



HILLINGDON  
LONDON



# Licensing Committee

**Date:** THURSDAY, 30  
SEPTEMBER 2010

**Time:** 10.00 AM

**Venue:** COMMITTEE ROOM 6 -  
CIVIC CENTRE, HIGH  
STREET, UXBRIDGE UB8  
1UW

**Meeting  
Details:** Members of the Public and  
Press are welcome to attend  
this meeting

## Councillors on the Committee:

Andrew Retter (Chairman)  
Josephine Barrett (Vice-Chairman)  
Lynne Allen  
David Allam  
Bruce Baker  
Mike Bull  
Judy Kelly  
Peter Kemp  
Janet Gardner  
Carol Melvin

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<http://modgov.hillingdon.gov.uk/ieListDocuments.aspx?CId=257&MId=655&Ver=4>

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# Agenda

- 1 Apologies for Absence
- 2 Declarations of Interest in matters coming before this meeting
- 3 To Agree the Minutes of 31 August 2010
- 4 To agree that all items marked Part I will be considered in public and any items marked Part II will be considered in private.

## **Part I - Members, Public and Press**

- 5 Verbal Update on Continental Market from Street Scene
- 6 Review of the Council's Statement of Licensing Policy
- 7 Amendment of Licensing Hearing Protocol
- 8 Draft Sex Establishment Licensing Policy
- 9 Informing the wider community of license applications
- 10 Licensing Statistics

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HILLINGDON  
LONDON

**Minutes**

**LICENSING COMMITTEE**

**31 August 2010**

**Meeting held at Committee Room 3 - Civic Centre,  
High Street, Uxbridge UB8 1UW**

	<p><b>Committee Members Present:</b> Councillors Andrew Retter (Chairman), Josephine Barrett (Vice-Chairman), Lynne Allen (Labour Lead), Bruce Baker, Mike Bull, Peter Kemp, Janet Gardner and Carol Melvin.</p> <p><b>LBH Officers Present:</b> Natasha Dogra (Democratic Services) Beejal Soni (Legal Services) Stephanie Waterford (Licensing Service)</p>	
1.	<p><b>APOLOGIES FOR ABSENCE</b> (<i>Agenda Item 1</i>)</p> <p>Apologies were received from Cllr David Allam and Cllr Judy Kelly.</p>	<b>Action by</b>
2.	<p><b>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING</b> (<i>Agenda Item 2</i>)</p> <p>None.</p>	<b>Action by</b>
3.	<p><b>TO CONFIRM THAT THE ITEMS OF BUSINESS MARKED PART 1 WILL BE CONSIDERED IN PUBLIC AND THAT THE ITEMS MARKED PART 2 WILL BE CONSIDERED IN PRIVATE</b> (<i>Agenda Item 3</i>)</p> <p>It was confirmed that all items of business would be considered in public.</p>	<b>Action by</b>
4.	<p><b>TO AGREE MINUTES OF THE MEETING HELD ON 1ST JULY 2010</b> (<i>Agenda Item 4</i>)</p> <p>The minutes of 1 July 2010 were agreed by the Committee.</p>	<b>Action by</b>
5.	<p><b>HOME OFFICE CONSULTATION - REBALANCING THE LICENSING ACT</b> (<i>Agenda Item 5</i>)</p> <p>Officers presented the report to obtain the Licensing Committee's opinion of the Home Office proposals and to seek their views in respect of the specific questions raised in the consultation.</p> <p>Officers informed Members that the new government coalition was introducing a number of new proposals which would overhaul the Licensing Act 2003 by giving more powers to Licensing Authorities by:</p> <ul style="list-style-type: none"> <li>• Give licensing authorities the power to refuse licence applications or call for a licence review without requiring relevant representations from a responsible authority.</li> </ul>	<b>Action by</b>

	<ul style="list-style-type: none"> <li>• Remove the need for licensing authorities to demonstrate their decisions on licences 'are necessary' for (rather than of benefit to) the promotion of the licensing objectives.</li> <li>• Reduce the evidential burden of proof required by licensing authorities in making decisions on licence applications and licence reviews.</li> <li>• Increase the weight licensing authorities will have to give to relevant representations and objection notices from the police.</li> <li>• Simplify Cumulative Impact Policies to allow licensing authorities to have more control over outlet density.</li> <li>• Increase the opportunities for local residents or their representative groups to be involved in licensing decisions, without regard to their immediate proximity to premises.</li> <li>• Enable more involvement of local health bodies in licensing decisions by designating health bodies as a responsible authority and seeking views on making health a licensing objective.</li> <li>• Amend the process of appeal to avoid the costly practice of rehearing licensing decisions.</li> <li>• Enable licensing authorities to have flexibility in restricting or extending opening hours to reflect community concerns or preferences.</li> <li>• Repeal the unpopular power to establish Alcohol Disorder Zones and allow licensing authorities to use a simple adjustment to the existing fee system to pay for any additional policing needed during late-night opening.</li> <li>• Substantial overhaul of the system of Temporary Event Notices to give the police more time to object, enable all responsible authorities to object, increase the notification period and reduce the number that can be applied for by personal licence holders.</li> <li>• Introduce tougher sentences for persistent underage sales.</li> <li>• Trigger automatic licence reviews following persistent underage sales.</li> <li>• Ban the sale of alcohol below cost price.</li> <li>• Enable local authorities to increase licensing fees so that they are based on full cost recovery.</li> <li>• Enable licensing authorities to revoke licences due to non-payment of fees.</li> <li>• Consult on the impact of the Mandatory Licensing Conditions Order and whether the current conditions should be removed.</li> </ul> <p>The Committee considered the Home Office consultation regarding the Licensing Act.</p>	
<p>The meeting, which commenced at 5.00 pm, closed at 7.00 pm.</p>		

These are the minutes of the above meeting. For more information on any of the resolutions please contact Natasha Dogra on 01895 277 488. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

# Agenda Item 5

Continental Market, Uxbridge 23<sup>rd</sup> September 2010 – 25<sup>th</sup> September 2010

**Committee**

Licensing Committee

**Officer Contact**

Bill Hickson & Andy Stubbs  
01895 277402

**Papers with report**

None

**Ward(s) affected**

All

## SUMMARY

To update members on action taken in respect of the Continental Market held in Uxbridge on 23<sup>rd</sup> September 2010 – 25<sup>th</sup> September 2010.

## RECOMMENDATION

**That members note the update.**

## INFORMATION

At the last meeting of the Licensing Sub-Committee (16<sup>th</sup> September 2010), Members requested that officers give a verbal report concerning actions undertaken to the Licensing Committee

Officers attended the location of the Continental Market during the afternoon 22<sup>nd</sup> September 2010 and carried out a pre survey of the Highway surface and street furniture.

Officers attended and monitored the set up of the Continental Market; this was managed well and effectively. Street Scene Officers attended the Continental Market at various times during the trading days to ensure compliance to license terms and conditions, no breaches were observed.

No complaints had been logged by the Customer Contact Centre regarding matters that required intervention by the Street Scene Enforcement Team in connection with the Market.

On Saturday, Officers were on call and also attended the Market during the trading hours. The break down of the Market has also monitored by Officers, this went without incident.

A further survey of the Highway surface and street furniture was conducted on Monday morning, some slight marks had been noted and this is being addressed by the Market organiser in connection with Officers.

Shoppers were surveyed by Town Centre Management staff to find out their opinions of the continental market, the majority of the surveys being done in the vicinity of the market. 97% of

respondents held the opinion that the market was either excellent or good. Two thirds of respondents did not know about the market before they came to the town, so it was a pleasant surprise for them. Fifty four percent of respondents made a purchase from the market, the most common spend being up to £10.

Asked what they liked least, almost 70% of respondents said there was nothing to dislike, the market was good for the town, though roughly one fifth of people questioned said the market was expensive.

When asked if Hillingdon Council should be encouraging similar markets in Uxbridge in the future, a resounding 93.9% of respondents said yes. If there are to be any similar markets, the most commonly expressed preference was for a monthly market, with bi-monthly or quarterly markets next preferred.

## **FINANCIAL IMPLICATIONS**

None

## **LEGAL IMPLICATIONS**

None



## REVIEW OF THE COUNCIL'S STATEMENT OF LICENSING POLICY

<b>Committee</b>	Licensing Committee
<b>Officer Contact</b>	Sharon Garner
<b>Papers with report</b>	Revision of the Statement of Licensing Policy
<b>Ward(s) affected</b>	All

### SUMMARY

The Licensing Act 2003 requires the Council, as the Licensing Authority, to review its statement of licensing policy every 3 years. This is the second full review of the policy since the implementation of the Act in 2005. The Council will need to approve and adopt the revised policy which will be effective from 2011 to 2014.

### RECOMMENDATION

**That the Licensing Committee note the current position in regard to the review of the Statement of Licensing Policy.**

### ACTION INSTIGATED BY THE LICENSING SERVICE

In January 2010, a working party was convened to carry out the second full review of the Council's Statement of Licensing Policy. The working party was made up of the following officers:

- Norman Stanley – Licensing Services Manager
- Sharon Garner – Licensing Officer (the co-ordinating Officer in respect of the review)
- Kathryn Sparks – Deputy Director, Environment and Consumer Protection
- Ed Shaylor – Head of Community Safety
- Sue Pollitt – Trading Standards Service Manager
- Jaspal Wadra – Principle Environmental Health Officer
- Beejal Soni – Licensing Lawyer from Legal Services
- Mark Braddock (represented by Natasha Dogra) – Democratic Services Officer
- Sgt Ian Meens – Metropolitan Police Service
- Station Commander Martin Green (represented by Inspecting Officer Derek Bird) – London Fire & Emergency Planning Authority
- Paul Hewitt – Safeguarding Children and Quality Assurance Service Manager

The working party were of the opinion that the existing format of the current policy should be retained as it was concise and easy for Members, Officers and members of the public to use.

It was agreed that some sections of the policy needed to be amended in order to include the recent changes to the legislation, such as the new mandatory conditions. In addition, some members of the working party suggested changes to reflect the current working practices between the *'Responsible Authorities'*.

The proposed changes were subsequently circulated to all members of the working party for consideration and approval. On finally achieving a consensus of opinion, the proposed changes/amendments were inserted into the current policy (all changes were highlighted in red).

The revised policy was submitted to the full licensing committee for consideration and approval on 22<sup>nd</sup> April 2010.

Following the approval by full licensing committee the revised policy was sent out for full consultation.

Note:- The list of consultees is detailed on page 2 and 3 of the policy which is annexed hereto.

The consultation period commenced on the 14<sup>th</sup> May 2010 and ended on 6<sup>th</sup> August 2010.

A further working party meeting was convened on 1<sup>st</sup> September 2010 to discuss any observations, comments or proposals that were received. All observations, comments or proposals which were considered relevant have been inserted into the revised policy document.

The revised policy now requires formal approval from the full Licensing Committee. Once approved, then approval will be sought from RESPOC on 16<sup>th</sup> November 2010, from Cabinet on 16<sup>th</sup> December 2010 and finally full Council on 13<sup>th</sup> January 2011.

## LEGAL IMPLICATIONS

This report has been considered by the Borough Solicitor's Office for its legal implications in accordance with Council's procedures. There are no issues that need to be brought to the specific attention of Members other than those highlighted in the report.

## **BACKGROUND PAPERS**

- The Licensing Act 2003
- Guidance issued under section 182 of the Licensing Act 2003

	<b>REVISED STATEMENT OF LICENSING POLICY – JANUARY 2011</b>
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12	Licensing Hours
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16	Further information
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25	Appendix F – List of Responsible Authorities

## **Introduction**

Under the Licensing Act 2003 (The Act) the London Borough of Hillingdon is the Licensing Authority for all of the licensable activities specified under the Act within the borough. The Council as the Licensing Authority has the responsibility for administering and determining applications for, and representations against, Premises Licences, Club Premises Certificates, Temporary Permitted Activities and Personal Licences.

The activities included in the scope of the Act are:-

- The sale of alcohol by retail
- The supply of alcohol by or on behalf of a club, or a member of a club;
- The provision of regulated entertainment
- The provision of entertainment facilities
- The provision of late night refreshment (between 23.00 hours and 05.00 hours)

In carrying out these responsibilities the Council as the Licensing Authority will have regard to its Statement of Licensing Policy, the Guidance issued under section 182 of the Licensing Act 2003, the four Licensing Objectives and any other relevant information.

The four Licensing Objectives are:-

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

Each objective is of equal importance

This Policy covers the period from 7<sup>th</sup> January 2011 to 6<sup>th</sup> January 2014 and will be kept under review and following consultation, revised and amended.

## **1 Consultation**

1.1 In reviewing the Council's first 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:-

- The Chief Executive of the London Borough of Hillingdon
- All Corporate Directors of the London Borough of Hillingdon
- All elected Members of the London Borough of Hillingdon
- Chief Officer of Police for the London Borough of Hillingdon
- Chief Officer of British Transport Police
- Chief Officer of Police for Heathrow Airport
- Area Child Protection Committee
- Bodies representing businesses and residents in the London Borough of Hillingdon
- Bodies representing currently licensed premises in the London Borough of Hillingdon
- Community Safety Team

- Groups representing Liquor Licence holders in the London Borough of Hillingdon
- Harefield Hospital
- Healthy Hillingdon
- Hillingdon Community and Police Consultative Group
- Hillingdon Drug and Alcohol Services
- Hillingdon Federation of Community Associations
- Hillingdon Hospital
- Hillingdon Sports Council
- Hillingdon Youth Offending Service
- Hotels in the London Borough of Hillingdon
- Licensing Solicitors representing premises licence holders in the London Borough of Hillingdon
- Local Strategic Partnership
- London Borough of Ealing
- London Borough of Harrow
- London Borough of Hounslow
- London Buses
- London Fire and Emergency Planning Authority
- London Underground Ltd
- Magistrates Court
- Mount Vernon Hospital
- Primary Care Trust
- Registered Clubs in the London Borough of Hillingdon
- Residents Associations
- Tenants Associations
- The Hillingdon Action Group on Addiction Management
- Uxbridge Initiative
- British Beer and Pub Association

## **2 Licensing Committee**

2.1 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 that impact on their role.

2.2 Government guidance states that uncontested applications should be granted and that such applications should be dealt with by specific officers who have been so delegated by the Licensing Committee.

The scheme of delegation to officers is shown in **Appendix A**.

2.3 Whenever representations from Responsible Authorities, **Elected Members** or Interested Parties have been received in respect of an application, that particular application will be referred to a Licensing Sub-Committee for determination.

The scheme of delegation to a Licensing Sub-Committee is shown in **Appendix A**.

2.4 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.

2.5 The Licensing Committee will receive periodic reports detailing the licences issued by Officers under delegated authority.

### **3 Integration of Strategies and avoidance of duplication**

3.1 The licensing function is and should remain distinct from the Town Planning process. It will be for the planning process to determine land-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, and
- The hours sought are within the limits authorised by any planning permission.

3.2 The Licensing Committee ~~should receive~~ **will be prepared to accept** reports ~~from time to time~~ 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 and anti-social behaviour, community safety, social, health and community development etc. 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.

3.3 ~~A formal Protocol has been agreed between the Metropolitan Police Service and the Council's Licensing Authority with regard to their enforcement work in respect of licensed premises and personal licence holders. Some of the enforcement may be carried out jointly with the Licensing Authority's Licensing Officers. Enforcement activity will be consistent, transparent and proportional to the nature of the licensed premises.~~

### **4 Promotion of Equality**

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).

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

## **5 General principles of policy and the role of licensing**

5.1 The role of licensing is the control of the licensable activities at the licensed premises, qualifying clubs, temporary events and the conduct of the personnel involved with the licensable activities as required under the Act. Terms and conditions attached to the Premises Licences and Club Premises Certificates granted by the Licensing Authority will relate to matters over which the premises licence holder or Club Management Committees have direct control. 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. Anti-social behaviour of patrons, disturbance or nuisance which can be proved to be emanating from a particular premises will be a consideration for the Licensing Authority in its enforcement and decision making role.

5.2 The prevention of anti-social behaviour away from the vicinity of a particular licensed premises is outside the licensing regime and must be dealt with by other means.

Such as:

- Positive measures to create a safe and clean environment in partnership with local businesses, transport operators and other departments of the local authority
- Powers of local authorities to designate parts of their own boroughs as Controlled Drinking Zones where alcohol may not be consumed publicly when it causes nuisance or distress

Note: The whole of the London Borough of Hillingdon is designated as a Controlled Drinking Zone

- The confiscation of alcohol from adults and children where appropriate
- Enforcement of underage sales of alcohol by Trading Standards
- Police enforcement of the normal law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices
- Positive ways to deal with the consequences of alcohol abuse through the Council's policies on community safety, domestic violence and health education.

## **6 Licensing Objectives**

6.1 The Act states four Licensing Objectives for Licensing Authorities to promote

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

## 6.2 The Prevention of Crime and Disorder

6.2.1 It is recognised that licensed premises offering alcohol or entertainment can be the source of disturbance and sometimes crime and disorder. Where a number of premises may be in close proximity it may be difficult to attribute the disorder to patrons of particular premises. 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.

6.2.2 Applicants should state in their Operating Schedule (which forms an integral part of the licence application process) how they intend to address the licensing objective of the *Prevention of Crime and Disorder* and applicants are advised to give serious consideration to the measures set out in Part 1, Annex D of the Guidance issued under Section 182 of the Licensing Act 2003. The Metropolitan Police Service and the Council's Licensing Officers ~~will be~~ **are** able to offer advice and guidance in regard to such matters.

However the responsibility for completing the Operating Schedule correctly rests with the applicant. Applicants are advised to seek professional guidance in respect of this issue.

**See Appendix B**

6.2.3 The Council is fully committed to a safe and successful Olympic and Paralympic games in London in 2012. The Council recognises that the resources of the police and emergency services will be planned out and prioritised for the security of major events before, during and after the games from May 1 2012 until October 31 2012. Due consideration will be given by the Council to representations from the Police in relation to licence applications for activity during the games time on the grounds of public safety and security when police and other emergency services resources are insufficient to deal with the risks presented. Where, as a result of representations from a responsible authority, it is identified that a licence or proposed event presents a risk that the licensing objectives will be compromised, it is [the Council's policy] likely that such applications will not be granted.

6.2.4 If representations are received from a Responsible Authority, **Elected Members or interested parties** the application will be determined by a Licensing Sub-Committee (see item 2.3).

6.2.5 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 Crime and Disorder objective.

6.2.6 The Council's Licensing Officers will work closely with the Metropolitan Police Service to ensure licence conditions are met and that licensed premises are being operated according to the requirements of the Act.

6.2.7 Following the grant of a premises licence, the Metropolitan Police Service, **Elected Members** and/or interested parties such as local residents and businesses can apply to the Licensing Authority for a review of the licence (see item 12) if they consider that the Prevention of Crime and Disorder objective has not been met.



6.2.8 The Licensing Authority's Licensing Officers will conduct ~~periodic~~ **risk rated** inspections of licensed premises to ensure that the ~~standards~~ **licence conditions** relating to crime and disorder are being ~~maintained and that licence conditions are being~~ complied with.

6.2.9 ~~Inspections will be risk based. Consequently,~~ 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.

6.2.10 ~~A liaison protocol has been agreed between the Licensing Authority and the Metropolitan Police Service with regard to their involvement and responsibilities in respect of crime and disorder in licensed premises.~~ **The liaison protocol that has been agreed between the Licensing Service and the Metropolitan Police Service with regard to their involvement and responsibilities in respect of crime and disorder associated with licensed premises, will be subject to an annual review between the Metropolitan Police's Licensing Officer and the Licensing Service's Manager.**

6.2.11 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 that applicants address the Risk Assessment and debrief processes in their operating schedule.

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.

6.2.11 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.

## **6.3 Public Safety**

6.3.1 Applicants should state in their Operating Schedule (which forms an integral part of the licence application process) how they intend to address the licensing objective of *Public Safety* and applicants are advised to give serious consideration to the measures set out in Parts 2 and 3 of Annex D of the Guidance issued under Section 182 of the Licensing Act 2003. The London Fire and Emergency Planning Authority and the Council's Licensing Officers ~~will be~~ **are** able to offer advice and guidance in regard to such matters. However the responsibility for completing the Operating Schedule correctly rests with the applicant. Applicants are advised to seek professional guidance in respect of this issue.

**See Appendix C**

6.3.2 If representations are received from a Responsible Authority, **Elected Members or interested parties** the application will be determined by a Licensing Sub-Committee (see item 2.3).

6.3.3 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.

6.3.4 The Council's Licensing Officers will work closely with the London Fire and Emergency Planning Authority to ensure licence conditions are met and that licensed premises are being operated according to the requirements of the Act.

6.3.5 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 (see item 12) if they consider that the Public Safety objective has not been met.

6.3.6 The Licensing Authority's Licensing Officers will conduct ~~periodic~~ **risk rated** inspections of licensed premises to ensure that the approved safety standards are being maintained and that licence conditions are being complied with.

6.3.7 ~~Inspections will be risk based~~ 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.

6.3.8 ~~A liaison protocol has been agreed between the Licensing Authority and the London Fire and Emergency Planning Authority with regard to their involvement and responsibilities in respect of fire safety in licensed premises.~~ **The liaison protocol that has been agreed between the London Councils and the London Fire and Emergency Planning Authority with regard to their involvement and responsibilities in respect of public safety associated with licensed premises, will be subject to a local annual review between the LFEPA's representative for Hillingdon and the Licensing Service's Manager.**

## 6.4 The Prevention of Public Nuisance

6.4.1 The types of business and the range of premises covered under the licensing legislation could potentially lead to nuisance being caused to neighbours. This is particularly relevant for late night businesses when ambient noise levels are relatively low and noise from equipment such as extractors, music or patrons could be more readily detected than in the daytime. Public nuisance such as noise disturbance, light pollution and noxious smells can be prevented or mitigated by effective management. **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. The Licensing Authority working jointly with the Police also has powers to close down instantly for up to 24 hours any licensed premises or a temporary event if excessive noise is emanating from that particular premises or event.

6.4.2 Applicants should state in their Operating Schedule (which forms an integral part of the licence application process) how they intend to address the licensing objective of the *Prevention of Public Nuisance* and applicants are advised to give serious consideration to the measures set out in Part 4, Annex D of the Guidance issued under Section 182 of the Licensing Act 2003. The Council's Environmental

Protection Unit and the Council's Licensing Officers ~~will be~~ **are** able to offer advice and guidance in regard to such matters. However the responsibility for completing the Operating Schedule correctly rests with the applicant. Applicants are advised to seek professional guidance in respect of this issue.

**See Appendix D**

6.4.3 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.

6.4.4 If representations are received from a Responsible Authority, **Elected Members or interested parties**, the application will be determined by a Licensing Sub-Committee (see item 2.3).

6.4.5 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.

6.4.6 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 (see item 12) if they consider that the Prevention of Public Nuisance objective has not been met.

6.4.7 The Licensing Authority's Licensing Officers will conduct ~~periodic~~ **risk rated** inspections of licensed premises to ensure that the ~~standards~~ **conditions** relating to the prevention of public nuisance are ~~being maintained and that licence conditions are~~ being complied with.

**6.4.8 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.**

**6.4.9 The Council's Licensing Officers will work closely with the Council's Noise 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.**

## **6.5 The Protection of Children from Harm**

6.5.1 The range of 'licensed premises' is very broad. It includes pubs, cinemas, theatres, restaurants, off licences etc. 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.

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 16 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.

6.5.2 Applicants should state in their Operating Schedule, (which forms an integral part of the licence application process), how they intend to address the licensing objective of the *Protection of Children from Harm* and applicants are advised to give serious consideration to the measures set out in Part 5, Annex D of the Guidance issued under section 182 of the Licensing Act 2003 **and with particular regard to Box N on the Operating Schedule concerning adult entertainment.** . The Council's ~~Child Protection Team in Social Services~~ **Safeguarding Children and Quality Assurance Team on behalf of the local Safeguarding Children Board (LSCB)** and the Council's Licensing Officers are able to offer advice and guidance in regard to such matters. However the responsibility for completing the Operating Schedule correctly rests with the applicant. Applicants are advised to seek professional guidance in respect of this issue.

**See Appendix E**

6.5.3 If representations are received from a Responsible Authority, **Elected Members or interested parties** the application will be determined by a Licensing Sub-Committee (see item 2.3).

6.5.4 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 Protection of Children from Harm objective.

6.5.5 Following the grant of a premises licence, the Council's ~~Child Protection Team in Social Services~~ **Safeguarding Children and Quality Assurance Team, Elected Members** can and/or interested parties such as local residents and businesses can apply to the Licensing Authority for a review of the licence (see item 12) if they consider that the Protection of Children from Harm objective has not been met.

6.5.6 The Licensing Authority's Licensing Officers will conduct ~~periodic~~ **risk rated** inspections of licensed premises to ensure that the ~~standards~~ **conditions** relating to the protection of children from harm are being ~~maintained and that licence conditions are being~~ complied with.

**6.5.7 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.**

6.5.8 The Licensing Authority will usually expect that each operator dealing in the sale and supply of alcohol requires that personal identification is mandatory in every case where there is any doubt as to whether the customer is aged 18 or over: 'No ID- No sale'. Best practice would be to adopt the 'Challenge 21' policy. Recommended forms of personal identification include a passport, a photo driving licence, or a PASS (Proof of Age Standards Scheme) accredited proof of age identity card. 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**

6.5.9 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 Public Regulated Entertainment**

6.5.10 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** ~~will be~~ **are** able to offer advice and guidance in respect of such presentations **and organisers of such events are encouraged to seek such advice.**

## **Other key issues**

### **7 Cumulative effect**

7.1 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. 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 introduce controls over the issue of new licences through a 'Special Policy' (to limit the number of licensed premises).

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. 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.

7.2 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.

7.3 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.

7.4 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.

7.5 The Metropolitan Police Service report that the ~~new~~ licensing regime appears to be working well in the London Borough of Hillingdon and it is not therefore necessary to introduce a Special Policy at present.

## **8 Licensing Hours**

8.1 The **previous** Government strongly believed that, prior to the introduction of the Licensing Act 2003, 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.

8.2 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. Arbitrary restrictions that would undermine the principle of flexibility will therefore be avoided.

8.3 The four licensing objectives will be paramount at all times and the council will always consider the individual merits of each case.

8.4 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 ~~new~~ 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.

8.5 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.

## **9 Applications**

9.1 The application form and accompanying 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, in particular Box N. Guidance as to what type of information should be included in the operating schedule is given in the appendices to this Policy.

9.2 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, the absence of the fee, absence of required plans or insufficient information detailed on the plans, **as required under Statutory Instrument 42 and the operating schedule**. For personal licences also the absence of certificates or photographs.

9.3 Applicants are advised to seek advice from the **Council's Licensing Authority 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 ~~Service~~ **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 ~~prime~~ licensing objectives in their operating schedules.

**9.4 Notwithstanding 9.3 above, it is the applicant's responsibility to complete the application to a satisfactory standard and they should seek professional legal advice if necessary.**

## **10 Rights of applicants and those making representations against applications.**

10.1 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.

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

- Applications for premises licences
- Variations of such licences
- Personal licence applications on criminal grounds (only by the Police)

10.3 The Licensing Act 2003 ~~does not~~ also permits ~~Ward Councillors~~ **Elected Members** to make ~~general~~ representations on **their own behalf as well as on** behalf of their constituents. ~~However, persons~~ **Members of the public** who are making representations may **also** request that their Ward Councillor speaks on their behalf at public hearings to determine Premises Licence and/or Club Premises Certificate applications.

## **11 Conditions of licence**

11.1 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 be used to ensure the premises are safe and do not create a nuisance. They will address matters which have a direct impact on those living, working or engaged in normal activities in the vicinity. 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.

11.2 Conditions on premises licences and club certificates are determined by:

- The measures put forward on the Operating Schedule
- Mandatory conditions within the Act
- Measures decided at a hearing by the Licensing Sub Committee

### 11.3 **Mandatory conditions** determined by the Act are:-

#### Alcohol

- No sale/supply of alcohol shall be made when there is no Designated Premises Supervisor in respect of the premises licence
- No sale/supply of alcohol shall be made when the Designated Premises Supervisor does not hold a Personal Licence or when his/her Personal Licence is suspended
- Every sale/supply of alcohol under the premises licence shall be made, or authorised, by a person who holds a Personal Licence

#### Films

- The admission of children shall be restricted according to the classification given by the British Board of Film Classification for the film being shown.

#### Door Supervisors

- All Door Supervisors employed at the premises shall be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001 or be entitled to carry out that activity by virtue of section 4 of that Act.

### 11.4 The following **mandatory conditions** were introduced in 2010:-

1.1 The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

1.2 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

(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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);



(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;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on–

- (i) the outcome of a race, competition or other event or process, or
- (ii) the likelihood of anything occurring or not occurring;

(e) 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.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

4.1 The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

4.2 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 a holographic mark.

5. 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) customers are made aware of the availability of these measures.

## **12 Reviews**

12.1 At any stage following the grant of a premises licence or a club premises certificate, an application for a review 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:-

Prevention of Crime and Disorder – see Appendix B

Public Safety – See Appendix C

Prevention of Public Nuisance – See Appendix D

Protection of Children from Harm – See Appendix E

However, 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

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

### **13 Live music, dance and theatre**

13.1 The Council, as the Licensing Authority will encourage the promotion of live music, dance and theatre for the wider cultural benefit of the community, particularly in pursuance of any cultural strategy. It will carefully balance the potential for limited disturbance in particular areas with the wider benefits to the community, particularly children. Any conditions attached to such a licence or certificate following relevant representations will reflect this balance and the licensing objectives. The conditions should not be a deterrent to holding the activity because of the cost of implementation.

### **14 Further information:-**

Further information, application packs and guidance notes on:-

- Premises Licences (new and variation)
- Reviews of Premises Licences
- Making representations and committee procedures
- Personal Licences
- Temporary Event Notes

can be obtained from:-

The Licensing Service,  
Civic Centre (3S/09)  
Uxbridge  
UB8 1UW

Tel: 01895 277433  
Fax: 01895 250011

Email: [licensing@hillingdon.gov.uk](mailto:licensing@hillingdon.gov.uk)

Or the Council's website: [www.hillingdon.gov.uk](http://www.hillingdon.gov.uk)

## Appendix A

### TABLE OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	SUB-COMMITTEE	OFFICERS
Application for the grant or renewal of 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 representation made	If no representation made
Application for provisional statement	If a representation made	If no representation made
Application to vary premises licence/club premises certificate	If a 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	
Revocation of Personal Licence where convictions come to light after grant or renewal	All cases	
Determination of a police representation to a temporary event notices	All cases	

## APPENDIX B – PREVENTION OF CRIME AND DISORDER

It should be noted that it is unlawful under the 2003 Act to:

- Knowingly to sell or supply or attempt to sell or supply alcohol to a person who is drunk **or under the statutory minimum age**
- Knowingly to allow disorderly conduct on licensed premises
- For the holder of a premises licence or a designated premises supervisor knowingly to keep or to allow to be kept on licensed premises, any goods which have been imported without payment of duty or which have otherwise been unlawfully imported.
- To allow the presence of children under 16 who are not accompanied by an adult between midnight and 5am at any premises licensed for the sale of alcohol for consumption on the premises and at any time in premises used exclusively or primarily for the sale and consumption of alcohol.

### Examples of measures to prevent crime and disorder which could be included **where applicable** in Operating Schedules

- Provision of Door Supervisors registered with the Security Industry Agency
- Door Supervisors to wear distinctive reflective jackets or arm bands at all times.
- No entry or re-entry after a certain time
- Searches using metal detectors if necessary
- Staff alarms fitted to doors
- A system of queuing inside or outside the premises
- Any condition which the Licensing Committee would consider to prevent crime and disorder
- Bottle bans
- Plastic containers and toughened glass
- ~~• CCTV to be installed (police can assist with placement and numbers of cameras), where possible a digital system should be used and recordings should be kept in a secure management position, upon the premises, for a minimum period of thirty days.~~
- **A digital CCTV recording system should be considered and recordings should be kept in a secure management position, upon the premises, for a minimum period of thirty days. Advice and guidance can be obtained from the Metropolitan Police in regard to the numbers and location of the cameras. Technical advice on the specification of the equipment can be obtained from the London Borough of Hillingdon's CCTV manager.**
- Open containers not to be taken from the premises
- Restrictions on Drinking Areas
- Capacity Limits

- Proof of Age Cards
- Crime Prevention Notices
- ~~Drinks Promotions~~
- Direct phone links to taxi companies
- Premises should be designed to ensure that all areas can be monitored visually
- **Ensure entrances and exits are well lit**

Note: Premises Licence Holders and representatives from Clubs are encouraged to participate in Pub Watch, Club Watch, Business Watch such as UBAC (Uxbridge Business Against Crime) and Radio Link schemes

### **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 consider offering in their operating schedule:-

1. The premises licence holder shall undertake a risk assessment of any promotion or event (as defined below) 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 14 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** ~~an MPS After Promotion/Event Debrief Risk Assessment (Form 696A)~~ and submit this to the Metropolitan Police ~~using the~~ **by** email as detailed below ~~and the Licensing Authority,~~ within 3 days of the conclusion of the event.

[Licensing-xh@met.pnn.police.uk](mailto:Licensing-xh@met.pnn.police.uk)

[ClubsFocusDesk-CO14@met.police.uk](mailto:ClubsFocusDesk-CO14@met.police.uk)

\*submission of electronic documents by e-mail is preferred.

### **Definition of an 'Event'**

~~An event will be deemed to be: any occasion in any location licensed under the provisions of the Licensing Act 2003, where there will be a live performer/s~~

~~— meaning musicians, DJs, MCs or other artists; that is promoted in some form by either the venue or an outside promoter; where entry is either free, by invitation, pay on the door or by ticket.~~

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.

Note:

Further advice is available from:

~~Crime Prevention Office, West Drayton Police Station 020 8246 1769~~

~~Crime Prevention Office, Ruislip Police Station 020 8246 1822~~

The Licensing Officer, Northwood Police Station 020 8246 1933

[Licensing@hillington.gov.uk](mailto:Licensing@hillington.gov.uk)

## APPENDIX C – PUBLIC SAFETY

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

- ~~British Standard 5588 Part 6 – Code of Practice for places of assembly~~
- ~~British Standard 5588 Part 8 – Means of escape for Disabled People~~
- **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
- ~~British Standard 5588 Part 9 – Code of Practice for ventilation and air conditioning ductwork~~
- 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
- The Event Safety Guide - A guide to health, safety and welfare at music and similar events, HSG195 (ISBN 0-7176-2453-6)
- 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](http://www.streetartsnetwork.org/pages/publications)
- Home Office and London Drug Policy Forum guidance 'Safer Clubbing
- ~~British Standard 5588 Part 11 – Code of Practice for shops~~

## **APPENDIX D – PREVENTION OF PUBLIC NUISANCE**

### **Examples of public nuisance**

- Anti-social behaviour including other disturbances caused by persons leaving the premises
- Noise, including amplified music, emanating from the premises including extended areas such as beer gardens
- Noise from vehicles delivering and collecting customers
- Nuisance caused by persons, whether consuming alcohol or not, either waiting or entering, or leaving, or spilling outside the premises
- Litter and refuse storage including fly posters and illegal placards
- Fireworks
- Disturbance and obstruction caused by queuing, either by pedestrian or vehicular traffic
- The inappropriate siting of external lighting, including security lighting which could cause light pollution to neighbouring properties
- Nuisance from persons smoking outside
- Nuisance caused by cigarette smoke
- Cigarette litter

### **Examples of measures to prevent public nuisance which could be included in Operating Schedules**

- Effective management control of noise levels
- Keep music at a reasonable level
- Noise limiters
- The provision of mechanical ventilation and air conditioning systems so as to prevent windows and doors being opened.
- Double glazing
- The provision of lobbies to the main entrance/exit doors so as to prevent the escape of noise causing nuisance to local residents when the doors are opened
- Alarms (staff warning devices) on doors other than the main entrance/exit so as to alert management if the doors are opened
- Notices to request patrons to leave quietly
- Placing used bottles in waste containers at responsible times
- Diverting queues away from neighbouring premises and using Door Supervisors to control queues
- Provision of suitably located smoking areas and cigarette bins
- Any condition which the Licensing Committee would consider to prevent public nuisance



~~Examples of when it may be necessary to initiate the Review process in respect of public nuisance:-~~

- ~~• When the prevention of public nuisance objective is not being met. (See examples of public nuisance above)~~
- ~~• A failure by the premises licence holder to respond to relevant concerns identified by the Environmental Protection Unit~~
- ~~• When the Police have closed down the premises for a period of up to 24 hours on the grounds of noise nuisance~~
- ~~• When the Council has closed down the premises under the Anti-Social Behaviour Act 2003 on the grounds of noise nuisance~~
- ~~• When an abatement notice under Part 3 of the Environmental Protection Act 1990 has been served by the Council~~

~~Publications which should be considered when preparing operating schedules:-~~

- ~~a) British Standard 4142 1997 - Method for rating industrial noise affecting mixed residential and industrial areas~~
- ~~b) Good Practice Guide on the Control of Noise from Pubs and Clubs (Institute of Acoustics)~~
- ~~c) Control of 'Noise' published by the British Beer and Pubs Association~~

## APPENDIX E – PROTECTION OF CHILDREN FROM HARM

Examples of measures to protect children from harm which could be included in Operating Schedules

- Limitations on the hours when children may be present
- Age limitations (below 18)
- Limitations or exclusions when certain activities are taking place
- Requirements for accompanying adult
- Full exclusion of people under 18 from the premises when any licensable activities are taking place

~~Examples of when it may be necessary to initiate the Review process:~~

- ~~• where there have been instances of serving alcohol to minors, or a reputation for underage drinking~~
- ~~• where sales are made during test purchase operations led by Officers of the Council's Trading Standards Service and the Police.~~
- ~~• with a known association with drug taking or dealing~~
- ~~• where there is a strong element of gambling on the premises  
Note: This will not apply to a small number of AWP (Amusement with Prizes) machines~~
- ~~• where entertainment of an adult or sexual nature is commonly provided without appropriate safeguards for the protection of children~~

## APPENDIX F

### RESPONSIBLE AUTHORITIES FOR GRANT, VARIATION OR REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE WITHIN THE LONDON BOROUGH OF HILLINGDON

The applicant must send the *original* application to the Licensing Service and a complete copy of the application including the form, operating schedule and plan in the prescribed form to each responsible authority as follows:-

<p>The Licensing Service London Borough of Hillingdon Civic Centre 3S/09 High Street Uxbridge UB8 1UW <i>Licensing Authority</i></p>	<p>Chief Officer of Police <b>Licensing Officer</b> c/o Northwood Police Station Murray Road Northwood HA6 2YW <i>Hillingdon Police Enforcement</i> <i>*for all areas except Heathrow</i></p>
<p>Chief Officer of Police Licensing Officer c/o ACIT Heathrow Police Station East Ramp Hounslow TW6 2DJ <i>Heathrow Police Enforcement</i> <i>*for Heathrow area only</i></p>	<p><b>Fire Safety Regulation: North West Area 1</b> <b>London Fire Brigade</b> <b>169 Union Street</b> <b>London</b> <b>SE1 0LL</b> <i>Hillingdon Fire Authority</i></p>
<p><b>Service Manager – Safeguarding Children and Quality Assurance 4S/07</b> <b>Education and Childrens Services</b> London Borough of Hillingdon Civic Centre, Uxbridge UB8 1UW <i>A body involved in the Protection of Children from Harm</i></p>	<p><b>Food, Health and Safety Team</b> London Borough of Hillingdon Civic Centre, Uxbridge UB8 1UW  <b><i>Enforcing Authority for the Health and Safety at Work Act 1974 and the Health Act 2006</i></b></p>
<p>Trading Standards Service London Borough of Hillingdon, Civic Centre, Uxbridge, UB8 1UW <i>Enforcing Authority under the Weights and Measures Act 1985</i></p>	<p>Environmental Protection Unit London Borough of Hillingdon, Civic Centre, Uxbridge UB8 1UW <i>Enforcing Authority for matters relating to Environmental Pollution and Public Nuisance</i></p>
<p><b>Head of Planning and Enforcement</b> London Borough of Hillingdon, Civic Centre, Uxbridge UB8 1UW <i>The Local Planning Authority</i></p>	<p>* Health and Safety Executive Rose Court, 2 Southwark Bridge London SE1 9HS <i>Enforcing Authority for The Health and Safety at Work Act 1974</i></p>
<p>* <b>British Waterways, Willow Grange</b> Church Road Watford, Hertfordshire WD17 4QA <i>Navigation Authority for navigable waterways in the London Borough of Hillingdon</i></p>	

\* where appropriate

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# Agenda Item 7

## AMENDMENT OF SUB COMMITTEE HEARING PROTOCOLS

<b>Committee</b>	Licensing Committee
<b>Officer Contact</b>	Beejal Soni
<b>Papers with report</b>	<ul style="list-style-type: none"><li>• Appendix 1: Protocol for Making Representations and Sub-Committee Hearings</li><li>• Appendix 2: Sub-Committee Hearings Protocol for determining applications for Reviews of Premises Licences or Club Premises Certificates</li></ul>
<b>Ward(s) affected</b>	All

### SUMMARY

For members to approve an amendment to the Licensing Committee's hearing protocols for applications and reviews of premises licenses.

### RECOMMENDATION

**That Members accept the revisions to the following attached protocols:**

- 1. Protocol for Making Representations and Sub-Committee Hearings hearing Protocols (to be renamed Licensing Act 2003 Sub-Committee Hearing Protocol);**

**and**

- 2. Sub-Committee Hearings Protocol for determining applications for Reviews of Premises Licences or Club Premises Certificates**

### INFORMATION

Councillors are aware that Section 33 of the Policing and Crime Act 2009 has expanded the provisions of Section 13(3) to include councillors. This means that all Councillors (including Councillors of the Licensing Committee) can now make representations in respect of the following licensing applications:

- New premises licence applications
- Applications for a provisional premises licence
- Applications to vary existing premises licence applications
- Applications to vary existing club premises certificates
- Applications for reviews of premises licences or club premises certificates.

It is therefore proposed to amend the relevant sections of the following policies to clarify that all Councillors may make relevant representations with regard to the abovementioned applications:

- Protocol for Making Representations and Sub-Committee Hearings
- Sub-Committee Hearings Protocol for determining applications for Reviews of Premises Licences or Club Premises Certificates

At the same time it has been noted that the structure of the Protocol for Making Representations and Sub-Committee Hearings have confused members of the public and Councillors about when representations are to be made. This consequently affects the rights of individuals to address a Licensing Sub-Committee on a particular application. At the time of advertising an application, the Licensing Service issues information guidance on making representations. This information is repeated in the hearing protocol attached to a Notice of Hearing even though the time period for making representations has ended.

Councillors are aware that at the time the notice of hearing is issued, the 28-day period for making representations has already ended. Only those persons who made relevant representations during the 28 day period may address the Sub-Committee on the relevant representations submitted.

It is therefore proposed that the Protocol for Making Representations and Sub-Committee Hearings be renamed "Licensing Act 2003 Sub-Committee Hearing Procedure" and be further amended to delete the first section related to making representations. This will have the added benefit of ensuring that the various stages in an application process are properly laid on with information provided which is relevant to the stage of the application process.

The proviso that representations must address the likely effect of the proposed premises on one or more of the licensing objectives remains a requirement.

The proposed amended policies are attached to this document.

## **FINANCIAL IMPLICATIONS**

None

## **LEGAL IMPLICATIONS**

The Legal implications have been incorporated into the body of this report. In order for the amended protocol to come into effect, the amendment must be approved by the full Licensing Committee.

## **BACKGROUND PAPERS**

- The Licensing Act 2003
- Protocol for Making Representations and Sub-Committee Hearings  
Hearing Protocol – Applications



HILLINGDON  
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## Licensing Act 2003

### Sub-Committee Hearing Protocol

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**This protocol outlines the procedures that will be followed:**

- On receiving the Notice of the Hearing
- Before, during and after the hearing

Full details of the regulations surrounding sub-committee hearings are available for download on the Department of Culture, Media and Sport's website by [clicking here](#).

**It is important that you carefully read these procedures before you make a representations to an application or wish to attend and be heard at a Licensing sub-committee hearing**

# 1. On receiving the Notice of Hearing

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## 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 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: [nwilliams@hillingdon.gov.uk](mailto:nwilliams@hillingdon.gov.uk)

Write to: Clerk to the Committee, Cabinet Office, 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 who have submitted relevant representations in respect of the application during the statutory 28-day consultation period 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**



### **If I want to withdraw my representations - 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 representations 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 take all written representations into account when deciding the application.

### **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 be flexible in the dates for hearings as the Licensing Act 2003 sets a strict legal deadline by which hearings must be heard. However, if all parties to the hearing agree to the adjournment, then a suitable alternative date will be agreed with all parties.

## 2. Before the Hearing

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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 representations 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?**

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 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 cases and to provide help and assistance to members of the public attending such meeting

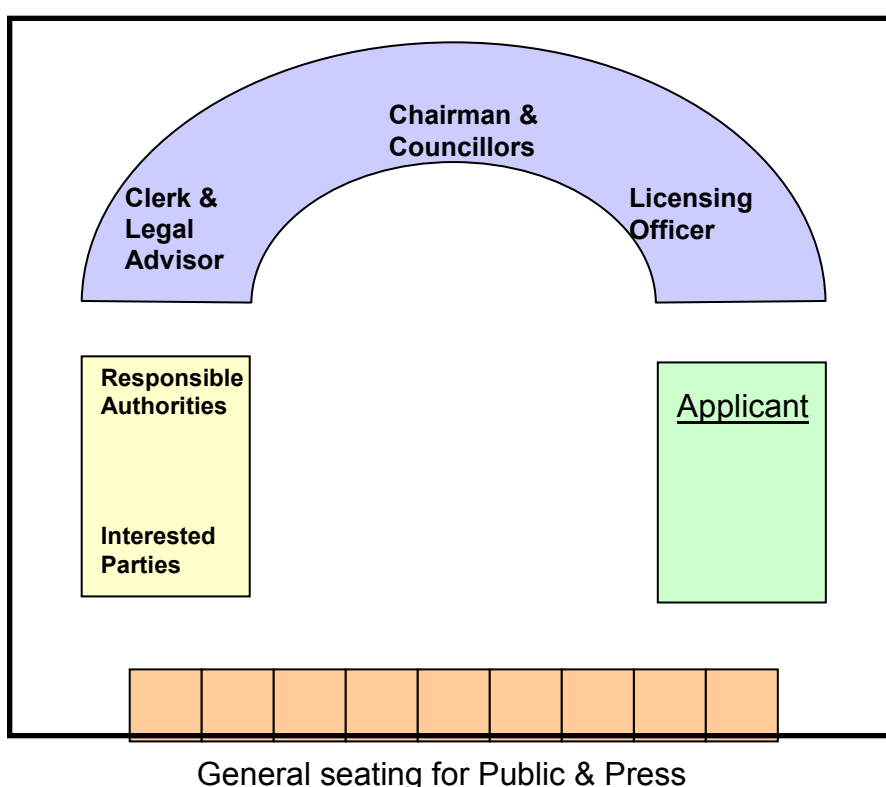
### 3. During the Hearing

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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 four licensing objectives. 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**



**Responsible Authorities (if present)**



**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

The Chairman calls on any of the Responsible Authorities present to give factual information about their involvement with the premises. They make reference to the comments in the report and provide any necessary updates.

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

The responsible authorities and 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 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.

## **Can a Councillor make a representation and or speak at a hearing?**

If a Councillor of the London Borough of Hillingdon who is not involved in deciding the application wishes to make a relevant representation to an application they may only do so if they make a written relevant representation as would apply to an Interested Party and in the same way as any other member of the public using the procedures outlined in this protocol. If the Councillor believes they have a personal or prejudicial interest in the application, they may still submit a relevant representation.

Councillors, who do not sit on the sub-committee, may also speak at a sub-committee hearing in support or against an application, where they have made relevant representations and/or have been nominated to speak 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 Councillor should disclose what their personal or prejudicial interest is and whether they have been in contact with the applicant, agent, Interested Party or responsible authority beforehand or have visited the premises concerned.

Councillors making either a written relevant representation or wishing 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?**

Under the Licensing act 2003, 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, representations or notice or the promotion of the licensing objectives.

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 premises licences why refusal or attachment of conditions is necessary in order to promote a particular licensing objective, 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

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### **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](http://www.hillingdon.gov.uk)

### **Can we appeal against the decision?**

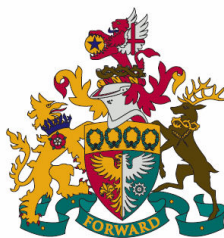
Following the decision, the applicant or any person who has made a relevant representation in respect of a particular application can appeal to the Magistrates Court.

### **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](http://www.hillingdon.gov.uk) and in the Civic Centre Offices by appointment with the Licensing Service during working hours.





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## Licensing Act 2003

# Sub-Committee Hearings Protocol for determining applications for Reviews of Premises Licences or Club Premises Certificates

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**This protocol outlines the procedures that will apply to applications for reviews of Premises Licences or Club Premises Certificates.**

Full details of the regulations surrounding sub-committee hearings are available for download on the Department of Culture, Media and Sport's website by [clicking here](#).

**It is important that you carefully read these procedures if you wish to attend and be heard at a Licensing sub-committee hearing**

# 1. On receiving the Notice of Hearing

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## What is the Notice of Hearing?

Hillingdon Democratic Services will give appropriate notice of the hearing, which depends upon the type of application to be considered. Exact timings are shown on the front page of the Agenda (attached to the front of the Notice of Hearing).

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 requests 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: [nwilliams@hillingdon.gov.uk](mailto:nwilliams@hillingdon.gov.uk)

Write to: Clerk to the Committee, Cabinet Office, 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 who have submitted relevant representations 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.

\*Full details are given in the front of the Notice of Hearing of the deadline by which you should give your notice. All those who have made a request and the premises licence holder 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***

### **If I want to withdraw my request - how do I do this?**

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

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

When a party informs the authority that he/she cannot attend the hearing or, without prior notice, fails to attend or be represented at the hearing, the sub-committee may either adjourn the hearing to a specified date, but **only** where it considers this to be necessary in the public interest or necessary for its consideration of any representations. Alternatively, the sub-committee may hold the hearing in the party's absence.

Where the sub-committee adjourns the hearing it shall notify the parties of the new date, time and place to which the hearing has been adjourned. Where the hearing is held in the absence of a party the sub-committee will still consider the application or any representations submitted by that party.

### **Can the date of the hearing be changed?**

Only if the Licensing sub-committee scheduled to hear the review considers it to be necessary in the public interest or necessary for its consideration of any representations made by a party. The hearing date may also be changed to a date suitable to all parties if all parties to the hearing agree the change of hearing date. In all other circumstances, the licensing authority cannot be flexible in the dates for hearings as the Licensing Act 2003 sets a strict legal deadline by which hearings must be heard.

### **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.

## 2. Before the Hearing

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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 607, 427, 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 person who has requested the review may attend in person or, if the review 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 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 Legal Advisor can outline the procedures to be followed at the hearing.

## **What if there is more than one Applicant or a number of different Parties to the review attend the hearing?**

At the briefing, the Legal Advisor may ask that a spokesman is agreed amongst those present who have similar requests for a review or representations in support.

## **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 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:

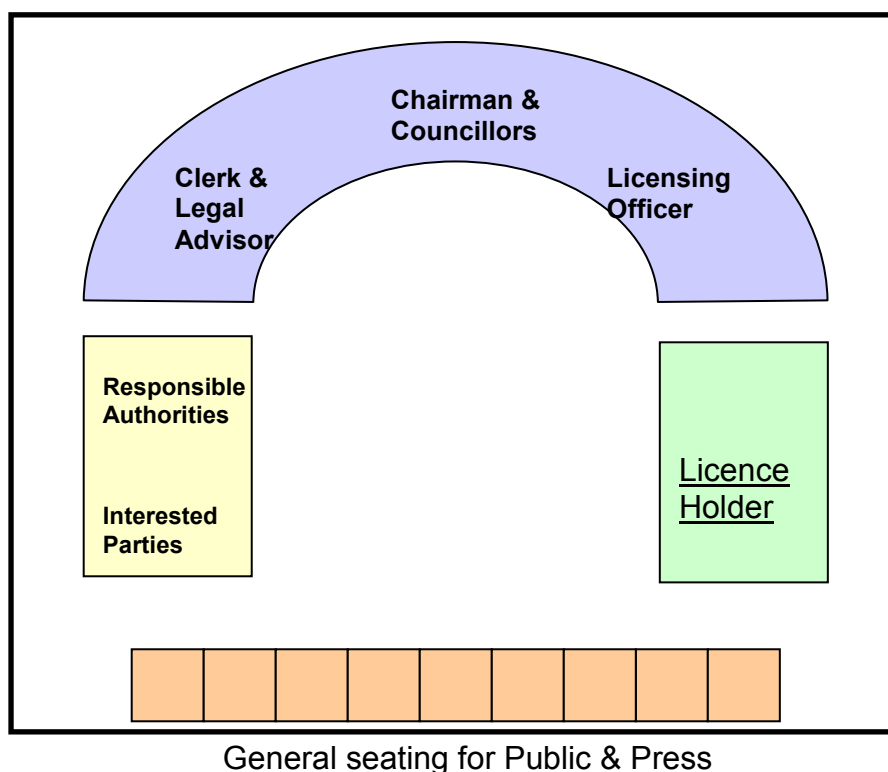
- The **Council's Licensing Officer** who will introduce the Officer report and outline his/her role.
- A **Legal Advisor** whose role is to assist the Committee with legal advice and to ensure that a fair and balanced hearing takes place.
- A **Clerk to the Committee** whose role is to summarise and 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?

The hearing will begin immediately after the procedural briefing and the set up of the room for those involved will generally be as shown below:



#### In general, how will the hearing be conducted?

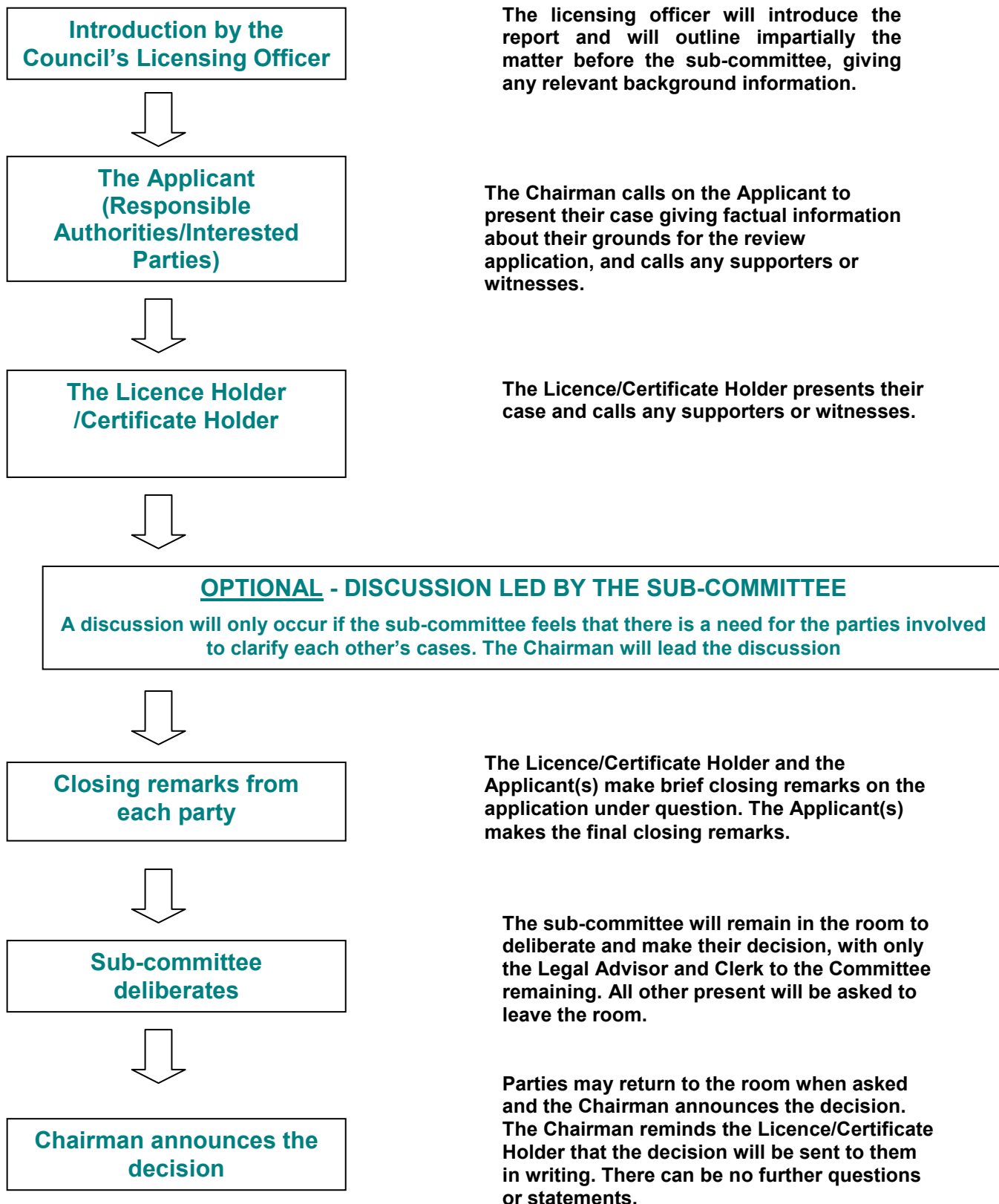
The procedure to be followed at the hearing will normally be as shown in the flow chart below, although all procedural matters will be subject to the discretion of the Chairman. All persons present will be requested to identify themselves and to give the reason for their presence. The sub-committee may 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 four licensing objectives. 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:



## **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 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.

## **Can a Councillor make a representation and or speak at a hearing?**

If a Councillor of the London Borough of Hillingdon who is not involved in deciding the application wishes to make a relevant representation to an application they may only do so if they make a written relevant representation as would apply to an Interested Party and in the same way as any other member of the public using the procedures outlined in this protocol. If the Councillor believes they have a personal or prejudicial interest in the application, they may still submit a relevant representation.

Councillors, who do not sit on the sub-committee, may also speak at a sub-committee hearing in support or against an application, where they have made relevant representations and/or have been nominated to speak 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 Councillor should disclose what their personal or prejudicial interest is and whether they have been in contact with the applicant, agent, Interested Party or responsible authority beforehand or have visited the premises concerned.

Councillors making either a written relevant representation or wishing 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?**

Under the Licensing act 2003, 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, representations or notice or the promotion of the licensing objectives.

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 the reasons for that decision, taking into account the evidence presented by all parties during the hearing.

## 4. After the Hearing

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### **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 the premises licence holder a decision letter shortly after the meeting outlining the decision and any conditions that are attached to the licence. In addition, a copy of the decision letter will be sent to all those who made an application for a review in connection with the premises. This will confirm the decision made; any conditions attached to a review application or the reasons for revocation. 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](http://www.hillingdon.gov.uk)

### **Can we appeal against the decision?**

Following the decision, the premises licence holder or any person who has made an application for a review can appeal to the Magistrates Court.

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

The council's Licensing Service is required to arrange for a poster to be displayed at, or near, the premises in question when applications for Reviews of premises licences or club premises certificates are received. A poster is also displayed at the Civic Centre.

All applications once they are lodged will be available for viewing on Hillingdon Council's website at [www.hillingdon.gov.uk](http://www.hillingdon.gov.uk) and in the Civic Centre Offices by appointment with the Licensing Service during working hours.

# Agenda Item 8

## SEX ESTABLISHMENT POLICY

**Committee**

Licensing Committee

**Officer Contact**

Stephanie Waterford

Tel: 01895 277232

**Papers with report**

Appendix 1 - Draft Sex Establishment Licensing Policy

**Ward(s) affected**

All

### SUMMARY

For members to approve the draft policy for full consultation.

### RECOMMENDATION

**That Members approve the draft policy**

### INFORMATION

The Licensing Service and Legal Services have been working a licensing policy and formulating procedures under the government's new provisions to control sex establishments.

The policy includes our guiding principles/objectives, appropriateness of the location of sex establishments, waivers, expectations of the applicant, objections, determination of applications, conditions, inspection/enforcement etc. The policy may be subject to change depending on the outcome of the full consultation.

We proposed the following timetable for implementation and we are currently on target;

May – Aug 2010	Draft licensing policy
Sept – Oct 2010	Draft policy to full Licensing Committee to approve prior to public consultation
Oct – Dec 2010	Convene working party Start full consultation on policy
Jan – Feb 2011	Convene working party to discuss consultation results Finalise policy RESPOC/Cabinet/Council adopt policy Set fees
Feb – Mar 2011	Committee Training Produce application forms etc
April 2011	Start 12 month transitional period
April 2012	Provisions come fully into force

All members will be consulted individually as part of the full consultation.

### FINANCIAL IMPLICATIONS

None at present

## **LEGAL IMPLICATIONS**

Members will recall from previous Reports that Schedule 3 of the Policing and Crime Act 2009 (“the 2009 Act”) inserted a new category of “sex establishment” called a “sexual entertainment venue” into Schedule 3 to the Local Government (Miscellaneous Provisions) Act, 1982 (the “1982 Act”).

Section 27 of the 2009 Act allows local authorities to regulate lap dancing clubs and similar venues under Schedule 3 of the 1982 Act and gives local authorities powers to control the number and location of lap dancing clubs and similar venues in their area. Where adopted, the provisions of Schedule 3 will allow the Authority the power to refuse an application on potentially wider grounds than is currently permitted under the Licensing Act 2003 and will potentially give residents a greater say over the regulation of lap dancing in pubs and similar venues in their area.

If the full Council does not make a resolution to adopt Schedule 3 of the 1982 Act within one year of the legislation coming into force (05 April 2011), then a consultation with residents must be held as soon as reasonably practicable about whether the provisions should be adopted.

In the event that the full Council resolves to adopt the provisions, a public consultation must be held on matters related to any regulatory policy and fees that the Council is minded to apply to sexual entertainment venues.

## **BACKGROUND PAPERS**

- The Licensing Act 2003
- Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982
- Part 2 of the Policing and Crime Act 2009



**HILLINGDON**  
LONDON

# **London Borough of Hillingdon**

## **Draft Sex Establishment Licensing Policy**

**Licensing Service**  
**Planning, Environment & Community Services**  
**T.01895 277232 F.01895 250011**  
**licensing@hillington.gov.uk www.hillingdon.gov.uk**  
London Borough of Hillingdon,  
35/09, Civic Centre, High Street, Uxbridge, UB8 1UW



INVESTOR IN PEOPLE

## **1. Introduction**

The Policing and Crime Act 2009 introduced provisions to reclassify lap dancing, pole dancing clubs etc. as Sex Establishments under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. Following a 12 week consultation period, The Council of the London Borough of Hillingdon adopted the amendment to Schedule 3 on XXX

This document sets out the London Borough of Hillingdon's policy (the "Policy") regarding the regulation of sex establishments. The Policy additionally sets out the procedure for applications for sex establishment licences. Following a 12 week consultation period, this Policy was approved by Full Council on xxxx . This policy will be reviewed in light of developing practice, guidance and secondary legislation.

This document relates to applications for sex establishment licences for:

- Sex Shops
- Sex Cinemas
- Sexual Entertainment Venues

The scheme for the control of sex establishments by way of a licensing regime is contained in the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009. The Council has had regard to the Home Office Sexual Entertainment Venues Guidance for England and Wales (March 2010).

This Policy sets out the Council's approach for the benefit of applicants, and operators. It also aims to guide and re-assure the public and other public authorities, ensuring transparency and consistency in decision making. When the decision making powers of the Council are engaged, each application will be considered on its merits.

The policy outlines:

- the process for making an application, and
- the process the Council will follow in considering and determining an application for a sex establishment.

This policy is intended to guide the decision making process and will take into consideration all relevant factors in determining an application. Each case will be decided on its merits.

The grant of a licence for a sex establishment does not remove the responsibility of an applicant or premises operator to comply with planning, building control and other relevant legislation including health and safety requirements. Where necessary, this policy will be amended to ensure compliance with various relevant statutory regimes.

### **1.1 Adoption of the legislation**

After 6 April 2010 local authorities may resolve to adopt Schedule 3 to the 1982 Act as amended by the 2009 Act so that it has effect in their borough. In the London Borough of Hillingdon, although Schedule 3 to the 1982 Act was adopted on 16 December 1982, a further adoption resolution is necessary in order to ensure that the amendments introduced by Section 27 of the Policing and Crime Act 2009 are also adopted.

The adoption procedure is as follows:

1. The local authority must pass a resolution specifying that Schedule 3 or, in the case of an authority where Schedule 3 is already in force, the amendments made by section 27 to that Schedule, shall apply to their area and the day on which it or they shall come into force in the area. The Council of the London Borough of Hillingdon may adopt such a resolution. Simultaneously, the Council may also agree a related policy detailing the manner in which the provisions of the resolution will be administered.
2. The specified day must be more than one month after the day on which the resolution was passed.
3. The local authority shall publish notice that they have passed a resolution adopting the amendments made by section 27) paragraph 2(2) of Schedule 3 to the 2009 Act and the related policy for two consecutive weeks in a local newspaper that is circulated in their area. The first publication shall not be later than 28 days before the day specified in the resolution for the provisions to come into force in the local authority's area. The notice should state the general effect of Schedule 3.

Note: The new legislation is adoptive, but if not adopted by early April 2011 local authorities must consult on whether or not they should adopt the legislation.

Local authorities may, as a matter of good practice, choose to seek the views of local people and businesses and are encouraged by the Secretary of State to engage with known sex establishments. It is proposed that a public consultation be held on the policy currently being considered by Members of the Licensing Committee. The public consultation will ensure that the views of residents and businesses are communicated to Cabinet and will help inform any decision on whether to adopt the provisions and/or policy. It will also ensure that affected businesses are aware of what action they will need to take in order to comply with the new regime.

## **2. Definitions**

### **2.1 Sex Shops**

Licences for sex shops are required where category 18R films/DVD's/moving images are sold and/or where there is a significant degree of sex articles for sale.

Sex articles are defined in Schedule 3 of the 1982 Act as:

*(3) In this schedule, 'Sex Article' means-*

- a) anything made for use in connection with, or for the purpose of stimulating or encouraging;
  - i) sexual activity; or*
  - ii) acts of force or restraint which are associated with sexual activity; and**
- b) anything to which sub-paragraph (4) below applies*

*4) This sub-paragraph applies-*

- a) to any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and*
- b) to any recording of vision or sound, which*

- i) *is concerned primarily with the portrayal of, or primarily deals with and relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or*
- ii) *is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs or urinary or excretory functions.*

Significant degree will be determined by considering:

- The ratio of sex articles to other aspects of the business;
- The absolute quantity of sales;
- The character of the remainder of the business
- The nature of displays in the business

## 2.2 Sexual Entertainment Venues

Licences for sexual entertainment venues are required for any premises at which relevant entertainment is provided for an audience for the financial gain of the organiser or entertainer.

Relevant entertainment is defined in Schedule 3 of the 1982 Act (as amended by the Policing and Crime Act 2009) as 'any live performance or live display of nudity which is of such nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means).'

Relevant entertainment will generally include the following;

- Lap dancing
- Pole dancing
- Table dancing
- Striptease
- Peep shows
- Live sex shows

An audience can be an audience of one person

## 2.3 Sex cinemas

Licences for sex cinemas are required for any premises used to a significant degree for the exhibition of moving pictures which are concerned primarily with stimulating or encouraging sexual activity.

## **3. Requirement for a licence**

The Act provides that no person shall in any area in which the relevant Schedule is in force, use any premises, vehicle, vessel or stall as a sex establishment except under and in accordance with the terms of a licence granted under the relevant schedule by the Authority.



## **4. Applications**

### **4.1 Who can apply**

Individuals, partnerships, limited companies and other bodies may apply for licences.

Any person over the age of 18 years can apply for a licence provided they;

- Are a resident of the UK and have been resident in the UK throughout the 6 month period preceding the date of the application; and
- Are not disqualified under paragraph 17(3) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982; and
- Have not been refused a grant or renewal application within the 12 month period immediately preceding the date of the application

A body corporate may also apply for a licence provided it was incorporated in a European Economic Area state.

### **4.2 Suitability of applicant**

An applicant must be deemed to be fit and proper in order to be granted a licence. The Council will seek evidence of the applicants suitability by taking into account:-

- Previous knowledge and experience
- Any evidence of the operation of any existing or previous licences held by the applicant, including licences held in other boroughs
- Any reports about the applicant and/or management of the premises received from statutory objectors etc
- Any criminal convictions or cautions of the applicant

### **4.4 Advertisement & Consultation**

Applicants are legally required to give public notice of their application by publishing a legal notice in a newspaper circulating in the area of the proposed premises. The publication shall be no later than 7 days after the date of submission of the application.

The applicant is also required to display a notice at the premises where it can be easily read by passing members of the public. The notice shall be on display for 21 consecutive days starting with the day the application was made to the authority.

The form of notice shall be prescribed by the authority.

The applicant is required to send notice of the application to the Chief Officer of Police c/o The Licensing Sergeant, Northwood Police Station, 2 Murray Road, Northwood, HA6 2YW.

Upon receipt of an application, the Council will consult with relevant responsible authorities and interested parties.

### **4.5 Form of application**

The application shall be made on a form prescribed by the authority.

The application shall include a scale plan of the whole premises showing the public areas, boundary of the premises, points of entry and exit, location of any fixed furniture.

The application shall be accompanied by a fee prescribed by the authority.

The applicant may also be requested to attend an interview with the Licensing Officer.

#### 4.6 Supporting Documentation

The applicant will be expected to provide the following supporting documentation:

- Photographic proof of ID i.e. Passport, Driving Licence etc
- Proof that the applicant has a legal right to occupy and run a business from the premises.
- Management plan detailing plans for the staffing and supervision of the licensed operation including details of nominated responsible persons.

#### 4.7 Variations

The holder of a licence may apply at any time for a variation of the terms, conditions or restrictions on or subject to which the licence is held.

The process of applying for a variation is the same as that for applying for a new licence except that a plan of the premises is not required unless the application involves alterations to the premises.

#### 4.8 Renewals

The holder of a licence may apply for a renewal of the licence. In order for the licence to continue to have effect during the renewal process, a valid application together with the appropriate fee must be submitted to the Council before the licence expires.

The process of applying for a renewal is the same as that for applying for a new licence except that a plan of the premises is not required.

The Council will take into account the following considerations when deciding on an application to renew:

- Levels of recorded crime and disorder in the area;
- Evidence of past demonstrable impacts of the operation of the premises with regard to crime and/or disorder;
- Whether appropriate measures have been introduced or agreed by the applicant to mitigate any adverse impacts that have arisen from the business operation;
- Whether the licence holder or members of staff have contravened legislation directly related to the operation of the licensed business.

#### 4.9 Transfer of licence

A person may apply for a transfer of licence at any time in the form required by the Authority and accompanied by the required fee.

#### 4.10 Notification of changes to the licence

A notification process will be in effect for minor administrative changes to the licence which do not require an application process i.e.

- Change of name/address of licence holder

- A change of the nominated responsible person
- Change of trading name of the premises

For other changes to the licence including but not limited to, change to the physical layout/size of the premises, alteration of licence conditions, change to the trading hours etc, the Licensing Authority will require the licence holder to make a full variation application.

The Council will charge a fee for such notifications.

## **5. Relevant Locality**

The Council is aware of the powers under Paragraph 12(3)(c) and 12(3)(d) of the Act which allows the authority to refuse licence applications on the basis of locality.

The Authority will assess each application on its individual merits but will also have regard to the appropriateness and suitability of the proposed location of the premises.

Case law (R v Peterborough City Council ex parte Quietlynn 85 L.G.R. 249) has determined that it is inappropriate to treat the whole of the London Borough of Hillingdon as a relevant locality. However, the Council has determined that it is appropriate for the relevant licensing Sub-Committee to determine any questions or concerns raised in a particular application with regard to locality.

The Council may consider that the grant or renewal of a licence would be inappropriate having regard to;

- The character of the relevant locality
- The use of other premises in the vicinity
- The layout, condition, or character of the premises in respect of which the application is made.

In addition, the Council may also decide that it may not be appropriate to grant licences for premises within close proximity to;

- Purely or primarily residential accommodation
- Schools, play areas, youth clubs, childrens centres and similar
- Access routes to and from Schools, play areas, youth clubs, childrens centres and similar
- Places of worship
- Community facilities or public buildings including but not limited to leisure centres, parks, community clubs/centres and sheltered housing
- Proximity to areas with high levels of recorded crime

## **6. Objections**

Objections must be submitted in writing no later than 28 days after the date of the application.

Objections may be accepted from persons, businesses or other associations whom may be affected by the operation of the proposed sex establishment.

Objections may also be submitted by partner authorities and agencies.

Moral representations cannot be considered.

## **7. Consideration of applications**

In any event, the London Borough of Hillingdon shall ensure that a hearing is held within 28 days after the expiry of the period during which objections may be made. The relevant Licensing Sub-Committee shall ensure that a decision is made within 5 working days of the hearing taking place. A written decision shall be sent to all parties to the hearing within 5 working days of such a decision being made.

In considering any application for the grant, renewal, variation or transfer of a licence the Council is obliged to have regard to any observations submitted by the Metropolitan Police and any objections received from members of the public, within the 28 day consultation period, in response to public advertisement of the application.

The Council recognises that Sex Establishment Licensing is controversial and stimulates very emotive arguments. However, the Council does not have the right to, and will not, have regard to the morality of sex establishments. Its approval or disapproval of sex establishments is not a matter that can be considered. Consequently, Straight-forward objections on the grounds that sex establishments should not be allowed on moral grounds will not be taken into account as decision-making criteria at the hearing.

## **8. Hearings**

Applications for new and renewal sex establishment licences, and variations to existing sex establishment licences, will be considered by the Licensing Sub-committee at a public hearing.

Objectors' written representations will be considered by the committee but, they will not normally be afforded a hearing unless the Chairman invites individuals or responsible authorities to verbally clarify their representation for members.

Individuals or responsible authorities will only be afforded a hearing if the Chairman can be satisfied that:

- (a) A relevant written objection was received during the statutory 28 day consultation period.
- (b) The objector will be confined to putting forward only those points that are relevant to consideration of the grounds of refusal and which have been notified in writing to the applicant.
- (c) Objectors and applicant will be heard on the same occasion at the hearing
- (d) The applicant will be afforded the opportunity to address the committee and respond to any enquiries members may have.

Members shall adjourn to private session to discuss the case before making a decision. The Council's legal advisor and the Democratic Services officer will be present at these sessions to offer advice and minute discussions. Neither officer will participate in any other way in the decision-making process.

A verbal decision will normally be given on the day of the hearing with a written decision sent within 5 working days stating the committee's reasons for that decision.

## **9. Decision**

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.

### **9.1 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

- The applicant is under 18 years of age
- 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
- 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
- The applicant is a body corporate which is not incorporated in an EEA state; or
- 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.

### **9.2 Discretionary grounds for refusal**

**Discretionary refusal:** – 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.

## **10. Appeals**

An applicant for the grant of a licence whose application is refused 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 grounds specified in paragraphs 3 and 5 above (locality and use etc) above then no right of appeal is available under this legislation.

A person whose application is refused due to these reasons (para 3 and 5) 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 representation, objecting to or supporting an application, have no right of appeal under this piece of legislation.

## **11. Waivers**

Applications may be made to waive the requirement for a sex establishment licence.

Waivers will be considered where the requirement for a licence would be unreasonable or inappropriate.

## **12. Exemptions**

Premises which provide relevant entertainment on less than 12 occasions per year are exempt from the requirement for a sexual entertainment venue premises licence.

## **13. Licence Conditions and Responsible Operating**

### **13.1 Mandatory Conditions**

The Council will impose mandatory conditions, as listed in the attached schedule, to all premises licences.

### **13.2 Discretionary Conditions**

Additional conditions will be imposed by the Council where necessary to uphold the guiding principles of the Act and the Policy.

### **13.3 Management of licensed premises**

The Council will require as a licence condition, for the licence holder to nominate a responsible person who shall be in charge of day to day operation and management of the premises including supervision of staff and compliance with all licence conditions.

The nominated responsible person will be required to provide a criminal record bureau check at the time of nomination.

The Licensing Service will send copies of all nominations to the Metropolitan Police for consideration.

Where the Metropolitan Police make an objection, the nomination will be rejected. The Licence holder will instead be required to nominate a different responsible person.

#### **14. Guiding Principles**

In exercising its functions under the Act, the Council will have regard to the guiding principles detailed in the following paragraphs.

##### **14.1 Crime & Disorder**

Under the act, the London Borough of Hillingdon, may grant a sex establishment licence on such terms and conditions and subject to such restrictions as it may specify.

##### **14.2 Protection of children**

The holder of a licence for a sex establishment shall be guilty of an offence if he/she knowingly permits a person under 18 years of age to enter the establishment or to be employed in the business of the establishment. Paragraph 20 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 entitles the Court, upon summary conviction, to impose a fine not exceeding £20,000.

Under the act, the London Borough of Hillingdon, may grant a sex establishment licence on such terms and conditions and subject to such restrictions as it may specify.

##### **14.3 European Convention on Human Rights**

The Transitional Order allows local authorities to refuse applications, whether they are from existing operators or new applicants, on one or more grounds set out in paragraph 12 of Schedule 3. When making such decisions, local authorities must take into account any rights the existing operators may have under Article 1, Protocol 1 of the European Convention on Human Rights (which entitles every person to the peaceful enjoyment of their possessions) and Article 10 (freedom of expression).

The leading case with regard to the rights of existing operators is that of **Belfast City Council v Miss Behavin' Ltd (Northern Ireland 2007)**. As per the decision of the House of Lords, it is prudent for local authorities to assume that freedom of expression includes the right to use particular premises as sexual entertainment venues and that a person who is denied the right to use his premises as a sexual entertainment venue where he already has a licence to do so under the 2003 Act (or in future under the 1982 Act) has been deprived of possessions. It is noteworthy that the House of Lords were agreed that such rights would only be engaged at a lower level in terms of strength of various considerations. Therefore, it is reasonable to conclude that if the local authority exercises its powers rationally and in accordance with the purposes of the statutory provisions, it would require very unusual facts for it to amount to a disproportionate restriction on Convention rights.

The relevant Licensing Sub-Committee of the London Borough of Hillingdon shall therefore act in line with guidance on Sexual Entertainment Venues provided by the Home Office at paragraph 4.21. The relevant Licensing Sub Committee shall therefore consider whether the interference with the applicant's rights under Article 10 or Article 1, Protocol 1 of the European Convention on Human Rights is necessary and proportionate for the prevention of disorder or crime, for the protection of health and

morals, for the protection of the rights and freedoms of others, and, in the case of Article 1, Protocol 1 (that every person is entitled to the peaceful enjoyment of his or her possessions, including, for example, a licence) whether the interference can be justified in the general interest.

#### 14.4 Other legislative considerations

Apart from the legal requirements of the 1982 Act (as amended) the Council will take into account its duties under other legislation (and the subsequent amendments to such legislation) including:

- Section 17 of the Crime and Disorder Act 1998, which places the Council under a duty to exercise its functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent, crime and disorder in the Borough.
- The Regulators' Compliance Code (set out under the Legislative and Regulatory Reform Act 2006) requires the Council not to impede economic progress by its regulations, and particularly to consider their impact on small businesses.
- The Provision of Services Regulations 2009 requires the Council to ensure that its requirements are -
  - non- discriminatory;
  - justified by an overriding reason relating to the public interest;
  - proportionate to the public interest objective;
  - clear and unambiguous;
  - objective;
  - made public in advance;
  - transparent and accessible.
- The Disability Discrimination Act 1995 makes it unlawful to treat disabled persons less favourably than other people for a reason related to their disability. Since 1999, licensees have had to make reasonable adjustments for disabled persons with regard to access to premises and the manner in which services are provided
- Section 149 of the Equality Act 2010 requires local authorities to exercise its functions having due regard to the need to eliminate discrimination, harassment, victimisation and to advance equality of opportunity between the sexes and to foster good relations between the sexes.

#### 14.5. Enforcement

The Council is responsible for the enforcement of sex establishment licences and will have regard to the Department of Business Enterprise and Regulatory Reform's codes of practice and guidance. The Council will carry out its regulatory functions in a fair, open and consistent manner.

The Council will carry out enforcement in accordance with the Enforcement Concordat and its own enforcement policies.

#### 14.6 Policy Review

The London Borough of Hillingdon will review this policy as required by the governing legislation.

### **15. Delegations - TBA**



### **Standard Conditions to be imposed upon Sex Establishment Licences**

#### Introduction

1. In these Conditions “The Council” shall mean London Borough of Hillingdon and all enquiries concerning this licence shall be directed to the Licensing Service, London Borough of Hillingdon, Civic Centre, High Street, Uxbridge, UB8 1UW
2. These conditions are imposed by the Council pursuant to its powers under paragraph 13 (1) of Schedule 3 to the above Act as terms, conditions and restrictions on a subject to which a licence is in general to be granted, renewed or transferred by the Council save and insofar as they do not conflict with the provisions of the Act itself.

#### **Conditions applicable to all Sex Establishments**

##### Management of the Premises

1. The Licensee or some responsible person, over the age of 18, nominated by him and approved in writing by the Council for the purpose of managing the sex establishment (“the manager”) with the authority to direct activities within the Premises, shall have personal responsibility for and be present on the Premises at all times when the Premises are open to the public. A form will be provided for this purpose.
2. Where the Licensee is a body corporate or an incorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the Council within 14 days of such change and such written details as the licensing authority may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the Council.
3. A copy of the licence and any special conditions attached shall at all times be displayed in a conspicuous position on the Premises, so as to be available for inspection by the police, the fire authority, and authorised officers of the Council.
4. The name of the person responsible for the management of the Premises, whether the Licensee or the manager, shall be displayed in a conspicuous position within the Premises throughout the period during which he is responsible for the conduct of the Premises.
5. The Licensee shall retain control over all parts of the Premises and shall not let, licence or part with possession of any part. The Council must be immediately notified in the event that any part of the Premises is affected by the termination of a lease or other event affecting the Licensee’s control of the Premises.
6. The Licensee shall ensure that the public are not admitted to any part of the Premises that has not been licensed, other than toilet facilities where provided for customers.

7. Neither the Licensee nor any employee or agent shall personally solicit custom for the sex establishment outside or in the locality (village, town or city) of the Premises.
8. The Licensee shall ensure that during the hours that the Premises are open for business every employee wears a badge of a type approved by the Council indicating his name and that he is an employee.
9. The Licensee shall maintain a daily register in which shall be recorded the name and address of any person who is to be responsible for managing the Sex Establishment in the Licensee's absence and the names and addresses of those employed in the Sex Establishment. The Register is to be completed each day within thirty minutes of the Sex Establishment being opened for business and is to be available for inspection by the police and by authorised officers of the Council.
10. The Licensee shall take all reasonable precautions for the safety of the public and employees.
11. No person under the age of 18 shall be admitted to the Premises.
12. The Licensee shall adopt a procedure to check the age of customers entering the premises who appear to be younger than 25 in order to ensure that they are not under the age of 18.
13. All persons working in the premises, including Performers, shall be aged not less than 18 years. The Licensee must maintain adequate records of the names, addresses and dates of birth of performers including adequate identity checks.
14. The Licensee shall ensure a closed-circuit television system is installed internally and externally to the satisfaction of the Council. Appropriate notices must be displayed in accordance with the Data Protection Act 1998, advising that CCTV is in operation. In addition the Licensee must ensure that the requirement under that Act regarding registration with the Data Protection Commissioner is complied with.
15. CCTV cameras shall be positioned to record a clear facial image of any person entering the premises via the main entrance/s.
16. The CCTV recordings of each day, shall be stored in a secure location for a period of at least 30 days. The recordings shall be available for inspection on request by authorised officers of the Council and the Metropolitan Police Service.
17. The Licensee shall provide upon request copies of any documents reasonably required by an authorised officer of the Council in relation to compliance with this Licence.

#### State, Condition and Layout of the Premises

18. Notwithstanding the Licensee's duties under the Health and Safety at Work etc Act 1974 and related legislation and his obligations under any lease or other agreement for the use of the Premises, he shall maintain the Premises in good repair and condition.

19. External doors shall be closed at all times other than when persons are entering or leaving the Premises. The external doors shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
20. The Premises shall be fitted with an inner entrance door or screen so that no part of the interior of the Premises or any of the contents of the premises shall be visible when persons are entering or leaving the Premises. Such inner entrance door or screen shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
21. No access shall be permitted through the Premises to any other Premises adjoining or adjacent except in the case of emergency.
22. Lighting shall be in operation continuously during the whole of the time that the Sex Establishment is open to the public.
23. Alterations or additions, either internal or external, shall not be made to the Premises without prior written consent from the Council. A variation application will be required in order for consent to be considered.

#### Operation of the Premises

24. No change from a sex shop (including a mail-order shop) to either a sex cinema or sex entertainment venue, sex cinema to either a sex shop or sex entertainment venue, or from a sex entertainment venue to either a sex cinema or a sex shop shall be made without the approval of the Council. This will require consideration of an appropriate application.
25. No sex articles or other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a sex cinema or a sexual entertainment venue.

#### Licensed Name

26. a) The Council at the time of granting the licence in respect of the premises shall appoint a name referred to as "The Licensed Name" by which it is intended that the premises shall be known and the licence holder shall ensure that the premises are known solely by that name and by no other, save as provided for by paragraph (b) below. Such name shall have been provided on the application form.
- b) An application in respect of a change of licence name shall be made to the Council in writing not less than 28 days prior to the proposed change and the Council shall have an absolute and unfettered discretion to allow or refuse such change.

## **Conditions applicable to Sex Shops & Sex Cinemas**

1. The primary use of a sex shop must be for the purpose of the sale of goods by retail.

### **Opening hours of the Premises**

2. The premises may only be used for the purpose of the licence during the times authorised by the Council.

### **External Appearance**

3. A notice stating that no person under the age of 18 shall be admitted to the premises must be displayed on the outside of the Premises. The notice must also include a statement that proof of age may be requested.
4. The exterior design of the premises shall be such that the interior of the premises is not visible to passers-by.
5. The windows and openings of the Premises shall be of a material or covered with a material, which will render the interior of the Premises not visible to passers-by.
6. No items should be stored on the premises so that they can be viewed from any external window or door.
7. The windows, doors, fascia board, walls and all external parts of the premises including the roof shall not contain any form of writing, sign or display save for:
  - a. The licensed name of the premises (as explained in paragraph 40 hereof) may be displayed, unless the Council determines that the name is inappropriate or gives other cause for concern.
  - b. The form of warning notice required to be displayed by virtue of the provisions of Section 1(6) of the Indecent Displays (Control) Act 1981.
  - c. A notice stating the opening hours of the establishment.
  - d. The wording "PRIVATE SHOP" or "ADULT SHOP" but no other indication as to the nature of the business carried on at the licensed premises.
8. No other words or signs, or any displays or advertisements, shall be displayed on the outside of the Premises or in the vicinity of the Premises, except those mentioned above, otherwise approved by the Council in writing.
9. Any facilities for previewing films, video recordings or other similar material shall be physically separated from the display area of the shop in such a manner that no material being displayed by way of preview shall be visible or audible outside the preview area.
10. No fastenings of any description shall be fitted upon any booth or cubicle within the Sex Establishment nor shall more than one person (including any employee be present in any such booth or cubicle at any time). Appropriate fastenings are permitted on toilet doors.

### Goods Available in Sex Establishments

11. All Sex Articles as defined in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 and other things displayed for sale, hire, exchange or loan within a the shop shall be clearly marked to show to persons who are inside the Sex Shop the respective prices being charged.
12. All printed matter, DVD, video and other formats capable of storing readable/viewable material offered for sale, hire, exchange or loan shall be openly displayed and available for inspection prior to purchase and a notice to this is effect is to be prominently displayed inside the Sex Establishment. (This regulation does not require that films or video films be exhibited (played) to customers).
13. No film, DVD, or video recording (or computer game, or other formats capable of storing readable/viewable material) shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification and bears a certificate to that effect.

### Information for Customers

14. The Licensee shall make available in the Sex Establishment free counselling and advice literature on matters related to sexual health and issues as may be published by the Family Planning Association, the NHS and or other similar organisations. Such literature should be displayed in a prominent position, preferably adjacent to all points of sale in the Sex Establishment.

## **Conditions applicable to Sexual Entertainment Venues**

1. The Licensee must ensure that a suitable and sufficient number of trained staff are employed to supervise the interior of the Premises (“floor supervisors”) to ensure that conditions of licence are complied with, in particular the no touching conditions, and to ensure the safety of performers.
2. The Licensee must submit a set of “House Rules” to the Licensing Authority as part of the application process; these rules will form part of the licence, and must be complied with. Furthermore they must ensure that all performers are fully conversant with and sign an agreement to adhere to such House Rules.
3. The Licensee shall ensure that neither they nor any person promoting or providing entertainment on the Premises (nor any person acting on behalf of any such person) shall display advertisements promoting the entertainment or the Premises in any unlawful manner.
4. Where the Council have given notice in writing to the Licensee objecting to an advertisement on the grounds that, if displayed, it would offend against good taste or decency or be likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling, that advertisement shall not be displayed.
5. The Licensee shall ensure that no more members of the public shall be present on the Premises at any time whilst relevant entertainment takes place to which this licence relates where the Council has specified a number in writing on the grounds of public safety, public nuisance or crime and disorder.

### Opening of the Premises

6. Relevant entertainment may only be provided during the hours permitted by an authorisation under the Licensing Act 2003 unless a specific condition on the Sex Establishment Licence permits otherwise.

### External Appearance

7. At no time shall performers or persons working in the premises be visible from outside of the Premises, with the exclusion of Door Supervisors.
8. The Licensee shall not permit the display outside of the Premises of photographs or other images which indicate or suggest that relevant entertainment takes place on the Premises.
9. External advertising of relevant entertainment shall not include any of the following:
  - a) any depiction of full nudity
  - b) any depiction of partial nudity (including the display of breasts, buttocks or genitalia)
  - c) any depiction of overtly sexual or violent images or any other images which may give rise to concerns in respect of public decency or protection of children or vulnerable persons from harm.

## Provision of Relevant Entertainment

10. Performers shall only perform in specified designated areas, to seated customers or in such other areas of the licensed Premises as may be agreed in writing with the Council.
11. The Licensee is to implement a policy to ensure the safety of the Performers when they leave the Premises after a period of work.
12. Performers may not accept any telephone number, email address, address or contact information from any customer, except in the form of a business card which must be surrendered to the Licensee or their representative before leaving the Premises.
13. Performers may not give any telephone number, email address, address, contact information or business card to any customer or in any way solicit themselves.
14. The Licensee must ensure that during performances of relevant entertainment:
  - i. Customers may not dance at any time except in areas specifically designated by the Council as being separate from areas for sexual entertainment.
  - ii. Customers must remain appropriately clothed at all times.
15. Relevant entertainment will only take place in specified designated areas within the premises, as identified on the plan attached to the licence.
16. Performers will stop immediately and move away from any customer who is offensive, and shall report such behaviour and any other inappropriate behaviour or breach of house rules to the management. If after receiving a warning a customer continues behave inappropriately, the customer must be requested to leave the premises and should be escorted from the premises by appropriately authorised staff only (i.e. SIA registered door supervisors).

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# Agenda Item 9

## INFORMING THE WIDER COMMUNITY OF LICENCE APPLICATIONS

**Committee**

Licensing Committee

**Officer Contact**

Stephanie Waterford

Tel: 01895 277232

**Papers with report**

None

**Ward(s) affected**

All

**SUMMARY**

To update members on action taken in respect of the local community being informed of licence applications.

**RECOMMENDATION**

**That Members note the report.**

**INFORMATION**

At the last meeting of the full licensing committee (30<sup>th</sup> August 2010), Members expressed their concern that residents are not always aware of licence applications in their area.

The committee requested that the Licensing Service investigate new methods of raising awareness of licence applications.

Stephanie Waterford has arranged with the Street Scene Locality Team to include a link within the monthly Street Champion email bulletin which will lead directly to the 'current application' section of the website.

The email bulletins currently reach approx 1800 Street Champions who can then inform residents in their area.

Use of the borough notice boards for publicising applications is also being investigated.

**FINANCIAL IMPLICATIONS**

None

**LEGAL IMPLICATIONS**

None

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# Agenda Item 10

## TOTAL NUMBER OF PREMISES AND PERSONAL LICENCES GRANTED UNDER OFFICER DELEGATED POWERS AND BY LICENSING SUB-COMMITTEES UP TO 31<sup>st</sup> AUGUST 2010

### Premises Licences

Type of Licence	No. issued
Clubs	84
Entertainment Premises	54
Hotels	34
Off Licences	256
Public Houses	149
Restaurants	149
Take Aways	76
Other	19
<b>Total</b>	<b>821</b>

### Personal Licences

Personal Licences	<b>1999</b>
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### Temporary Event Notices (TENS)

Issued from September 2009 to August 2010	363
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<b>Period September 2009 to August 2010</b>														
<b>New premises licence applications by type and month</b>														
	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Totals	
Clubs			1			1		1					3	
Entertainment prems		1	1	1		1							4	
Hotels													0	
Off Licences	1		2	1	1	1	1	1	2		1	3	14	
Pubs						1		1	1				3	
Restaurants							1		1	2	1		5	
Take Aways		1											1	
Other	1							1	1				3	
<b>Totals</b>	<b>2</b>	<b>2</b>	<b>4</b>	<b>2</b>	<b>1</b>	<b>4</b>	<b>2</b>	<b>4</b>	<b>5</b>	<b>2</b>	<b>2</b>	<b>3</b>	<b>33</b>	
<b>Variation and Minor Variation applications by type and month</b>														
	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Totals	
Clubs		2											2	
Entertainment prems	1				1	1							3	
Hotels		1	1		1	2							5	
Off Licences	1		1			2							4	
Pubs		3		1	1	1				1			7	
Restaurants	2		2			1			1				6	
Take Aways		2											2	
Other													0	
<b>Totals</b>	<b>4</b>	<b>8</b>	<b>4</b>	<b>1</b>	<b>3</b>	<b>7</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>29</b>	

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A list of all premises licences that have been determined using delegated licensing officer powers from June 2010 to Sept 2010

<b>Date Determined</b>	<b>Premises</b>	<b>Applicant</b>	<b>Licensable Activities</b>	<b>Operating Hours</b>
18-Jun-10	The Manor PH, Field End Road, Eastcote	Greene King Retailling Ltd	Sale of Alcohol	0600-2400 each day
Minor Variation	<i>Alteration of condition relating to door supervisors</i>		Regulated Entertainment	
12-Jul-10	The Fig Tree, Windsor Street, Uxbridge	Greene King Retailling Ltd	Sale of alcohol	0900-0200 each day
Variation	<i>Removal of 'Rules of Management' conditions</i>		Regulated Entertainment	
			Late Night Refreshment	
19-Aug-10	Café Estrella De Norte, Kingshill Avenue, Hayes	Ms Paula Rodrigues	Sale of alcohol	1100-2300 each day
New premises	<i>New premises licence</i>			
3-Aug-10	The Crown, High Road, Cowley	Ms Janine Prunty	Sale of alcohol	0700-0230 Mon-Sat
Minor Variation	<i>Alteration of the conditions relating to live music</i>		Regulated Entertainment	0700-0130 Sun
			Late Night Refreshment	
1 Aug-10	The Old Orchard, Park Lane, Harefield	Brunning & Price Ltd	Sale of Alcohol	1000-2400 Mon-Sat
Minor Variation	<i>Alteration to internal layout - hours and activities unaffected</i>		Regulated Entertainment	1200-2330 Sun
			Late Night Refreshment	
10 August 2010	World Duty Free, Arrivals, Terminal 4, Heathrow Airport	World Duty Free Ltd	Sale of Alcohol	0000-2400 each day
Minor Variation	<i>Alteration to internal layout - hours and activities unaffected</i>			
10-Aug-10	The Orchard Beefeater, Ickenham Road, Ruislip	Whitbread Group Plc	Sale of Alcohol	1000-0100 each day
Minor Variation	<i>Installation of a bottle bar to the exterior of the premises</i>		Regulated Entertainment	
			Late Night Refreshment	
12-Aug-10	Renaissance Hotel (Starbucks Coffee Shop), Bath Road, Hayes	Hotel Property Investors (UK) Ltd	Sale of Alcohol	0000-2400 each day
Minor Variation	<i>Alteration to internal layout to include Starbucks coffee shop</i>		Regulated Entertainment	
			Late Night Refreshment	

A list of all premises licences that have been determined using delegated licensing officer powers from June 2010 to Sept 2010

18 August 2010	Sipson Tandoori Restaurant, 5-9 Harmondsworth Road, Sipson	Mr S Islam & Mr R Islam	Sale of alcohol	1000-2400 Mon-Sat
Minor Variation	<i>To add the provision of 'off sales' to the licence for take-aways</i>		Regulated Entertainment	1200-2330 Sun
			Late Night Refreshment	
20-Aug-10	The Breakspear Arms, Breakspear Road South, Harfield	Greene King Retailing Ltd	Sale of alcohol	0900-0130 Sun-Wed
Minor Variation	<i>Alteration to internal layout - hours and activities unaffected</i>		Regulated Entertainment	0900-0230 Thu-Sat
			Lat Night Refreshment	
26-Aug-10	Airport Bowl, Bath Road, Hayes	Riva Bowl LLP	Sale of alcohol	0800-0330 each day
Minor Variation	<i>Alteration of internal layout to delete McDonalds from the licence</i>		Regulated Entertainment	
			Lat Night Refreshment	
26-Sep-10	Mecca Bingo, Uxbridge Road, Hayes	Rank Group Plc	Sale of alcohol	0900-0030 each day
Minor Variation	<i>Alteration of internal layout</i>		Regulated Entertainment	
			Lat Night Refreshment	
10-Sep-10	Boots, The Chimes, High Street, Uxbridge	Boots UK Ltd	Sale of alcohol	0800-2300 Mon-Sat
Minor Variation	<i>Alteration of internal layout</i>			1000-2330 Sun



A list of Licensing Sub-Committee decisions from June to September 2010

<b>Date Determined</b>	<b>Premises</b>	<b>Reason for Hearing</b>	<b>Decision</b>
23 June 2010	Buddy's Bhuna Bar (Ex Caesars), High Road, Cowley	Representations received from; Metropolitan Police,	Licence granted with conditions
	<i>New premises licence application for the sale of alcohol, regulated entertainment &amp; late night refreshment</i>	Environmental Protection Unit, 2 x local residents and 2 x petitions.	
09 July 2010	Rajdoot Tandoori Restaurant, Windmill Hill, Ruislip	Representations received from; Metropolitan Police	Licence granted with conditions
	<i>Variation of premises licence to knock through to the next door, doubling the size of the restaurant. Trading hours varied at same time.</i>	and Environmental Protection Unit	
	Plaza Foods, Sunrise Plaza, Uxbridge Road, Hayes	Representations received from; Cllr Lynne Allen, Cllr	Licence granted with conditions
	<i>New premises licence application for the sale of alcohol for a cash and carry type premises</i>	Sid Garg and local residents	
21 July 2010	Nisa Local (Ex Oak Tree Pub), Ryefield Avenue, Hillingdon	Representations received from; Metropolitan Police,	Licence granted with conditions
	<i>New premises licence application for the sale of alcohol for a supermarket/off licence premises</i>	Cllr Timothy Barker, 225 local residents and 5 petitions	
26 July 2010	Tiger Bar & Grill (Ex Hambro Arms Pub), Dawley Road, Hayes	Representations received from; Metropolitan Police	Licence granted with conditions
	<i>New premises licence application for the sale of alcohol, regulated entertainment and late night refreshment</i>	and Cllr Janet Gardner	

A list of Licensing Sub-Committee decisions from June to September 2010

19 August 2010	Lunetta Restaurant, Field End Road, Ruislip	Representations received from 2 x local residents	Licence granted with conditions
	<i>regulated</i>		
	<i>entertainment</i>		
10 September 2010	Harvill Road Post Office, Harvill Road, Harefield	Representations received from; Metropolitan Police,	Licence granted
	<i>New premises licence for the sale of alcohol</i>	1 local resident and 2 x petitions	