

## Minutes

### LICENSING COMMITTEE

29 September 2011

Meeting held at Committee Room 4 - Civic Centre,  
High Street, Uxbridge UB8 1UW



HILLINGDON  
LONDON

	<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 Carol Melvin Brian Stead</p> <p><b>LBH Officers Present:</b> Sharon Garner, Licensing Service Charlene Ellis, Licensing Service Natasha Dogra, Democratic Services</p> <p><b>Also Present:</b> Sgt Ian Meens</p>	
12.	<p><b>APOLOGIES FOR ABSENCE</b> (<i>Agenda Item 1</i>)</p> <p>Apologies had been received from Cllr Judy Kelly.</p>	<b>Action by</b>
13.	<p><b>TO AGREE THE MINUTES OF THE PREVIOUS MEETING</b> (<i>Agenda Item 3</i>)</p> <p>The minutes of the previous Licensing Committee meeting were agreed as an accurate record.</p>	<b>Action by</b>
14.	<p><b>TO CONFIRM THAT ITEMS MARKED PART 1 WOULD BE CONSIDERED IN PUBLIC AND ITEMS MARKED PART 2 WOULD BE CONSIDERED IN PRIVATE</b> (<i>Agenda Item 4</i>)</p> <p>It was agreed that all items on the agenda were marked Part 1 and would be considered in public.</p>	<b>Action by</b>
15.	<p><b>UPDATE ON STREET TRADING &amp; MARKETS</b> (<i>Agenda Item 5</i>)</p> <p>The Chairman introduced the report and asked Officers to represent the information. On 27<sup>th</sup> July 2011, Cabinet approved the Street Trading &amp; Markets Licensing Policy to come into force on 7<sup>th</sup> September 2011. This was pursuant to a Cabinet decision in April 2011 to recommend delegation of decisions related to non-contested applications to the Deputy Chief Executive &amp; Corporate Director of</p>	<b>Action by</b>

	<p>Planning Environment Education &amp; Community Services and to instruct officers to prepare a street trading policy.</p> <p>Officers said as well as reforming the process for making street trading applications to be less bureaucratic and complicated, the policy also introduced a single licence for street markets under the Food Act 1984.</p> <p>Members asked Officers whether all applicants received a copy of the Street Trading and Markets Licensing Policy. Officers said a copy was available and the policy was viewable online. Members asked Officers to include in the policy that applicants should ensure they have all of the necessary paperwork prior to submitting their application.</p> <p>The Committee advised Officers that there had been a number of issues regarding ice-cream vans parking up outside certain schools in the borough. Members wished to highlight their concerns regarding this matter.</p> <p><b>Resolved:</b> <b>The Committee noted the report.</b></p>	<p><i>Sharon Garner, Licensing Service Charlene Ellis, Licensing Service</i></p>
16.	<p><b>UPDATE ON HAYES SUPERSTORE APPEAL</b> (<i>Agenda Item 6</i>)</p> <p>The Chairman introduced the report and asked Officers to present the information. On 3rd December 2010 an application to review the premises licence for Hayes Superstore, 75 Station Road, Hayes, was received from the Council's Trading Standards department.</p> <p>The review was on the grounds of prevention of crime and disorder and protection of children from harm as Trading Standards Officers found that between October 2006 and April 2010, the premises licence holders had been selling non-duty paid goods namely alcohol, offering for sale tobacco products which did not have the statutory health warning labels on them and for selling alcohol to underage persons. This review application was supported by the Metropolitan Police Service.</p> <p>A Licensing Sub Committee was held on 17th January 2011 and having heard all relevant evidence, the decision of the sub committee was to revoke the premises licence. The premises licence holder appealed against the committee's decision and the Appeal was heard at Uxbridge Magistrates Court today, 1st August 2011.</p> <p>At the hearing, due to the information given by the appellant under cross-examination by Counsel, the District Judge stated that the appeal was doomed to fail due to the appellant's dishonesty. Therefore the Appeal was withdrawn there and then with full costs being awarded to the Council.</p> <p>The Committee congratulated all those who were involved with this case. Members specifically congratulated Licensing Service Officers, Legal Officers and Sgt Ian Meens for their hard work. Members noted there had been a degree of good publicity surrounding this case regarding the tremendous effort of the Licensing Service. Officers had</p>	<p><b>Action by</b></p>

	<p>acted in a robust and professional manner throughout the case and were applauded by the Committee.</p> <p>Members of the Committee said they were very pleased with the final outcome of this case.</p> <p><b>Resolved:</b> <b>The Committee noted the report.</b></p>	
17.	<p><b>UPDATE ON RECENT LICENSE REVIEWS</b> (<i>Agenda Item 7</i>)</p> <p>The Chairman introduced the report and asked Officers to represent the information.</p> <p>A total of 5 reviews had been heard by Licensing Sub-Committees following operations by the Metropolitan Police Service, HMRC and Trading Standards.</p> <ul style="list-style-type: none"> <li>▪ Best Food &amp; Wine – 61 Station Road, West Drayton. Hearing – 18<sup>th</sup> August 2011</li> <li>▪ West Drayton Food &amp; Wine – 19 Station Road, West Drayton. Hearing – 18<sup>th</sup> August 2011</li> <li>▪ Botwellears – 25 Botwell Lane, Hayes. Hearing – 23<sup>rd</sup> August 2011</li> <li>▪ Hayes News &amp; Booze, 772/774 Uxbridge Road, Hayes. Hearing – 23<sup>rd</sup> August 2011</li> <li>▪ Tudor Stores, 131 Wood End Green Road, Hayes. Hearing – 1<sup>st</sup> Sept 2011</li> </ul> <p>Officers informed the Committee that an appeal had been lodged for each of the above premises, excluding Tudor Stores whose owner had received a caution from the Police.</p> <p>Sgt Ian Meens informed the Committee that during the time it took for an appeal to be lodged and heard trade could continue on the premises in question. The cost to lodge an appeal was £400 which Sgt Meens said many of the appellants would gladly pay if it meant they could continue trading for up to four months.</p> <p>Members agreed that the revocation of these licences sent out a clear message to those who were breaking the law. Sgt Meens voiced his concern over the quality of HMRC statements received and would be raising this in a meeting with HMRC officers.</p> <p>The Committee said they would like further information on the actions taken by HMRC regarding applicants whose licence had been revoked. Members wanted to know whether those who owed duty on non-duty paid goods. Members were reminded of a case heard in July where the licence holder had not paid nearly £3,000 in duty – the Committee revoked his licenses.</p> <p>Members asked Officers to draft a letter asking HMRC whether they were prosecuting those found guilty of evading duty and whether the money had been requested by HMRC.</p>	<b>Action by</b>

	<p><b>Resolved:</b></p> <ol style="list-style-type: none"> <li><b>1. The Committee noted the report.</b></li> <li><b>2. The Committee agreed that a letter would be sent from the Licensing Committee to HMRC asking whether they were prosecuting those found guilty of breaking the law and whether the duty evaded by the appellant by purchasing counterfeit goods had been requested by HMRC.</b></li> </ol>	<p><i>Sharon Garner, Licensing Service Charlene Ellis, Licensing Service</i></p>
<p>18.</p>	<p><b>REPORT ON LICENSING APPEALS</b> (<i>Agenda Item 8</i>)</p> <p>The Chairman introduced the report and asked Officers to present the information. The Licensing Sub-Committees had recently revoked five premises licences.</p> <p>Three of these premises licence holders had lodged appeals against the decisions.</p> <p>The implications of the appeals were that the premises would continue to operate under the terms of their premises licences during the appeal period and until the appeal is heard which could take several months.</p> <p>Officers were seeking instructions from the Committee as to how to proceed with the Appeals. There are two options available to the Committee;</p> <ul style="list-style-type: none"> <li>• Defend the Councils decision to revoke the licence and continue with the Appeals</li> <li>• Do not defend the Councils decision to revoke the licences and allow the appeal</li> </ul> <p>The Committee agreed that there was only option they wished to follow and that was to defend the Council’s decision to revoke the licence and continue with the Appeals. Members believed this sent out a strong and robust message to licence holders that any breach of law would not be taken lightly.</p> <p>Members of the Committee raised their concerns over staffing issues in the Licensing Service. Officers informed Members that they were aware of 20 new reviews due to be received by the team. Members said the workload was growing while the team was shrinking. The Chairman of the Committee said he appreciated the hard work and dedication of the Licensing Officers, but said most teams in the Council were going through a restructure phase. The Committee agreed that the difficult economic climate was placing a strain on most services, and Members were grateful for the robust work of the Licensing Officers.</p> <p>Members of the Committee requested that a letter be written to the Cabinet Member for Finance, Property and Business Services to make him aware that there was a need for added support within the Licensing team.</p> <p><b>Resolved:</b></p> <ol style="list-style-type: none"> <li><b>1. The Committee voted and unanimously agreed that Officers</b></li> </ol>	<p><b>Action by</b></p>

	<p>should <i>‘defend the Council’s decision to revoke the licence and continue with the Appeals’</i></p> <p><b>2. The Committee agreed that a letter be sent from the Licensing Committee to Councillor Jonathon Bianco in his capacity as the Cabinet Member for Finance, Property and Business Services to draw his attention to the need for additional staff and support within the Licensing Service.</b></p>	<p><i>Natasha Dogra, Democratic Services</i></p>
19.	<p><b>LICENSING STATISTICS UPDATE</b> (<i>Agenda Item 9</i>)</p> <p><b>Resolved:</b> <b>The Committee noted the statistics.</b></p>	<p><b>Action by</b></p>
<p>The meeting, which commenced at 10.00 am, closed at 11.18 am.</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.