

Minutes

Licensing Committee
Thursday 1 October 2009
Meeting held at High Street, Uxbridge, UB8 1UW



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Members Present:

Councillors Dave Allam, Lynne Allen, Josephine Barrett (Chairman), Michael Bull (Vice-Chairman), Janet Gardner, Judy Kelly, Elizabeth Kemp, Peter Kemp, Carol Melvin and Andrew Retter

Officers Present: Natasha Dogra, Sharon Garner, Norman Stanley, Beejal Soni, Jaspal Wadhwa and Stephanie Waterford.

1. APOLOGIES FOR ABSENCE

None.

2. DECLARATIONS OF INTEREST IN MATTER COMING BEFORE THIS MEETING

None.

3. TO CONFIRM THAT ALL ITEMS MARKED PART 1 WILL BE CONSIDERED IN PUBLIC AND ALL THOSE MARKED IN PART 2 WILL BE CONSIDERED IN PRIVATE

All items were Part 1 and were considered in public.

4. TO RECEIVE AND AGREE THE MINUTES OF 2 JULY 2009

Officers informed the Committee that following the previous Licensing Committee meeting, a letter had been sent to Jean Palmer (Head of Planning and Community Services) by the Committee Chairman regarding "lack of representation by planning services in respect of applications for new premises licences or variations to existing licensed premises." A response was received from David Thackeray (Planning and Community Services). Officers relayed Mr Thackeray's response to the Committee as follows:

As a Responsible Authority, planning is entitled to object to applications for new premises licences and/or variations to existing licensed premises, or at least to make representation. However, any such objection/representation must relate to one of the four prime licensing objectives (listed below) and no other.

- 1) *Crime/ASB.*
- 2) *Noise and nuisance.*
- 3) *Protection of children.*
- 4) *Health and safety.*

Planning could legitimately make representation on point 2 above but only if objections had been received and noise and nuisance issues were considered when a relevant planning application was determined.

The list of "Responsible Authorities" distributed by the licensing service will be amended to show the Head of Planning as the point of contact for the Planning Authority and James and his team will meet with Norman to discuss representation.

The minutes were agreed by the Committee.

5. GAMBLING ACT 2005 CONSULTATION – UPDATE

Action By:

A consultation regarding the Council's Statement of Gambling Licensing review began in July 2009. Consultees included elected Members, Gambling Trade representatives, Responsible Authorities, Neighbouring Local Authorities, Local residents associations and Licensing Solicitors. A working group comprising of Licensing Officers, Consumer and Protection Officers, Licensing Lawyers, Democratic Services Officers and representatives from the Local Safeguarding Children Board and Metropolitan Police established that the current policy had worked well since its implementation in 2007. Five responses were received during the consultation period. Minor changes were made to the policy.

Agreed:

The Committee agreed the Council's Statement of Gambling Licensing policy, complete with the minor changes made by the Licensing Service.

6. TO ADVISE MEMBERS OF CHANGES TO THE LICENSING ACT 2003 WITH REGARD TO MINOR VARIATIONS

Action By:

The Committee were advised of changes made to the Licensing Act 2003 with regard to minor variations and the requirements for a Designated Premises Supervisor in Community Premises as a result of reforms promoted by the Department for Culture, Media and Sport (DCSM).

Officers advised Members that failure to respond to legislation changes or set delegations at an appropriate level could result in unworkable or avoidable licensing processes, and could have an efficiency impact on the Council. Due to the strict fifteen working day deadline for determining minor variations applications made under Section 41a or 86a of the Licensing Act, failure to delegate responsibility to officers could make the system unworkable and result in unnecessary hearings, refunding of prescribed fees and increased risk of legal challenges.

To Note:

The Committee noted that a Designated Premises Supervisor at certain community premises could be replaced by a Management Committee.

Agreed:

The Committee agreed that delegated authority be granted to the Head of

<p>from the relevant Responsible Authority attended the hearing. 3. The Committee agreed the amended protocol for making representations at Sub-Committee hearings.</p>	
<p>8. CUMALATIVE IMPACT POLICY: UPDATE</p> <p>Officers advised Members of the outcome of enquiries regarding the introduction of saturation policies to a parade of shops. Where the number, type and density of licensed premises are unusually high, serious problems of nuisance and disorder had sometimes arisen or had begun to arise outside the premises. This had been described as the cumulative impact of the increasing capacity of all premises together.</p> <p>Officers informed the Committee that the effect of adopting a special policy of this kind would be to create a rebuttable presumption that applications for new premises licences or club premises certificates or variations that we likely add to the existing cumulative impact policy would normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.</p> <p>To Note: The Committee noted that in light of the limitation stated in Para 13.33 of the Guidance issued under section 182 of the Licensing Act, the Cumulative Impact Policies is <i>not</i> applied to a parade of shops specifically for concerns relating to off-licenses.</p>	<p>Action By:</p>
<p>9. RESPONSE TO CONSULTATION ON SELLING ALCOHOL RESPONSIBLY: UPDATE</p> <p>Officers informed the Licensing Committee about the response sent from Hillingdon in respect of the consultation document published by the Home Office entitled <i>Safe.Sensible.Social:- Selling alcohol responsibly. A consultation on the new Code of Practice for Alcohol Retailers</i>. Officers reminded Members of their response:</p> <ol style="list-style-type: none"> 1. The cost of re-issuing licenses and dealing with appeals 2. The possible negative effect on businesses and local economy 3. The difficulty of imposing discretionary conditions 4. Additional discretionary conditions. <p>To Note: The Committee noted the update.</p>	<p>Action By:</p>
<p>10. RED AND YELLOW CARD SYSTEM REPORT: UPDATE</p> <p>Officers informed the Committee of proposals made by the Department of Culture, Media and Sport regarding a “red and yellow card” system. Under implementation of this system licensees caught performing illegal activities such</p>	<p>Action By:</p>

<p>as selling alcohol to underage children would not have their license revoked. Instead this first intervention would see further conditions imposed on the license holder and the license could be revoked for a set period of time. If a second intervention then took place the license would be fully revoked.</p> <p>Members expressed their concerns over resident feedback regarding this system. The public might have felt alcohol sale to youths was not being taken seriously by the Council, should this system be implemented. Members agreed that license holders caught selling alcohol to youths should have their license revoked in the first instance. The Committee requested further information regarding fixed penalties given to licence holders throughout the borough.</p> <p>Agreed:</p> <ol style="list-style-type: none"> 1. The Committee asked Licensing Officers to write on behalf of the Licensing Committee to the Metropolitan Police Service and the Trading Standards Team Leader to request details of any actions instigated by either of those two authorities in respect of sale of alcohol to young persons. Officers are then to provide this information to the full Licensing Committee at each quarterly meeting. 2. The Committee agreed that Licensing Officers would respond to the Department of Culture, Media and Sport explaining that the London Borough of Hillingdon’s Licensing Committee did not intend to adopt their “Red and Yellow card” system, as they prefer to deal with cases individually. 	<p>Norman Stanley, Licensing Manager</p> <p>Norman Stanley, Licensing Manager</p> <p>Norman Stanley, Licensing Manager</p>
<p>11. METROPOLITAN POLICE BOTTLE MARKING SCHEME: UPDATE</p> <p>Officers updated the Committee on the Metropolitan Police Bottle Marking Scheme conducted by Sgt Anthony Bennett and the Safer Neighbourhoods Team in Uxbridge North and Hillingdon East scheme. Between June 2009 and August 2009, 13 premises took place in the scheme. The scheme was funded in full by the Metropolitan Police to the sum of £5,184.</p> <p>In summary, no benefits arose from the scheme as marked bottles could not be traced back to individual off licences due to lack of evidence. None of the premises wanted to continue the scheme due to the high costs and lack of advantages.</p> <p>To note: The Committee noted the report.</p>	<p>Action By:</p>
<p>12. UPDATE FROM LICENSING SERVICE ON LICENSING APPLICATION GRANTED</p> <p>Officers informed Members that from June 2009 till August 2009 the number of license applications received from clubs in the borough rose significantly. This could be due to clubs trying to increase profits by selling alcohol.</p>	<p>Action By:</p>

<p>To Note: The Committee noted the statistics.</p>	
<p>13. INFORMATION ITEM: <i>NEW RESTAURANT HITS OPPOSITION TO DRINKS LICENCE, 2 SEPTEMBER 2009</i></p> <p>The information item was noted.</p>	<p>Action By:</p>
<p>14. ANY OTHER BUSINESS</p> <ol style="list-style-type: none"> 1. Members expressed their concern over the publicity of out-of-borough alcohol delivery services. Members were concerned that alcohol was being delivered to underage people by businesses located outside the borough. Legal Officers advised the Committee that if the alcohol supply was kept in the borough a license was required from the London borough of Hillingdon. Members requested further information regarding drink delivery services that operate in the borough. Licensing Officers agreed to provide Sue Politt with a letter requesting a test purchase from the drink delivery services. 2. Officers presented the Committee with a discussion paper on the role of Environment Protection unit in Licensing. Officers explained the internal procedure to deal with license applications and variations, which should produce better and more effective support to the Licensing Panel. It had been recognised that at a number of previous Licence hearings there had been insufficient information or representation provided by officers to assist members in processing the applications and to impose appropriate conditions relating to public nuisance. Legal officers advised Environmental Protection Unit officers that if they made a representation they must be present at the Sub-Committee hearing to answer questions from Councillors. Legal officers were requested to put this into writing and provide this to the Environment and Consumer Protection department. 	<p>Action By:</p> <p>Norman Stanley, Licensing Manager</p> <p>Beejal Soni, Legal Officer.</p>

The meeting closed at 11:55 a.m.