

Minutes

LICENSING COMMITTEE

19 April 2012

Meeting held at Committee Room 6 - Civic Centre,
High Street, Uxbridge UB8 1UW



HILLINGDON
LONDON

	<p>Committee Members Present: Councillors Andrew Retter (Chairman) Josephine Barrett (Vice-Chairman) Lynne Allen Mike Bull Judy Kelly Janet Gardner Carol Melvin Brian Stead</p> <p>LBH Officers Present: Nicole Cameron – Legal Services Stephanie Waterford – Licensing Service Sharon Garner – Licensing Service Charlene Ellis – Licensing Service Natasha Dogra – Democratic Services</p>	
30.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>Apologies had been received from Cllr Bruce Baker and Cllr Peter Kemp.</p>	Action by
31.	<p>TO AGREE THE MINUTES OF THE MEETINGS HELD ON 17 JANUARY 2012 AND 05 MARCH 2012 (<i>Agenda Item 3</i>)</p> <p>The minutes of the Licensing Committee meetings held on 17 January 2012 and 05 March 2012 were agreed as an accurate record by the Committee.</p>	Action by
32.	<p>TO CONFIRM THAT ITEMS MARKED PART 1 WILL BE CONSIDERED IN PUBLIC AND ANY ITEMS MARKED PART 2 WILL BE CONSIDERED IN PRIVATE. (<i>Agenda Item 4</i>)</p> <p>It was confirmed that the full meeting would take place in public.</p>	Action by
33.	<p>REVIEW AND APPEAL UPDATE 2012 (<i>Agenda Item 5</i>)</p> <p>Licensing Services Officers informed Members that the following recent reviews and subsequent appeals took place over the last 12 months:</p> <p><u>Botwellears ,25 Botwell Lane, Hayes.</u></p> <ul style="list-style-type: none">▪ The premises Licence was revoked by the Licensing Sub-Committee on 23rd August 2011 following a review application from the Metropolitan Police Service.	Action by

- The Licence Holder appealed the decision to Magistrates Court and a Hearing was scheduled for 2nd March 2012. However, this matter has been adjourned until the end of May in order for the matter to be remitted back to the Licensing Committee for a re-hearing On 25th May 2012.
- The premises continues to trade pending the outcome of the re-hearing.

Hayes News & Booze, 772/774 Uxbridge Road, Hayes.

- The premises Licence was revoked by the Licensing Sub-Committee on 23rd August 2011 following a review application from the Police Service.
- The Licence Holder appealed the decision to Magistrates Court and a Hearing has been listed for 24th February 2012.
- A new application was submitted for the premises under a new name. This was subject to a Police representation and was refused at a Sub-Committee hearing on 5th December 2011.
- A second new application was submitted for the premises under the same name as the first application. This application was subject to a Police representation and was refused at a Sub-Committee hearing on 16th March 2012.
- The premises continues to trade pending the outcome of the appeal.

Venus Convenience Store, 18 Station Road, West Drayton.

- The premises Licence was revoked by the Licensing Sub-Committee on 1st September 2011 following a review application from the Police Service.
- The Licence Holder appealed the decision to the Magistrates Court and a Hearing was listed for 28th February 2012. This has subsequently been adjourned until 28th May 2012.
- A new application was submitted for the premises under a new name. This was subject to a Police representation and was rejected at a Sub-Committee Hearing on 3rd February 2012.
- The premises continues to trade pending the outcome of the appeal.

Costcutter, 268 Yeading Lane, Hayes.

Aujla Food & Wine, 710 Field End Road, South Ruislip

Aujla Cash & Carry, 266 Yeading Lane, Hayes

- All three premises Licences were revoked by the Licensing Sub-Committee on 11th January 2012 following a review application for each premises from Trading Standards. The premises licence holder for all three premises is Mr & Mrs Aujla.
- The premises licence holder appealed the decision to the Magistrates Court and a date for the appeals is awaited.
- The Licensing Service is in receipt of a new premises licence application for the Costcutter premises which has been made by an un-related applicant. Officers believed that Mr Aujla has now sold this premises.

	<p>Officers queried whether the decision to defend appeals should be made on a case by case basis or a blanket decision to defend should be effective. Members of the Committee said as each decision to revoke a license had been made by the Council's Licensing Sub Committee all appeals should be defended when the appeal was heard by Magistrates.</p> <p>Members of the Committee aired their frustrations at the fact that shops were allowed to continue trading until their appeal was heard. Officers said this was the shop keeper's right but understood the Committee's frustration.</p> <p>The Committee asked Officers to liaise with Corporate Communications and Street Champions about publicising the number of license revocations to residents of the borough. Officers said they would investigate the possibility of including an ongoing article in Hillingdon People magazine about license revocations.</p> <p>Resolved: The Committee noted the update.</p>	Stephanie Waterford – Licensing Service
34.	<p>DETERMINATION OF REVIEW APPLICATIONS UPDATE (<i>Agenda Item 6</i>)</p> <p>Licensing Service Officers informed Members of the powers available to them when determining the Review applications.</p> <p>Officers said that The Licensing Act 2003 provided a range of powers for the Licensing Authority on determining a review that it may exercise where it considered them necessary for the promotion of the licensing objectives.</p> <p>When a licence is revoked, the premises licence holder had 21 days from the day of receiving the decision notice to appeal the decision to the Magistrates Court.</p> <p>In practice, one of the disadvantages of revocation is the length of time before an Appeal is heard by the Magistrates, depending to the workload capacity of the Court. Consequently, the premises licence holder can continue to sell alcohol until such times as the appeal is heard, or an application for a new premises licence to an independent operator is granted. This can take, in some cases, 9-12 months.</p> <p>In some situations it may be more appropriate to offer a suspension of up to 3 months. The benefit of adopting this approach is that the premises licence holder is unable to trade during the suspension and if the length of the suspension is proportionate, they may also be less likely to appeal the decision to the Magistrates' Court. In any event, each application for review must be decided on the individual facts of the matter and the evidence put forward by the relevant responsible authorities.</p> <p>Resolved: The Committee noted the update.</p>	Action by

35.	<p>DEREGULATION OF SCHEDULE ONE OF THE LICENSING ACT 2003 UPDATE (<i>Agenda Item 7</i>)</p> <p>Officers informed Members that at the meeting of the full Licensing Committee on 17th January 2012, the proposed deregulation of Schedule 1 of the Licensing Act 2003 was discussed at length.</p> <p>Members expressed their concerns associated with losing an element of control for regulated entertainment. Officers were instructed to prepare a letter to the three Hillingdon MP's expressing their concerns about the possible implications of the proposals.</p> <p>A letter was sent to John Randall MP, John McDonnell MP and Nick Hurd MP on 2nd February 2012.</p> <p>The response received was from John Randall MP, who raised the issues with the relevant Government Minister. John Penrose MP then sent an encouraging letter to the London Borough of Hillingdon promising to take into account the Council's concerns alongside other representation and to pay close attention to issues such as venue safety and public disturbance when assessing the final policy.</p> <p>The Committee thanked the Members of Parliament for their time and communication.</p> <p>Resolved: Members noted the update.</p>	Action by
36.	<p>POLICE REFORM & SOCIAL RESPONSIBILITY ACT 2011 - CHANGES TO LICENSING LEGISLATION (<i>Agenda Item 8</i>)</p> <p>Officers informed Members that at the last Committee meeting in January 2012, Members received an in depth report about the changes to Licensing contained within the Police Reform & Social Responsibility Act 2011.</p> <p>Officers were now writing to provide a further update on when the changes were going to be implemented, and listed them as follows:</p> <p><u>25th April 2012 –</u></p> <ul style="list-style-type: none"> • Licensing Authorities have become Responsible Authorities meaning LBH can raise its own representations and lodge applications for a review . • Primary Care Trusts and Local Health Boards will also now become Responsible Authorities. This power is proposed to be delegated to the Director of Public Health at the Local Authority once PCT's are disbanded. • 'Interested Parties' will be abolished. The vicinity test will be removed meaning that any person, living anywhere may object 	Action by

	<p>to licence applications.</p> <ul style="list-style-type: none"> • “Appropriate” replaces “necessary”. Now the Authority will have to be satisfied that decisions are ‘appropriate’ to uphold the licensing objectives rather than ‘necessary’. • Temporary Event Notices <ul style="list-style-type: none"> ➢ Environmental Health Officers become a statutory consultee for TEN’s and may object on grounds of public nuisance. ➢ Objections can relate to any Licensing Objective and can be made within 3 working days rather than 2. ➢ Conditions can be added where they already exist on a premises licence ➢ Two types of notice – Late and Standard ➢ Changes to overall limits of event periods; maximum period 7 days; maximum per premises 21 days. • Greater penalties for persistent sales to children. Increase from £10,000 to £20,000. • Suspension of licences for failure to pay annual fees. Licences to be suspended after a 21 day grace period and can be reinstated after payment is made. • Licensing Policy shelf life increased from three years to five years. • New relevant offences for Personal Licence holders including; Conspiracy to defraud, Conspiracy to commit a relevant offence; Attempting to commit a relevant offence; Failure to co-operate with a breath test. <p>Other changes including locally set fees, late night levy’s and early morning restriction orders are expected to be implemented in October 2012.</p> <p>Members asked Officers to investigate the possibility of charging a ‘late payment charge’. Officers said they would follow this query up with Legal Services and the Finance department.</p> <p>Resolved: Members noted the update.</p>	<p>Stephanie Waterford – Licensing Service</p>
<p>37.</p>	<p>LIVE MUSIC ACT UPDATE (<i>Agenda Item 9</i>)</p> <p>Officers informed Members that on 8th March 2012 the Live Music Bill received Royal Assent and became the Live Music Act. The effects of the new legislation would remove the licensing requirements for:</p> <ul style="list-style-type: none"> • Amplified live music between 08.00 hours and 23.00 hours before audiences of no more than 200 people on premises 	<p>Action by</p>

	<p>authorised to sell alcohol for consumption on the premises (e.g. pubs, clubs, hotels and restaurants)</p> <ul style="list-style-type: none"> • Amplified live music between 08.00 hours and 23.00 hours before audiences of no more than 200 people in workplaces not licensed under the Licensing Act 2003 (e.g. shops, community centres, religious establishments) or premises licensed only for late night refreshment (e.g. takeaways) • Unamplified live music between 08.00 hours and 23.00 hours in all venues. <p>The conditions currently on premises licences relating to noise nuisance from amplified and unamplified music would automatically become void.</p> <p>However, Licensing Authorities would be able to re-instate or impose conditions about noise nuisance from live music following a Review of the premises licence or club premises certificate when authorised to sell alcohol for consumption on the premises.</p> <p>The Live Music Act would also remove all licensing requirements for the provision of entertainment facilities (e.g. providing facilities for making music and dancing).</p> <p>Also, it would widen the licensing exemption for live music integral to a performance of Morris dancing or dancing of a similar type (e.g. folk dancing or dancing of an English Heritage nature) and the exemption applies to both live and recorded music instead of just unamplified live music.</p> <p>Officers stated that the legislation was expected to come into force on 1st October 2012, once Guidance is provided.</p> <p>Resolved: The Committee noted the update.</p>	
38.	<p>LICENCE STATISTICS (<i>Agenda Item 10</i>)</p> <p>Officers informed Members that from April 2011 to March 2012 a total of 524 Temporary Event Notices had been granted under delegated authority. A total of 823 premises licences had been granted and 2303 personal licences.</p> <p>Resolved: The Committee noted the update.</p>	Action by
	<p>The meeting, which commenced at 2.00 pm, closed at 3.05 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.
