

Minutes

LICENSING COMMITTEE

6 July 2022



HILLINGDON
LONDON

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

	<p>Committee Members Present: Councillors Roy Chamdal (Chairman), Darran Davies (Vice-Chairman), Shehryar Ahmad-Wallana, Farhad Choubedar, Scott Farley, Kuldeep Lakhmana, Barry Nelson-West and Colleen Sullivan</p> <p>Members also Present: Reeta Chamdal</p> <p>LBH Officers Present: Mark Braddock, Democratic Services; Lois King, Licensing Team; Daniel Ferrer, Licensing Team; Salleh Jobbi, Legal Services</p>
3.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>Apologies were received from Councillor Janet Gardner.</p>
4.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>There were no interests from Members' present.</p>
5.	<p>TO AGREE THE MINUTES OF THE MEETING HELD ON 5 OCTOBER 2021 (<i>Agenda Item 3</i>)</p> <p>The minutes of the meeting held on 5 October 2021 were agreed as a correct record.</p>
6.	<p>TO AGREE THE MINUTES OF THE LAST MEETING HELD ON 12 MAY 2022 (<i>Agenda Item 4</i>)</p> <p>The minutes of the meeting held on 12 May 2022 were agreed as a correct record.</p>
7.	<p>TO CONFIRM THAT THE ITEMS OF BUSINESS MARKED IN PART 1 WILL BE CONSIDERED IN PUBLIC AND THAT THE ITEMS MARKED PART 2 WILL BE CONSIDERED IN PRIVATE (<i>Agenda Item 5</i>)</p> <p>It was confirmed matters would be considered in both public and private as set out on the agenda.</p>
8.	<p>THE ROLE OF THE LICENSING COMMITTEE, DELEGATIONS AND POLICIES (<i>Agenda Item 6</i>)</p> <p>The Senior Democratic Services Manager set out the role of the Licensing Committee, which existed primarily to enable the Licensing Sub-Committee and relevant officers to discharge the Council's statutory licensing duties in relation to the Licensing Act 2003,</p>

the Gambling Act 2005, Sex Establishments legislation, the Scrap Metal Dealers Act 2013 and Street Trading legislation. It was noted that the full Committee would also receive presentations and information on licensing related topics over the course of each Municipal Year.

Following the approval of the new Council Constitution at the AGM on 12 May, the Committee agreed to re-affirm how these licensing functions were discharged for good governance purposes and passed a second resolution to this effect, which was moved by Councillor Choubedar and seconded by Councillor Farley.

RESOLVED:

That the Committee:

- 1. Note the information.**
- 2. In accordance with its Terms of Reference, agree to the establishment of the Licensing Sub-Committee and the discharge of the Council's Licensing Functions as set out in Appendix 1 of this report (Chapter 8 of the Council Constitution).**

9. **LICENSING CASE STUDIES (ORAL PRESENTATION)** (*Agenda Item 7*)

The Committee received a presentation from the Council's Principal Licensing Officer providing a useful case study to Members on a recent expedited review in relation to The Prince of Wales Public House in Hillingdon.

The following initial points were outlined:

- The use of an expedited review was rare, and would need to be initiated by a senior Police officer based on serious crime and disorder grounds affecting a premises.
- The advantage of such a fast review enabled interim conditions or suspension of premises within 48 hours and then a fast tracked review of the premises, thereafter.

In respect of The Prince of Wales, it was noted that previously:

- The premises had changed their use over time, including creating a shisha lounge;
- There had been historic non-compliance of conditions, anti-social behaviour, police incidents, under-age drinking and complaints from residents;
- The plan of the premises did not mirror the plan of the licence;

It was explained that in November 2021, the Police attended the premises following serious knife attacks and following this, submitted a certificate for an expedited review by the Council.

Within 48 hours, Councillors on the Licensing Sub-Committee had met virtually to consider whether interim steps were necessary and they agreed to impose an immediate suspension of the premises licence as a proportionate step to keep residents safe. It was noted that this interim decision was not appealed.

The Principal Licensing Officer then outlined the next stage, which was a full review within 28 days. A Licensing Sub-Committee was held on 20 December 2021 which both reviewed the interim steps previously taken and also the new representations

received regarding the premises. After considering all the evidence received regarding the premises, including CCTV footage, the Sub-Committee decided to revoke the licence and keep in place the interim steps until the expiry of any appeal period, in effect meaning that the premises could not operate.

Members were informed that the Council's decision was appealed and heard at the Magistrates, where the Judge then agreed with the Council's decision.

The Chairman reiterated how such measures are important so that the Council tackle irresponsible operators and it was noted that the Council had not yet lost any appeal at a magistrate's court in recent times. Thanks were paid to the Councillors on the Sub-Committee and various service areas who worked well together in such a short time-frame to review the matter.

10. **LEGISLATIVE & INDUSTRY UPDATE** (*Agenda Item 8*)

The Legal Officer introduced the report which set out updated guidance regarding ceasing the flexibility on the suspension of the annual premises licence for establishments where late or non-payment of fees was due to the pandemic. Members were also informed of the new Business and Planning Act 2020, which came into force on 22nd July 2020 and permitted pavement licences and an automatic extension on existing premises licences to allow off-sales.

The Chairman asked how the Council would keep licence holders informed of these changes and also asked how many premises licences had been suspended due to non-payment of fees. Councillor Farley also sought clarification on when such discretion was given to premises during the pandemic. It was explained that premises would be notified of the changes and that during the pandemic, the Council had taken a light touch regarding fees to support businesses as much as possible.

The Chairman raised a matter regarding the timescale for deliberations during a licensing hearing and suggested that the Councillors on a Sub-Committee may want to not necessarily be constrained by delivering a decision on the same day, after their deliberations, in order to ensure they consider all factors.

It was also confirmed that Councillors are notified of any new application or variation in their ward and can call the matter in, with reasons, as per the Council's Constitution.

RESOLVED:

That the Committee notes the report.

11. **SITE VISITS TO LICENSED PREMISES (ORAL DISCUSSION)** (*Agenda Item 9*)

A discussion took place regarding Member site visits. Councillor Davies suggested a visit to an exemplar, well-run premises to physically see its operations which would assist Members when they undertake hearings.

RESOLVED:

That the Licensing Service arrange a suitable site visit for Members of the Committee.

12. **FORWARD PLANNER** (*Agenda Item 10*)

The Committee noted the Forward Planner as set out on the agenda.

RESOLVED:

That the Committee note the Forward Planner.

13. **RATIFICATION OF SUB-COMMITTEE MINUTES** (*Agenda Item 11*)

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

The Committee also sought clarification on governance aspects of licensing sub-committee decision-making, in particular whether Part 2 Licensing Sub-Committees could be audio-recorded to ensure that any later court hearings could take into account the fullest account of proceedings, if required.

RESOLVED:

1. **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:**

- [8 Nov 2021 10.00 am](#) – Public minutes
- [17 Nov 2021 2.00 pm](#) – Public minutes
- [10 Dec 2021 2.00 pm](#) – Public and Restricted Minutes
- [23 Dec 2021 10.00 am](#) – Public and Restricted Minutes
- [20 Jan 2022 10.00 am](#) - Public minutes
- [28 Jan 2022 10.00 am](#) – Public minutes
- [14 Mar 2022 10.00 am](#) - Public minutes
- [14 Mar 2022 3.00 pm](#) - Public minutes
- [25 Mar 2022 10.00 am](#) - Public minutes
- [29 Apr 2022 3.00 pm](#) - Public minutes
- [26 May 2022 10.00 am](#) - Public minutes

2. **That Officers bring forward a report to the October meeting on the possibility of initiating audio recording of private hearings for possible evidence in court, should it be required.**

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).

14. **FEEDBACK FROM TRAINING RECEIVED (ORAL DISCUSSION)** (*Agenda Item 12*)

Members welcomed the recent training session from Gary Grant, a leading licensing barrister which was considered as positive, particularly the use of role playing.

This item was considered in Part II as it contained information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. That the public interest in withholding the information outweighed the public interest in disclosing it (exempt information under paragraph 7 of Part 1 of Schedule 12A to the Local Government [Access to Information] Act 1985 as amended).

The meeting, which commenced at 10.00 am, closed at 11.14 am.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Mark Braddock - Democratic Services on 01895 250636.