



Licensing Committee

Date: THURSDAY, 29 SEPTEMBER 2011

Time: 10.00 AM

- Venue: COMMITTEE ROOM 5 -CIVIC CENTRE, HIGH STREET, UXBRIDGE UB8 1UW
- MeetingMembers of the Public andDetails:Press are welcome to attendthis meeting

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Andrew Retter (Chairman) Josephine Barrett (Vice-Chairman) Lynne Allen (Labour Lead) Bruce Baker Mike Bull Judy Kelly Peter Kemp Janet Gardner Carol Melvin Brian Stead

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Contact: Natasha Dogra Tel: 01895 277 488 Fax: 01895 277 373 Email: <u>ndogra@hillingdon.gov.uk</u>

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Lloyd White Head of Democratic Services London Borough of Hillingdon, 3E/05, Civic Centre, High Street, Uxbridge, UB8 1UW www.hillingdon.gov.uk



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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 the previous meeting
- 4 To confirm that items marked Part 1 would be considered in public and items marked Part 2 would be considered in private

Part 1 (Public)

- **5** Update on Street Trading & Markets
- 6 Update on Hayes Superstore Appeal
- 7 Update on Recent License Reviews
- 8 Report on Licensing Appeals
- 9 Licensing Statistics Update

Minutes

LICENSING COMMITTEE

8 June 2011



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

	Committee Members Present : Councillors Andrew Retter (Chairman), Josephine Barrett (Vice-Chairman), Lynne Allen, Bruce Baker, Mike Bull, Judy Kelly, Peter Kemp, Janet Gardner, Carol Melvin and Brian Stead.		
	LBH Officers Present: David Frost, Regulatory Services Manager Sharon Garner, Licensing Service Officer Stephanie Waterford, Licensing Service Manager Beejal Soni, Legal Advisor Natasha Dogra, Democratic Services Officer		
	Also Present: Sgt Ian Meens		
4.	TO AGREE THE MINUTES OF THE PREVIOUS MEETING (Agenda <i>Item 3</i>)	Action by	
	The minutes were agreed as an accurate record.		
5.	TO CONFIRM THAT ALL ITEMS MARKED PART 1 WILL BE CONSIDERED IN PUBLIC AND ANY ITEMS MARKED PART 2 WILL BE CONSIDERED IN PRIVATE (Agenda Item 4)	Action by	
	It was confirmed that all items were marked Part 1 and were considered in public.		
6.	HAYES SUPER-STORE UPDATE (Agenda Item 5)	Action by	
	The Chairman invited Officers to present the update report to the Committee.		
	A review was requested by the Council's Trading Standards Service in respect of an off licence named Hayes Superstore. The review was called under the licensing objectives of prevention of crime and disorder and protection of children from harm. On 19 th January 2011 the review was held by a Licensing Sub Committee.		
	The Licensing Sub Committee decided to revoke the Premises Licence for Hayes Superstore. The Premises Licence Holder, appealed against the Licensing Sub Committee's decision. The appeal was to be heard at Uxbridge Magistrates Court on 25 th May 2011. However, the appeal had to be adjourned until 10 th June 2011. Further information will be provided to the Licensing Committee after the appeal has been heard.		

	Officers informed the Committee that they had performed a covert test purchase and the premises had failed this. Members stated that the police must be given more support in dealing with licensed premises, as they had powers to perform closures. Officers said Sgt Ian Meens had been granted delegated authority to carry out these functions; however his powers were limited due to lack of manpower. The Committee stated that this issue needed to be addressed and suggested sending a letter to the Cabinet Member for Improvements, Partnerships and Community Safety, Councillor Douglas Mills, outlining the Committee's concerns regarding the lack of resources available to Sgt Ian Meens. The Committee would also suggest that ClIr Mills speak to the Borough Commander regarding this issue. Officers informed the Committee that a Hayes Tasking Team could be efficiently used to help Sgt Meens. The Committee said this seemed like a useful way forward and would suggest it to ClIr Mills. Noted: The Committee noted the update	Stephanie Waterford,
		Licensing
	Agreed: The Committee agreed that Legal Services would send a letter to Councillor Douglas Mills on behalf of the Licensing Committee outlining their strong concerns about the lack of manpower available to police the borough's licensed premises.	Service / Beejal Soni, Legal Services
7.	SEX ESTABLISHMENTS UPDATE (Agenda Item 6)	Action by
7.	SEX ESTABLISHMENTS UPDATE (Agenda Item 6) Officers presented the update report to the Committee stating that on 12 th May 2011, Council adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and also agreed the Sex Establishment Licensing Policy.	Action by
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7.	 Officers presented the update report to the Committee stating that on 12th May 2011, Council adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and also agreed the Sex Establishment Licensing Policy. The dates for implementation had now been pulled forward. The revised timetable is: 25th May 2011 First legal notice published in local paper 1st June 2011 Second legal notice published in local paper 22nd June 2011 First appointed day 22nd December 2011 Second appointed day 22nd June 2012 Third appointed day – provisions fully in force Existing operators would be invited to apply for the new licence on the first appointed day. New operators would be able to apply after the second appointed day and applications would be determined after the second appointed day and applications would be determined after the second appointed day and applications would be determined after the second appointed day and applications would be determined after the second appointed day and applications would be determined after the second appointed day and applications would be determined after the second appointed day and applications would be determined after the second appointed day and applications would be determined after the second appointed day and applications would be determined after the second appointed day and applications would be determined after the second appointed day and applications would be determined after the second appointed day and applications would be determined after the second appointed day and applications would be determined after the second appointed day and applications would be determined after the second appointed day and applications would be determined after the second appointed day and applications would be determined after the second appointed day and applications would be determined after the second appointed day and applications would be determined after the second appointed day and a	Stephanie Waterford, Licensing Service /

8.	TIGER BAR AND GRILL REVIEW UPDATE (Agenda Item 7)	Action by
	Officers presented the report to the Committee stating that an application for a Review of the premises licence for Tiger Bar & Grill made by Sgt Ian Meens on behalf of the Metropolitan Police Service was received on 25 th February 2011. The review was called under the licensing objectives of prevention of crime and disorder and prevention of public nuisance.	
	On 15 th April 2011 the review hearing was held by the Licensing Sub Committee and the decision was made to suspend the license for a period of 2 months to allow for compliance with amendments to the license conditions. Officers informed the Committee that they had undertaken unannounced visits at the premises.	
	Members of the Committee raised concerns over shish lounges which were present at the Tiger Bar and Grill, and at Liquid in Uxbridge. Officers informed the Committee that smoking was out of the remit for the Licensing Committee, and was dealt with by the Food Health and Safety team. Members requested that a letter be sent to the Food Health and Safety team requested a joined up approach with the licensing team to ensure communication links are opened between the two services. The letter would also call for the monitoring of the situation and for action to be taken where necessary.	
	The Chairman requested all Members of the Committee, in their capacity as Ward Councillors to encourage their residents to come forward about untoward behaviour taking place in their borough. Members stated that there was a difficulty in reporting this behaviour as many people preferred to remain anonymous which meant action could not be taken against the anti-social behaviour. Ward Councillors were asked to encourage their residents to support their local Council to quash this behaviour and report any disorder or criminal activity.	
	Noted: The Committee noted the update.	
	Agreed: The Committee agreed that Legal Services write a letter to the Food Health and Safety Team from the Licensing Services calling for robust action to be taken against those in violation of smoking rules and regulations. The letter should also call for open lines of communication between Licensing Services and the Food Health and Safety team to ensure an overall monitoring of the situation.	Stephanie Waterford, Licensing Service / Beejal Soni, Legal Services
9.	STREET TRADING POLICY UPDATE (Agenda Item 8)	Action by
	On 26 th May 2011, Cabinet approved the draft Street Trading & Markets Licensing Policy for public consultation. 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 & Corporate Director of Planning Environment Education & Community Services and to instruct officers to prepare a street trading policy.	

The draft street trading & markets policy contained the following key features or proposals for street trading activity in the borough:

- 1. A set of terms and conditions worded so that traders can understand what is expected of them;
- 2. The Deputy Chief Executive and Corporate Director of Planning, Environment, Education and Community Services, acting in consultation with the Leader, may make minor changes to the policy;
- Street trading in the form of occasional street markets and charity / community events will be licensed under the Food Act 1984, so reducing administrative burdens on applicants and giving the Licensing Service and applicants greater flexibility in coordinating such events;
- All applications will be subject to a 21 day consultation period. If objections to an application are received, the application will be determined by a Licensing Sub-Committee;
- 5. The criteria for accepting and refusing street trading applications is clarified.

The London Local Authorities Act 1990 (as amended) required a public consultation be held for a minimum of 28 days before a decision is made on the final policy and licence conditions.

Officers stated that they would use the policy as the basis for the 28 day consultation with internal and external stakeholders. The proposed policy would be advertised on the Council's website, the Street Champions e-mail bulletin and would take the form of a legal notice in the Uxbridge Gazette and London Gazette.

The draft policy would also be distributed to various partners and internal stakeholders including the Metropolitan Police Services, Food Safety Team, Highways Team and Waste Management, for comment. Officers also propose to offer meetings to discuss the draft policy with various applicants and concerned traders, so as to address any concerns and to encourage a positive dialogue, setting this as the approach to the regulation of street trading.

Once consultation had been carried out and any representations made are analysed, officers would report back to Cabinet with any proposals for amendment. Full Council would also need to amend the terms of reference of the Licensing Committee to take into account the licensing of markets.

Members of the Committee asked who the consultees were. Officers said they included key stakeholders, town centre organisers, London Borough of Hillingdon teams (Waste Management Services, Highways Services and Environment Protection Unit) and residents associations.

Noted:		
The Committee no	ted the update	from Officers.

	Agreed: Members agreed to send their comments and queries regarding the policy in a response to the consultation which began on 8 June 2011.	
10.	LICENCE APPLICATIONS STATISTICS (Agenda Item 9) Officers presented the Licensing Application Statistics to the Committee. The total number of premises and personal licenses granted under officer delegated powers and by Licensing Sub Committees by to 27 May 2011 was 824 premises licences and 2116 personal licenses. Noted: The Committee noted the update from Officers.	Action by Stephanie Waterford, Licensing Service
11.	AMENDMENT TO LICENSING SUB COMMITTEE PROTOCOL (Agenda Item 10) Officers presented the report to the Committee which stated that on 12 May 2011 the Council of the London Borough of Hillingdon amended the composition of the Licensing Sub Committees such that 5 members now sit on each Sub-Committee. The proposed amendments to the protocols are necessary in order to give effect to this decision. Members raised a query regarding the minimum number of Members needed to sit on an urgent Street Trading Application hearing. Officers clarified that the usual number of Members was three, with the minimum being two. Members asked that this sentence be rephrased for clarity in the Street Trading Protocol.	Action by
	Agreed: The Licensing Committee considered the report and approved the Amendment of the following protocols for sub-committee hearings: a. Protocol for non-urgent street trading applications b. Protocol for urgent street trading applications c. Licensing Sub-Committee Hearing Protocol for determining new & variation premises/club licences d. Sub-Committee Hearings Protocol for determining applications for Reviews of Premises Licences or Club Premises Certificates e. Hearing Protocol: Gambling Act 2005 Members voted in favour of keeping the minimum number of Members needed to sit on an urgent Street Trading Application hearing at two with five Members in favour and two opposing.	Stephanie Waterford, Licensing Service / Beejal Soni, Legal Services
	The meeting, which commenced at 10.00 am, closed at 11.35 am.	

minutes is to Councillors, Officers, the Press and Members of the Public.

Update on Street Trading & Markets

Committee	Licensing Committee
Officer Contact	Stephanie Waterford x7232
Papers with report	Street Trading & Markets Licensing Policy
Ward(s) affected	All

SUMMARY

To update the committee in respect of the implementation of the Street Trading and Markets Policy

RECOMMENDATION

That the committee note the report.

INFORMATION

On 27th July 2011, Cabinet approved the Street Trading & Markets Licensing Policy to come into force on 7th 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 & Corporate Director of Planning Environment Education & Community Services and to instruct officers to prepare a street trading policy.

As well as reforming the process for making street trading applications to be less bureaucratic and complicated, the policy also introduces a single licence for street markets under the Food Act 1984.

Copies of the policy are available from the Licensing Service.

FINANCIAL IMPLICATIONS

None

LEGAL IMPLICATIONS

None

BACKGROUND PAPERS London Local Authorities Act 1990 Food Act 1984

HAYES SUPERSTORE APPEAL

Committee	Licensing Committee
Officer Contact	Sharon Garner, Licensing Officer 01895 277230
Papers with report	None
Ward(s) affected	Botwell

SUMMARY

To update the Licensing Committee on the result of an appeal to Magistrates Court made in respect of an off licence known as Hayes Superstore.

RECOMMENDATION

That the committee note the information below

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.

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.

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.

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.

FINANCIAL IMPLICATIONS
None

LEGAL IMPLICATIONS
None

BACKGROUND PAPERS None

RECENT LICENCE REVIEWS

Committee	Licensing Committee
Officer Contact	Sharon Garner, Licensing Officer X7230
Papers with report	None
Ward(s) affected	All

SUMMARY

To update the Licensing Committee on the recent premises licence reviews which have been heard recently by Licensing Sub Committees.

RECOMMENDATION

That the committee note the information below

INFORMATION

A total of 5 reviews have been heard by Licensing Sub-Committees following operations by the Metropolitan Police Service, HMRC and Trading Standards.

The following premises licences have been reviewed and all licences have been revoked;

Best Food & Wine - 61 Station Road, West Drayton. Hearing - 18th August 2011 Reasons for review -

- Counterfeit alcohol displayed for sale
- Non-duty paid alcohol displayed for sale
- Breach of 9 licence conditions •

West Drayton Food & Wine - 19 Station Road, West Drayton. Hearing - 18th August 2011 Reasons for review -

- Counterfeit alcohol displayed for sale
- Non-duty paid alcohol displayed for sale
- Breach of 2 licence conditions

Botwellears - 25 Botwell Lane, Hayes. Hearing - 23rd August 2011

Reasons for review -

Non-duty paid alcohol displayed for sale

Hayes News & Booze, 772/774 Uxbridge Road, Hayes. Hearing - 23rd August 2011 Reasons for review -

- Non-duty paid alcohol displayed for sale
- Breach of licence conditions

Tudor Stores, 131 Wood End Green Road, Hayes. Hearing – 1st Sept 2011 Reasons for review -

Counterfeit goods displayed for sale

• Non-duty paid alcohol displayed for sale

The reviews have resulted in some good publicity.

FINANCIAL IMPLICATIONS

None

LEGAL IMPLICATIONS

None

BACKGROUND PAPERS

None

APPEALS PENDING

Committee	Licensing Committee
Officer Contact	Stephanie Waterford, Licensing Officer X7230
Papers with report	None
Ward(s) affected	All

SUMMARY

For the Committee to decide how to proceed with the Licence appeals which have been lodged with the Magistrates Court following the recent licence revocations.

RECOMMENDATION

That the Committee issue an instruction as to how to proceed with the Appeals.

INFORMATION

The Licensing Sub-Committees have recently revoked five premises licences.

Three of these premises licence holders have lodged appeals against the decisions.

The implications of the appeals are that the premises may continue to operate under the terms of their premises licences during the appeal period and until the appeal is heard which can take several months.

Officers are seeking instructions from the Committee as to how to proceed with the Appeals. There are two options available to the Committee;

- Defend the Council's decision to revoke the licence and continue with the Appeals
- Do not defend the Councils decision to revoke the licences and allow the appeals

Due to report deadlines, a full up-to-date list of the appeals will be presented by the Licensing Officer at the Licensing Committee meeting for decision.

FINANCIAL IMPLICATIONS

None

LEGAL IMPLICATIONS

A premises licence-holder has a right to appeal against a decision of the Licensing Authority to revoke a premise licence under Section 181 of the Licensing Act 2003 (the "Act").

The decision of a Licensing Authority to revoke a premises licence only comes into effect once the right of the licence-holder to appeal has passed. The licensable activities may therefore continue during the appeal period. The appeal process must be commenced by the licence-holder within 21 days of receipt of the written notice of the decision of the Licensing Authority. In light of the burden of work already on the Magistrates' Court system, the appeal may take several months to be resolved.

An appeal is made to the Magistrates' Court direct. When considering an appeal the Court has the power to:

- a) dismiss the appeal; or
- b) substitute its decision for that of the Licensing Authority; or
- c) remit the matter back to the Licensing Authority to be disposed of in accordance with the direction of the Court. This could include a re-determination of the matter.

The Court may make an order for costs as it sees fit under Section 181 of the Act. Guidance issued by the Justices Clerks Society does suggest that an award for costs should be the exception and not the rule. If a Licensing Authority has acted responsibly it should follow that costs are not awarded.

The Licensing Authority will always be the respondent in any appeal under Section 181 of the Act as it is the Authority that determined the original application. It is permissible for the Licensing Authority not to defend its decision to revoke the premises licence; however in this scenario the Court has the power to require a delegated officer to attend should it deem this necessary.

BACKGROUND PAPERS
None

TOTAL NUMBER OF PREMISES AND PERSONAL LICENCES GRANTED UNDER OFFICER DELEGATED POWERS AND BY LICENSING SUB-COMMITTEES UP TO 15th SEPTEMBER 2011

Premises Licences

Type of Licence	No. issued
Clubs	84
Entertainment Premises	53
Hotels	34
Off Licences	260
Public Houses	136
Restaurants	152
Take Aways	75
Other	22
Total	816

Personal Licences

Personal Licences	2186

Temporary Event Notices (TENS)

Issued from September 2010 to August 2011	466

Period Sep 2010 to Aug	g 2011												
New premises licence a	applicatio	ons by t	type an	d montl	า								
	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	Мау	Jun	Jul	Aug	Totals
Clubs								1					
Entertainment prems											1		
Hotels										1			
Off Licences	3	5	3	1	3	1		1	2	2	1		
Pubs									1				
Restaurants				2	1	1	1	3	1	2		2	
Take Aways		2				1						1	
Other								1	1				
Totals	3	7	3	3	4	3	1	6	5	5	2	3	
Variation and Minor Va													
	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	Мау	Jun	Jul	Aug	Totals
Clubs		2											
Entertainment prems			1								1		
Hotels			2										
Off Licences	2	1			1						1	2	
Pubs		1		1				1	1			1	
Restaurants		2			1	1			1				
Take Aways													
Other	!												

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Date Determined	Premises	Applicant	Licensable Activities	Operating Hours
26/05/11	The Crown, High Street, Cowley	Janine Prunty	Sale of alcohol	07:00 - 02:30 Mon to Sat
Variation	Internal alterations and refurbishment		Regulated Entertainment	07:00 - 01:30 Sun
			Late Night Refreshment	
30/05/11	Ceasars Winery, 5b Windsor Street, Uxbridge	Mr E Vanazzi	Sale of alcohol	11:00 - 20:00 Mon to Sat
New premises licence	New off-licence application			11:00 - 16:00 Sun
07/06/11	Andrews Newsagents, 70 Green Lane, Northwood	Mr Kumar Patel	Sale of alcohol	05:30 - 24:00 Mon to Sat
New premises licence	New premises licence for alcohol sales			05:30 - 23:30 Sun
29/06/11	Bella Italia, 198-200 High Street, Uxbridge	Bella Italia Restaurants Ltd	Sale of alcohol	07:00 - 23:30 each day
New premises licence	New premises licence for a restaurant		Regulated Entertainment	
Page			Late night refreshment	
Qe				
2 /07/11	Polski Sklep Sezam, 42a Station Road, Hayes	Polski Sklep Sezam Ltd	Sale of alcohol	08:00 - 23:00 each day
New premises licence	New premises licence for alcohol sales			
05/07/11	Premier Inn, Longford House, 420 Bath Road, West Drayton	Whitbread Group Plc	Sale of alcohol	10:00 - 00:30 each day
New premises licence	New premises licence for a hotel		Regulated Entertainment	
			Late night refreshment	
21/07/11	Punjabi Spice, 292 Kingshill Avenue, Hayes	Manjinder Bharaj	Sale of alcohol	07:00 - 23:00 Sun to Thur
New premises licence	New premises licence for a restaurant		Regulated Entertainment	07:00 - 24:00 Fri to Sat
			Late night refreshment	
25/07/11	Odeon Cinema, The Chimes, High Street, Uxbridge	Odean Cinemas Ltd	Sale of alcohol	00:00 - 24:00 each day
Minor Variation	Minor variation to alter Screen 2 to include IMAX screen		Regulated Entertainment	
			Late Night Refreshment	
16/08/11	Kingshill News, 242 Kingshill Avenue, Hayes	Nimisha Patel	Sale of alcohol	08:00 - 22:00 each day
New premises licence	New premises licence for alcohol sales			

16/08/11	Slug & Lettuce, 219-221 High Street, Uxbridge	Slug & Lettuce Ltd	Sale of alcohol	09:00 - 23:30 Mon to Wed
Minor variation	Internal alterations and refurbishment		Regulated Entertainment	09:00 - 01:30 Thur to Sat
			Late Night Refreshment	09:00 - 00:30 Sun
22/08/11	Botwell Green Leisure Centre, East Avenue, Hayes	Greenwich Leisure Ltd	Regulated Entertainment	07:00 - 23:00 Mon to Fri
New premises licence	New premises licence for regulated entertainment			07:00 - 22:00 Sat
				08:00 - 21:00 Sun
29/08/11	Co-operative, High Street, Harlington	Co-operative Group Ltd	Sale of alcohol	08:00 - 23:00 each day
Minor variation	Alteration to internal layout			
02/09/11	The Wine Cellar, 36 Station Road, West Drayton	Mr B Singh	Sale of alcohol	06:00 - 24:00 each day
Variation	Variation to extend licensed hours			
14/09/11	Lomito Restaurant, 41 Green Lane, Northwood	David Palmer	Sale of alcohol	10:30 - 00:30 each day
Variation	Variation to extend licensed hours		Regulated Entertainment	
lge			Late Night Refreshment	
* 20				
15/09/11	Peri Dise Restaurant, 8-10 New Broadway, Uxbridge Road	Peri Dise Ltd	Late Night Refreshment	12:00 - 03:00 each day
New premises licence	New premises licence for a takeaway			

Date Determined	Premises	Reason for Hearing	Decision
30 June 2011	Hayes Food & Wine, 75 Station Road, Hayes	Representation from Met Police & Trading Standards	Applciation refused

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