

Minutes

LICENSING COMMITTEE

5 June 2013

Meeting held at Committee Room 5 - Civic Centre,
High Street, Uxbridge UB8 1UW



HILLINGDON
LONDON

	<p>Committee Members Present: Councillors Dominic Gilham (Chairman) David Yarrow (Vice-Chairman) Lynne Allen (Labour Lead) Josephine Barrett Judy Kelly Peter Kemp Carol Melvin Brian Stead Janet Gardner</p> <p>LBH Officers Present: Beejal Soni, Legal Advisor Stephanie Waterford, Licensing Manager Sharon Garner, Licensing Officer Ian Meens, Licensing Officer Nadia Williams, Democratic Services Officer</p> <p>Also Present: PC Ian Wares, Metropolitan Police Service</p>	
33.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>There were no apologies for absence notified.</p>	
34.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>There were no declarations of interest notified.</p>	
35.	<p>TO AGREE THE MINUTES OF THE MEETINGS HELD ON 18 APRIL AND 9 MAY 2013 (<i>Agenda Item 3</i>)</p> <p>The minutes of the meetings held on 18 April and 9 May 2013 were agreed as an accurate record.</p>	
36.	<p>LICENSING ACT 2003 DEREGULATION (<i>Agenda Item 4</i>)</p> <p>In introducing the report, the Licensing officer highlighted that the Government had introduced a draft regulations relating to the deregulation of Schedule 1 of the Licensing Act 2003, which sought the removal of the requirement for a licence in England and Wales in the following areas:</p>	Action by

	<p>Performance of Plays and Performance of Dance – Licenses would no longer be required in these areas, as long as performances took place between 8am and 11pm with no more than 500 people in the audience. It was noted that a licence would be required where the audience exceeded the 500 limit.</p> <p>Indoor Sporting Events – Licenses for these events would not be required, as long as performances took place between 8am and 11pm with an audience of no more than 1000 people. Events in excess of this figure would also require a licence.</p> <p>Members were directed to note that amendments had also been made to definition of ‘Boxing & Wrestling’, which now included mixed martial arts requiring ring/cage fighting events to be licenced.</p> <p>The Licensing officer advised that the Live Music Act 2012 deregulated live music in certain premises between certain times and deregulation of Schedule 1 of the Licensing Act 2003, were in addition to those provisions.</p> <p>It was noted that the draft regulations relating to the deregulations were being debated in the House of Lords on 3 June 2013 to be passed in the House of Commons. Members of the Committee would be notified once the regulations had been passed by Parliament and became statute.</p> <p>In answer to a query regarding the use of Temporary Events Notices (TENs), officers advised that no changes had been made in this area.</p> <p>Members expressed concerns about the monitoring of indoor sporting events, which may attract audience in excess of 1000 people.</p> <p>Officers explained that such events included only those with spectator audience.</p> <p>The Chairman requested officers to provide a list of indoor venues in the Borough which accommodated more than 500 people.</p> <p>Resolved that officers:</p> <ol style="list-style-type: none"> 1. Notify the Committee when the draft regulations relating to the deregulation of Schedule 1 of the Licensing Act 2003 was enacted. 2. Provide a list of indoor venues in the Borough which accommodated more than 500 people. 	<p>Beejal Soni Stephanie Waterford</p>
<p>37.</p>	<p>OPERATION CONDOR UPDATE (<i>Agenda Item 5</i>)</p> <p>Officers directed the Committee to note the report on Operation Condor, which was an exercise conducted by the Metropolitan Police Service, supported by the Local Authority, where high risk and non-compliant premises were visited in the Borough between Friday 26 and Saturday 27 April 2013.</p>	<p>Action by</p>

	<p>It was noted that most of the premises visited had complied with the regulations and conditions. However Licensing officers observed a number of minor breaches, which were mostly related to drinks measures and some drunk and disorderly behaviour.</p> <p>Members were advised that officers were also now working closely with betting premises to resolve minor compliant issues that had been observed.</p> <p>Officers highlighted that during the exercise, a drug warrant had been executed, as well as the enforcement of a closure notice to the Tommy Flynns Public House in Hillingdon.</p> <p>A number of test purchases carried out in off- Licences at the same time by Trading Standards officers during the same period had resulted in the issuing of 6 penalty notices for underage sales of alcohol.</p> <p>A Member welcomed the initiative but expressed concern that some premises may have been alerted in advance about the days and times of the operation, suggesting that such premises would therefore have had the opportunity to be prepared. PC Wares advised that Operation Condors were usually carried out two to three times annually at various times unannounced.</p> <p>The Committee noted that penalty notices had been enforced during the operation and indicated that an accurate list setting out the number of times that each premises had either received a warning, or been issued penalty notices would be useful.</p> <p>Resolved</p> <p>The Committee requested officers to provide a list of the premises that had been issued with a warning and Penalty Notices, prior to and during the 26 and 27 April 2013 Operation Condor.</p>	Stephanie Waterford
38.	<p>REDUCING THE STRENGTH (<i>Agenda Item 6</i>)</p> <p>In introducing the report, officers advised that the 'Reducing the Strength' was a scheme that had been implemented in Ipswich to control the sale of 'Super Strength' alcohol at a cheap price in off-licences. This type of alcohol was often brought by people with drug dependent issues and by young vulnerable people.</p> <p>To take part in the scheme, Licensees in Ipswich were invited to voluntarily sign up, by applying to the Licensing Authority for a minor variation, to add a condition to their licence restricting the sale of super strength alcohol. Out of 130 off licences, 53 had voluntarily signed up to the scheme.</p> <p>It was noted that since the introduction of the scheme Suffolk Police had seen a reduction in alcohol-related crime and disorder. Officers stated that the scheme had been brought to the Committee's attention to consider whether this was an initiative that Members may</p>	Action by

wish to encourage in Hillingdon.

The Chairman noted that 40% of the off licences had signed up for the scheme in Ipswich and suggested that with 200 off licences in Hillingdon, operating such a scheme on a voluntary basis would cause great concerns, particularly as it was highly likely to lead to hotspots in the Borough.

A Member added that should this lead to hotspots, these could be reviewed as they emerged. Officers advised that problem areas were currently being reviewed in Hillingdon as they emerged.

The Chairman advised that the Committee would require additional information before giving consideration for such a scheme to be operated in Hillingdon. In particular, Members would require the following additional information:

- Figures setting out the percentage of alcohol related violence in the Borough
- Figures in respect of the number of alcohol related issues dealt with in hospitals
- A list of areas currently adversely affected by the sale of strong alcohol
- Investigation of concerns as to how the situation would be dealt with in a scenario where there were several off licences in a road with just one volunteering to join the scheme whilst the other off licences choose not to.

A Member suggested that there was a need for the Council to use proactive measures in dealing with such issues, particular in areas where the issue was prolific, such as the area adjacent to the canal in Hayes.

Officers commented that the entire Borough had been designated a 'Controlled Drinking Zone' and that Police held the power to enforce dispersal when necessary.

The Legal Advisor added that, as well as staffing and patrolling of the scheme, it must be noted that the scheme would also need to be enforced.

PC Wares added that Police resources had recently been stretched, due to recent incidents and the introduction of the new Policing Model. It was noted however, that dedicated officers would be posted back in areas the changes had settled. PC Wares advised that Inspector George would be visiting Suffolk Police to discuss the scheme further and suggested that perhaps the Hayes canal areas could be used as a pilot.

Resolved that:

- 1. The Reducing the Strength report be noted.**
- 2. Officers investigate and provide further details as set**

	<p>out below:</p> <ul style="list-style-type: none"> • Figures setting out the percentage of alcohol related violence in the Borough • Figures in respect of the number of alcohol related issues dealt with in hospitals • A list of areas currently adversely affected by the sale of strong alcohol • Investigation of concerns as to how the situation would be dealt with in a scenario where there were several off licences in a road with just one volunteering to join the scheme whilst the other off licences choose not to. 	<p>Stephanie Waterford PC Ian Wares</p>
<p>39.</p>	<p>MATTERS IN COURT (<i>Agenda Item 7</i>)</p> <p>Officers directed Members to note the update report on the Licensing Matters in Court.</p> <p>Judicial Review – Asgar and Gill v London Borough of Hillingdon</p> <p>The Legal Advisor reported that in respect of the Judicial Review relating to Asgar and Gill v London Borough of Hillingdon, the appellant had giving notice to their solicitor to withdraw from this matter. In addition, the Council had placed the appellant on notice and would further pursue the solicitor personally, which may result in the appellant paying the Council’s costs.</p> <p>Tamara Lounge Appeal</p> <p>The Licensing Manger gave a verbal update on Tamara Lounge and explained that there had been a review of the premises licence in September 2012, which had resulted in conditions being imposed. These conditions were subsequently the subject of an appeal which had now been listed at the Magistrates Court for 25 June 2013, following a delay in the Court tracing the documents.</p> <p>The Legal Advisor added that following discussions with the solicitors acting for Tamara Lounge, an acceptable proposal may be submitted in order to settle out of court.</p> <p>Ladbrokes Appeal</p> <p>Members were informed that following a case hearing meeting on 28 May 2013, The Council had given an indication that it would be defending its position. Officers advised that two days in September 2013 had been set aside for the full appeal hearing.</p> <p>Resolved</p> <p>That the report on the Licensing Matters and the verbal updates provided at the meeting be noted.</p>	<p>Action by</p> <p>Beejal Soni</p>

40.	<p>20 MAY 2013 - APPLICATIONS RECEIVED (<i>Agenda Item 8</i>)</p> <p>Resolved</p> <p>That the Committee note that list of applications received and processed by the Licensing Service up to 20 May 2013.</p>	Action by
41.	<p>APPLICATION TABLE (<i>Agenda Item 9</i>)</p> <p>The Committee noted that the list of new premises licence applications received by the Licensing Services showed that 50% of the applications had been submitted by off licences.</p> <p>Resolved</p> <p>That the list of New Premises licence applications for the period of May to April 2013 be noted.</p>	Action by
42.	<p>ANY OTHER BUSINESS (<i>Agenda Item</i>)</p> <p>Encouraging greater reporting from members of the public A Member suggested that there should be publicity encouraging members of the public to report concerns about off licences selling alcohol to people who were already intoxicated.</p> <p>PC Wares advised that most off licences were required to and now had CCTV installed in their premises, which they were obliged to run and retained for 30 days. Therefore, should a report relating to incidents such as the sale of drugs be received, officers would have sufficient time to seize the evidence (in conjunction with the Police). If however, it transpired that CCTV was not in working order, the Police had the power to close the premises.</p> <p>The Chairman added that such details should be included in the Information provided during Operation Condor and should also be publicised on the Council's website in order to raise awareness and encourage members of the public to report such issues of concern.</p> <p>General Updates</p> <p>The Chairman advised that there were some areas in need of updating and following discussions, the Committee agreed the areas as listed below:</p> <ul style="list-style-type: none"> • Hearing Protocols for New Premises Licence, Reviews, Gambling, Sex Establishments • Renaming the Licensing Sub-Committees from 'North' and 'South' (as this was considered to be misleading) to 'A' and 'B' • Requested officers to provide details of the application history when writing reports • Following Sub-Committee hearings, the decisions to be circulated to Sub-Committee Members electronically. 	<p>Action by</p> <p>Beejal Soni Licensing Service Democratic Services</p>

	Resolved That officers follow-up the list of actions as set out above.	
	The meeting, which commenced at 10.00 am, closed at 11.00 am.	

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

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