

Minutes

LICENSING COMMITTEE

22 April 2010

Meeting held at Committee Room 3 - Civic Centre,
High Street, Uxbridge UB8 1UW



HILLINGDON
LONDON

	<p>Committee Members Present: Councillors Josephine Barrett (Chairman), Mike Bull, Dave Allam, Carol Melvin, Judy Kelly, Elizabeth Kemp and Peter Kemp</p> <p>LBH Officers Present: Natasha Dogra, Norman Stanley, Beejal Soni and Stephanie Waterford</p>	
1.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>Apologies had been received from Cllr Lynne Allen and Cllr Janet Gardener.</p>	Action by
2.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>None.</p>	Action by
3.	<p>TO AGREE THE MINUTES OF 19 JANUARY 2010 (<i>Agenda Item 3</i>)</p> <p>The Committee agreed the minutes of 19 January 2010 as an accurate account of the Licensing Committee meeting.</p>	Action by
4.	<p>DCMS PROPOSAL TO EXEMPT LIVE MUSIC EVENTS FROM LICENSING ACT 2003. (<i>Agenda Item 4</i>)</p> <p>On the 31st of December 2009 the Department of Culture, Media and Sport published via their web site a consultation on their proposal to exempt small live music events from the Licensing Act 2003.</p> <p>As the Licensing Service Manager did not receive the email alert information until the week commencing the 11th of January 2010, it was not possible to have the matter put onto the agenda for the full Licensing Committee meeting which was scheduled for the 19th of January 2010, consequently a <i>special</i> meeting of the Licensing Committee was convened on Monday the 8th of February to discuss the proposal and to formulate a response to the DCMS in respect of the consultation document, as responses to the consultation had to be submitted to the DCMS by the 26th of March 2010.</p> <p>At the <i>special</i> meeting of the Licensing Committee on the 8th of February the DCMS consultation was then subject to full debate by the members of the Licensing Committee and they were unanimous in their opposition to the proposals.</p>	Action by

	<p>The Licensing Committee then directed the Licensing Service Manager to write, on their behalf, to the DCMS expressing their views.</p> <p>Following the meeting the Licensing Service Manager drafted a response letter to the DCMS, which was then sent to all members of the Licensing Committee for consideration.</p> <p>As no adverse comments were received from members of the Licensing Committee members the Licensing Service Manager despatched the letter on the 1st of March 2010.</p> <p>To Note: The Committee noted the update.</p>	
5.	<p>UPDATE ON INVITING REPRESENTATIVES FROM RESPONSIBLE AUTHORITIES TO ATTEND LICENSING HEARINGS. (Agenda Item 5)</p> <p>The “action” instructions detailed in the minutes of the Licensing Committee meeting held on Thursday the 1st of October 2009 required the Licensing Service Manager (Norman Stanley) to raise a specific question at the next meeting of the London Licensing Managers Forum, which was scheduled for the 23rd of February 2010.</p> <p>The Licensing Committee’s question was: - “whether or not fellow local authorities invited representatives from responsible authorities to attend hearings even if they have not made representations”. The question was listed on the LLMF agenda and it sparked a very lively debate.</p> <p>On conclusion of the debate and following a show of hands, it was noted that the majority of London Authorities do not invite representatives from responsible authorities if they have not made a representation, however a small number of authorities do.</p> <p>Following the discussion, Pat Crowley, the Chair of the LLMF, advised the delegates, that as far as he was aware there is no legal reason as to why such representatives from responsible authorities should not be invited, however he recommended they should only take part in the hearing when invited to respond to specific questions posed to them by members of the licensing sub committee.</p> <p>To Note: The Committee noted the update.</p>	Action by
6.	<p>UPDATE - DCMS CONSULTATION ON PROPOSED AMENDMENTS TO THE LICENSING ACT 2003 (PERSONAL LICENCES - RELEVANT OFFENCES) (Agenda Item 6)</p> <p>On 15th December 2009 the DCMS published a consultation on their web site in respect of a proposal to amend the Licensing Act 2003 to update the list of relevant offences that are treated as relevant offences</p>	Action by

	<p>for the purposes of obtaining and holding a personal licence under Part 6 of the Act. The closing date for the consultation was 15th March 2010.</p> <p>At the meeting of the full Licensing Committee on 14th January 2010, the Committee's views on the consultation questions were sought so that a response could be drafted by the Licensing Service. The Committee were supportive of the new inclusions and welcomed the changes. Full feedback on the consultation is expected imminently from DCMS.</p> <p>To Note: The Committee noted the report.</p>	
7.	<p>UPDATE- MANDATORY CONDITIONS: LICENSING ACT 2003 <i>(Agenda Item 7)</i></p> <p>On 15th March 2010, S1 2010 860 was laid before Parliament and approved. The order would bring into force five new mandatory conditions which would apply to all premises which sell/supply alcohol for consumption on the premises (summary attached). In short, premises which would be affected were:</p> <ul style="list-style-type: none"> ○ Pubs ○ Hotels and Banqueting premises ○ Restaurants ○ Members Clubs ○ Nightclubs <p>Off licences and take-aways will not be affected by the new conditions. The conditions are proposed to be implemented in phases. The first three conditions will take effect on 6th April 2010 and the final two conditions will be implemented on 1st October 2010. Currently, there are approximately 300 premises for which the new conditions will apply. The Licensing Service proposes to issue a new Annex 1 page for each affected premises licence/club certificate and send it out to licence holders with a covering letter explaining the changes. A new 'Section 182 Guidance' document is expected to be released shortly by DCMS to reflect the changes.</p> <p>Agreed: The Committee noted the new legislative changes and approved the Licensing Service's proposal to notify licence holders of the new conditions.</p>	Action by
8.	<p>REVIEW OF THE COUNCIL'S STATEMENT OF LICENSING POLICY <i>(Agenda Item 8)</i></p> <p>The Licensing Act 2003 required the Council, as the Licensing Authority, to review its statement of licensing policy every 3 years. This was the second full review of the policy since the implementation of the Act in 2005. The Council would need to approve and adopt the revised policy which would be effective from 2011 to 2014.</p> <p>In January 2010, the working party was convened and the review</p>	Action by

	<p>process was started.</p> <p>Agreed: The Licensing Committee agreed the draft Statement of Licensing Policy for full consultation.</p>	
<p>9.</p>	<p>STREET TRADING POLICY - URGENCY PROCEDURES (<i>Agenda Item 9</i>)</p> <p>On 19 January 2010 the Licensing Committee approved Rules of Procedure to enable its Sub Committees to determine applications for Street Trading Licences.</p> <p>The Act regulated various aspects of the trading activity including enforcement action that may be taken, rules relating to the trading stalls, registration requirements for new application and renewals, mandatory grounds for the rejection of an application and appeal rights of traders. The Act further made allowances for the issue of temporary and permanent licences. Temporary Licences are valid for a maximum period of 6 months whilst permanent Licences were valid for more than 6 months but less than 3 years.</p> <p>Cabinet and the Street Scene Enforcement Team had recognised that there were certain situations which arise during any trading period which may require licences to be issued urgently. These situations may include but were not limited to:</p> <ol style="list-style-type: none"> 1. Applications for charitable street trading; 2. Applications for street trading linked to community events, for example, fairs 3. Applications linked to Shop Front or Tables and Chairs Licences which seek to amend / vary the named Licence Holder; 4. Applications for pitch licences which seek to amend / vary the assistants licensed to the pitch; 5. Any other unopposed application which the relevant Council Officer considers to be urgent. <p>Any existing trader who failed to submit the a Street Trading application within advised timescales may not use of urgency procedures to determine the application unless the Council Officer was satisfied that the lateness was due to exceptional circumstances.</p> <p>Members were requested to consider and approve the attached draft rules of procedure that will apply to all urgent Street Trading Licences.</p> <p>The relevant points of procedure to note were:</p> <ol style="list-style-type: none"> 1. Hearings would take place within 72 hours of Democratic Services receiving a report related to an unopposed application for a street trading licence or variation of a street trading licence from the relevant Council Officer. 2. The Council Officer would detail in the body of the report the reasons for urgency. 3. The quorum for urgent hearings related to Street Trading 	<p>Action by</p>

	<p>Applications shall be 2 members of the Licensing Committee; one of whom would be a chairman of the Licensing Sub-Committee;</p> <ol style="list-style-type: none"> 4. Hearings would be conducted in the same manner and as per the principles and evidentiary rules currently in place for Licensing Act 2003 hearings; 5. Correspondence advising traders of the outcome of the hearing would be despatched within 5 working days of the hearing; 6. As was permitted by the Licensing Act 2003, Ward Councillors may address the Sub-Committee in their capacity as Ward Councillors or on behalf of an objector/group of objectors on condition that relevant notice is provided to Democratic Services. <p>The Public Bodies (Admission to Meetings) Act 1960 requires that the urgent meeting of the Licensing Sub-Committee must be conducted in a manner that will permit members of the public to attend the scheduled meetings. A Sub-Committee meeting would therefore be convened.</p> <p>It would not be possible to determine such urgent applications on papers alone. A public consultation was required prior to introducing an alternative decision making process for urgent applications.</p> <p>Agreed: The Committee agreed the draft Rules of Procedure for Licensing Sub-Committee Hearings on Street Trading Applications.</p>	
10.	<p>TOTAL NUMBER OF PREMISES AND PERSONAL LICENSES GRANTED UNDER OFFICER DELEGATION POWERS AND BY LICENSING SUB-COMMITTEES AND COMMITTEES UP TO 31 MARCH 2010 (<i>Agenda Item 10</i>)</p> <p>To Note: The Committee noted the total number of premises and personal licenses granted under Officer Delegation Powers and by Licensing Sub-Committees.</p>	Action by
<p>The meeting, which commenced at 10.00 am, closed at 10.35 am.</p>		

These are the minutes of the above meeting. For more information on any of the resolutions please contact Natasha Dogra on 01895 277 488. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

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