



HILLINGDON
LONDON

Licensing Committee

Date: TUESDAY, 5 OCTOBER
2021

Time: 10.00 AM

Venue: COMMITTEE ROOM 5 -
CIVIC CENTRE, HIGH
STREET, UXBRIDGE

**Meeting
Details:** Members of the Public and
Media are welcome to attend
this meeting and observe the
public business discussed.

To all Members of the Committee:

Simon Arnold (Chairman)
Alan Chapman (Vice-Chairman)
Lynne Allen (Opposition Lead)
Darran Davies
Janet Gardner
Raymond Graham
John Hensley
Carol Melvin
John Morse
Colleen Sullivan

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phone camera and scan the code below:



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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

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Agenda

- 1 Apologies for Absence
- 2 Declarations of Interest in matters coming before this meeting
- 3 To approve the minutes of the meeting held on 7 April 2021 1 - 4
- 4 To approve the minutes of the meeting held on 20 May 2021 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 - Public

- 6 Updates to Licensing Sub-Committee Hearing Protocols to provide for remote hearings and administrative adjournments 7 - 10
- 7 Committee Forward Planner 11 - 14

Part 2 - Private and Not for Publication

8 Ratification of Licensing Sub-Committee Minutes 15 - 42

9 Demonstration from Trading Standards - Counterfeit and Seized Goods (verbal update)

Trading Standards will showcase a range of counterfeit and seized goods from their investigations into licensed premises, providing an opportunity for the Committee to visualise them and ask relevant questions.

10 Member feedback from recent Licensing Training (verbal update)

An opportunity for the Committee to provide feedback to officers on the recent training session and identify areas for possible changes.

That these reports and matters in Part 2 be declared as exempt from publication as they involve the disclosure of information in accordance with Section 100(A) and paragraphs 1,2 & 7 of Part 1 of Schedule 12 (A) to the Local Government Act 1972 (as amended), in that the report contains information relating to an individual, information 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 and that the public interest in withholding the information outweighs the public interest in disclosing it.

11 Any items the Chairman agrees as urgent or relevant

Minutes

Licensing Committee
Wednesday, 7 April 2021
Meeting held at VIRTUAL - Live on the Council's
YouTube channel: Hillingdon London



Members Present:

Simon Arnold (Chairman)
Alan Chapman (Vice-Chairman)
Lynne Allen (Opposition Lead)
Janet Gardner
Raymond Graham
John Hensley
Carol Melvin
Colleen Sullivan

3. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Nick Denys and Councillor John Oswell.

4. DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING

No interests were declared by Members present.

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

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

6. TO AGREE THE MINUTES OF THE MEETING HELD ON 14 JANUARY 2021

The minutes of the meeting held on 14 January 2021 were agreed as a correct record.

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

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

8. REVIEW OF LICENSING SUB-COMMITTEE HEARING PROTOCOLS & APPLICATION PROCEDURE

The Service Manager, Licensing, Trading Standards and Regulatory Services presented a report to the Committee which outlined internal changes that had been implemented within the Licensing Team to capture a number of positive changes previously raised by Members at their meeting in October 2020. This included liaison with the Police on any incident / CAD numbers and the quality of any video/photo evidence submitted by parties.

Consequently, two minor changes to the Hearing Protocols were also proposed. The first would provide for a licensing policy advisor to attend, when required, to give advice in relation to the Council's relevant policy on the matter. The second change provided for structured site visits by Members with officers for more complex cases upon publication of the notice of hearing.

During the discussion, Members raised:

- Improvements to the notification process and use of notice boards in relation to applications so that residents are well informed. Officers explained that they provide the statutory notices that are required.
- How to encourage residents to report items of concern to the Police in relation to licensed premises and what more can we do for user-friendly guidance to residents and potential interested parties who may wish to submit formal representations.
- The usefulness of a potential site visit after a hearing had commenced was suggested by Members and it was requested that officers amend the proposed change to the Protocols accordingly.

RESOLVED:

That the Committee:

- 1. Review and adopt the proposed two additions to the hearing protocols as set out in the report and as amended at the meeting in relation to site visits and;**
- 2. Note the updates to the Officer's application procedure and report information.**

9. LEGISLATIVE & COVID REGULATIONS UPDATE

Councillors received a report on recent decisions made by licensing sub-committees nationally where breaches of the Coronavirus legislation by proprietors had taken place. Members also discussed an important recent local decision at Uxbridge Magistrates' Court concerning The Office Public House, Northolt within the London Borough of Ealing.

RESOLVED:

That the Committee notes the report.

10. COVID ENFORCEMENT UPDATE

The Committee received a closed presentation from the Licensing Team Manager on recent licensed premises enforcement activities in Hillingdon under the Coronavirus regulations.

Members viewed video footage of the visits undertaken to premises and were briefed on the latest planned enforcement and police actions to protect the public from venues operating illegally and in non-compliance with national guidance. Members thanked officers for their significant work during the pandemic keeping the Borough safe.

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

11. RATIFICATION OF PAST SUB-COMMITTEE MINUTES

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

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

- 10am, 11 September 2020 (adjourned)
- 9:30am, 30 September 2020 (resumed hearing)
- 10am, 16 November 2020
- 10am, 23 November 2020 – Part 1 and Part 2 minutes
- 10am, 18 December 2020 (adjourned) – Part 1 and Part 2 minutes
- 2:30pm, 9 February 2021
- 10am, 10 February 2021 – Part 1 and Part 2 minutes
- 2pm, 10 February 2021
- 10am, 15 February 2021

- 10am, 16 March 2021
- 2pm, 16 March 2021 (resumed hearing) – Part 1 and Part 2 minutes

This item was considered in Part II as it contained information relating to an individual, information which is likely to reveal the identity of an individual and

information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. That the public interest in withholding the information outweighed the public interest in disclosing it (exempt information under paragraphs 1, 2 & 7 of Part 1 of Schedule 12A to the Local Government [Access to Information] Act 1985 as amended).

12. ANY ITEMS THAT THE CHAIRMAN AGREES AS URGENT OR RELEVANT

No further items were considered.

The meeting closed at 11.39pm.

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



Minutes

LICENSING COMMITTEE

20 May 2021

Meeting held at Council Chamber - Civic Centre,
High Street, Uxbridge

	<p>Committee Members Present: Councillors Simon Arnold, Alan Chapman, Lynne Allen (Opposition Lead), Darran Davies, Janet Gardner, Raymond Graham, John Hensley, Carol Melvin, John Morse and Colleen Sullivan</p> <p>LBH Officers Present: Mark Braddock (Senior Democratic Services Manager)</p>
1.	<p>ELECTION OF CHAIRMAN (<i>Agenda Item 1</i>)</p> <p>RESOLVED: That Councillor Arnold be elected as Chairman of the Licensing Committee for the 2021/22 municipal year.</p>
2.	<p>ELECTION OF VICE CHAIRMAN (<i>Agenda Item 2</i>)</p> <p>RESOLVED: That Councillor Chapman be elected as Vice Chairman of the Licensing Committee for the 2021/22 municipal year.</p>
	<p>The meeting, which commenced at 9.16 pm, closed at 9.26 pm.</p>

These are the minutes of the above meeting. For more information on any of the resolutions please contact Mark Braddock on 01895 250470. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

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UPDATES TO LICENSING SUB-COMMITTEE HEARING PROTOCOLS TO PROVIDE FOR REMOTE HEARINGS AND ADMINISTRATIVE ADJOURNMENTS

Committee name	Licensing Committee
Officer reporting	Mark Braddock, Democratic Services
Papers with report	None.
Ward	All

HEADLINES

The Licensing Committee is requested to consider two amendments to the hearing protocols under both the Licensing and Gambling Acts to improve the efficiency of proceedings by enabling the opportunity to hold remote hearings and also adjourn scheduled hearings outside the meeting, where required.

RECOMMENDATION:

That the Committee review and adopt the proposed two additions to the hearing protocols as set out in the report.

SUPPORTING INFORMATION

Democratic Services has sought a definitive legal view from the Borough Solicitor who has helpfully given advice on two aspects of how hearings are conducted which some Members have requested clarification on in recent weeks:

1. Can hearings be held remotely, including Councillors on the sub-committee?
2. Can the sub-committee adjourn administratively without having to convene formally?

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.

The procedure to be followed is set out in the relevant hearing protocols which are approved by the Licensing Committee.

Holding of Licensing Sub-Committee hearings remotely

The Borough Solicitor confirms that the Council has the necessary legal power to determine that these hearings can be held either remotely or in person. The Licensing Act 2003 [Hearings] Regulations 2005 are silent on the issue of whether hearings can

be held remotely, but the important point is that they do not expressly or impliedly prohibit remote proceedings taking place.

Furthermore, the Borough Solicitor also advises that the “place of hearings” requirement, set out in the Regulations, is not confined to a physical geographical location and “place” has a broader meaning which can include an online location.

Should the Licensing Committee wish to amend the hearing protocols to enable remote hearings, the Borough Solicitor advises that it should be distinct that the Sub-Committees has a clear choice as to whether they hold hearings remotely or in person, with no compulsion for either form.

The ability to hold remote hearings could be beneficial at certain times, where for example parties are finding it difficult to attend in person or if further social distancing restrictions are brought in. However, it would ultimately be a decision for the Chairman and sub-committee members to proceed on such a basis.

If the Committee are minded to provide for the option of remote hearings, then the following additional wording can be added into paragraph 9 of the hearing protocols:

‘It is lawful for the Sub-Committee to hold the hearing remotely and therefore it is entirely within the discretion of the Sub-Committee to decide whether a particular hearing is held remotely or in person. Notice will be given in writing by Democratic Services in advance of the hearing to all parties concerned if the Sub-Committee decides to hold a hearing remotely and all necessary information required to facilitate the proper conduct of the hearing will also be provided by Democratic Services. For the avoidance of doubt, the procedures to be followed at the hearing, including whether the hearing is to be held in public or private, will apply equally to all hearings, irrespective of whether they are conducted remotely or in person’.

Adjourning a hearing outside the meeting

Whilst the hearing protocols provide for hearings to continue in the absence of a particular party attending, they also provide for the sub-committee to adjourn to a later time and date, for example, where a party gives late notice that they cannot attend.

It is important to ‘adjourn’ rather than cancel and reschedule the hearing, as this ensures the application or review can still be determined within the legal timescales.

Clarification on the process of adjourning a hearing has been sought, to make better use of Members’ and other parties time and not having to attend the hearing formally, for it to then to only be adjourned say a few minutes later.

The Borough Solicitor advises that Members have two choices, other than meet formally to adjourn. Firstly, they can resolve to adjourn formally at a remote hearing if this is more convenient. Secondly, it is advised that there is no legal difficulty with Members being able to “adjourn administratively”. The Regulations are not prescriptive on this point but there would be no prohibition on an adjournment being agreed by Members on the sub-committee outside the formal hearing, e.g. by email or other electronic means.

If the Committee are minded to provide the option of adjourning administratively, then the following additional wording can be added into paragraph 7 of the hearing protocols:

‘The Authority is able to lawfully adjourn the hearing without the need to formally meet to agree an adjournment. It follows that the Authority can agree to an adjournment both at a hearing itself or it can adjourn “administratively” outside of a hearing/meeting through the mechanism of e-mail or other acceptable electronic means which it considers appropriate. The Authority should clearly record its reasons in writing for agreeing the adjournment’.

The formal record of any prior adjournment will be within the relevant minutes for that application or review when finally heard.

A final, but important point to note, is that these changes only apply to hearings under the Licensing and Gambling Acts as they operate under different legislation. They cannot apply to Licensing Sub-Committee meetings to consider other matter under the Committee’s remit such as street trading, sex establishment or scrap metal decisions. Furthermore, they cannot apply to other ordinary committees of the Council operating under the Local Government Act 1972, which are currently required to be “in person” and where any adjournments must be determined formally at the relevant meeting.

Financial implications

None directly from this report

Legal implications

These are set out in the report.

BACKGROUND PAPERS

- 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
- LBH Hearing Protocols

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LICENSING COMMITTEE FORWARD PLANNER 2021/2022

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>Tuesday 5 October 2021</p> <p>10am Committee Room 5</p>	<p>Presentation:</p> <p>In Part 2 of the meeting - Showcase of seized / counterfeit goods</p>	SW
	<p>Policies</p> <ul style="list-style-type: none"> • Review of Licensing sub-committee hearing protocols relating to remote hearings and adjournments 	MB
	<p>Informatives:</p> <ul style="list-style-type: none"> • Legislative and Industry Update (no report this month) 	GE
	<p>Business Review:</p> <ul style="list-style-type: none"> • Meeting Forward Planner • Recent Licensing sub-committee decisions / ratification of past sub-committee Minutes • Feedback from recent training session 	<p>MB</p> <p>MB</p>

Wednesday 26 January 2022 10am Committee Room 6 Report deadline: 14 January 2022	Proposed Agenda / Reports	Lead Officer
	Presentation: Possible presentation from an industry brand representative – 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

Tuesday 5 April 2022 10am Committee Room 6 Report deadline: 24 March 2022	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

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 8

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