



HILLINGDON  
LONDON



# Licensing Committee

**Date:** THURSDAY, 19 APRIL 2012  
**Time:** 14:00 PM  
**Venue:** COMMITTEE ROOM 6 -  
CIVIC CENTRE, HIGH  
STREET, UXBRIDGE UB8  
1UW

## Councillors on the Committee:

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

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

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**Published:** Wednesday, 11 April 2012

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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 meetings held on 17 January 2012 and 05 March 2012
- 4 To confirm that items marked Part 1 will be considered in public and any items marked Part 2 will be considered in private.

## **Part 1 (Public)**

- 5 Review and Appeal Update 2012
- 6 Determination of Review Applications update
- 7 Deregulation of Schedule one of the Licensing Act 2003 update
- 8 Police Reform & Social Responsibility Act 2011 - changes to licensing legislation
- 9 Live Music Act update
- 10 Licence Statistics

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**Minutes**

**LICENSING COMMITTEE**

17 January 2012

Meeting held at Committee Room 4 - 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 Judy Kelly Peter Kemp Janet Gardner Carol Melvin Brian Stead</p> <p><b>LBH Officers Present:</b> Sharon Garner – Licensing Service Officer Stephanie Waterford – Licensing Service Manager Natasha Dogra – Democratic Services Officer</p> <p><b>Also Present:</b> Sgt Ian Meens</p> <p><b>In Attendance:</b> Cllr Dominic Gilham Charmaine Baker – Licensing Service Officer</p>	
20.	<p><b>CONSIDERATION OF THE MINUTES OF THE PREVIOUS MEETING</b> <i>(Agenda Item 3)</i></p> <p><b>Resolved:</b> <b>The minutes of the previous meeting were agreed as an accurate record by the Committee</b></p>	Action by
21.	<p><b>TO CONFIRM THAT ALL ITEMS ON THE AGENDA WERE MARKED PART 1 AND THEREFORE WOULD BE CONSIDERED IN PUBLIC</b> <i>(Agenda Item 4)</i></p> <p>It was confirmed that all items on the agenda were marked Part 1 and would therefore be considered in public.</p>	Action by

22.	<p><b>UPDATE ON SEX ESTABLISHMENT APPLICATIONS</b> (<i>Agenda Item 5</i>)</p> <p>Officers said that new powers to control Sex Establishments in Hillingdon were adopted by full Council on 12<sup>th</sup> May 2011. A timetable for implementation was also agreed which set out the periods in which applicants could apply for Sexual Entertainment Venue Licences under the new powers.</p> <p>The London Borough of Hillingdon had received applications from all the premises which provide relevant entertainment;</p> <ul style="list-style-type: none"> <li>▪ The Woolpack/Inhibitions, Dawley Road, Hayes</li> <li>▪ The Olde Northwood, Pinner Road, Northwood</li> <li>▪ The Victoria, North Hyde Road, Hayes</li> </ul> <p>No applications from new premises operators have been received however; multiple enquiries had been received from potential operators, particularly in relation to empty shop/bar units.</p> <p>Members of the Committee asked Officers where any of the current applications had been contested. Officers said one application had received objections and therefore would need to be determined by a Licensing Sub Committee. However, Officers were unable to provide details of this case as Members would be determining the application.</p> <p>Officers said any uncontested applications would be considered under delegated authority. Members raised concerns over this, as they wanted first-time applications to be considered by a Licensing Sub Committee. Members agreed that renewal of licences could be determined under delegated powers. The Committee asked Licensing Officers to investigate this matter.</p> <p>Members asked Officers whether signage would be used on the external buildings of these premises. Officers said the signage would be strictly controlled and no inappropriate words or images would be permitted.</p> <p><b>Resolved:</b></p> <ul style="list-style-type: none"> <li><b>1. The Committee noted the update;</b></li> <li><b>2. That Officers would investigate the issue of sex establishment applications being determined by Licensing Sub Committees.</b></li> </ul>	<b>Action by</b>
23.	<p><b>CONSIDERATION OF THE STATEMENT OF GAMBLING POLICY</b> (<i>Agenda Item 6</i>)</p> <p>Officers said that since the introduction of the Gambling Act 2005, there had been an increase in licence applications for gambling premises in certain areas around the borough. This had led to saturation spots where there were high numbers of gambling premises, particularly Betting Shops.</p> <p>The Councils Statement of Gambling Policy is due for review over the next year, and will be implemented in 2013-2016. The Licensing</p>	<b>Action by</b>

*Stephanie Waterford – Licensing Service Manager*

	<p>Service was minded to investigate the possibility of including a Special Policy which would aim to restrict the number of gambling establishments in certain areas.</p> <p>The LGA are currently lobbying DCMS to introduce more controls to Local Councils to limit the number of premises in operation. Officers said they would keep Members up to date regarding any responses from the DCMS.</p> <p>Members said there was an increasing problem of people using gaming machines whilst in a betting shop. Members said it was normal for those in a betting shop to place their bets and then use the betting machines while they waited. Officers informed Members that the profits from betting machines was substantial and on the rise.</p> <p>Officers said the introduction of a saturation policy would not restrict the London Borough of Hillingdon from hearing applications, but would give Committees grounds for refusal, should they be minded to refuse an application.</p> <p>Some Members of the Committee stated that there was a degree of over-sensitivity applied to gaming premises, and the Committee would benefit from waiting to hear from the DCMS.</p> <p>Sgt Ian Meens said gaming premises were notoriously associated with crime and disorder. This could range from youths congregating around the site to damage to machines on the premises. Sgt Meens said a large number of calls were generated due to this behaviour.</p> <p>Members agreed that there was a need to change the Gambling Policy and would welcome an increase in power for Licensing Authorities when determining applications.</p> <p><b>Resolved:</b>  <b>The Committee gave their views to the Licensing Service for further investigation.</b></p>	<p><i>Stephanie Waterford – Licensing Service Manager</i></p>
<p>24.</p>	<p><b>UPDATE ON THE POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011</b> (<i>Agenda Item 7</i>)</p> <p>Officers informed Members that the Police Reform &amp; Social Responsibility Act received Royal Assent in September 2011. Part 2 of the Act aimed to rebalance the Licensing Act 2003 by bringing in extra controls for Licensing Authorities and at the same time, relaxing some of the more burdensome licensing systems.</p> <p>Members were informed that the changes to the Act included:</p> <p><b>Locally set fees under the Licensing Act 2003</b>  The Government will introduce locally set licence fees to ensure full cost recovery.</p> <p><b>Enable Licensing Authorities to suspend licences due to non payment of fees</b></p>	<p><b>Action by</b></p>

Currently, licence holders are required to pay an annual fee for their licence. Unfortunately there is no provision to act against licence holders for non payment of fees. The changes will enable Licensing Authorities suspend licences where payment is not made within 21 days of the fee being due.

#### **Lowering the evidential hurdle for Cumulative Impact Policies to control outlet density**

The amendments will enable Licensing Authorities to consider wide ranging local needs of an area and make it easier to implement such policies. The authority will attach greater weight to the views of local people and will not be constrained by the requirement to provide detailed additional evidence.

#### **Increase the opportunities for local residents to be involved in licensing decisions – removing the ‘vicinity’ test**

Currently, the only persons who may be considered ‘interested parties’ for the purpose of making representations against licence applications, are those who live in the ‘vicinity’ of the premises. The new rules will remove the ‘vicinity’ test and instead will include ‘persons who live or have business interests within the relevant licensing authority area.’

#### **Reducing the burden of proof on licensing authorities**

Currently Licensing Authorities have to demonstrate that licence decisions are necessary to promote the licensing objectives. The changes will replace ‘necessary’ for ‘appropriate’ and therefore reduce the burden of proof for decisions.

#### **Making local health bodies responsible authorities**

Currently, responsible authorities under the Licensing Act include; Police, Fire Service, Trading Standards, Child Protection, Environmental Health, Planning, Health & Safety. The new legislation will make local health bodies responsible authorities. It is not yet clear who will take on this responsibility in light of the Governments plans to disband PCTs.

#### **Making Licensing Authorities responsible authorities**

This is a welcome change and will mirror the system in use under the Gambling Act 2005. This will enable Licensing Authorities to make representations against licence applications in the same way as the Police, Child Protection, and Trading Standards etc.

#### **Temporary Event Notices**

The changes will increase the limits from 15 days to 21 days per premises and the duration from 96 hours to 168 hours. The changes will also enable the Environmental Protection Authority to object to TEN on the ground of public nuisance, currently only the Police may object to TEN on crime and disorder grounds. Applicants will also be able to serve a TEN less that 10 clear working days prior to the event under the ‘late TENs’ provisions.

Members welcomed this change to ensure charitable events went ahead without a problem. However, concerns were raised over TENs being used for week long music events. The Committee requested that



a letter be sent to Members of Parliament of the London Borough of Hillingdon recording the Committee's serious concerns over this change. Licensing Service Officers agreed to circulate the full consultation and the draft letter to Members of the Licensing Committee for comments by the end of next week,

### **Persistently selling alcohol to children**

This offence currently carries a maximum fine of £10,000. The Government will increase this maximum to £20,000. Members welcomed this change, however Officers said it would be very unusual for Magistrates to hand out the maximum penalty to culprits.

### **Flexible opening hours**

The introduction of 24 hour alcohol licences discouraged the use of staggered closing times, zoning and fixed closing times. The new provisions will now encourage the use of measures to tackle problems resulting from licensed premises.

### **Licensing Policy Statement**

Licensing Authorities are required to review and publish a Statement of Licensing Policy every 3 years. The government has increased this to every 5 years.

### **Late Night Levy**

This is a new power for licensing authorities to introduce a charge for premises that have late night licences and where there are high enforcement costs for the Police and Local Authority. The levy will be set at a national level with 80% of revenue going to the Police.

### **Early Morning Restriction Orders**

EMROs are an un-commenced power in the Licensing Act 2003 which will enable Licensing Authorities to restrict alcohol sales in certain areas between 3am and 6am if it is appropriate for the promotion of the licensing objectives. Officers informed Members that EMROs had not been utilised in the London Borough of Hillingdon before.

Members asked Officer what these changes would mean for the Licensing Service and the Local Authority, to which Officers replied:

- Public consultation on the revised licence fees and send through Committee/Cabinet/Council.
- New procedures to be devised and delegations set up for the suspension of licences following non-payment of licence fees.
- Member and staff training
- New hearing protocols to be written
- New procedures for assessing applications
- Training and guidance to be prepared for new Temporary Event Notice provisions
- The review of the Statement of Licensing Policy to include all the relevant legislation changes and policy statements.
- Extra projects, consultations, policy revisions, and PR if EMROs, Cumulative Impact Policies and Late Night Levy's are deemed appropriate for Hillingdon.

**Resolved:**

	<p><b>1. The Committee noted the update on new legislation</b>  <b>2. That a letter would be sent from the Licensing Committee to Hillingdon MPs raising the concerns over changes to the Temporary Event Notices.</b></p>	<p><i>Stephanie Waterford – Licensing Service Manager</i></p>
<p>25.</p>	<p><b>UPDATE OF LICENSING APPEALS AND REVIEWS</b> (<i>Agenda Item 8</i>)</p> <p>Officers provided Members with an update on the status of each premises licence which had been appealed:</p> <p><u>Hayes Superstore – 75 Station Road, Hayes</u></p> <ul style="list-style-type: none"> <li>• The premises Licence was revoked by the Licensing Sub-Committee on 17<sup>th</sup> January 2011 following a review application from the Trading Standards Service.</li> <li>• The Licence Holder appealed the decision to the Magistrates Court and a hearing was held on 1<sup>st</sup> August 2011.</li> <li>• The appeal was withdrawn by the appellant due to the inconsistency in his evidence.</li> <li>• A new licence application was made for 75 Station Road by Amarjeet Singh which was granted on 1<sup>st</sup> November 2011.</li> <li>• The premises continues to trade under new management.</li> </ul> <p><u>Best Food &amp; Wine – 61 Station Road, West Drayton</u></p> <ul style="list-style-type: none"> <li>• The premises Licence was revoked by the Licensing Sub-Committee on 18<sup>th</sup> August 2011 following a review application from the Police Service.</li> <li>• The Licence Holder appealed the decision to the Magistrates Court and a hearing was scheduled for 31<sup>st</sup> October 2011.</li> <li>• The appeal was withdrawn at the hearing due to a new licence being granted for the premises on 21<sup>st</sup> October 2011.</li> <li>• The premises continues to trade under new management.</li> </ul> <p><u>West Drayton Food &amp; Wine – 19 Station Road, West Drayton</u></p> <ul style="list-style-type: none"> <li>• The premises Licence was revoked by the Licensing Sub-Committee on 18<sup>th</sup> August 2011 following a review application from the Police Service.</li> <li>• The Licence Holder appealed the decision to the Magistrates Court and a hearing was scheduled for 31<sup>st</sup> October 2011.</li> <li>• The appeal was withdrawn at the hearing due to a new licence being granted for the premises on 29<sup>th</sup> September 2011.</li> <li>• The premises continues to trade under new management.</li> </ul> <p><u>Botwellears – 25 Botwell Lane, Hayes.</u></p> <ul style="list-style-type: none"> <li>• The premises Licence was revoked by the Licensing Sub-Committee on 23<sup>rd</sup> August 2011 following a review application from the Police Service.</li> <li>• The Licence Holder appealed the decision to Magistrates Court and a Hearing has been scheduled for 2<sup>nd</sup> March 2012.</li> <li>• The premises continues to trade pending the outcome of the appeal.</li> </ul> <p><u>Hayes News &amp; Booze, 772/774 Uxbridge Road, Hayes.</u></p>	<p><b>Action by</b></p>

	<ul style="list-style-type: none"> <li>• The premises Licence was revoked by the Licensing Sub-Committee on 23<sup>rd</sup> August 2011 following a review application from the Police Service.</li> <li>• The Licence Holder appealed the decision to Magistrates Court and a Hearing has been listed for 24<sup>th</sup> February 2012.</li> <li>• 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 5<sup>th</sup> December 2011.</li> <li>• The premises continues to trade pending the outcome of the appeal.</li> </ul> <p><u>Venus Convenience Store, 18 Station Road, West Drayton.</u></p> <ul style="list-style-type: none"> <li>• The premises Licence was revoked by the Licensing Sub-Committee on 1<sup>st</sup> September 2011 following a review application from the Police Service.</li> <li>• The Licence Holder appealed the decision to Magistrates Court and a Hearing has been listed for 28<sup>th</sup> February 2012.</li> <li>• A new application was submitted for the premises under a new name. This was subject to a Police representation and will be determined at a Sub-Committee Hearing on 18<sup>th</sup> January 2012</li> <li>• The premises continues to trade pending the outcome of the appeal.</li> </ul> <p><b>Resolved:</b> <b>The Committee noted the update.</b></p>	<p><i>Stephanie Waterford – Licensing Service Manager</i></p>
26.	<p><b>UPDATE ON LICENSING STATISTICS</b> (<i>Agenda Item 9</i>)</p> <p>Officers informed Members that 841 Premises Licences and 2260 Personal Licences had been granted under Officer Delegated Powers and by the Licensing Sub Committees. Between January 2011 and December 2011 477 Temporary Event Notices (TENS) had been issued.</p> <p><b>Resolved:</b> <b>The Committee noted the update.</b></p>	<p><b>Action by</b></p> <p><i>Stephanie Waterford – Licensing Service Manager.</i></p>
<p>The meeting, which commenced at 10.00 am, closed at 11.33 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.

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Minutes

## LICENSING COMMITTEE

5 March 2012

Meeting held at Committee Room 3 - 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 Mike Bull Judy Kelly Peter Kemp Carol Melvin Brian Stead</p> <p><b>LBH Officers Present:</b> Stephanie Waterford (Licensing Service Manager) Tim Brown (Legal Advisor) Charles Francis (Democratic Services)</p> <p><b>Also Present:</b> Sergeant Ian Meens, Metropolitan Police</p>	
27.	<p><b>APOLOGIES FOR ABSENCE</b> (<i>Agenda Item 1</i>)</p> <p>Apologies for absence were received from Cllr Janet Gardener. Cllr Bruce Baker was absent from the meeting.</p>	
28.	<p><b>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING</b> (<i>Agenda Item 2</i>)</p> <p>None.</p>	
29.	<p><b>SEX ESTABLISHMENT HEARING PROTOCOL</b> (<i>Agenda Item 3</i>)</p> <p>The Licensing Service Manager introduced the report and discussed the sex establishment protocol with the Committee.</p> <p>In the course of discussions, Officers were requested to make the following amendments:</p> <p>Page 7 – final bullet point entitled <i>A Clerk to the Committee</i>, to change ‘mars’ to ‘matters’ and ‘meetin’ to ‘meeting’.</p> <p><b>Resolved –</b></p> <p><b>1. That the protocol be approved subject to the amendments detailed above.</b></p>	<p><b>Action by</b></p> <p><i>Stephanie Waterford</i> (Licensing Service Manager)</p>

	The meeting, which commenced at 6:00 pm, closed at 6:02 pm
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These are the minutes of the above meeting. For more information on any of the resolutions please contact Charles Francis on 01895 556454. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

APPEALS & REVIEW UPDATES	
Committee	Licensing Committee
Officer Contact	Sharon Garner X 7230
Papers with report	None
Ward(s) affected	All

## SUMMARY

To update the Licensing Committee on the recent reviews and Licensing Appeals

## RECOMMENDATION

**That the committee note the update**

## INFORMATION

Members will be aware of the recent reviews and subsequent appeals that have taken place over the last 12 months. Updates on the status of each premises are below;

### Botwellears, 25 Botwell Lane, Hayes.

- The premises Licence was revoked by the Licensing Sub-Committee on 23<sup>rd</sup> August 2011 following a review application from the Metropolitan Police Service.
- The Licence Holder appealed the decision to Magistrates Court and a Hearing was scheduled for 2<sup>nd</sup> 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 25<sup>th</sup> 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 23<sup>rd</sup> 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 24<sup>th</sup> 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 5<sup>th</sup> 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 16<sup>th</sup> 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 1<sup>st</sup> 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 28<sup>th</sup> February 2012. This has subsequently been adjourned until 28<sup>th</sup> 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 3<sup>rd</sup> 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 11<sup>th</sup> 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. We believe that Mr Aujla has now sold this premises.



## POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW

<b>Committee</b>	Licensing Committee
<b>Officer Contact</b>	Sharon Garner X 7230
<b>Papers with report</b>	None
<b>Ward(s) affected</b>	All

### SUMMARY

To inform the Licensing Committee on the powers available when determining an application for a Review of a premises licence.

### RECOMMENDATION

**That the committee note the report.**

### INFORMATION

Members will be aware of the recent reviews and subsequent appeals that have taken place over the last 12 months.

This report is to inform Members of the powers available to them when determining the Review applications.

The Licensing Act 2003 provides a range of powers for the Licensing Authority on determining a review that it may exercise where it considers them necessary for the promotion of the licensing objectives.

Para. 11.18 of Section 182 Guidance states;

Where a Licensing Authority considers that action under its statutory powers are appropriate/necessary, it may take any of the following steps;

- Modify conditions on the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), e.g. by reducing the operating hours or by requiring door supervisors at particular times;
- To exclude a licensable activity from the scope of the licence;
- To remove the existing DPS where there are concerns with poor management
- To suspend the licence for a period not exceeding three months
- Revoke the licence.

Para. 11.27 of the Guidance document states that 'Where reviews arise and the Licensing Authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.'

When a licence is revoked, the premises licence holder has 21 days from the day of receiving the decision notice to appeal the decision to the Magistrates Court.

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.

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.

## DEREGULATION OF SCHEDULE 1 OF THE LICENSING ACT 2003

**Committee**

Licensing Committee

**Officer Contact**

Stephanie Waterford x7232

**Papers with report**

Appendix 1 – Copy of Chairman’s letter to MP’s  
Appendix 2 – Letters received in response from John Randall MP  
Appendix 3 – Letter from John Penrose MP for DCMS

**Ward(s) affected**

All

### SUMMARY

To inform the Committee of the correspondence received in response to the Chairman’s letter highlighting concerns about the deregulation of Schedule one of the Licensing Act 2003.

### RECOMMENDATION

**That the committee note the information**

### INFORMATION

At the meeting of the full Committee on 17<sup>th</sup> January 2012, the proposed deregulation of Schedule 1 of the Licensing Act 2003 was discussed at length.

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.

The letter in Appendix 1 was sent to John Randall MP, John McDonnell MP and Nick Hurd MP on 2<sup>nd</sup> February 2012.

The responses in Appendix 2 were received from John Randall MP, who raised the issues with the relevant Government Minister.

A response from John Penrose MP for DCMS is attached as Appendix 3.

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# HILLINGDON

LONDON

Rt.Hon John Randall MP  
 Rt.Hon Nick Hurd MP  
 Rt.Hon John McDonnell MP

Ref; SW/12/liccom

Your Ref;

Date; 2<sup>nd</sup> February 2012

Dear Sir

## **DCMS PROPOSAL TO DEREGULATE SCHEDULE 1 OF THE LICENSING ACT 2003**

I am writing to you on behalf of the Licensing Authority of the London Borough of Hillingdon, who are charged with inter alia, the regulation of licensable activities under the Licensing Act 2003.

At a meeting of the Licensing Authority on 17<sup>th</sup> January 2012, the DCMS proposals to deregulate schedule 1 of the Licensing Act 2003 were discussed at length. Members raised various concerns about the implications the changes may lead to.

Currently, the Authority can control events with elements of regulated entertainment by granting licences by restricting the times of operation and imposing conditions relating to the licensing objectives; Public Safety; Protection of Children; Prevention of Public Nuisance and Prevention of Crime and Disorder.

The Hillingdon Licensing Authority have the following observations to make in respect of the Government's proposals.

Another concern is that event organisers will exploit exemptions for the provision of alcohol, i.e. 'bring your own', for large unregulated events to go ahead without any notification to the Authority or Police and also without any safeguards/controls in place.

The deregulation proposes that licence conditions which relate to regulated entertainment need not be removed. However, confusion is likely to arise in interpreting which conditions are likely to be dis-applied, particularly in relating to enforcement situations where



questions will arise concerning the ability to enforce against such conditions which do not relate exclusively to regulated entertainment.

In regard specifically to the numbers proposed for this exemption i.e. events for less than 5000 attendees, the Authority is extremely concerned that all licensing objectives could potentially be undermined as a result of the deregulation.

Deregulating the requirement for licensing entertainment for events with up to 5000 attendees, is likely to lead to an increase of noise complaints, and in direct contravention of the nuisance prevention licensing objective. The Licensing Act 2003 currently enables Authorities to prevent such nuisances occurring however, if the deregulations are enacted, Authorities can only rely on powers contained within the Environmental Protection Act or the Health & Safety at Work Act in order to combat noise nuisance. This is a slower, costly mechanism of control.

Referring to our own experience using existing powers, the Authority has previously refused permission for a large music event in a busy town centre area, due a wide range of public safety issues. The Authority were satisfied that the applicant was not able to demonstrate adequate safeguards for up to 3000 people. The Authority is deeply concerned that this type of control will be lost if the Government's proposals are implemented.

The Authority are also concerned about the potential lack of regard for public safety at these unregulated events. Currently the Authority can impose public safety conditions which it considers necessary for the promotion of the licensing objectives, a useful tool to protect members of the public on licensed premises particularly as the Legislative Reform (Fire Safety) Order 2005 has already imposed deregulation in this area.

Another matter for the Government to have regard to is the Live Music Bill which is currently in the final reading stages in Parliament. The Live Music Bill proposes to deregulate live music in certain premises at certain times, the two proposals do not seem to correspond with each other.

The deregulation of plays was also a cause for concern, particularly as many performances have large closely seated audiences, scenery, special effects etc which are all currently controlled by premises licence conditions relating to public safety. Obviously Temporary Event Notices cannot have conditions imposed upon them, but an element of control remains with the Police and with the Environmental Protection Authority (from April 2012).

With regard to the exhibition of films deregulation, the Authority is aware of the public safety issues highlighted above and also about the potential lack of safeguarding for children who are admitted to age restricted film screenings. The Authority can currently



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find comfort in the mandatory conditions relating to age restricted films however, if no regulation exists for such screenings, the conditions will become void.

The Authority agrees that whilst there are generally no public protection or nuisance issues associated with indoor sporting events, there must remain some control of this type of entertainment, particularly as sports such as mixed martial arts or cage fighting are becoming ever popular.

The Authority also agrees that Boxing and Wrestling entertainment should continue to be regulated but questions why this should be treated differently to other entertainment in Schedule One.

The proposal to deregulate recorded music for audiences of less than 5000, has the potential to see an increase in unregulated rave and festival type events inviting a range of issues relating to crime and disorder, public safety, nuisance and the protection of children. An audience of 5000 people is a substantial event and one which cannot be without any form of regulation. The limits currently imposed for Temporary Event Notices i.e. 499 would be a more suitable limit and in line with current procedure in the Licensing Act 2003.

The Authority is unclear as to what type of benefit could be gained from deregulating dance performances except those for sexual entertainment. With the introduction of powers under the Policing and Crime Act 2010 to control Sexual Entertainment Venues, the Authority sees little need for keeping this regulation in the Licensing Act 2003.

In conclusion, the Authority believes that regulation should remain in place for regulated entertainment so that the licensing objectives can be upheld reducing the need for costly reactive enforcement relying on other pieces of legislation.

I hope that you are able to raise these issues in debates on our behalf.

Yours sincerely

Councillor Andrew Retter  
Chairman of the Licensing Committee



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**Rt. Hon. John Randall M.P.**



**HOUSE OF COMMONS**

**LONDON SW1A 0AA**

**john.randall.mp@parliament.uk**

**22 February 2012**

*Dear Andrew*

**DCMS Proposals to Deregulate Schedule 1 of the Licensing Act 2003**

Thank you very much for your letter of 16 February 2012 concerning the above.

I confirm that I have raised this matter with the responsible Government Minister and I will be in touch with you again as soon as I have more information.

With all best wishes.

*Yours ever*  
*John*

Cllr. Andrew Retter  
Chairman of the Licensing Committee  
London Borough of Hillingdon  
Civic Centre  
Uxbridge  
Middlesex UB8 1UW



Rt. Hon. John Randall M.P.



HOUSE OF COMMONS

LONDON SW1A 0AA

[john.randall.mp@parliament.uk](mailto:john.randall.mp@parliament.uk)

5 March 2012

*Dear Andrew*

**DCMS Proposals to Deregulate Schedule 1 of the Licensing Act 2003**

Further to our previous correspondence, I now enclose a copy of a letter I have received from John Penrose, the Minister for Tourism and Heritage at the Department for Culture, Media and Sport, regarding the proposal to examine the deregulation of the above act.

The attached will be self-explanatory and I trust you will find it of interest.

With kind regards.

*Yours ever*

*John*

Cllr. Andrew Retter  
Chairman of the Licensing Committee  
London Borough of Hillingdon  
Civic Centre  
Uxbridge  
Middlesex UB8 1UW

Department for Culture, Media and Sport  
John Penrose MP  
Minister for Tourism and Heritage

2-4 Cockspur Street  
London SW1Y 5DH  
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Tel 020 7211 6000  
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Our Ref: CMS 200257/np/29

Rt Hon John Randall MP  
email: [john.randall.mp@parliament.uk](mailto:john.randall.mp@parliament.uk)



5 March 2012

department for  
**culture, media  
and sport**

Dear John

Thank you for your letter of 22 February 2012, enclosing correspondence from Councillor Andrew Retter, Chairman of the Licensing Committee of the London Borough of Hillingdon, Licensing Service, Civic Centre, High Street, Uxbridge, UB8 1UW, about the consultation on the proposal to examine the deregulation of Schedule One of the Licensing Act 2003.

I'm grateful to you for letting me know of the Council's concerns about the consultation proposal. As both you and Councillor Retter may know, the consultation has now closed, but I will, of course, take the Council's concerns into account alongside other representations, and will be paying close attention to issues such as venue safety and public disturbance, when assessing the final policy.

Yours sincerely

John Penrose MP  
*Minister for Tourism and Heritage*

## POLICE REFORM & SOCIAL RESPONSIBILITY ACT 2011 – CHANGES TO LICENSING

<b>Committee</b>	Licensing Committee
<b>Officer Contact</b>	Stephanie Waterford x7232
<b>Papers with report</b>	None
<b>Ward(s) affected</b>	All

### SUMMARY

To update the Committee on the forthcoming changes to Licensing legislation.

### RECOMMENDATION

**That the committee note the information**

### INFORMATION

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.

Officers are now writing to provide a further update on when the changes are going to be implemented;

### 25<sup>th</sup> April 2012 –

- 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 to licence applications.
- "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
  - 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.

Other changes including locally set fees, late night levy's and early morning restriction orders are expected to be implemented in October 2012.

## THE LIVE MUSIC ACT – CHANGES TO THE LICENSING ACT 2003

<b>Committee</b>	Licensing Committee
<b>Officer Contact</b>	Sharon Garner X7230
<b>Papers with report</b>	None
<b>Ward(s) affected</b>	All

### SUMMARY

To update the Committee on the forthcoming changes to Licensing Legislation.

### RECOMMENDATION

**That the committee note the information**

### INFORMATION

On 8<sup>th</sup> March 2012 the Live Music Bill received Royal Assent and became the Live Music Act. The effects of the new legislation will remove the licensing requirements for:

- **Amplified live music** between 08.00 hours and 23.00 hours before audiences of no more than 200 people on premises authorised to sell alcohol for consumption on the premises (e.g. pubs, clubs, hotels and restaurants)
- **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.

The conditions currently on premises licences relating to noise nuisance from amplified and unamplified music will automatically become void.

However, Licensing Authorities will 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.

The Live Music Act will also remove all licensing requirements for the provision of entertainment facilities (e.g. providing facilities for making music and dancing).

Also, it will 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.

The legislation is expected to come into force on 1<sup>st</sup> October 2012, once Guidance is provided.

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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 4<sup>th</sup> APRIL 2012

### Premises Licences

Type of Licence	No. issued
Clubs	85
Entertainment Premises	53
Hotels	34
Off Licences	275
Public Houses	130
Restaurants	157
Take Aways	76
Other	25
<b>Total</b>	<b>835</b>

### Personal Licences

Personal Licences	<b>2303</b>
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### Temporary Event Notices (TENS)

Issued from Apr 2011 to Mar 2012	524
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<b>Period Apr 11 to Mar 12</b>													
<b>New premises licence applications by type and month</b>													
	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Totals</b>
<b>Clubs</b>	1												1
<b>Entertainment prems</b>				1									1
<b>Hotels</b>			1										1
<b>Off Licences</b>	1	2	2	1		2	5	3	1	2	1	6	26
<b>Pubs</b>		1											1
<b>Restaurants</b>	3	1	2		2	2					5	1	16
<b>Take Aways</b>					1						1	2	4
<b>Other</b>	1	1											2
<b>Totals</b>	<b>6</b>	<b>5</b>	<b>5</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>3</b>	<b>1</b>	<b>2</b>	<b>7</b>	<b>9</b>	<b>52</b>
<b>Variation and Minor Variation applications by type and month</b>													
	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Totals</b>
<b>Clubs</b>												1	0
<b>Entertainment prems</b>				1					1				2
<b>Hotels</b>						1		1			1		2
<b>Off Licences</b>				1	2	1	1	1	1			1	7
<b>Pubs</b>	1	1			1	5		3	1		1	2	12
<b>Restaurants</b>		1										1	1
<b>Take Aways</b>						1							1
<b>Other</b>													0
<b>Totals</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>3</b>	<b>8</b>	<b>1</b>	<b>5</b>	<b>3</b>	<b>0</b>	<b>2</b>	<b>5</b>	<b>25</b>

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A list of all premises licences that have been determined using delegated licensing officer powers from Jan 2012 to Mar 2012

<b>Date Determined</b>	<b>Premises</b>	<b>Applicant</b>	<b>Licensable Activities</b>	<b>Operating Hours</b>
20/01/12	King Superstore, 280 Kingshill Avenue, Hayes	Mr Kirat Singh Bhatia	Sale of alcohol	08:00-23:00 each day
<i>New Premises</i>	<i>New off-licence application</i>			
20/01/12	Costcutter, 2 Bourne Circus, Bourne Avenue, Hayes	Mr Surbjeet Singh	Sale of alcohol	08.00 - 22.00 each day
<i>Minor Variation</i>	<i>Variation to internal layout</i>			
20/01/12	Black Horse PH, High Road, Eastcote	Punch Taverns	Sale of alcohol	10.00 - 00.30 Sunday to Thursday
<i>Variation</i>	xxxxxxxxxxxxxxxxxxxxxxxxxxxx		Regulated Entertainment	10.00 - 01.30 Friday and Saturday
			Late night refreshment	
17/02/12	The Ascot, 144 Field End, Eastcote (ex Manor)	Greene King Retailing Ltd	Sale of alcohol	10.00 - 01.30 each day
<i>Minor Variation</i>	<i>Variation to internal layout</i>		Regulated Entertainment	
			Late night refreshment	
06/03/12	Nisa Local, 117 Pinner Road, Northwood	Mittal Properties Limited	Sale of alcohol	07.00 - 23.00 each day
<i>New Premises</i>	<i>New off-licence application</i>			
07/03/12	Toresano Restaurant, 36 High Street, Ruislip	Ask Restaurants Ltd	Sale of alcohol	12.00 - 24.00 each day
<i>New Premises</i>	<i>New restaurant application</i>		Regulated Entertainment	
			Late night refreshment	
09/03/12	Leon, Terminal 3 Landside, Heathrow Airport	Autogrill Catering (UK) Ltd	Sale of alcohol	00:00 - 24:00 each day
<i>New Premises</i>	<i>New premises licence application</i>		Late Night Refreshment	
15/03/12	Yi Ban Restaurant, 98 Field End Road, Eastcote	Jeff Yong Wang	Sale of alcohol	12.00 - 23.00 each day
<i>New Premises</i>	<i>New restaurant application</i>		Regulated Entertainment	
09/03/12	Ghurkas Pride, 148 High Street, Ruislip	Ananda Daj Dharel	Sale of alcohol	12.00 - 23.30 each day
<i>New premises licence</i>	<i>New restaurant application</i>		Regulated Entertainment	
			Late Night Refreshment	
16/03/12	Harvester George Ruislip, Bury Street, Ruislip	Mitchells and Butlers Leisure Retail	Sale of alcohol	10.00 - 00.30 each day
<i>Minor Variation</i>	<i>Variation to internal layout</i>		Regulated Entertainment	

A list of all premises licences that have been determined using delegated licensing officer powers from Jan 2012 to Mar 2012

			Late Night Refreshment	
19/03/12	Secrets of India, 36 High Street, Northwood	Mr Lucky Miah	Sale of alcohol	12.00 - 23.30
<i>New Premises</i>	<i>New restaurant application</i>		Late Night Refreshment	
20/03/12	Sheiks, 19 The Broadway, Joel Street, Northwood	Mr Wasim Aslam Sheikh	Sale of alcohol	12:00 - 24:00 each day
<i>New premises</i>	<i>New restaurant application</i>		Regulated Entertainment	
			Late Night Refreshment	
22/03/12	Sheraton Heathrow Hotel, Bath Road, West Drayton	Mr Andrew Huxstead	Sale of alcohol	00.00 - 24.00 each day
<i>Minor Variation</i>	<i>Variation to internal layout</i>		Regulated Entertainment	
			Late Night Refreshment	
26/03/12	Tams Fried Chicken, 78 Joel Street, Northwood	Mr P Ranganathan	Late Night Refreshment	11.00 - 02.00
<i>New premises</i>	<i>New take-away licence</i>			
02/04/12	W H Smiths, Terminal 1 Landside, Heathrow Airport	W H Smith PLC	Sale of alcohol	00.00 - 24.00 each day
<i>New premises</i>	<i>New off-licence application</i>			

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A list of Licensing Sub-Committee decisions from Jan 2012 to Mar 2012

Date Determined	Premises	Reason for Hearing	Decision	
29/02/12	Premier News, 98-100 Cowley Road, Uxbridge	Objections from local ward members	Granted with amended times	
	<i>New off-licence application</i>			
16 March 2012	Hayes Newsagents, 772-774 Uxbridge Road, Hayes	Objections received as a result of the continuing review/	Refused	
	<i>New off-licence application</i>	appeal action taking place with the previous licence		
		holders		

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