

Minutes

Licensing Committee
Wednesday, 31 January 2024
Meeting held at Civic Centre, High Street,
Uxbridge UB8 1UW



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Members Present:

Councillors Roy Chamdal (Chair)
Becky Haggar
Scott Farley
Janet Gardner
Kuldeep Lakhmana
Barry Nelson-West
Peter Smallwood
Colleen Sullivan

Apologies:

Darran Davies and Reeta Chamdal

Officers Present:

Anisha Teji, Democratic Services
Daniel Ferrer, Licensing Services
Chantelle McLeod, Legal Services
King-Yip Cheung, Trading Standards

Also Present

Jon Burton, Immigration Enforcement
Ranjith Mahenthirarassa, Immigration Enforcement

3. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Darran Davies and Councillor Reeta Chamdal.

4. DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING

There were no declarations of interest.

5. TO AGREE THE MINUTES OF THE LICENSING COMMITTEE MEETING ON 4 APRIL 2023

RESOLVED: That the Committee agreed the minutes of the Licensing Committee meeting on 4 April 2023.

6. TO AGREE THE MINUTES OF THE LICENSING COMMITTEE HELD ON 11 MAY 2023

RESOLVED: That the Committee agreed the minutes of the Licensing Committee meeting on 11 May 2023.

7. 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 items marked public and private would be heard as set out on the agenda.

Agenda item 7 - presentation from Trading Standards was heard in Part II as it contained information to be taken in connection with the prevention, investigation or prosecution of crime.

8. PRESENTATION FROM THE UK BORDER AGENCY

The Committee received a presentation from Immigration Enforcement Officers (IEO) who now operate separately from the UK Border Agency (UKBA). The Committee was informed that Immigration Enforcement focused on in-country immigration issues and entering premises where immigration offenders were working. The IEO worked on intelligence received from various sources including the public, police and licensing authorities. IEOs conducted site visits, report outcomes and issued fines or closure notices for breaches.

The Committee heard that IEOs had recently been authorised to conduct educational visits in collaboration with other agencies to address potential immigration issues and ensure awareness of responsibilities among staff. During these visits the focus was on providing assistance and information and no enforcement action was taken.

If illegal workers were found in licensed premises, it could lead to licence revocations unless exceptional circumstances applied. The team was divided into two parts, with specific teams handling civil penalties and intelligence. The intelligence unit gathered information from multiple sources and the public could report concerns to the intelligence unit or local licensing authorities.

The IEOs clarified that their educational visits aimed to inform businesses about their responsibilities, not to interrogate staff about their legal status. The Committee raised questions about businesses paying workers in various ways other than money and expressed concern about potential exploitation. The officers emphasised the preventive nature of educational visits and noted a decrease in illegal working visits during the COVID-19 pandemic. There was however a plan to increase such visits in the future. The Committee appreciated the educational approach and discussed plans for the Council to collaborate more closely with Immigration Enforcement in Hillingdon.

RESOLVED: That the Committee noted the presentation from Immigration Enforcement Officers.

9. PRESENTATION FROM TRADING STANDARDS

The Council's Senior Trading Standards Officer gave a presentation to Members of the Committee on counterfeit and seized goods and also recent investigation activity by the Service which it was explained was predominately intelligence-led. Additionally, products seized by the Trading Standards Team for investigation from off-licences were shown to Members of the Committee, which included vaping equipment, alcohol and cigarettes. The Committee were given an explanation of the key signs that showed certain products were illegal.

Members of the Committee thanked the Officer for his presentation. They also raised other trading standards matters including Nitrous Oxide canisters. An in-depth discussion took place on vaping, in particular, the increase in vaping being sold around the Borough, and increasingly to younger people. Officers reassured Members that they had plans to visit premises selling vapes to ensure their products were legal and take action accordingly.

This item was considered in Part II as it contained information relating 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 paragraph 7 of Part 1 of Schedule 12A to the Local Government [Access to Information] Act 1985 as amended).

10. LEGISLATIVE AND INDUSTRY UPDATE

The Committee received an update on recent legislative, case law and industry news update under the functions within its remit.

Various topics relating to licensing and regulatory updates were discussed including Section 182 Guidance Updates. The Section 182 guidance emphasised the role of right-to-work considerations in licensing decisions and the importance of addressing immigration issues and assessing the impact on licensing when breaches occurred.

The ban on nitrous oxide and its implications were explored. Concerns were raised about effectively managing this issue, particularly in areas where there was a high usage. It was highlighted that collaboration with different agencies including the police and licensing authority were key to preventing issues.

The Committee acknowledged the need for collaboration between licensing and community safety in the area of Counter Terrorism and Public Safety. Concerns were raised about the issue of spiking and the measures in place for prevention. The training initiatives and e-learning for staff in alcohol establishments was considered.

In light of the letters from the Minister of State for Crime, Policing, and Fire, Members agreed that that keeping training up to date was significant. It was noted that the Home Office offered e-learning packages for members and staff and this was shared with officers. The Council also provided training and it was good to hear from different trainers to receive different views. The Committee enquired about the completion status of licenced premises visits by Members expressing the need for

thorough inspections. It was noted that there had been challenges due to staffing changes which had shifted priorities however there was ongoing recruitment. Once the team was at full capacity, officers would look into this again.

Members sought information on the Council's approach to the recent legislation on vapes, including the strength regulations and enforcement measures. The Committee heard about Trading Standards approach in seizing illegal products and discussed potential enforcement options for illegal vapes, including under-age sales.

RESOLVED: That the Committee noted the report.

11. COMMITTEE FORWARD PLANNER

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

The Committee considered that it would be useful to hear from applicants making licensing applications and their general experience, any challenges encountered and how resolutions took place. Officers agreed that it would provide a real-life insight of the process and be an interesting experience.

RESOLVED: That the Committee noted the Forward Planner

12. RECENT LICENSING SUB-COMMITTEE DECISIONS AND 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, ratified the minutes of the following meetings:

- 1. 11 April 2023 and resumed on 14 April - Grant of premises licence: Prince of Wales, Harlington Road, Uxbridge**
- 2. 19 April 2023 - Grant of premises licence: Curry Corner, Off Licence, 24-32 Fairfield Road, West Drayton**
- 3. 3 July 2023 - Grant of premises licence: Grant View, Unit 1, 10 Stonefield Way, Ruislip**
- 4. 5 July 2023 - Grant of premises licence: Friends Junction, 1262 Uxbridge Road, Hayes**
- 5. 10 July 2023 - Grant of premises licence: MacDonald's Restaurants Ltd, Unit 4 Old Dairy Lane, South Ruislip**
- 6. 15 November 2023 - Grant of premises licence: The Farm Restaurant & Bar, 55 Green Lane, Northwood**

13. AGREE DATE FOR RESCHEDULED MOCK HEARING

RESOLVED: That the Committee agreed 4 April 2024 to be the date for the mock hearing.

14. DISCUSSION ON RECENT LICENSING CASES

The Committee discussed recent licensing cases.

That these reports and matters in Part 2 be declared as exempt from publication as they may involve the disclosure of information in accordance with Section 100(A) and paragraphs 1,2, 5 & 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, information in respect of which a claim to legal professional privilege could be maintained in legal proceedings 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.

15. ANY OTHER ITEMS THE CHAIRMAN AGREES AS URGENT OR RELEVANT

No further items were raised.

The meeting closed at 11:37am.