

Minutes

Licensing Committee
Tuesday, 17 October 2017
Meeting held at Committee Room 3 - Civic Centre,
High Street, Uxbridge UB8 1UW



Members Present:

Dominic Gilham (Chairman)
David Yarrow (Vice-Chairman)
Roy Chamdal
Teji Barnes
Patricia Jackson
Allan Kauffman
Lynne Allen
Janet Gardner
John Morse

Also Present:

Ian Meens (Regulatory Services); PC Emly Mitchell & PC Dave Butler (Metropolitan Police); Glen Egan (Legal Services); Mark Braddock (Democratic Services)

4. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Jazz Dhillon.

5. DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING

No interests were declared by Members present.

6. TO AGREE THE MINUTES OF THE MEETING HELD ON 13 APRIL 2017

The minutes of the meeting held on 13 April 2017 were agreed as a correct record, subject to adding a record to express the Committee's gratitude to Acting Sgt. Ian Wares who had retired.

7. TO AGREE THE MINUTES OF THE MEETING HELD ON 11 MAY 2017

The minutes of the meeting held on 11 May 2017 were agreed as a correct record.

8. TO CONFIRM THE ITEMS OF BUSINESS IN PART 1 WILL BE CONSIDERED IN PUBLIC AND ANY ITEMS PART 2, IN PRIVATE

It was confirmed all business would be considered in public.

9. SELF-EXCLUSIONS FROM GAMING ESTABLISHMENTS AND ONLINE GAMBLING

The Committee received a briefing on "Self-Exclusion" which was a process operating within gaming establishments throughout the United Kingdom to assist those with gambling addiction problems.

It was noted that there were different means by which a person who voluntarily wished to be excluded from gambling could achieve this, from individual betting shops through to specific area exclusions with multiple establishments, the latter being a scheme called MOSES.

Members discussed the increasing prevalence of online gambling and noted that a new scheme called GAMSTOP would be operational by the end of 2017 to provide self-exclusion opportunities online.

The Committee were aware that such schemes were not full proof and individuals may require other support to help with any addiction.

RESOLVED:

That the Committee:

- 1. Note the information.**
- 2. Request an update on the implementation of GAMSTOP to its meeting in April 2018.**

10. STREET TRADING HEARING PROTOCOL

Members agreed to a slightly updated protocol for parties to use to assist them with the procedures for licensing sub-committee hearings relating to street trading applications.

RESOLVED:

That the revised Street Trading Hearing Protocol be approved.

11. DECISIONS TO REVOKE OR SUSPEND PERSONAL LICENSES FOLLOWING CONVICTIONS

The Committee considered how the Licensing Authority should determine the procedure for disposing of applications to suspend/revoke personal licences.

It was noted that if the Licensing Authority became aware of an individual holding a personal licence that had been convicted of a "relevant offence" or a "foreign offence" a notice must be sent to the holder of a Personal Licence inviting them to

make representations regarding their conviction within 28 days, where after this period, the Licensing Authority must determine whether or not to suspend or revoke the licence.

The Committee reviewed the legal requirements along with the list of offences that would be captured under legislation and agreed to delegate the decision-making powers for these applications to a Licensing Sub-Committee. The hearing procedure and timescales that applied to contested Personal Licence applications would apply to applications to revoke or suspend Personal Licences. Members welcomed the new powers which would ensure the safety and security of residents and patrons of licensed establishments.

RESOLVED:

That the Committee:

- 1. Under S7(1) of the Licensing Act 2003 delegate the decision-making powers for applications to suspend/revoke Personal Licences to the Licensing Sub-Committee and agree that the hearing procedure and timescales that apply to contested Personal Licence Applications would apply to Applications to revoke/suspend Personal Licences.**
- 2. Instruct Democratic Services, acting in conjunction with Legal Services and the Regulatory Services Team to implement its decision by making consequential amendments to the relevant Hearing Protocols and note the Council's Schemes of Delegation will be updated accordingly to reflect that these are a Member-level decision.**
- 3. Request that officers incorporate the list of relevant offences into the formal documentation issued for all new applications with immediate effect and that officers engage directly with both the Police and local Magistrates courts to ensure they are fully briefed on the implications.**

12. REDUCING THE STRENGTH UPDATE

Members received an update on partnership efforts with the Police on licensing enforcement matters, in particular within Hayes Town.

It was noted that the Council and Police's main attention had focussed around the behaviour of street drinkers and related anti-social behaviour, including the removal of "make do" camps along the Hayes canal tow path. Additionally, joint operations with Trading Standards on off-licenses in May had uncovered a number of alleged non-compliance practices which were currently under review by the Council.

The Committee felt that efforts to solely try and reduce the supply of high strength alcohol were in fact a much broader issue and agreed that the topic be reflected in a wider capacity going forward.

RESOLVED:

That the Committee:

- 1. Noted activity in relation to reducing the strength and;**
- 2. Agreed to broaden the topic when considered further by the Committee as 'Tackling Street Drinking and ASB'.**

13. LEGISLATIVE UPDATE

The Committee received an update on recent case law regarding a Stratford-Upon-Avon Licensing Sub-Committee which had revoked a premises licence where the decision was subsequently appealed. It was noted that at the court hearing, it found that there was no doubt that local residents had been severely and adversely affected by noise nuisance coming from the premises. Additionally, with crowds of people associated with the premises on the pavement and highway causing unacceptable nuisance, it was concluded that there was little prospect of the licence holder running the premises in a manner which upheld the Licensing Objectives. Consequently, it upheld the decision of the Licensing Authority.

Members noted the latest national statistics for 2016/17 released by the Gambling Commission which showed, amongst other matters, a 43% reduction from March 2013 in the number of new permits and notifications granted for gambling activity.

RESOLVED:

That the Licensing Committee note recent case law and the latest statistical release for licensed premises from the Gambling Commission.

14. FORWARD PLANNER 2017/18 MY

The Committee looked ahead at planned business and made decisions to include additional items at specific meetings.

RESOLVED:

That the Committee:

- 1. Note the Forward Planner;**
- 2. Agree an update on Tackling Street Drinking and related ASB at it's January 2018 meeting and;**
- 3. Agree an update on the implementation of GAMSTOP at it's April 2018 meeting.**

15. RATIFICATION OF SUB-COMMITTEE MINUTES

Relevant Members of the Committee agreed the minutes of a previous Licensing Sub-Committee hearing as a correct record and the Committee then ratified the minutes of the meeting.

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-Committee, approve the minutes as a correct record:

a) 23 May 2017 (Part 1)

b) 6 July 2017 (Part 1)

c) 7 July 2017 (Part 1)

16. ANY OTHER ITEMS THE CHAIRMAN AGREES ARE RELEVANT OR URGENT

No further items were considered.

The meeting closed at 11.18am.