



London Borough of Hammersmith & Fulham

# Licensing Committee Minutes

Wednesday 11 July 2012

## PRESENT

**Committee members:** Councillors Colin Aherne, Adronie Alford (Vice-Chairman), Victoria Brocklebank-Fowler (Vice-Chairman), Joe Carlebach (Vice-Chairman), Michael Cartwright, Peter Graham, Steve Hamilton, Wesley Harcourt, Lucy Ivimy (Vice-Chairman), Caroline Needham, Matt Thorley (Chairman), Daryl Brown, Charlie Dewhirst and Gavin Donovan

**Other Councillors:** Councillor Greg Smith

**Officers:** Nick Austin, Director, Environmental Health, Valerie Simpson, Head of Commercial Services, Sanji Manju, Trading Standards Manager, Lewis Aldous, Lisa White, Adrian Overton, Licensing Officers, Piero Ionta, Principal Litigation Lawyer, and Owen Rees, Committee Coordinator.

### 1. MINUTES

#### **RESOLVED THAT:**

The minutes of the meeting held on 6<sup>th</sup> July 2011 be confirmed and signed as an accurate record of the proceedings.

### 2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Crofts and Karmel.

### 3. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 4. ANNUAL LICENSING UPDATE

The Committee received a presentation from Rory Clarke, a barrister from Cornerstone Chambers, describing recent changes in the Licensing regime. He said that the recently published National Alcohol Strategy underpinned the changes, and represented a sea change in culture with a move away from a permissive regime.

He then outline changes to the Licensing Act, including

- Health Authority's gaining responsible authority status
- Abolition of the vicinity test for interested parties, now referred to as other persons
- Steps must be "appropriate", rather than "necessary", with resulting changes to the decision making process and evidential burden
- Changes to Temporary Event Notices, with two types of notices
- Licensing Authorities permitted to suspend licences for non-payment of fees
- Police granted special status as the sub-committee's principal source of advice on crime and disorder
- Licensing Authority able to make representations, including bringing a review of a licence, in its own right, though the appearance of bias must be avoided.

He also reviewed upcoming changes to the framework for licensing. These included the Live Music Act 2012, and associated consultation on deregulation of entertainment: the Act making unamplified music before 11pm for up to 200 people non-licensable; the consultation on the Late Night Levy, which would impose a tax on businesses conducting late night activity to fund policing and some local authority duties; and Early Morning Restrictions, which allowed a blanket application to be made so that premises in a particular zone must close at a particular time.

In response to a question from Councillor Carlebach, Sanji Manju, Trading Standards and Licensing Manager, said that a contact at the PCT was currently being consulted. Nick Austin, Bi-Borough Director for Environmental Health, said that the change would allow any health authority to make an objection, a hospital accident and emergency department, for instance.

The Chairman thanked Mr Clarke for his attendance. Valerie Simpson, Bi-Borough Head of Commercial Services, and Ms Manju then gave a presentation on the work of the Licensing Service in the previous year. The year had seen a revision of the Council's Statement Of Licensing Policy and consultation on its Gambling Policy; continuing work through the Pubwatch scheme and the Licensing Action Group, with an emphasis on prevention and partnership working, giving the success of Operation Condor as an example; and Ms Simpson also drew attention to the participation of the Licensing Authority as a responsible authority in the review of Vintage, and said that Nick Austin would act as the representative of the Licensing Authority going forward. Ms Simpson reminded committee members to ask whether applicants had paid all fees at hearings.

Ms Simpson outlined the changes to the Statement of Licensing Policy, which now incorporated the Cumulative Impact Zones and included tightened CCTV conditions, awhile the Gambling policy under consultation, included a pool of conditions and highlighted CCTV and issues on opening hours.

Ms Simpson outlined changes made to procedures for the licensing of massage and special treatment therapists, with an altered fee structure on application.

Ms Simpson outline the impact of the National Alcohol Strategy on their work, they said that a more active stance would be taken, using evidence gathered by the police, local authority and health services.

Ms Manju outlined the work of the Licensing Action Group, and highlighted recent exercises targeting underage sales, proxy sales and the exercises undertaken with HMRC to target counterfeit goods; she said that these actions had led to a number of reviews being brought.

She also mentioned appeals against decisions made against review decisions made by the sub-committee, she said that, of the 8 appeals brought, 4 had been withdrawn and 4 had been won by the Council.

Members expressed concerns that the proposed changes to accident and emergency provision would make collecting and keeping premises-specific data more difficult and unlikely. Members also expressed concern at the spread of gambling premises, and the growth in high return slot machines, and asked whether this would be affected by the change in gambling policy. Ms Manju said that they were not being directly targeted, but that proactive monitoring would be increased.

The Chairman noted that of 23 reviews brought in the year, 22 had been brought by the Police. Police Sergeant Stuart Ratcliffe, Licensing Sergeant for the Borough, said that this represented the results of team work by different agencies, and that he did not shrink from adopting a proactive response. He said that the results in court had supported the decisions made by sub-committees, and that the efforts were reflected in a 12.5% fall in crime in licensed premises in the previous year, with violent crime down 19.5%.

Piero Ionta, Principal Litigation Lawyer, emphasised that the courts reheard licensing applications on the basis of two tests, whether the decision was right at the time and whether it remained the correct decision. He said that appeals were an exhaustive process, requiring witnesses and a large amount of evidence, with an associated high level of cost for the Council, though the Council had been awarded costs in the cases referred to, including some of those withdrawn.

He also drew attention to other enforcement activity. He said that the Council had brought prosecutions against two premises- 1 in Fulham Broadway and 1 in Fulham Road for the sale of alcohol without a licence. The offences, which had taken place in 2010, had led to fines of £1000 each for five offences and £3000 more for 3 other offences.

Councillor G Donovan asked if the Olympics were likely to cause any difficulty. Mr Ionta said that appeals were being fast-tracked by the courts ahead of their reduced availability, while Mr Austin said that the Council would be able to maintain a business as usual standard of service during the Olympic period.

## **RESOLVED THAT**

The report is noted.

Meeting started: Time Not  
Specified  
Meeting ended: Time Not  
Specified

Chairman .....

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