

Minutes

LICENSING COMMITTEE

13 July 2016

Meeting held at Committee Room 6 - 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), Jazz Dhillon, Janet Gardner, Patricia Jackson, John Morse and Brian Stead</p> <p>Also Present: Sgt. Nick Davies; Acting Sgt. Ian Wares</p> <p>LBH Officers Present: Ms Waterford (Licensing); Mr Braddock (Democratic Services); Ms Freeman (Licensing); Ms Pollitt (Trading Standards); Ms Soni (Legal)</p>
4.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>Apologies were received from Councillors Teji Barnes and Roy Chamdal.</p>
5.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>No interests were declared in matters before the meeting.</p>
6.	<p>TO AGREE THE MINUTES OF THE MEETINGS HELD ON 14 APRIL 2016 AND 12 MAY 2016 (<i>Agenda Item 3</i>)</p> <p>The minutes of the meetings held on 14 April 2016 and 12 May 2016 were agreed as a correct record.</p>
7.	<p>TO CONFIRM THE ITEMS OF BUSINESS MARKED PART 1 WILL BE HELD IN PUBLIC AND PART 2 WILL BE HELD IN PRIVATE (<i>Agenda Item 4</i>)</p> <p>All matters were heard in public.</p>
8.	<p>COMMITTEE DISCUSSION - DEVELOPING A RESPONSIBLE RETAILER TYPE APPROACH TO THE UPCOMING ALCOHOL WHOLESALER REGISTRATION SCHEME (<i>Agenda Item 5</i>)</p> <p>Members noted that following the Licensing Committee's meeting in January 2016 meeting, the Chairman of the Committee wrote to HMRC to suggest that the upcoming Alcohol Wholesaler Registration Scheme to soon be implemented, should take on a more positive consumer marketing approach along the lines of existing responsible retailer schemes. As a result, the Council received a response from HMRC seeking views on how such an approach would operate and the benefits it might deliver. It was acknowledged that this was an opportunity for Hillingdon to potentially help shape Government policy around alcohol consumer protection going forward.</p>

It was noted that from 1 April 2017, in order to tackle fraud, it would be a criminal offence to knowingly buy alcohol from a wholesaler not approved under the Scheme, with penalties including the forfeiture of a personal licence, a fine, imprisonment of up to 7 years or all three.

With the assistance of relevant officers, the Committee undertook a wide-ranging discussion to frame a response back to the Government on the matter. Key considerations given by Members were:

- A focus of any communications of the Scheme seek to ensure that businesses, such as off-licenses, when purchasing alcohol know that wholesalers have been accredited to provide assurances to traders and their consumers that products at the point of sale are of legal origin.
- That consumer reassurance was key going forward, including the need to protect residents from illegally sourced and potentially dangerous alcohol products being sold.
- The role of national bodies in providing accreditation to a variety of services to help raise standards was discussed with the assistance of the Council's Trading Standards Officer.
- Whilst the Scheme was ultimately about complying with the law, Members felt a 'TrustMark' or similar symbolic recognition could be considered by accredited retailers in any packaging or products sold; and for their customers, e.g. retailers, some visual indication that they had bought goods from an accredited and responsible retailer.
- That publicity for the Scheme was essential, nationally, but also locally so that shops and off-licenses selling alcohol were fully aware of the need to buy from accredited, reputable buyers. It was noted that not all wholesalers of alcohol had signed up to the Scheme and Members requested that officers write to HMRC seeking clarification of those within Hillingdon that had.
- To consider how Hillingdon Council should back and assist in communicating the national Scheme, making local retailers and residents aware of the dangers of illegally sourced alcohol and how to report it to the Government.
- For the Council's part, Licensing Sub-Committees should impose a standard condition for premises licence holders to ensure they seek such products from an 'accredited, reputable and responsible wholesaler or retailer'.
- That the proposed online 'look-up' service starting in April 2017 for individuals to find accredited wholesalers should be user friendly to businesses and also available for the public to view. Local authorities should be encouraged to link to it on its website and incorporate in other licensing communications.

RESOLVED:

That the Committee:

- 1) Requests officers to write to HMRC to clarify which local wholesalers of alcohol had signed up to the Scheme;**

- 2) **Asks officers to consider any local actions the Council can take to better publicise the Scheme, in respect of our consumer protection role but also to make off-licences and personal licence holders aware;**
- 3) **That officers consider a standard condition for premises licence holders to ensure they seek such products from an 'accredited, reputable and responsible wholesaler or retailer'.**
- 4) **Delegates authority to the Senior Manager, Democratic Services, in consultation with the Chairman and with approval from the Cabinet Member for Community, Commerce and Regeneration, to draft a response to HMRC setting out the Committee's proposals about the implementation of the Scheme, and to be sent by the Chairman.**

9. **GAMBLING ACT 2005 UPDATE** (*Agenda Item 6*)

Members received an update from the Legal Advisor on the operation of Small Society Lotteries, where it was made clear that generally local voluntary organisations would be unaffected by recent legislative changes and still be able to sell, for example, raffle tickets, on the same day as an event to raise monies.

The standing issue of Local Area Profiles in relation to Gambling was discussed, where national guidance encouraged local authorities to map out their local area based upon local issues and to assess how gambling licences would impact on the local landscape. It was noted that officers were currently discussing the matter with the Cabinet Member to seek direction on this and to incorporate or not into the Council's relevant policies.

The Early Day Motion currently before Parliament was then considered by the Committee. The Motion, which sought to limit the proliferation of Fixed Odd's Betting Terminals to reduce social harm on individuals, would also be aimed at introducing a substantial reduction in the maximum stake that can be wagered on them. Such terminals are electronic machines, sited in betting shops, which contain a variety of games, including roulette and it was noted by Members that the current maximum stake on a single bet on such a machine was £100, with a maximum prize of £500.

Members heard that the gambling industry claimed no evidence of a causal link between such terminals and problem gambling and that reducing the maximum stake would put betting shops and jobs at risk. Members queried this in light of the wider income made from other gambling activities.

Considering the Council's own responsibility for making decisions in respect of responsible gambling, the Committee indicated its support for the approach outlined in the Early Day Motion.

RESOLVED:

That the Committee:

1. **Notes the update.**
2. **Request officers provide details on the percentage of monies gained nationally by HM Treasury from other over the counter gambling, in**

comparison to the amount raised from Fixed Odds Betting Terminals.

3. Request officers submit technical information to the Chairman of the Committee (and Committee Members' thereafter) on how bets actually work in relation to odds and Fixed Odds Betting Terminals, to provide clarity on stakes and prizes in-line with national rules.

10. **LEGISLATION AND CASELAW UPDATE** (*Agenda Item 7*)

Members received a legislative update on the Immigration Act 2016, noting a number of requirements which would have an effect on licensed premises, including the rule that individuals resident in the UK would not be able apply for a premises licence unless they were entitled to work in the UK. Additionally, that the Secretary of State for the Home Department would become a Responsible Authority.

A discussion took place on the new powers of Immigration Officers to enter premises to investigate breaches of UK resident status, given the widely held view that the Police also had to be present at such times. Members also raised the question of how the Council would be made aware of an applicant's residence status prior to any Sub-Committee making any decision on whether or not to grant a personal or premises licence. It was noted that much of the devil would be in the detail in regulations yet to be issued by the Home Office.

On another matter, the Committee noted that a House of Lords Select Committee would be investigating the effectiveness of the Licensing Act 2003 and has published a call for evidence. Should the Council as a whole wish to respond, it was noted that this would need to be agreed by the Cabinet Member in the first instance, but Members of the Committee were happy to provide views to feed into this process.

RESOLVED:

That the Committee:

1. Note the update;
2. Request, when the relevant regulation is in place, that officers provide a list of Immigration offences for Members to note;
3. Ask that officers to clarify the current powers of Immigration Officers to enter premises, by email to the Committee.

11. **COMMITTEE FORWARD PLANNER 2016/17** (*Agenda Item 8*)

RESOLVED:

That the Committee note the Forward Planner.

12. **SUB-COMMITTEE DECISIONS AND RATIFICATION OF MINUTES** (*Agenda Item 9*)

Relevant Members of the Committee agreed minutes of previous licensing Sub-Committee hearings as a correct record and the Committee then ratified the minutes of the meetings.

RESOLVED:

A: That the Committee note the decisions of the Licensing Sub-Committees since the last Licensing Committee meeting and;

B: That the Committee, and Members present at the following Sub-Committees, approve the minutes as a correct record:

- a) 18 April 2016 (Part 1)**
- b) 22 April 2016 (Part 1 and Part 2)**
- c) 4 May 2016 (Part 1)**
- d) 10 May 2016 (Part 1 and Part 2)**
- e) 25 May 2016 (Part 1 and Part 2)**
- f) 14 June 2016 (Part 1 and Part 2)**

This matter was considered in private as it contained information relating to an individual, information which would be 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. 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).

The meeting, which commenced at 10.00 am, closed at 11.30 am.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Democratic Services on . Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.