

Minutes

LICENSING COMMITTEE

30 September 2010

Meeting held at Committee Room 6 - Civic Centre,
High Street, Uxbridge UB8 1UW



HILLINGDON
LONDON

	<p>Committee Members Present: Councillors Andre Retter (Chairman), Josephine Barrett (Vice-Chairman, David Allam, Lynne Allen, Bruce Baker, Mike Bull, Janet Gardner, Peter Kemp and Carol Melvin</p> <p>LBH Officers Present: Natasha Dogra – Democratic Services Officer David Frost – Street Scene Locality Manager Sharon Garner – Licensing Service Andy Stubbs – Uxbridge Town Manager Beejal Soni – Legal Services Stephanie Waterford – Licensing Service.</p>	
1.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>Apologies had been received from Cllr Kelly.</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 31 AUGUST 2010 (<i>Agenda Item 3</i>)</p> <p>The minutes of the meeting held on 31 August 2010 were agreed as an accurate record.</p>	Action by
4.	<p>TO AGREE THAT ALL ITEMS MARKED PART I WILL BE CONSIDERED IN PUBLIC AND ANY ITEMS MARKED PART II WILL BE CONSIDERED IN PRIVATE. (<i>Agenda Item 4</i>)</p> <p>It was agreed that all items on the agenda would be considered in public.</p>	Action by
5.	<p>VERBAL UPDATE ON CONTINENTAL MARKET FROM STREET SCENE (<i>Agenda Item 5</i>)</p> <p>At the last meeting of the Licensing Sub-Committee (16th September 2010), Members requested that officers give a verbal report concerning actions undertaken to the Licensing Committee</p> <p>Officers attended the location of the Continental Market during the afternoon 22nd September 2010 and carried out a pre survey of the Highway surface and street furniture.</p>	Action by

	<p>Officers attended and monitored the set up of the Continental Market; this was managed well and effectively. Street Scene Officers attended the Continental Market at various times during the trading days to ensure compliance to license terms and conditions, no breaches were observed.</p> <p>No complaints had been logged by the Customer Contact Centre regarding matters that required intervention by the Street Scene Enforcement Team in connection with the Market.</p> <p>On Saturday, Officers were on call and also attended the Market during the trading hours. The break down of the Market has also monitored by Officers, this went without incident.</p> <p>A further survey of the Highway surface and street furniture was conducted on Monday morning, some slight marks had been noted and this was being addressed by the Market organiser in connection with Officers.</p> <p>Shoppers were surveyed by Town Centre Management staff to find out their opinions of the continental market, the majority of the surveys being done in the vicinity of the market. 97% of respondents held the opinion that the market was either excellent or good. Two thirds of respondents did not know about the market before they came to the town, so it was a pleasant surprise for them. Fifty four percent of respondents made a purchase from the market, the most common spend being up to £10.</p> <p>Asked what they liked least, almost 70% of respondents said there was nothing to dislike, the market was good for the town, though roughly one fifth of people questioned said the market was expensive.</p> <p>When asked if Hillingdon Council should be encouraging similar markets in Uxbridge in the future, a resounding 93.9% of respondents said yes. If there are to be any similar markets, the most commonly expressed preference was for a monthly market, with bi-monthly or quarterly markets next preferred.</p> <p>Noted: The Committee noted the update from Officers.</p>	
6.	<p>REVIEW OF THE COUNCIL'S STATEMENT OF LICENSING POLICY <i>(Agenda Item 6)</i></p> <p>In January 2010, a working party was convened to carry out the second full review of the Council's Statement of Licensing Policy. The working party were of the opinion that the existing format of the current policy should be retained as it was concise and easy for Members, Officers and members of the public to use.</p> <p>It was agreed that some sections of the policy needed to be amended in order to include the recent changes to the legislation, such as the</p>	Action by

	<p>new mandatory conditions. In addition, some members of the working party suggested changes to reflect the current working practices between the 'Responsible Authorities'.</p> <p>The proposed changes were subsequently circulated to all members of the working party for consideration and approval. On finally achieving a consensus of opinion, the proposed changes/amendments were inserted into the current policy. The revised policy was submitted to the full licensing committee for consideration and approval on 22nd April 2010.</p> <p>A further working party meeting was convened on 1st September 2010 to discuss any observations, comments or proposals that were received. All observations, comments or proposals which were considered relevant have been inserted into the revised policy document.</p> <p>The revised policy now requires formal approval from the full Licensing Committee. Once approved, then approval will be sought from RESPOC on 16th November 2010, from Cabinet on 16th December 2010 and finally full Council on 13th January 2011.</p> <p>Agreed: The Committee noted the Statement of Licensing Policy review report.</p>	
7.	<p>AMENDMENT OF LICENSING HEARING PROTOCOL (<i>Agenda Item 7</i>)</p> <p>Councillors were made aware that Section 33 of the Policing and Crime Act 2009 has expanded the provisions of Section 13(3) to include councillors. This meant that all Councillors (including Councillors of the Licensing Committee) can now make representations in respect of the following licensing applications:</p> <ul style="list-style-type: none"> • New premises licence applications • Applications for a provisional premises licence • Applications to vary existing premises licence applications • Applications to vary existing club premises certificates • Applications for reviews of premises licences or club premises certificates. <p>It was therefore proposed to amend the relevant sections of the following policies to clarify that all Councillors may make relevant representations with regard to the abovementioned applications:</p> <ul style="list-style-type: none"> • Protocol for Making Representations and Sub-Committee Hearings • Sub-Committee Hearings Protocol for determining applications for Reviews of Premises Licences or Club Premises Certificates <p>At the same time it had been noted that the structure of the Protocol for Making Representations and Sub-Committee Hearings have confused</p>	Action by

	<p>members of the public and Councillors about when representations are to be made. This consequently affects the rights of individuals to address a Licensing Sub-Committee on a particular application. At the time of advertising an application, the Licensing Service issued information guidance on making representations. This information was repeated in the hearing protocol attached to a Notice of Hearing even though the time period for making representations has ended.</p> <p>Councillors were aware that at the time the notice of hearing is issued, the 28-day period for making representations has already ended. Only those persons who made relevant representations during the 28 day period may address the Sub-Committee on the relevant representations submitted.</p> <p>It was therefore proposed that the Protocol for Making Representations and Sub-Committee Hearings be renamed “Licensing Act 2003 Sub-Committee Hearing Procedure” and be further amended to delete the first section related to making representations. This will have the added benefit of ensuring that the various stages in an application process are properly laid on with information provided which is relevant to the stage of the application process.</p> <p>The proviso that representations must address the likely effect of the proposed premises on one or more of the licensing objectives remained a requirement.</p> <p>Agreed: The Committee agreed to approve an amendment to the Licensing Committee’s hearing protocols for applications and reviews of premises licences.</p>	
8.	<p>DRAFT SEX ESTABLISHMENT LICENSING POLICY (<i>Agenda Item 8</i>)</p> <p>The Licensing Service and Legal Services had been working a licensing policy and formulating procedures under the government’s new provisions to control sex establishments.</p> <p>The policy included guiding principles/objectives, appropriateness of the location of sex establishments, waivers, expectations of the applicant, objections, determination of applications, conditions, inspection/enforcement etc. The policy may be subject to change depending on the outcome of the full consultation.</p> <p>Agreed: The Committee agreed the draft Sex Establishment Licensing policy.</p>	Action by
9.	<p>INFORMING THE WIDER COMMUNITY OF LICENSE APPLICATIONS (<i>Agenda Item 9</i>)</p>	Action by

	<p>At the last meeting of the full licensing committee (30th August 2010), Members expressed their concern that residents were not always aware of licence applications in their area.</p> <p>The Committee requested that the Licensing Service investigate new methods of raising awareness of licence applications.</p> <p>Officers had arranged with the Street Scene Locality Team to include a link within the monthly Street Champion email bulletin which would lead directly to the 'current application' section of the website.</p> <p>The email bulletins currently reach approx 1800 Street Champions who can then inform residents in their area.</p> <p>Use of the borough notice boards for publicising applications was also being investigated.</p> <p>Noted: The Committee noted the update.</p>	
10.	<p>LICENSING STATISTICS (<i>Agenda Item 10</i>)</p> <p>Noted: The Committee noted the Licensing Statistics.</p>	Action by
<p>The meeting, which commenced at 10.00 am, closed at 11.55 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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