

Minutes

LICENSING COMMITTEE

15 October 2015

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), Roy Chamdal, Janet Gardner, Judy Kelly, Carol Melvin, John Morse and Brian Stead</p> <p>Also Present: PC Emly Mitchell (Police Constable) (Metropolitan Police)</p> <p>LBH Officers Present: Stephanie Waterford (Licensing Service), Beejal Soni, Claire Freeman, Ian Meens and Mark Braddock</p>
7.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>Apologies were received from Councillor Jazz Dhillon.</p>
8.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>No interests were declared.</p>
9.	<p>TO APPROVE THE MINUTES OF THE MEETING HELD ON 17 JUNE 2015 (<i>Agenda Item 3</i>)</p> <p>Before the minutes were agreed, Members sought an update on the implementation of Community and Ancillary Sellers Notices and the fees for this. The Legal Adviser informed Members that the relevant Order to enable this was still awaited from the Government.</p> <p>The Committee queried the delay in the roll-out of the 'Reducing the Strength' Initiative and agreed to receive an update at the next meeting. In relation to the provision of statistics for alcohol related Accident and Emergency admissions, the Chairman informed Members of the related review by a Working Group of the External Services Scrutiny Committee. It was agreed that the Licensing Committee would be kept informed about this review.</p> <p>The minutes of the last meeting held on 17 June 2015 were agreed as a correct record.</p>
10.	<p>TO CONFIRM THAT THE ITEMS OF BUSINESS MARKED PART 1 WILL BE CONSIDERED IN PUBLIC AND THE ITEMS MARKED PART 2 IN PRIVATE (<i>Agenda Item 4</i>)</p> <p>This was confirmed.</p>

11. **REVIEW OF LICENSING POLICIES** (*Agenda Item 5*)

The Licensing Officer briefed Members on the review into four key licensing policies, following which Members gave their comments and sought clarification from officers on a number of matters.

Street Trading Policy & Markets Policy

The Committee welcomed the separation of the policies, which had previously been together, in order to improve clarity for those applying to trade.

Members supported the proposal for a more permanent one year licence for regular traders (rather than the current 6 month renewal) which they believed would make it more business-friendly for traders and efficient for the Council. Importantly, the Committee felt that more permanent licenses would also give the Council scope for improved enforcement action, if required. It was noted that temporary licences would still be issued for short-term trading.

The proposal to move all public notifications and consultation on any street trading and market applications to the Council's website was not welcomed by the Committee in the strongest possible terms. The Committee requested that the Public Notice requirement of the consultation process should be reinstated.

Members expressed the importance for residents, Ward Councillors and other nearby traders to see any potential application visibly on the street. The Committee considered this particularly crucial in high density areas, e.g. Hayes Town Centre. Additionally, it was noted that some residents may not be able to access the Council's website.

The Committee welcomed the proposed addition of delineating trading areas. Members felt this would:

- a) assist the trader to keep within the agreed boundary;
- b) provide clarity to other traders and;
- c) aid any enforcement activity, if required.

In this endeavour, the Committee asked that Council officers explore using suitable markings placed on the highway showing the delineated area to trade that would fully complement the attractiveness of the street or pavement and surrounding area.

The Committee endorsed improved clarity in the policies that any payment of fees should be upfront, before the licence is granted.

The importance of traders abiding by the Council's waste, cleaning and refuse conditions was highlighted along with the need for the Council to fully enforce any contraventions using the range of powers available to it.

It was further noted by Members present that the Street Trading policy under review still included the former RAF Uxbridge site (St. Andrew's development) as an area where mobile or itinerant ice cream trading was prohibited.

Statement of Licensing Policy

The Committee noted that little change had been made to this policy overall, but suggested that it should include an expectation that new applicants will promote the 'Challenge 25' age verification scheme as part of their operating schedules. It was

noted that this would also be a potential recommendation from the External Services Scrutiny Committee Working Group's review into alcohol related admissions to hospital of under 18s.

Statement of Gambling Policy

The Committee noted that little change had been made to this policy, but acknowledged the upcoming changes in regulation in 2016.

Members were aware that these changes would require gambling operators to prepare a local area risk assessment to demonstrate the effect of a premises on the surrounding area. The Licensing Authority would be empowered by the legislation to set local area profiles which operators have to address in their risk assessments. It was noted that the profiles could include measures to address anti-social behaviour and the protection of vulnerable people. However, the Committee expressed caution that areas with such profiles could also gain a negative association.

All policies

The Committee acknowledged the important role of ward councillors in licensing matters and suggested further clarity of the process relating to making representations with a specific section added to each policy in this regard. Officers indicated that additional guidance would also be supplemented by briefing notes.

The Committee suggested that in each of the policies, further clarity be given to designate the actual officer post that makes any decision to reject a representation or objection received before it goes to a sub-committee, e.g. who decides a representation is vexatious. The Committee considered it beneficial for the Public and Members to know where the buck stopped.

RESOLVED:

That the Committee:

- 1. Provide their comments on the draft policy documents, noting that they will set the framework for future Licensing Sub-Committee decisions;**
- 2. Request the Senior Manager, Democratic Services drafts the Committee's proposed response to Cabinet, subject to being circulated to Committee Members and final agreement by the Chairman and Labour Lead.**

12. **SCRAP METAL ACT 2013 - UPDATE & ANALYSIS** (*Agenda Item 6*)

The Committee considered an analysis of the Scrap Metal Dealers Act 2013, since its introduction in October 2013. It was noted that since the Act and the new registration regime had come into force, there had been a noticeable decline in metal thefts around the Borough. Members endorsed the positive partnership with the Police and their efforts to further educate fellow officers on what to look out for, when out on the beat.

Following a useful discussion with the Council's Licensing Officer and the Metropolitan Police representative present, Members agreed to note the update and thanked those involved for their work.

RESOLVED:

	<p>That the Committee note the update.</p>
13.	<p>PRIVATE MEMBERS BILL IN RELATION TO FIXED ODDS BETTING TERMINALS <i>(Agenda Item 7)</i></p> <p>The Licensing Officer introduced this item to update Members of the Committee on a Private Member's Bill to reduce the maximum stake for Fixed Odds Betting Terminals (FOBT's) to two pounds. It was noted that a second reading was yet to be scheduled.</p> <p>Members were given a copy of the Local Government Association recently published Councillor Handbook on Gambling Regulation. The Chairman referred Members to the checklist within the handbook and thereupon it was agreed that officers would provide the Committee at its next meeting details of Hillingdon's compliance with it.</p> <p>RESOLVED:</p> <p>That the Committee note the update.</p>
14.	<p>LEGISLATIVE UPDATE <i>(Agenda Item 8)</i></p> <p>The Legal Advisor updated Members on recent caselaw, relevant legislation and guidance recently issued, including:</p> <ul style="list-style-type: none"> a) Sharanjeet Lalli v Commissioner of Police for the Metropolis and LB Newham [2015] EWHC 14 (Admin); b) Gold Kebab Ltd v Secretary of State for Communities and Local Government [2015] All ER (D) 48 (SEP); c) The upcoming Immigration Bill and implications in respect of personal licences; d) Recent Gambling Commission guidance to licensing authorities; e) Home Office guidance on the licensing of late night refreshment to reflect forthcoming changes to the Licensing Act 2003 made by the Deregulation Act 2015, where Members indicated that they would not welcome any de-regulation in the high street. <p>RESOLVED:</p> <p>That the Committee note the update.</p>
	<p>The Committee adjourned at 11:45am, for a short break, and reconvened at 11.55am.</p>
15.	<p>RECENT REPORTING CHANGES TO LICENSING SUB-COMMITTEES & CONSIDERATION OF A NEW UNIVERSAL LICENSING PROTOCOL <i>(Agenda Item 9)</i></p> <p>The Committee welcomed recent improvements in the presentation of information, guidance and reporting to Members in undertaking their important licensing duties, particularly at sub-committee hearings.</p> <p>A discussion took place on the idea of time limits for speaking at hearings, where Members felt this could be counter-productive and agreed no limits should be applied to sub-committee meetings.</p> <p>Officers elaborated further upon Member queries around the delineation of officer roles, accountabilities and responsibilities within the licensing sphere.</p>

Members agreed to use a new single protocol for all hearings under the Licensing and Gambling Acts.

RESOLVED

That the Committee:

- 1) Supports the reporting changes outlined in the report and does not recommend any move to introduce time limits for speakers at sub-committee meetings.
- 2) Agrees the new Hearing Protocol with immediate effect as official guidance for Members, Applicants, Responsible Authorities and Interested Parties in respect of matters being considered under the Licensing Act 2003 and the Gambling Act 2005.

16. **FORWARD PLANNER** (*Agenda Item 10*)

Members looked ahead at the future business to be considered by the Committee.

RESOLVED:

That the Committee note the Forward Planner and agree the following additional topics or business items at its meetings:

12 January 2015 meeting

- a) Progress on the 'Reducing the Strength' Initiative;
- b) Compliance with the LGA Gambling Handbook Checklist;
- c) A Member update on the Working Group Review into Under 18 Alcohol Related Presentations to A&E.

All future meetings

A regular report on recent enforcement activity on areas within the Committee's remit

17. **SUB-COMMITTEE DECISIONS & RATIFICATION OF MINUTES** (*Agenda Item 11*)

This agenda item was considered in private as it contained information relating to an individual, information which is likely to reveal the identity of an individual and information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. It was agreed that the public interest in withholding the information outweighed the public interest in disclosing it (exempt information under paragraphs 1, 2 & 7 of Part 1 of Schedule 12A to the Local Government (Access to Information) Act 1985 as amended).

Members reviewed recent sub-committee decisions and those present at the relevant sub-committee confirmed the minutes of the meetings they attended were an accurate record. The Committee then agreed to ratify the minutes.

RECOMMENDATION

That the Committee:

	<p>1) Note the decisions of the Licensing Sub-Committees since the last Licensing Committee meeting;</p> <p>2) Note and ratify the minutes of the Licensing Sub-Committee meetings dated 23 July 2015, 11 September 2015 (Part 1 & Part 2) and 16 September 2015 which are attached.</p>
18.	<p>ANY OTHER ITEMS THE CHAIRMAN AGREES ARE RELEVANT OR URGENT <i>(Agenda Item 12)</i></p> <p>No other business was considered.</p>
	<p>The meeting, which commenced at 10.00 am, closed at 12.16 pm.</p>

These are the minutes of the above meeting. For more information on any of the resolutions please contact Mark Braddock Senior Manager, Democratic Services - Telephone: 01895 250470 or email: mbraddock@hillington.gov.uk. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.