

Minutes

LICENSING COMMITTEE

8 June 2011

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



HILLINGDON
LONDON

	<p>Committee Members Present: Councillors Andrew Retter (Chairman), Josephine Barrett (Vice-Chairman), Lynne Allen, Bruce Baker, Mike Bull, Judy Kelly, Peter Kemp, Janet Gardner, Carol Melvin and Brian Stead.</p> <p>LBH Officers Present: David Frost, Regulatory Services Manager Sharon Garner, Licensing Service Officer Stephanie Waterford, Licensing Service Manager Beejal Soni, Legal Advisor Natasha Dogra, Democratic Services Officer</p> <p>Also Present: Sgt Ian Meens</p>	
4.	<p>TO AGREE THE MINUTES OF THE PREVIOUS MEETING (<i>Agenda Item 3</i>)</p> <p>The minutes were agreed as an accurate record.</p>	Action by
5.	<p>TO CONFIRM THAT ALL ITEMS MARKED PART 1 WILL BE CONSIDERED IN PUBLIC AND ANY ITEMS MARKED PART 2 WILL BE CONSIDERED IN PRIVATE (<i>Agenda Item 4</i>)</p> <p>It was confirmed that all items were marked Part 1 and were considered in public.</p>	Action by
6.	<p>HAYES SUPER-STORE UPDATE (<i>Agenda Item 5</i>)</p> <p>The Chairman invited Officers to present the update report to the Committee.</p> <p>A review was requested by the Council's Trading Standards Service in respect of an off licence named Hayes Superstore. The review was called under the licensing objectives of prevention of crime and disorder and protection of children from harm. On 19th January 2011 the review was held by a Licensing Sub Committee.</p> <p>The Licensing Sub Committee decided to revoke the Premises Licence for Hayes Superstore. The Premises Licence Holder, appealed against the Licensing Sub Committee's decision. The appeal was to be heard at Uxbridge Magistrates Court on 25th May 2011. However, the appeal had to be adjourned until 10th June 2011. Further information will be provided to the Licensing Committee after the appeal has been heard.</p>	Action by

	<p>Officers informed the Committee that they had performed a covert test purchase and the premises had failed this. Members stated that the police must be given more support in dealing with licensed premises, as they had powers to perform closures. Officers said Sgt Ian Meens had been granted delegated authority to carry out these functions; however his powers were limited due to lack of manpower. The Committee stated that this issue needed to be addressed and suggested sending a letter to the Cabinet Member for Improvements, Partnerships and Community Safety, Councillor Douglas Mills, outlining the Committee's concerns regarding the lack of resources available to Sgt Ian Meens. The Committee would also suggest that Cllr Mills speak to the Borough Commander regarding this issue.</p> <p>Officers informed the Committee that a Hayes Tasking Team could be efficiently used to help Sgt Meens. The Committee said this seemed like a useful way forward and would suggest it to Cllr Mills.</p> <p>Noted: The Committee noted the update</p> <p>Agreed: The Committee agreed that Legal Services would send a letter to Councillor Douglas Mills on behalf of the Licensing Committee outlining their strong concerns about the lack of manpower available to police the borough's licensed premises.</p>	<p>Stephanie Waterford, Licensing Service / Beejal Soni, Legal Services</p>
<p>7.</p>	<p>SEX ESTABLISHMENTS UPDATE (<i>Agenda Item 6</i>)</p> <p>Officers presented the update report to the Committee stating that on 12th May 2011, Council adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and also agreed the Sex Establishment Licensing Policy.</p> <p>The dates for implementation had now been pulled forward. The revised timetable is:</p> <ul style="list-style-type: none"> • 25th May 2011 First legal notice published in local paper • 1st June 2011 Second legal notice published in local paper • 22nd June 2011 First appointed day • 22nd December 2011 Second appointed day • 22nd June 2012 Third appointed day – provisions fully in force <p>Existing operators would be invited to apply for the new licence on the first appointed day and applications would be determined after the Second appointed day. New operators would be able to apply after the second appointed day and applications would be determined after the third appointed day.</p> <p>Noted: The Committee noted the update.</p>	<p>Action by</p> <p>Stephanie Waterford, Licensing Service / Beejal Soni, Legal Services</p>

8.	<p>TIGER BAR AND GRILL REVIEW UPDATE (<i>Agenda Item 7</i>)</p> <p>Officers presented the report to the Committee stating that an application for a Review of the premises licence for Tiger Bar & Grill made by Sgt Ian Meens on behalf of the Metropolitan Police Service was received on 25th February 2011. The review was called under the licensing objectives of prevention of crime and disorder and prevention of public nuisance.</p> <p>On 15th April 2011 the review hearing was held by the Licensing Sub Committee and the decision was made to suspend the license for a period of 2 months to allow for compliance with amendments to the license conditions. Officers informed the Committee that they had undertaken unannounced visits at the premises.</p> <p>Members of the Committee raised concerns over shish lounges which were present at the Tiger Bar and Grill, and at Liquid in Uxbridge. Officers informed the Committee that smoking was out of the remit for the Licensing Committee, and was dealt with by the Food Health and Safety team. Members requested that a letter be sent to the Food Health and Safety team requested a joined up approach with the licensing team to ensure communication links are opened between the two services. The letter would also call for the monitoring of the situation and for action to be taken where necessary.</p> <p>The Chairman requested all Members of the Committee, in their capacity as Ward Councillors to encourage their residents to come forward about untoward behaviour taking place in their borough. Members stated that there was a difficulty in reporting this behaviour as many people preferred to remain anonymous which meant action could not be taken against the anti-social behaviour. Ward Councillors were asked to encourage their residents to support their local Council to quash this behaviour and report any disorder or criminal activity.</p> <p>Noted: The Committee noted the update.</p> <p>Agreed: The Committee agreed that Legal Services write a letter to the Food Health and Safety Team from the Licensing Services calling for robust action to be taken against those in violation of smoking rules and regulations. The letter should also call for open lines of communication between Licensing Services and the Food Health and Safety team to ensure an overall monitoring of the situation.</p>	<p>Action by</p> <p>Stephanie Waterford, Licensing Service / Beejal Soni, Legal Services</p>
9.	<p>STREET TRADING POLICY UPDATE (<i>Agenda Item 8</i>)</p> <p>On 26th May 2011, Cabinet approved the draft Street Trading & Markets Licensing Policy for public consultation. This was pursuant to a Cabinet decision in April 2011 to recommend delegation of decisions related to non-contested applications to the Deputy Chief Executive & Corporate Director of Planning Environment Education & Community Services and to instruct officers to prepare a street trading policy.</p>	<p>Action by</p>

The draft street trading & markets policy contained the following key features or proposals for street trading activity in the borough:

1. A set of terms and conditions worded so that traders can understand what is expected of them;
2. The Deputy Chief Executive and Corporate Director of Planning, Environment, Education and Community Services, acting in consultation with the Leader, may make minor changes to the policy;
3. Street trading in the form of occasional street markets and charity / community events will be licensed under the Food Act 1984, so reducing administrative burdens on applicants and giving the Licensing Service and applicants greater flexibility in coordinating such events;
4. All applications will be subject to a 21 day consultation period. If objections to an application are received, the application will be determined by a Licensing Sub-Committee;
5. The criteria for accepting and refusing street trading applications is clarified.

The London Local Authorities Act 1990 (as amended) required a public consultation be held for a minimum of 28 days before a decision is made on the final policy and licence conditions.

Officers stated that they would use the policy as the basis for the 28 day consultation with internal and external stakeholders. The proposed policy would be advertised on the Council's website, the Street Champions e-mail bulletin and would take the form of a legal notice in the Uxbridge Gazette and London Gazette.

The draft policy would also be distributed to various partners and internal stakeholders including the Metropolitan Police Services, Food Safety Team, Highways Team and Waste Management, for comment. Officers also propose to offer meetings to discuss the draft policy with various applicants and concerned traders, so as to address any concerns and to encourage a positive dialogue, setting this as the approach to the regulation of street trading.

Once consultation had been carried out and any representations made are analysed, officers would report back to Cabinet with any proposals for amendment. Full Council would also need to amend the terms of reference of the Licensing Committee to take into account the licensing of markets.

Members of the Committee asked who the consultees were. Officers said they included key stakeholders, town centre organisers, London Borough of Hillingdon teams (Waste Management Services, Highways Services and Environment Protection Unit) and residents associations.

**Noted:
The Committee noted the update from Officers.**

Stephanie Waterford,
Licensing Service /
Beejal Soni,
Legal Services

	<p>Agreed: Members agreed to send their comments and queries regarding the policy in a response to the consultation which began on 8 June 2011.</p>	
10.	<p>LICENCE APPLICATIONS STATISTICS (<i>Agenda Item 9</i>)</p> <p>Officers presented the Licensing Application Statistics to the Committee. The total number of premises and personal licenses granted under officer delegated powers and by Licensing Sub Committees by to 27 May 2011 was 824 premises licences and 2116 personal licenses.</p> <p>Noted: The Committee noted the update from Officers.</p>	<p>Action by</p> <p>Stephanie Waterford, Licensing Service</p>
11.	<p>AMENDMENT TO LICENSING SUB COMMITTEE PROTOCOL (<i>Agenda Item 10</i>)</p> <p>Officers presented the report to the Committee which stated that on 12 May 2011 the Council of the London Borough of Hillingdon amended the composition of the Licensing Sub Committees such that 5 members now sit on each Sub-Committee. The proposed amendments to the protocols are necessary in order to give effect to this decision.</p> <p>Members raised a query regarding the minimum number of Members needed to sit on an urgent Street Trading Application hearing. Officers clarified that the usual number of Members was three, with the minimum being two. Members asked that this sentence be rephrased for clarity in the Street Trading Hearing Protocol.</p> <p>Agreed: The Licensing Committee considered the report and approved the Amendment of the following protocols for sub-committee hearings:</p> <ul style="list-style-type: none"> a. Protocol for non-urgent street trading applications b. Protocol for urgent street trading applications c. Licensing Sub-Committee Hearing Protocol for determining new & variation premises/club licences d. Sub-Committee Hearings Protocol for determining applications for Reviews of Premises Licences or Club Premises Certificates e. Hearing Protocol: Gambling Act 2005 <p>Members voted in favour of keeping the minimum number of Members needed to sit on an urgent Street Trading Application hearing at two with five Members in favour and two opposing.</p>	<p>Action by</p> <p>Stephanie Waterford, Licensing Service / Beejal Soni, Legal Services</p>
	<p>The meeting, which commenced at 10.00 am, closed at 11.35 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.