
REPORT OF LICENSING AND GENERAL PURPOSES COMMITTEE

MEETING HELD ON 6 MARCH 2006

Chair: Councillor Idaikkadar

Councillors: * Arnold * Ann Groves (Vice-Chair in the Chair)
 * Mrs Bath * Knowles
 * Billson * Vina Mithani
 * Blann * John Nickolay
 * Branch * O'Dell
 * Choudhury * Ray
 * Janet Cowan
 Dharmarajah

* Denotes Member present

PART I - RECOMMENDATIONS - NIL
PART II - MINUTES
81. Attendance by Reserve Members:

RESOLVED: To note that no Reserve Members were included in the Committee's Membership.

82. Declarations of Interest:

RESOLVED: To note that there were no declarations of interests made by Members in relation to the business to be transacted at this meeting.

83. Arrangement of Agenda:

RESOLVED: That (1) in accordance with the Local Government (Access to Information) Act 1985, the following appendix to agenda item 10 be admitted late to the agenda by virtue of the special circumstances and grounds for urgency detailed below:-

| <u>Agenda item</u> | <u>Special Circumstances/Grounds for Urgency</u> |
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| 10. Outline Report on The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001 – the Appendix. | The appendix to the report had not been made available by the Police at the time the agenda was printed. Members were requested to consider the appendix as the information provided supported the report. |

(2) all items be considered with the press and public present with the exception of the following item:

| <u>Agenda item</u> | <u>Reason</u> |
|--|---|
| 10. Outline Report on The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001 – the Appendix. | The appendix to the report contained exempt information by virtue of Paragraph 7 of Part 1 of Schedule 12A (as amended) in that it contained information relating to any action taken in connection with the prevention, investigation or prosecution of crime. |

84. Minutes:

RESOLVED: That the minutes of the meeting held on 19 September 2005, having been circulated, be taken as read and signed as a correct record.

85. Public Questions, Petitions or Deputations:

RESOLVED: To note that no public questions were put, or petitions or deputations received at this meeting under the provisions of Committee Procedure Rules 18, 15 and 16 (Part 4B of the Constitution) respectively.

86. **Summary of Concluded Licensing Appeals:**

Members received a report of the Director of Legal Services containing a summary of nine concluded licensing appeals since the introduction of the Licensing Act 2003.

The officer advised that some of the cases would be resubmitted to the Authority for a rehearing in due course. A Member informed the Committee that a Justice of the Peace had invited Licensing Panel Members to visit the Magistrates' Court whilst an appeal was in session and suggested that it would be beneficial. Another Member indicated that nine appeals out of the many cases heard was a significant achievement and attributed this to the extensive training and the Panels themselves. The Committee endorsed both these comments. Members were, however, reminded of the significant costs incurred by the appeals and that if there were lessons to be learnt, it would limit future appeals and costs. In response to a query regarding the breakdown of income generated and other expenses related to the Licensing Panel meetings, the officer confirmed he would provide the statistics to all Members of the Committee.

RESOLVED: That (1) officers provide a detailed breakdown of income generated and other related costs to all Members of the Committee; and

(2) the report be noted.

87. **Compromise of Licensing Appeals in the Magistrates' Court:**

The Committee received a report of the Director of Legal Services requesting that Members consider the delegation to him of authority to compromise licensing appeals under exceptional circumstances.

The officer explained that there was currently no mechanism to negotiate when an application was at appeal stage in an expedient manner. Currently, the only way to obtain instructions was by either reporting to the Licensing and General Purposes Committee or by the use of an Urgent Non-Executive Action. Both of these methods were insufficient to adequately protect the Council's best interests. He explained that if the negotiation was delegated to the officer he could use his discretion, in exceptional circumstances, to seek to compromise by either amending the licence, certificate or notice or to remit the matter to the Licensing Panel for a rehearing, thereby reducing unnecessary costs.

Some Members felt that this approach not only removed the decision-making process from elected Members, but also undermined the decision originally made. It was felt that the current methods, that is, reporting to the Licensing and General Purposes Committee and Urgent Non-Executive Action were sufficient, and that spontaneous negotiations were not acceptable without consulting Members first. A Member suggested that with modern technology available it would still be possible to deal with urgent matters even on the "court steps" by contacting Nominated Members by email or on their mobile phone. Upon being put to a vote it was

RESOLVED: That the request for delegation of the power to compromise licensing appeals to a Magistrates Court under the Licensing Act 2003, to the Director of Legal Services, be refused.

[Notes: (1) Councillors Blann, Choudhury, Ann Groves, O'Dell and Ray wished to be recorded as having voted in favour of the officer recommendation;

(2) Councillors Arnold, Mrs Bath, Branch, Janet Cowan, Knowles, Vina Mithani, John Nickolay wished to be recorded as having voted against the officer recommendation].

88. **Outline Report on The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001:**

The Committee received a report of the Head of Community Safety Services requesting approval of a proposal to establish an alcohol exclusion zone in Harrow Town Centre.

The report, which had been prepared in response to a reference from a meeting of Council held on 20 October 2005, set out the procedure to be followed by the Authority in designating an alcohol exclusion zone, and sought Members' initial approval to the implementation.

An officer tabled a confidential document, which had been provided by the police, providing information on alcohol related incidents in the Borough. The information was drawn from police and ambulance data, which had been pooled and categorised using Wards and area maps as comparisons. The maps highlighted the number of alcohol related incidents throughout the Borough, and identified the trouble hotspots. The evidence provided identified Harrow Town Centre as an area with a predominantly high

level of disturbance and disorder associated with the consumption of alcohol. The officer explained that this kind of evidence would be essential in order to establish an alcohol exclusion zone, without fear of challenge.

In response to a question regarding consultation, the officer explained that regulations required the Authority to consult with the police before making a designation order. In addition, an advertisement would be placed in the newspapers, consultation would include shop owners and owners of properties and mailshots would be distributed throughout the affected area.

Responding to a question on street signs, the officer advised that this would be necessary and would not be too dissimilar to the controlled parking zone signs.

A Member expressed concern in relation to the proposal as it was felt that an alcohol exclusion zone would create displacement to other areas. The officer informed the Committee that enforcement would have a positive impact on the environment, reduce fear of crime and support the Licensing Act 2003 subject to review. The officer added that these corporate priorities were in line with Crime Reduction Strategy. The Chair, on behalf of the Committee, thanked the officers for their detailed report.

RESOLVED: That (1) the proposed action in accordance with the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001 to draw up detailed proposals to designate an alcohol exclusion zone in Harrow Town Centre be approved; and

(2) a detailed report on establishing an alcohol exclusion zone in Harrow Town Centre be submitted to the next Licensing and General Purposes Committee.

(Note: The meeting, having commenced at 7.30 pm, closed at 9.10 pm).

(Signed) COUNCILLOR ANN GROVES
Vice-Chair in the Chair