a need for the parties involved to clarify each other's cases. The Chairman will lead the discussion



Closing remarks from each party



Sub-committee deliberates



Chairman announces the decision

The licensing officer will introduce the report and will outline impartially the matter before the sub-committee, giving any relevant background information.

The applicant presents their case and brings forward any supporters or witnesses

The Chairman calls on any of the other parties present to give factual information about the suitability of the applicant. They may make reference to the comments in the report and provide any necessary updates.

The Licensing Officer and other parties (if any) make brief closing remarks on the application under question. The applicant makes the final closing remarks.

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

Parties may return to the room when asked and the Chairman announces the decision. The Chairman reminds the applicant that the decision will be sent to them in writing. There can be no further questions or statements

Can a Councillor sit on a sub-committee if the application is for a site licence in their ward in their ward?

Councillors who sit on a sub-committee are advised to take steps to minimise their involvement in any application prior to its consideration by the sub-committee so that decisions are seen to be reached at the hearing impartially and with an open mind. Councillors should not appear to be acting both as an advocate on behalf of their residents and as an adjudicator on an application.

If a Councillor on the sub-committee has already taken a view on an application in advance of the hearing, they should not be present for the hearing of the application and should leave the meeting room for that item. They should also not visit any premises under consideration prior to the hearing. In any cases of doubt, the Councillor should not sit on the sub-committee for a particular application. In this instance, a substitute Councillor may need to be found from the main Licensing committee of the Council or the hearing may continue as long as two of the three Councillors are still present.

The agenda papers will show which ward each Councillor sits for and the reports from the Council's Licensing Officer will detail which ward the application is in.

What power does the Chairman have to control the meeting?

The Chairman may require any person attending the hearing who is behaving in a disruptive manner to leave the hearing and may refuse to permit that person to return or may permit the person to return only on such conditions as he or she may specify.

How will the sub-committee make its final decision?

Once the sub-committee has heard from officers and the parties to the hearing and has had answers to its questions, the sub-committee will usually withdraw to make its decision on the application. The sub-committee must disregard any information given or evidence produced by a party or witness, which is not relevant to the application or to the suitability of the applicant.

Members of the sub-committee have a duty to behave impartially, not to predetermine the issue and not to discuss matters with press or residents. In making its decision the sub-committee must state why refusal or attachment of conditions is necessary taking into account the evidence presented during the hearing.

4. After the Hearing

When will we get formal notice of the decision?

The Chairman will normally announce the Sub-committee's decision in public at the end of the hearing and the reasons for the sub-committee's decision. This decision will then be communicated in writing to the parties as soon as possible after the hearing.

The Council's Legal Advisor will send applicants a decision letter shortly after the meeting outlining the decision and any conditions that are attached to the application. In addition, a

letter will be sent to all those who made relevant written representations in connection with the application. This will confirm the decision made; any conditions attached to an approval or the reasons for refusal. Details of the respective appeal rights will also be sent with this notice.

The minutes of the meeting will be made available on the Council's website at:
www.hillingdon.gov.uk

Can we appeal against the decision?

Following the decision, the applicant in respect of a particular application can appeal to the Magistrates Court within 21 days of receiving written notice of the decision.

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HILLINGDON
LONDON

Local Government (Miscellaneous Provisions) Act 1982

Licensing Sub-Committee Hearing Protocol for determining New Sex Establishment Licences

It is important that you carefully read these procedures before you attend a Licensing sub-committee hearing

1. On receiving the Notice of Hearing

What is the Notice of Hearing?

The Licensing Sub-committee hearing will normally be held within the period of 20 working days from when the consultation period ends. The Hillingdon Licensing Service will give appropriate notice of the hearing, which depends upon the type of application to be considered. Exact timings are attached in the Appendix (parts 2&3).

A Notice of the Hearing will be sent to all parties accompanied by:

- Date, time and location of the actual hearing and a procedural briefing to be held beforehand;
- This procedure, the report from the Council's Licensing Officer with relevant objections attached;
- Confirmation that a party may be assisted / represented by a person who does not have to be legally qualified;
- Confirmation that a party to the hearing may address the authority, give further information on a point on which the authority requires clarification and, if considered by the authority to be required, question another party to the hearing;
- The consequences of not attending or being represented at a hearing (which normally will be that the hearing will proceed in the party's absence); and
- A note of any particular points on which the Hillingdon Licensing Service wants clarification.

What do I do when I receive the Notice of Hearing?

On receipt of the Notice of Hearing, all parties must inform the Clerk to the Committee – **normally no later than 2 working days before the hearing*** – whether they:

- Intend to attend or to be represented at the hearing;
- Consider a hearing to be unnecessary; and
- 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 full description of the points about which that person may be able to assist the hearing.

*In the Appendix (part 4), full details are given of the deadline by which you should give your notice. All objectors and applicants are also reminded of their right to have a legal representative at the hearing.

If a party does not notify the above to the Clerk to the Committee before the relevant deadline they will not be entitled to speaking rights at the hearing.

IT IS IMPORTANT THAT YOU REPLY TO THE NOTICE

Contact Information:

To give notice or any queries relating to the hearing please contact:

Clerk to the Committee

Tel: 01895 277655

Email: democratic@hillingdon.gov.uk

Write to: Clerk to the Committee, Cabinet Office, 3E/05, Civic Centre, Uxbridge, UB8 1UW

If I want to withdraw my objection - how do I do this?

Any party may withdraw their representations by contacting the Clerk to the Committee by phone, letter or email, providing they give notice no later than 24 hours before the hearing. If, during hearing, any party wishes to withdraw their objection they may do so orally by informing the Chairman.

What happens if I cannot attend the sub-committee hearing?

If you have made a representation and are unable to attend the sub-committee hearing, the sub-committee will only hear and consider any evidence and arguments put forward by or on behalf of the applicant and other parties present in relation to the written objections received. The sub-committee will take into account, in considering the importance to be attached to the objection that the objector was not available to be questioned about their statements.

Can you accommodate any special needs I may have?

Yes, if any person, who intends to be present at the hearing, has any special needs, (for example in connection with access, hearing, language or vision) this should be brought to the attention of the Clerk to the Committee prior to the hearing in order that appropriate provision may be made.

Can the date of the hearing be changed?

The hearing may be adjourned subject to agreement by all parties and subject to date availability.

2. Before the Hearing

You will have been notified of the date and time of the Licensing Sub-committee hearing. The hearings will normally take place at the Civic Centre, High Street, Uxbridge in one of the Committee Rooms.

How do I get to the Civic Centre?

Parking may be available via the entrance to the Civic Centre in the High Street by contacting the Clerk to the Committee in advance. Parking is also available in the nearby Chimes Shopping Centre Car Park. Bus routes 207, U1, U3, U4 and U7 all stop at the Civic Centre. Uxbridge underground station, with the Piccadilly and Metropolitan lines, is a short walk away.

Please enter from the main reception where you will be directed to the relevant Committee Room. Please switch off your mobile phone when entering the room and note that Hillingdon Council operates a no-smoking policy in its offices.

Will the hearing be in public?

There may be other members of the public and press that attend the hearing to observe the proceedings, but they will not be allowed to speak. At any hearing, the applicant may attend in person or, if the application or objection is made by an organisation or corporate body, a duly authorised representative may be present, who is able to speak on their behalf can do so.

The hearing will take place in public. However, in exceptional circumstances, when the sub-committee considers that it is in the public interest, it may exclude the public from all or any part of a hearing. Hearings will normally take place during the day.

I have some new evidence - may I present it?

The sub-committee **will not** normally allow the production of new written evidence not previously submitted as relevant objections by any party. In the case where the sub-committee does allow new evidence, all other parties must give their consent before it is heard.

If new material is permitted, the hearing may need to be adjourned to allow time to consider it and for other parties to respond to it. Accordingly, any application to have new material considered should demonstrate exceptional reasons for its admission. It is, therefore important for parties to ensure that all evidence is submitted in writing as soon as possible and in accordance with the relevant timescales.

Will I be briefed on procedure before the hearing?

Yes, in the notice of hearing, you will have been asked to attend a procedural briefing before the hearing starts. All parties will be asked to attend this briefing so that the Council's Licensing Officer or Legal Advisor can outline the procedures to be followed at the hearing.

What if there are a number of objectors present?

At the briefing, in the event of a large number of representations, the Licensing Officer or Legal Advisor will ask that a spokesman is agreed amongst those present who have similar representations.

Who are the people on the Licensing sub-committee?

Five elected councillors of the London Borough of Hillingdon sit on a Licensing sub-committee and it is only they who can determine the application. Its minimum membership is two. Councillors who sit on the sub-committees have been trained in the new Licensing regulations and have experience of determining applications of various kinds.

One of the Councillors will be the Chairman of the hearing and it will be he/she who will call interested parties and responsible authorities to speak and ensure time limits are adhered to as set out in the procedures.

Other people who will be present along with the Councillors include:

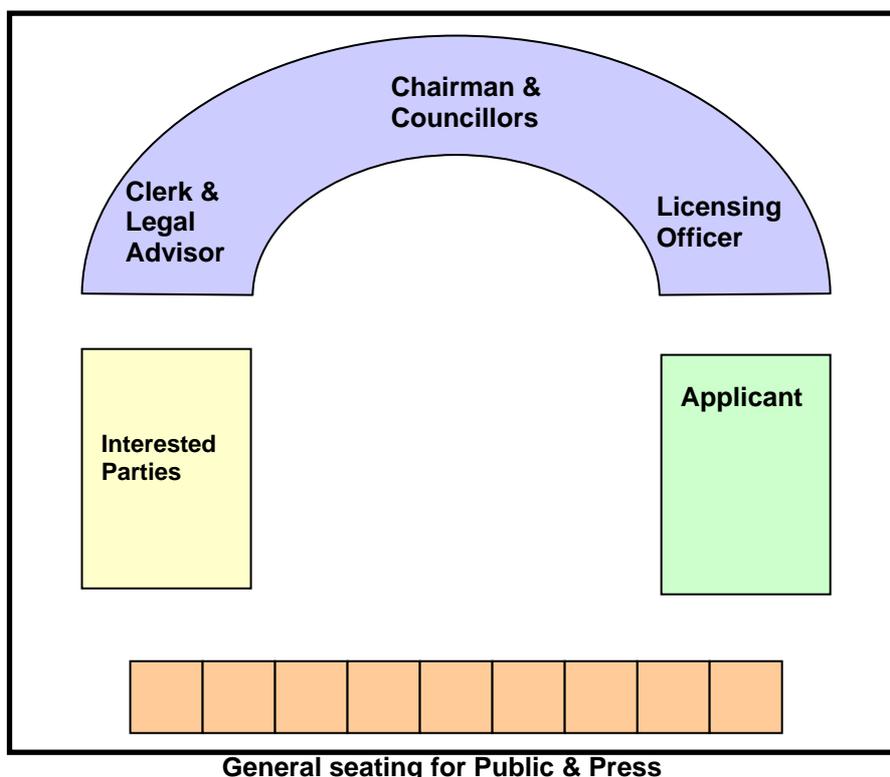
- The **Council's Licensing Officer** who will introduce the Officer report and outline his/her role.
- A **Legal Adviser** whose role is to assist the Committee with legal advice and to ensure that a fair and balanced hearing takes place.
- A **Clerk to the Committee** whose role is to summarise and record decisions on individual matters and to provide help and assistance to members of the public attending such meetings.

3. During the Hearing

The procedure at the sub-committee hearing will, in general, be based upon those used in a court of law. Although the strict rules of evidence will not apply, they will be observed to a great extent, because this is the best way of hearing the evidence from all parties. The hearing will take the form of a discussion led by the sub-committee councillors. The sub-committee will seek clarification on the issues from the parties as it considers appropriate.

Where shall I sit at the hearing?

Once you have attended the procedural briefing, you will be directed into the relevant Committee Room. The set up of the room for those involved will generally be as shown below:



In general, how will the hearing be conducted?

The procedure to be followed at the hearing will normally be as shown in the flow chart below, although all procedural matters will be subject to the discretion of the Chairman. All persons present will be requested to identify themselves and to give the reason for their presence. The sub-committee may consider any request from a party for another person to appear at the hearing as their representative.

It is important to note that cross-examination will not normally be permitted. Evidence, discussion and address must be relevant to the provisions and policies relating to Sex Establishment Licensing. Repetition should also be avoided. The sub-committee will seek to prevent irrelevant and repetitive matters.

If, during its deliberations, the sub-committee considers that it is necessary for any person present at the hearing to provide further information or clarification on a particular point the hearing may be reconvened to deal with that issue. The sub-committee can also ask for procedural, technical or legal matter from officers present at any time during the proceedings.

What is the 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, which will have been prepared in advance by the Clerk to the Committee and will then outline the procedure that will be followed for the remainder of the hearing. The procedure is as follows:

Introduction by the Council's Licensing Officer



The Applicant



Interested Parties' Case (residents etc...)



OPTIONAL - DISCUSSION LED BY THE SUB-COMMITTEE
A discussion will only occur if the sub-committee feels that there is a need for the parties involved to clarify each other's cases. The Chairman will lead the discussion



Closing remarks from each party



Sub-committee deliberates



Chairman announces the decision

The licensing officer will introduce the report and will outline impartially the matter before the sub-committee, giving any relevant background information.

The applicant presents their case and brings forward any supporters or witnesses

Interested parties present their case and bring forward any witnesses as required.

Interested parties make brief closing remarks on the application under question. The applicant makes the final closing remarks.

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

Parties may return to the room when asked and the Chairman announces the decision. The Chairman reminds the applicant that the decision will be sent to them in writing. There can be no further questions or statements

Can a Councillor sit on a sub-committee if the application is in their ward?

Councillors who sit on a sub-committee are advised to take steps to minimise their involvement in any application prior to its consideration by the sub-committee so that decisions are seen to be reached at the hearing impartially and with an open mind. Councillors should not appear to be acting both as an advocate on behalf of their residents and as an adjudicator on an application.

If a Councillor on the sub-committee has already taken a view on an application in advance of the hearing, they should not be present for the hearing of the application and should leave the meeting room for that item. They should also not visit any premises under consideration prior to the hearing. In any cases of doubt, the Councillor should not sit on the sub-committee for a particular application. In this instance, a substitute Councillor may need to be found from the main Licensing committee of the Council or the hearing may continue as long as two of the five Councillors are still present.

The agenda papers will show which ward each Councillor sits for and the reports from the Council's Licensing Officer will detail which ward the application is in.

Can an Elected Member make an objection and/or speak at a hearing?

If an Elected Member, who does not sit on the sub-committee, wishes to make a formal objection to an application they may only do so if they make a written objection within the consultation period. This is the same as would apply to an Interested Party and in the same way as any other member of the public using the procedures outlined in the Council's Sex Establishment Licensing Policy. If the Elected Member believes they have a personal or prejudicial interest in the application, they may still submit an objection.

Elected Members, who do not sit on the sub-committee, may also speak at a sub-committee hearing in support or against an application, for example on behalf of their constituents. They may also speak as an advocate or witness on behalf of the applicant or an Interested Party, even if they believe they have a personal or prejudicial interest. However, for the purposes of transparency, at the hearing, the Elected Member should disclose what their personal or prejudicial interest is and whether they have been in contact with the applicant, agent or Interested Party beforehand or have visited the premises concerned.

Elected Members making either a written relevant representation or wish to speak at a hearing should not communicate about the application before the hearing with any Councillors who sit on the sub-committee. This is so the sub-committee makes their decision with an open mind.

What power does the Chairman have to control the meeting?

The Chairman may require any person attending the hearing who is behaving in a disruptive manner to leave the hearing and may refuse to permit that person to return or may permit the person to return only on such conditions as he or she may specify.

How will the sub-committee make its final decision?

Once the sub-committee has heard from officers and the parties to the hearing and has had answers to its questions, the sub-committee will usually withdraw to make its decision on the application. The sub-committee must disregard any information given or evidence produced by a party or witness, which is not relevant to the application.

Members of the sub-committee have a duty to behave impartially, not to predetermine the issue and not to discuss matters with press or residents. In making its decision the sub-committee must state in respect of sex establishment licences why refusal or attachment of conditions is necessary, and in respect of all other applications the reasons why applications are refused or revoked, taking into account the evidence presented by all parties during the hearing.

4. After the Hearing

When will we get formal notice of the decision?

The Chairman will normally announce the Sub-committee's decision in public at the end of the hearing and the reasons for the sub-committee's decision. This decision will then be communicated in writing to the parties within 5 working days after the hearing.

The Council's Legal Advisor will send applicants a decision letter shortly after the meeting outlining the decision and any conditions that are attached to the application. In addition, a letter will be sent to all those who made relevant written representations in connection with the application. This will confirm the decision made; any conditions attached to an approval or the reasons for refusal. Details of the respective appeal rights will also be sent with this notice.

The minutes of the meeting will be made available on the Council's website at: www.hillingdon.gov.uk

Can we appeal against the decision?

An applicant for the grant of a licence whose application is refused the mandatory grounds, has the right of appeal to the Magistrates' Court within 21 days of receipt of a written notice of decision. However, if refusal was on the discretionary grounds of locality and use (please see discretionary grounds 3 and 5 below) then no right of appeal is available under this legislation.

A person whose application is refused due to the discretionary grounds may attempt to invoke a judicial review of the Council's use of its discretion in coming to a decision, if they believe they can show that the Council has, for example, acted improperly, unreasonably or irrationally, has not examined both sides of a case or has shown predetermination or bias.

Those making representations, objecting to or supporting an application, have no right of appeal under this piece of legislation.

How can I find out about other applications in my area?

Applicants for new premises licences and club premises certificates; applications for provisional statements and applications for variations of existing premises licences or club premises certificates must display a notice on the premises and advertise the application in a local newspaper.

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 Licensing Service during working hours.

Grounds for refusing Sex Establishment Licences

The council after due consideration may decide to:

- a) Grant the Licence; or
- b) Refuse the Licence

Under the provisions in Schedule 3 of the Act, the licensing authority, may grant a licence on such terms and conditions and subject to such restrictions as it may specify.

The Council will also consider relevant representations from responsible authorities and/or interested parties.

The Council will consider each application on its merits in relation to the discretionary grounds for refusal. The Council wish to ensure that only applicants who are suitable will be granted licences and only in relation to suitable premises.

Mandatory grounds for refusal

Mandatory Refusal under the provisions in Schedule 3 of the Act, the Council must refuse a licence for the following reasons

- o The applicant is under 18 years of age
- o The applicant is for the time being disqualified due to the person having had a previous licence revoked in the area of London Borough of Hillingdon Council within the previous 12 months; or
- o The applicant, other than a body corporate, who is not resident in an EEA state or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- o The applicant is a body corporate which is not incorporated in an EEA state; or
- o The applicant has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been successfully appealed.

Discretionary grounds for refusal

Discretionary refusal under the provisions of the Council's Sex Establishment Licensing Policy:
– the Council may refuse to grant a licence on one or more of the following grounds:

1. that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
2. that if the licence were to be granted the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant of a licence if he made the application himself;
3. that the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority considers is appropriate for that locality;
4. Where the premises have not received the relevant planning permission
5. that the grant of the licence would be inappropriate, having regard to:
 - (i) the character of the locality where the premises are situated;
 - (ii) the use to which any premises in the vicinity are put;
 - (ii) the layout, character or condition of the premises in respect of which the application is made.

Order of proceedings for Film Classification decisions

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

Introduction by the Council's Licensing Officer



The film applicant (if present)



DISCUSSION LED BY THE SUB-COMMITTEE

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



PRIVATE FILM VIEWING / Sub-Committee Deliberation



Chairman announces the decision

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

The film applicant or the person representing him/her will be invited to address the Sub-Committee. They will be allowed sufficient time to present his/her case. The Sub-Committee may ask questions.

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

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

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Hospitality Sector Coronavirus Regulations 2020

Committee name	Licensing Committee
Officer reporting	Stephanie Waterford, Residents Services
Papers with report	None
Ward	All

HEADLINES

To update the Committee on the statutory obligations for the hospitality sector under the Coronavirus Regulations and to provide Members on recent interventions and Officer activity in this area.

RECOMMENDATIONS:

That the Committee notes the report.

SUPPORTING INFORMATION

Since pubs and hospitality premises were allowed to open on 4th July, Officers of the Licensing and Food Health & Safety Teams have been carrying out visits during the evenings and weekends to monitor compliance with the Government social distancing and Covid Secure operating models.

Prior to these visits, great efforts were made by Officers to ensure that pubs were well prepared and had received the Government guidance for the pub sector.

Most of the Borough's pubs have had at least one visit with many receiving 3-4 visits. Where issues have been found, enforcement letters have started to be sent out warning of the serious implications of failures to make pub premises Covid Secure.

In September 2020, a range of new powers came into force which enabled the Council to take on a more robust approach to enforcement to ensure that premises were doing everything within their scope to prevent the transmission of Covid-19.

The new rules govern the following;

Rule of 6

On Monday 14th September 2020, the 'Rule of 6' came into force meaning that people could no longer socialise or gather in groups of more than 6. There are a number of exemptions which have been explained in full detail in a separate note.

Hospitality and event premises now cannot accept bookings for groups of more than 6 and can only permit 'significant life events' for a maximum of 15 people i.e. weddings.

Track & Trace

On Friday 18th September 2020 business and service premises i.e. restaurants, pubs, beauticians, libraries etc. must obtain the contact details of every person entering the business premises. This can be done through a variety of methods but from 24th September, must be via the NHS Track & Trace QR code. These records must then be stored securely for 21 days. Individuals must provide the following details:

- Full name
- Telephone number
- Where a telephone number cannot be provided an email or postal address must be provided instead.
- Date and time of entry and exit
- The number of people in their group
- Records must be kept for 21 days.
- Records must be destroyed after the 21 day period
- Entry should be refused to persons who do not provide their details (in hospitality premises only).

Additional requirements for hospitality premises

The Health Protection (Coronavirus Restrictions) (Obligations of Hospitality Undertakings) (England) Regulations 2020 applies to all public houses, cafes, restaurants and any other business providing food or drink for consumption on the premises and states;

- Businesses must not take bookings for parties of more than 6, unless an exemption on gatherings applies;
- Businesses must not admit groups of more than 6 to the premises
- Businesses must ensure that no person in a grouping of 6 mingles with any other group of 6
- Businesses must ensure that an appropriate distance of 2 metres is maintained between tables, or 1 metre where there are barriers, screens or back to back arrangements

Table Service

Pubs, Bars, Cafes and Restaurants must operate on a table service only basis and premises managers will be expected to take all reasonable steps to ensure that they remain seated whilst consuming their food and/or drink. This will effectively stop vertical, close contact drinking environments where Covid would be more likely to spread.

Face Coverings

Coming into force on Thursday 24th September 2020 are new rules which require staff in shops and hospitality premises to wear face coverings. It will also require customers to wear face coverings at all times unless they are seated.

10pm Curfew

The Prime Minister announced that certain businesses would face further restrictions in order to curb the spread of Coronavirus. These restrictions include a 10pm curfew where hospitality premises must close between the hours of 22.00 and 05.00. Exemptions to these closures include takeaways who are allowed to operate during these times and also cinemas and theatres where performances conclude after 22.00.

Enforcement activities

Officers have been carrying out compliance visits during the day and at weekends and evenings to ensure that businesses who are not following the rules are dealt with effectively.

As of 5th October, a total of 418 visits had been carried out across 17 Wards resulting in 105 written warnings. Premises may also face Fixed Penalty Notices of £1,000 per breach if they do not comply with the regulations.

Impacts on Licensing

Where serious issues are found and/or severe penalties have been imposed, Premises Licence Reviews could be brought by the Licensing Authority and/or the Police. This would only be likely in the most serious scenarios.

BACKGROUND PAPERS

NIL

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LEGISLATIVE & INDUSTRY UPDATE

Committee name	Licensing Committee
Officer reporting	Glen Egan, Office Managing Partner, Legal Services
Papers with report	None
Ward	All

HEADLINE

This report advises Licensing Committee of a recent decision of the High Court concerning the application of the Public Sector Equality Duty to licensing functions.

RECOMMENDATION

That the Committee note the report.

SUPPORTING INFORMATION

The Queen (on the application of) We Love Hackney Limited v London Borough of Hackney

Section 149 of the Equality Act 2010 requires all local authorities to "advance equality of opportunity in the exercise of all functions and not to discriminate on the grounds of "protected characteristics" being:

- age,
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

In July 2018 the London Borough of Hackney adopted a Revised Statement of Licensing Policy changing the core hours policy for licensed premises and extended two special policy areas: Alcohol would no longer generally be sold after midnight and the special policy areas in Shoreditch and Dalston were extended, the effect of which was to introduce a rebuttable presumption that new licences in those areas would be refused unless the applicant could demonstrate that there would be no "negative cumulative impact" on the licensing objectives. These changes were informed by an Equalities Impact Assessment (EIA).

We Love Hackney is an association of local businesses and residents established in 2015 to lobby Hackney on licensing matters. When Hackney approved its Revised Statement of

Licensing Policy, the Association formed a limited company We Love Hackney Ltd to seek judicial review.

The basis of their legal challenge was that Hackney's EIA was flawed because "the LGBTQ+ community will be prejudiced by the changes because, for this community, the bars and clubs of Hackney are important cultural spaces" and that Hackney had failed "to have any regard to how the core hours policy will affect the equality of opportunities between those of different races (including ethnic and national origin) concerning how and when they are able to socialise".

Hackney were concerned that the establishment of a company to mount the legal challenge would make it difficult for them to recover their costs if they successfully defended the claim. Hackney estimated that their costs would amount to £ 100,000, yet the share capital of We Love Hackney Ltd was only £ 10. The company's legal costs were being funded via crowd funding which had raised £ 20,000 and had a target of £ 53,000.

The normal practice of the courts in judicial review proceedings is to order the losing party to pay the other party's costs. In order to protect their liability for costs, We Love Hackney Ltd requested the court to make a "Cost Capping Order" limiting their liability to £35,000. A "Cost Capping Order" can be made by the court if it is satisfied that the subject of the proceedings "is of general public importance", that the public interest "requires the issue to be resolved" and that in the absence of a Cost Capping Order the application for judicial review would be withdrawn.

Hackney strongly opposed the application for a Cost Capping Order and argued that the company had been set up to protect its directors from having to pay costs to the Council if their claim was unsuccessful. In this regard, it argued that one of the company's directors was a director of 6 companies in the entertainment / hospitality industry and that all directors had a commercial interest in the outcome of the litigation. The claim was not being brought in the public interest and, in order to protect its own financial position, Hackney asked the court to order the Company to provide "security for costs" as a condition of continuing with the judicial review.

Judgement

At a preliminary hearing Mrs Justice Farbey held that the people who were affected by the changes introduced by Hackney were "amorphous and somewhat protean", but went on to consider whether any groups were either directly or indirectly affected by the changes.

The Judge rejected an argument that the changes affected "anyone who works in licensed premises, or who goes for a late night drink, or who wishes at some stage to invest in licensable activities in Hackney". Further, the effect of the changes were "hard to measure" and that she "was not persuaded on the evidence before me that any section of the community - whether residing, investing, working or socialising in Hackney - speaks with a uniform voice about the effects of the Special Licensing Policy".

The court did not therefore accept that the proceedings were "public interest proceedings" and also held that " the suggestion that those well-resourced individuals who drive the litigation will, in the absence of a Cost Capping Order , be denied access to justice is not realistic".

The Judge ordered We Love Hackney Ltd to provide security for costs in the sum of £ 60,000 in order to continue the claim. Following this Judgement We Love Hackney Limited withdrew its application for judicial review.

Conclusion

This is the first time that the High Court has considered the Public Sector Equality Duty in a licensing context. The case illustrates the difficulty of assessing the impact of licensing changes where the clientele of establishments and their protected characteristics are difficult to identify.

BACKGROUND PAPERS

High Court Judgement

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LICENSING COMMITTEE FORWARD PLANNER 2020/2021

Committee name	Licensing Committee
Officer reporting	Mark Braddock, Democratic Services
Ward	All

HEADLINES

This standard report provides an opportunity for the Committee to schedule topical presentations, comment on key policy issues and receive general information and updates relevant to the discharge of their regulatory duties via the licensing sub-committee.

RECOMMENDATIONS:

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

	Proposed Agenda / Reports	Lead Officer
<p>Thursday 14 October 2020</p> <p>10am Virtual</p> <p>Report deadline: 2 October</p>	<p>Presentation:</p> <p>Trading Standards - fly on the wall account of a visit to a licensed premises</p>	KS
	<p>Policies</p> <ul style="list-style-type: none"> ● Statement of Licensing Policy consultation and comments to feedback to Cabinet. ● Review of Licensing sub-committee hearing protocols - Member feedback sought on areas. 	<p>DF</p> <p>SW</p>
	<p>Informatives:</p> <ul style="list-style-type: none"> ● Report on COVID-19 laws in relation to licensed premises and update ● Legislative and Industry Update: Hackney case on saturation policy and public sector equality duty 	<p>SW</p> <p>GE</p>

	Business Review: <ul style="list-style-type: none"> • Meeting Forward Planner • Recent Licensing sub-committee decisions / ratification of past sub-committee Minutes 	MB MB
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Tuesday 12 January 2021 10am Location TBC Report deadline: 31 December 2020	Proposed Agenda / Reports	Lead Officer
	Presentation: TBC	
	Policies TBC	
	Informatives: <ul style="list-style-type: none"> • Legislative and Industry Update 	GE
	Business Review: <ul style="list-style-type: none"> • Meeting Forward Planner • Recent Licensing sub-committee decisions and ratification of past sub-committee Minutes 	MB MB

Wednesday 7 April 2021	Proposed Agenda / Reports	Lead Officer
10am Location TBC Report deadline: 26 March 2021	Presentation: <ul style="list-style-type: none"> External speaker from Diageo (alcoholic spirits brand rep) to talk about identifying illicit goods. Demo of seized and counterfeit products by Trading Standards 	
	Policies TBC	
	Informatives: <ul style="list-style-type: none"> Legislative and Industry Update 	GE
	Business Review: <ul style="list-style-type: none"> Meeting Forward Planner Recent Licensing sub-committee decisions and ratification of past sub-committee Minutes 	MB MB

Implications on related Council policies

This planner supports the application of and review of relevant licensing and regulatory policies to the decision-making Cabinet, as well as informative matters to support sound decision-making at the Licensing Sub-Committee.

How this report benefits Hillingdon residents

Items on this planner enable a wider discussion by Licensing Committee members on key licensing issues and topical matters that affect residents, businesses and the local economy in the Borough.

Financial Implications

None.

Legal Implications

None.

BACKGROUND PAPERS

NIL

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of the Local Government Act 1972 (as amended).

Agenda Item 12

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