

Minutes

Licensing Committee
Tuesday, 8 January 2019
Meeting held at Committee Room 6 - Civic Centre,
High Street, Uxbridge



Members Present:

Roy Chamdal (Chairman)
Teji Barnes (Vice-Chairman)
Lynne Allen
Simon Arnold
Janet Gardner
Patricia Jackson
Allan Kauffman
Eddie Lavery
Brian Stead
John Oswell

In attendance:

PC Daragh Smith, Metropolitan Police Service
PC Emly Mitchell, Metropolitan Police Service
Various Metropolitan Police Officers
Mrs Sue Murphy, ARCH
Mark Braddock, Democratic Services
Stephanie Waterford, Licensing Services Manager
Lois King, Principal Licensing Officer
Jhini Mukherjee, Licensing Officer
Nicole Cameron, Legal Advisor

15. APOLOGIES FOR ABSENCE

All Members were present.

16. DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING

No interests were declared by Members present.

17. TO AGREE THE MINUTES OF THE MEETING HELD ON 12 JULY 2018

The minutes of the meeting held on 12 July 2018 were agreed as a correct record.

18. TO CONFIRM THE ITEMS OF BUSINESS MARKED PART 1 WILL BE HELD IN PUBLIC AND ANY IN PART 2 WILL BE HELD IN PRIVATE

Reports to be considered in public and private were agreed as set out on the agenda for the meeting.

19. PRESENTATION ON LOCAL ALCOHOL ADDICTION SUPPORT SERVICES FROM ARCH

The Committee received a presentation from Sue Murphy, Sector Manager for ARCH (Addiction Recovery Community Hillingdon). Mrs Murphy outlined the role of the service supporting residents with alcohol addiction issues. This included:

- Insights into those admitted to Accident and Emergency and how the service worked closely with hospitals. It was noted general trends showed that the number of under 18s admitted with alcohol related issues was lower than the England average.
- The pathway programs run by ARCH, in particular those for young people, adults and through the criminal justice system.
- The role of the Outreach Team targeting hotspot areas, homeless people and street drinkers.
- The medical equipment available to provide quick blood test and liver scanning results, which had helped clients ensuring early intervention for longer-term illnesses.
- Information about Detox and a small number of residential rehabilitation services available.
- Issues with older people, their mobility and the stigma associated with alcohol abuse, where ARCH provided home visits to assist.
- A range of facts and figures about the service, including Hillingdon vs national trends.

Members welcomed the presentation which they believed clearly showed the important work delivered by ARCH to the community. Members sought details of the number of homeless people ARCH had supported and Mrs Murphy undertook to provide this data.

In particular, Members appreciated the work undertaken to support homeless street drinkers. However, it was considered more collaboration with ARCH by the Police and Licensing Services would be beneficial to provide greater intelligence and intervention on this matter. It was agreed by those present to strengthen their contact with each other with regard to street drinking and homelessness.

Members thanked Mrs Murphy for her insightful presentation.

20. TEST PURCHASES FOR UNDER AGE SELLING OF ALCOHOL & OPERATION NEBULA UPDATE FROM POLICE TO MEMBERS

The Committee received an update from the Police on Operation Nebula which ran during the summer of 2018, heralding a unique joint operation with the Council's Trading Standards Team to covertly test purchase all 269 off-licenses across the Borough for the under-age selling of alcohol.

It was noted that 32 premises had failed the test and were issued with a Fixed Penalty Notice. A follow-up visit had then taken place at all 32 premises, where only 1 failed a second time which the Police would consider for further investigation. The

Police commented that this was the first operation of its kind in London, targeting all premises in a borough.

Members congratulated the Police and Trading Standards, but noted that despite the success, there were still a minimum of 12% of premises potentially selling alcohol to under-age children. The Committee noted that larger establishments, such as supermarkets, had not been visited as part of the operation, with the Police stating that this was in part due to their higher level of staff training and checks. However, Members sought a reassurance that larger premises would not be overlooked going forward.

21. LICENSED RETAIL TRAINING & QUALIFICATIONS

The Licensing Services Manager presented a report to the Committee on the different levels of training courses and qualifications available for the Licensed Retail and the Hospitality sector. Members noted that the minimum legal requirement to be specified as a Designated Premises Supervisor on a Premises Licence, was the Level 2 Award for Personal Licence Holders.

Members appreciated the information, in particular for use at Licensing Sub-Committee hearings, in order to better understand the level of skill and knowledge operators should have.

RESOLVED:

That the Committee note the information and request the full training booklet be circulated to Licensing Committee Members.

22. AIRSIDE ALCOHOL LICENSING AT INTERNATIONAL AIRPORTS

The Legal Advisor updated the Committee on HM Government's consultation in relation to airside alcohol licensing at international airports in England and Wales. The Police present informed Members that they had worked closely with Heathrow Airport Limited both land and airside and had introduced a yellow card system for venues that failed to meet the required standards. Members appreciated that it was difficult at this time to ascertain the extent of any issues at the airport. However, given the possibility of implications for the Council with Heathrow Airport in its boundary, it was agreed that the Licensing Services Manager should ensure the Council responds to the consultation via the relevant Cabinet Member.

RESOLVED:

That the Committee note the report and request the Licensing Services Manager liaises with the Cabinet Member regarding the Council responding to the consultation.

23. LEGISLATIVE AND INDUSTRY UPDATE

The Legal Advisor updated the Committee on a recent licensing appeal considered by the High Court regarding the London Borough of Lambeth's decision to revoke the Premises Licence of a 24-hour convenience store. It was noted that the applicant appealed the decision and the Magistrates Court upheld the appeal and ordered the London Borough of Lambeth to pay legal costs. Subsequently, the London Borough of Lambeth appealed the decision to the High Court, where the High Court upheld Lambeth's appeal.

The Legal Advisor informed Members that the decision provided confirmation that a Magistrates Court, when hearing a licensing appeal, should not substitute its view for that of a local authority unless it is clearly satisfied that the original decision was wrong and that they should have sufficient reasons to justify its decision.

Members welcomed the judgement.

RESOLVED:

That the Committee note the report.

24. COMMITTEE FORWARD PLANNER

The Committee looked ahead at planned business and suggested the following topics for future meetings:

- Shisha in the Borough: an update and;
- Wider licensing activities undertaken by the Council.

The Senior Democratic Services Manager noted that the Committee should ensure future topics raised fall under the Committee's specific licensing responsibilities.

RESOLVED: That the Committee note the updated Forward Planner.

25. RATIFICATION OF PAST SUB-COMMITTEE MINUTES

The Committee agreed to update the usual report presented on this item to include a commentary on each application in order to provide a useful summary and salient points for wider Member knowledge or consideration. Subject to a minor change, the Committee noted the decisions and agreed the minutes of previous Licensing Sub-Committee hearings as correct records.

RESOLVED:

Subject to a change in the minutes to state that Councillor Lynne Allen disagreed with the Licensing Sub-Committee's decision on 8 November 2018, the Committee, with the agreement of Members present at the following Sub-Committees that they are a correct record, ratified the following minutes:

- a) Licensing Sub-Committee 11 July 2018 at 10am (Part 1)
- b) Licensing Sub-Committee 11 July 2018 at 2pm (Part 1)
- c) Licensing Sub-Committee 24 July 2018 at 10am (Part 1)
- d) Licensing Sub-Committee 24 July 2018 at 2pm (Part 1)
- e) Licensing Sub-Committee 2 August 2018 (adjourned) and reconvened 24 September 2018 at 2pm (Part 1 and Part 2)
- f) Licensing Sub-Committee 2 August 2018 at 2pm (Part 1)
- g) Licensing Sub-Committee 13 August 2018 (Part 1)
- h) Licensing Sub-Committee 8 November 2018 (Part 1)

This item was considered privately in Part II as it contained restricted minutes for approval, which included information revealing the identify of individuals and information relating to action taken or to be taken in connection with the prevention, investigation or prosecution of crime. That the public interest in withholding the information outweighed the public interest in disclosing it (exempt information under paragraphs 2 & 7 of Part 1 of Schedule 12A to the Local Government [Access to Information] Act 1985 as amended).

26. ANY ITEMS THE CHAIRMAN AGREES AS URGENT AND RELEVANT

No additional items were considered by the Committee.

The meeting closed at 11:25am

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