

Minutes

LICENSING COMMITTEE

21 April 2011

Meeting held at Committee Room 4 - Civic Centre,
High Street, Uxbridge UB8 1UW



HILLINGDON
LONDON

	<p>Committee Members Present: Councillors Andrew Retter (Chairman), Mike Bull (Vice-Chairman), Lynne Allen (Labour Lead), Josephine Barrett, Bruce Baker, Peter Kemp and Carol Melvin.</p> <p>LBH Officers Present: David Frost – Regulatory Services Manager Stephanie Waterford – Licensing Services Manager Beejal Soni – Legal Advisor Natasha Dogra – Democratic Services Officer</p>	
8.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>Apologies had been received from Cllr David Allam, Cllr Judy Kelly and Cllr Janet Gardner.</p>	Action by
9.	<p>TO CONFIRM THAT ALL ITEMS MARKED PART 1 WILL BE CONSIDERED IN PUBLIC AND ALL ITEMS MARKED PART 2 WILL BE CONSIDERED IN PRIVATE. (<i>Agenda Item 3</i>)</p> <p>It was confirmed that all items on the agenda were marked Part 1 and would therefore be considered in public.</p>	Action by
10.	<p>TO AGREE THE MINUTES OF THE PREVIOUS LICENSING COMMITTEE MEETING (<i>Agenda Item 4</i>)</p> <p>The Committee agreed that the minutes of the previous meeting were an accurate record.</p>	Action by
11.	<p>POLICE REFORM SOCIAL RESPONSIBILITY BILL (<i>Agenda Item 5</i>)</p> <p>Officers informed the Committee that the Police Reform and Social Responsibility Bill 2010-2011 was intended to rebalance the Licensing Act 2003 in a number of ways.</p> <p>The following proposals had been read at the House of Commons and were currently waiting to have the second reading at the House of Lords on 27 April 2011. Following the third reading, Royal Assent was expected by mid July 2011 and the provisions of the Act were expected to commence in spring 2012:</p> <ul style="list-style-type: none"> - Much stronger powers for Licensing Authorities and the Police - Dealing with late night drinking - Temporary Event Notices - Protection of Children form Harm 	Action by

	<p>- Reducing Burden and Bureaucracy</p> <p>The Committee discussed the proposal for the Primary Care Trust (PCT) to become a Responsible Authority. Members were concerned that as PCTs were to be abolished this proposal would not be useful. Members said that Hillingdon Hospital and the Local GP Consortia would need to be consulted on this proposal. The Committee felt it necessary to write a letter from the Cabinet Member to Ministers involved and to the Home Office to note the Licensing Committee's concerns.</p> <p>Members were concerned that the proposal to charge a late night levy on premises that had a late alcohol licence to pay for policing the late night economy would target the smaller businesses harder than the larger businesses. This concern would also be raised in the letter to the Home Office.</p> <p>Members were concerned that the proposal for fixed closing times in designated areas where there were crime and disorder issues and noise disturbances would create a domino effect and lead to displacement. This concern would also be raised in the letter to the Home Office.</p> <p>Members suggested that the proposal to allow the police and Environmental Health officers three working days to object to a Temporary Event Notice (TEN) in place of the current two working day notice should be changed to five working days. This proposal would be raised in the letter to the Home Office.</p> <p>Noted: The Committee noted the update from Officers and asked Officers to write a letter from the relevant Cabinet Member to the Home Officer raising concerns over the role of the PCT, the levy charges, zone-closing time proposals and TEN objection notice.</p>	<p><i>Stephanie Waterford (Licensing Services Manager) / Beejal Soni (Legal Advisor)</i></p>
12.	<p>UPDATE ON BANNED STREET TRADING IN UXBRIDGE TOWN CENTRE (<i>Agenda Item 6</i>)</p> <p>Officers updated the committee on the decision made by Cabinet on 17 March 2011 to ban the continuous street trading of hot food in Uxbridge Town Centre.</p> <p>Officers reminded the Committee that the Licensing Service had received numerous enquiries for mobile hot food traders to trade late at night around Uxbridge Town Centre to catch trade as the pubs and bars were closing.</p> <p>A recommendation was made to Cabinet to amend the Street Trading terms and conditions to ban the sale of hot food from the Town Centre. This was after concerns were raised about such traders becoming a target for anti-social behaviour, litter and general nuisance.</p>	<p>Action by</p>

	<p>On 17th March 2011 Cabinet made a decision to ban hot food traders from street trading regularly or continuously in Uxbridge Town Centre.</p> <p>The amendment to the regulations would allow officers to respond to such enquiries clarifying that the Council will not consider any street trading of food in Uxbridge town centre that takes place on a continuous or weekly basis.</p> <p>The changes would come into effect on 27th April 2011.</p> <p>Noted: The Committee noted the update.</p>	<p><i>Stephanie Waterford (Licensing Services Manager) / Beejal Soni (Legal Advisor)</i></p>
13.	<p>UPDATE ON SEX ESTABLISHMENT PROVISIONS (<i>Agenda Item 7</i>)</p> <p>Officers updated the Committee in respect of the progress of the Sex Establishment provisions.</p> <p>Following on from previous reports, the Sex Establishment Licensing Policy, together with a recommendation that Council adopt the provisions was discussed and endorsed by Cabinet on 17th March 2011.</p> <p>The adoption of the provisions would be decided at the Council meeting on 7th July 2011.</p> <p>Applicants for existing sex establishment premises would be required to apply for licences between the First and Second appointed days, with applicants for new premises required to apply between the second and third appointed days.</p> <p>All licences granted during the transitional period would come into force on 20th August 2012.</p> <p>Noted: The Committee noted the update.</p>	<p>Action by</p> <p><i>Stephanie Waterford (Licensing Services Manager) / Beejal Soni (Legal Advisor)</i></p>
14.	<p>LICENSING STATISTICS UPDATE (<i>Agenda Item 8</i>)</p> <p>Officers presented the totally number of premises and personal licenses granted under officer delegated powers and by Licensing Sub Committees up to 8 April 2011. 825 premises licenses and 2095 personal licenses had been granted.</p> <p>Members asked Officers to report the number of street trading licences, sex establishment licences and gambling licences statistics to future Licensing Committee meetings coupled with the premises licences.</p> <p>Noted: The Committee noted the update.</p>	<p>Action by</p> <p><i>Stephanie Waterford (Licensing Services Manager) / Beejal Soni (Legal Advisor)</i></p>

15.	<p>GAMBLING ACT 2005 - COMMITTEE UPDATE (<i>Agenda Item 9</i>)</p> <p>Officers informed Members that there had been various developments in the Gambling Act 2005 since it came into force in 2007. The changing financial landscape saw a rise in applications to transfer licences issued under the Gambling Act. Simultaneously it had been noted that objections to gambling establishments are rising in response to difficult financial circumstances. The LGA was currently considering options on whether it would be possible for local authorities to limit the number of gambling premises using various clauses contained in the Sustainable Communities Act 2007.</p> <p>Officers provided information on current considerations that would be relevant to Members of the Licensing Committee when determining applications under the Gambling Act 2005.</p> <p>Noted: The Committee noted the update.</p>	<p>Action by</p> <p><i>Stephanie Waterford (Licensing Services Manager) / Beejal Soni (Legal Advisor)</i></p>
16.	<p>LICENSING DELEGATIONS UPDATE (<i>Agenda Item 10</i>)</p> <p>Licensing Officers had undertaken a review of various licensing functions with a view to improving services and obtaining further efficiencies. This item proposed changes in the Licensing Committee decision-making process by delegating unopposed street trading applications to officer level as recommended by the Cabinet. It was anticipated that this proposal would improve service delivery whilst making efficient use of officer time.</p> <p>On 14th January 2010, the Council of the London Borough of Hillingdon resolved to grant powers so that <i>"...the Licensing Committee to determine street trading applications and authorises the Head of Democratic Services, in consultation with the Leader of the Council, to agree any protocols or procedures or further constitutional changes required to effect this."</i></p> <p>The Licensing Committee subsequently met and resolved that all street trading applications would be determined by Licensing Sub-Committees. This decision included both contested and un-contested applications.</p> <p>In January 2011 officers undertook a review of Street Trading functions as part of a rapid improvement programme for the Council's services. It was found that greater efficiency could be achieved if the Street Trading decision-making process was amended to bring it in line with the decision-making processes for the Licensing Act 2003 and the Gambling Act 2005.</p> <p>Under this proposal, all contested street trading applications would continue to be determined by the Licensing Sub-Committees. However, all un-contested applications would be determined under delegated powers to the Deputy Chief Executive and Corporate Director of</p>	<p>Action by</p>

	<p>Planning, Environment, Education and Community Services. Any revocation of a street trading licence, as this would likely affect the livelihood of an individual(s), would still be determined by a Licensing Sub-Committee.</p> <p>Consultees, consultation arrangements and the circumstances for defining when an application is “contested” and thus due for Licensing Sub Committee referral would be clarified in a Street Trading Policy, which would be put forward to the May Cabinet for consideration.</p> <p>Subject to the call-in period expiring on 26 April 2011, Cabinet recommended that the Licensing Sub-Committee re-consider its scheme of delegations with regard to Street Trading.</p> <p>A Member of the Committee was concerned of the transparency of street trading applications. This Member was also concerned that delegated authority to sign off uncontested street trading application would be bestowed upon the Director for Planning, Environment, Education & Community Services. The Committee were assured that each application would be considered on its own licensing merits.</p> <p>Members advised Officers to inform relevant Ward Councillors and the full Licensing Committee when street trading applications were received.</p> <p>The Committee:</p> <ol style="list-style-type: none"> 1. Noted the recent recommendation by Cabinet on 14 April 2011 regarding street trading delegations and; 2. Agreed the proposed changes to the scheme of delegations and; 3. Agreed that the changes will come into effect following the expiry of the Cabinet scrutiny call-in period on 26 April 2011. 4. Agreed that Officers would notify relevant Ward Councillors and Licensing Committee Members when a street trading application was submitted. 	<p><i>Stephanie Waterford (Licensing Services Manager) / Beejal Soni (Legal Advisor)</i></p>
<p>The meeting, which commenced at 10.00 am, closed at 12.00 pm.</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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