

Minutes

Licensing Committee
10am, Tuesday, 14 January 2020
Meeting held at Committee Room 6 - Civic Centre,
High Street, Uxbridge



Committee Members Present:

Roy Chamdal (Chairman)
Teji Barnes (Vice-Chairman)
Lynne Allen
Simon Arnold
Janet Gardner
Allan Kauffman
Eddie Lavery
Brian Stead
Carol Melvin

15. APOLOGIES FOR ABSENCE

Apologies were received from Councillor John Oswell.

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 11 JULY 2019

The minutes of the meeting held on 11 July 2019 were agreed as a correct record.

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

It was confirmed that all business would take place in public as set out on the agenda.

19. PRESENTATION ON LICENSING CASE STUDIES: MR DANIEL FERRER

The Committee received a presentation from Mr Ferrer, the Council's Licensing Team Manager in relation to two recent controversial case studies, how these were undertaken and the lessons learned. Mr Ferrer:

- Set out the two case studies, that of the William Jolle in Northwood and the Prince of Wales in Hillingdon;
- He explained the background to each case and the actions assigned within the Licensing Team in relation to taking them forward, including the differing roles of the Licensing Authority and the Case officer;

- Noted that preparations for the case, before a hearing, would include site visits, liaison with interested parties and discussions with the applicant to gather all relevant data;
- Explained how the Council's licensing policies were a key protection for residents from licensed premises breaking the licensing objectives;
- Set out the process of preparing the case to a licensing sub-committee, noting the close work with legal services and democratic services;
- Considering the successes of the licensing process, Mr Ferrer stated that these were around collaboration with teams, transparency in the process at sub-committee hearings, including broadcasting and being able to ultimately deliver upon residents' concerns;
- Noting the lessons from the process to-date, Mr Ferrer set out some improvements in internal processes and consideration of alternative tools to deal with problem premises, including expedited reviews and prosecution.

Councillors on the Committee welcomed the presentation by Mr Ferrer and commented on:

- The practice in reviewing all existing licenses to ensure they uphold modernised conditions and assist in meeting licensing objectives, where Mr Ferrer explained that this would only be done through a review or new application;
- Local insight into the issue of Shisha smoking in licensed premises and Traveller communities using licensed premises with little or no notice, including the important role of Pub Watch;
- How officers prioritise visits to inspect premises, based upon risk assessments and intelligence received;
- Whether those making representations also got a copy of the decision notice following a review or hearing, which Mr Ferrer indicated they did.

The Committee expressed its thanks to Mr Ferrer.

20. PRESENTATION FROM RESPONSIBLE AUTHORITY: TRADING STANDARDS

The Committee received a presentation from Ms Kiran Seyan, the Council's Senior Trading Standards Officer, about how the Service investigates off-licences for both underage sales and counterfeit goods. Ms Seyan detailed:

- The role and structure of the team in supporting good Trading Standards across the Borough and the various pieces of legislation used;
- How a multi-agency approach is often taken, with the Police, HMRC and Immigrations and Customs Enforcement in relation to visits to off-licences where intelligence reveals issues of concern, including illegal workers;
- The importance of brand representatives being in attendance to definitively identify illegal and counterfeit goods and also seize them;
- The use of sniffer dogs and ability to find hidden places storing counterfeit goods for sale;
- How the Trading Standards Officer co-ordinates visits and their role during, taking statements and the importance of the Consumer Rights Act;

- The occasional use of warrants secured from Magistrates to enter premises above shops where illegal goods may be stored;
- How the Proceed of Crime Act assists with investigations.

Councillors on the Committee welcomed the presentation by Ms Seyan and sought clarification on a number of matters including the following:

- What information can be made available to assist an investigation or visit, including invoices that may show purchases;
- Hotspot areas within the Borough;
- Compliance with the Alcohol Retail Scheme and use of accredited wholesalers.

The Committee expressed its thanks to Ms Seyan and proposed a more in-depth look at the work of Trading Standards to its work programme and at the next meeting.

21. LEGISLATIVE AND INDUSTRY UPDATE (VERBAL)

The Legal Officer updated Members on appeals hearings following Licensing Sub-Committee decisions and noted to-date that none of the Council's decisions taken had been technically wrong, though as new evidence had come to light, that evidence had been taken into account as part of the appeal which was a classed as hearing "de novo". The Legal Officer explained that this means a new hearing, when evidence not placed before the Licensing Authority or which related to the period between the Licensing Authority's decision and the appeal could be introduced.

It was also suggested following deliberations at Licensing Sub-Committees that the Chairman may wish to announce the "headline" decision, before reading out the formal decision wording, to provide clarity to those in the room and watching online.

22. COMMITTEE FORWARD PLANNER

The Committee looked ahead at planned business. The Chairman raised a number of topical items for Members to consider and to add to the work programme, at the appropriate time:

- To consider an appropriate Member visit to a licensed premise, as advised and organised by the Licensing Service;
- Provide an opportunity to view some of the counterfeit products seized by Trading Standards;
- Include a broader update on the work of Trading Standards when visiting licenced premises;
- An update on the effect of the Fixed Odd Betting Terminal gambling changes nationally and locally;
- An update on changes to licensing air-side at airports.

RESOLVED: That the Committee note the suggestions and the Forward Planner.

23. RATIFICATION OF PAST SUB-COMMITTEE MINUTES

Members noted the decisions and agreed the minutes of previous Licensing SubCommittee hearings as correct records.

RESOLVED: That the Committee, with the agreement of Members present at the following Sub-Committees that they are a correct record, ratify the minutes of the following meetings: 12 July 2019; 30 July 2019; 10am; 30 July 2019, 2pm; 9 September 2019, 10am; 9 September 2019, 2pm; 12 September 2019; 15 October 2019; 5 December 201; and 16 December 2019.

24. ANY ITEMS THE CHAIRMAN AGREES AS URGENT AND RELEVANT

No urgent matters were raised.

The meeting ended at 11.50am.