

Licensing and General Purposes Committee

AGENDA

DATE: Tuesday 26 November 2013

TIME: 7.30 pm

VENUE: Committee Rooms 1 & 2,
Harrow Civic Centre

MEMBERSHIP (Quorum 4)

Chairman: Councillor Mano Dharmarajah

Councillors:

Ramji Chauhan	Mrinal Choudhury	William Stoodley	David Gawn
Susan Hall (VC)	Kairul Kareema Marikar	Vacancy	
Manji Kara	Ajay Maru		
Amir Moshenson	Phillip O'Dell		
John Nickolay	Varsha Parmar		
Anthony Seymour	Krishna Suresh		

Reserve Members:

1. Lynda Seymour	1. Bill Stephenson	1. Nizam Ismail	1. (Vacancy)
2. Mrs Camilla Bath	2. Sachin Shah	2. Krishna James	
3. Stephen Wright	3. Sasi Suresh		
4. Kam Chana	4. Sue Anderson		
5. Yogesh Teli	5. Bill Phillips		
6. Chris Mote	6. Raj Ray		

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AGENDA - PART I

1. ATTENDANCE BY RESERVE MEMBERS

To note the attendance at this meeting of any duly appointed Reserve Members.

Reserve Members may attend meetings:-

- (i) to take the place of an ordinary Member for whom they are a reserve;
- (ii) where the ordinary Member will be absent for the whole of the meeting; and
- (iii) the meeting notes at the start of the meeting at the item 'Reserves' that the Reserve Member is or will be attending as a reserve;
- (iv) if a Reserve Member whose intention to attend has been noted arrives after the commencement of the meeting, then that Reserve Member can only act as a Member from the start of the next item of business on the agenda after his/her arrival.

2. DECLARATIONS OF INTEREST

To receive declarations of disclosable pecuniary or non pecuniary interests, arising from business to be transacted at this meeting, from:

- (a) all Members of the Committee;
- (b) all other Members present.

3. MINUTES (Pages 1 - 18)

That the minutes of the special meetings held on 24 April 2013, 23 May 2013 and 30 July 2013 be taken as read and signed as correct records.

4. PUBLIC QUESTIONS

To receive questions (if any) from local residents/organisations under the provisions of Committee Procedure Rule 17 (Part 4B of the Constitution).

5. PETITIONS

To receive petitions (if any) submitted by members of the public/Councillors under the provisions of Committee Procedure Rule 15 (Part 4B of the Constitution).

6. DEPUTATIONS

To receive deputations (if any) under the provisions of Committee Procedure Rule 16 (Part 4B) of the Constitution.

7. SETTING OF FEES & LICENSING CHARGES UNDER THE EU SERVICES DIRECTIVE (To Follow)

Report of the Corporate Director of Environment and Enterprise

8. SCRAP METAL DEALERS FEES (To Follow)

Report of the Corporate Director of Environment and Enterprise

AGENDA - PART II - NIL

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LICENSING AND GENERAL PURPOSES COMMITTEE (SPECIAL) MINUTES

24 APRIL 2013

- Chairman:** * Councillor Mano Dharmarajah
- Councillors:**
- | | |
|--------------------------|-------------------|
| * Kam Chana (3) | * Chris Mote (6) |
| * Ramji Chauhan | * Phillip O'Dell |
| * Mrinal Choudhury | * Varsha Parmar |
| * Susan Hall | * Anthony Seymour |
| * Kairul Kareema Marikar | * Lynda Seymour |
| * Ajay Maru | * Sachin Shah (7) |
| * Amir Moshenson | * Krishna Suresh |

* Denotes Member present
(3), (6) and (7) Denote category of Reserve Members

94. Attendance by Reserve Members

RESOLVED:

To note the attendance of the following duly constituted Reserve Members:

Ordinary Member

Councillor William Stoodley
Councillor Manji Kara
Councillor John Nickolay

Reserve Member

Councillor Sachin Shah
Councillor Chris Mote
Councillor Kam Chana

95. Declarations of Interest

RESOLVED: To note that the following interests were declared:

Agenda Item 4: The Setting of Fees and Charges for Licensing Functions -
Category 58: Massage and Special Treatment Establishments

Councillor Susan Hall declared a disclosable pecuniary interest in that she had been granted a special licence under category 58. She would leave the room whilst the matter was considered and voted upon.

Councillor Ajay Maru declared a disclosable pecuniary interest in that he had been granted a licence under Category 58. He would leave the room whilst the matter was considered and voted upon.

Agenda Item 4: The Setting of Fees and Charges for Licensing Functions - Category 63: Houses in Multiple Occupation Licensing Scheme – per application

Councillor Ajay Maru declared a disclosable pecuniary interest in that he had been granted a licence under Category 63. He would leave the room whilst the matter was considered and voted upon.

Agenda Item 4: The Setting of Fees and Charges for Licensing Functions - Category 58: Massage and Special Treatment Establishments

Councillor Chris Mote declared a disclosable non-pecuniary interest in that he was a clinical hypnotherapist, however, he did not require a licence to practise. He would remain in the room whilst the matter was considered and voted upon.

96. Deputations

RESOLVED: To note that no deputations were received at the meeting under the provisions of Committee Procedure Rule 16.

97. Setting of fees and charges for Licensing Functions

The Committee received a report of the Corporate Director for Environment and Enterprise, which set out the proposed fees and charges for licences/applications for those activities under the Provision of Services Regulations 2009, as part of the EU Services Directive.

An officer stated that, in the past, these fees and charges had been approved by Cabinet. However, a recent legal challenge launched against Westminster City Council by sex establishments had precipitated other authorities to re-consider this licensing function. Legal advice received indicated that licensing functions which were non-executive, should be considered and approved by the relevant Committee.

The officer made the following additional points:

- Local Authorities (LAs) were required to demonstrate that fees/charges had been correctly set and complied with relevant legislation. This meant that any fees and charges may be set to recover the cost of administering the process involved, which included officer time and resources used, however the LA should not be making a profit from this activity;

- Licensing officers had used the two methodologies below to calculate the fees and charges for 2013/14:
 - large volume licences, such as those for massage and special treatment establishments, had been calculated taking into account the cost of the total service in providing application processing, advice given, compliance visits, and resources used;
 - lower volume licences, such as those for laser treatments sometimes had additional component, such as the initial outlay costs, training of Licensing officers in this area, advertising, the number of committee meetings required for the approval to be given;
- both methodologies were open to inspection by licensees and Members and a copy of each methodology would be placed in each of the Group Offices for reference purposes;
- it was likely that after 2013/14 some of the fees and charges would reduce.

Following questions and comments from Members of the Committee, the officer advised that:

- it would not be equitable to introduce a blanket fee increase for each type of fee or licence. Public perception and understanding of how the fees and charges were set was very important and each service area should have an individual fee structure. Any increase should be specific to each service area as it would not be appropriate or fair if these charges were passed on to licence holders in a different service area;
- the table did not include licence categories which were numbered 59-62, as these service areas were not included in the EU Services Directive. However, these service areas had been included in the fees and charges report which was part of the overall budget report which had been considered and approved by Cabinet in April 2013.

RESOLVED: That the fees and charges for licences/applications for those matters listed in the report, as set out at appendix 1, be approved.

(Note: The meeting, having commenced at 7.30 pm, closed at 7.55 pm).

(Signed) COUNCILLOR MANO DHARMARAJAH
Chairman

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LICENSING AND GENERAL PURPOSES COMMITTEE (SPECIAL) MINUTES

23 MAY 2013

Chairman: * Councillor Mano Dharmarajah

Councillors:

* Husain Akhtar	* Ajay Maru
* Ramji Chauhan	* Amir Moshenson
* Mrinal Choudhury	* John Nickolay
* David Gawn	* Phillip O'Dell
* Susan Hall	* Varsha Parmar
* Manji Kara	* Anthony Seymour
* Kairul Kareema Marikar	* Krishna Suresh

* Denotes Member present

98. Attendance by Reserve Members

RESOLVED: To note that there were no Reserve Members in attendance.

99. Declarations of Interest

RESOLVED: To note that there were no declarations of interests made by Members.

RESOLVED ITEMS

100. Appointment of Vice-Chairman

RESOLVED: That Councillor Susan Hall be appointed as Vice-Chairman of the Committee for the 2013/14 Municipal Year.

101. Establishment of Sub-Committees 2013/14

The Committee considered a report, setting out the proposed memberships and Chairmen of the Sub-Committees and Panels for 2013/14.

RESOLVED: That the Sub-Committees and Panels of the Licensing and General Purposes Committee be established for the Municipal Year 2013/14 with the memberships and Chairmen as detailed in Appendix I to these minutes.

(Note: The meeting, having commenced at 8.27 pm, closed at 8.30 pm).

(Signed) COUNCILLOR MANO DHARMARAJAH
Chairman

LICENSING AND GENERAL PURPOSES PANELS – 2013/14

(Membership in order of political group nominations)

	Conservative	Labour	Independent Labour	Ungrouped
	(1) CHIEF OFFICERS' EMPLOYMENT PANEL (5)			
	(2)	(2)	(1)	(0)
I. Members	1. <u>Leader of Group</u> (Councillor Susan Hall or nominee)	1. <u>Leader of Group</u> (Councillor David Perry or nominee)	1. <u>Leader of Group</u> (Councillor Thaya Idaikkadar (CH) or nominee)	
	2. <u>Deputy Leader of the Group</u> (Councillor Barry Macleod-Cullinane or nominee)	2. <u>Deputy Leader of the Group</u> (Councillor Margaret Davine or nominee)		

CHIEF OFFICERS' EMPLOYMENT PANEL

The Chief Officers' Employment Panel has the following powers and duties:

- (a) To make recommendations to Council on the appointment or dismissal of the Head of Paid Service;
- (b) To make appointments and / or dismissal of Chief Officers
- (c) To decide on whether remuneration packages should be offered or severance payments made (including, where applicable, PILON, redundancy payments and pension lump sum), where the amount concerned is £100,000 or greater.

(2) EARLY RETIREMENT SUB-COMMITTEE (3) (Non-proportional)

	(1)	(1)	(0)	(1)
I. Members	Christine Bednell (CH)	Bill Phillips		David Gawn
II. Reserve Members	1. Susan Hall 2. Mrs Lurline Champagne OBE	1. Keith Ferry		1. Vacant
(CH)	= Chair			
(VC)	= Vice-Chair			
*	Denotes Group Members for consultation on Delegated Action and/or administrative matters.			

EARLY RETIREMENT SUB-COMMITTEE

The Early Retirement Sub-Committee has the following powers and duties:

- (1) To determine cases that satisfy the Early Retirement provision under Regulation 26 of the Local Government Pension Scheme Regulations 1997 (as amended), and to exercise discretion under Regulations 8 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000 (as amended, subject to the conditions now agreed in respect of all staff, excluding Chief Officers;
- (2) To apply the arrangements set out in (1) above to Chief Officers where the application has been recommended by the Chief Executive, either on the grounds of redundancy, or in the interests of the efficiency of the service, and where the application was instigated by the Chief Executive in consultation with the leaders of the political groups.

(3) LICENSING PANEL (3) (Pool of Members)

(To be selected from the following nominees)

	Conservative	Labour	Independent Labour	Ungrouped
I. Members	Ramji Chauhan Susan Hall Manji Kara Amir Moshenson John Nickolay Anthony Seymour	Mrinal Choudhury Kairul Kareema Marikar Ajay Maru Phillip O'Dell Varsha Parmar Krishna Suresh	Mano Dharmarajah Husain Akhtar	

LICENSING PANEL

(i) To determine applications and to make Orders in respect of:

- Licences, permits, registrations and certificates;
- Rights of way, footpaths and bridleways and the enjoyment of the highway;
- Street naming and numbering;
- Markets and fairs and other street trading;
- Car park orders and variations;
- Registration of common land, town greens and variations of rights of common;

where objections have been received.

(ii) To determine applications and to make Orders in respect of:

- Safety certificates for sports grounds;
- Matters regarding film classification;
- Rules and Regulations established by the authority;
- Fees issues within the terms of reference of the Panel;
- Applications under Part II and Schedule 3 of the Local Government (Miscellaneous Provisions Act 1982) as amended from time to time.

(iii) To determine waivers and variations on matters determined by the Licensing and General Purposes Committee, Cabinet or Council.

(iv) specific delegations under the Licensing Act 2003 and Gambling Act 2005 are set out in the Licensing Policy and Statement of Principles under Gambling Act 2005.

(v) Without prejudice to the generality of the above sections, in the case of alcohol control provisions in the Licensing Act 2003 as might be amended, and related legislation, regulations, orders, guidance, etc, to determine the following matters:

Applications for personal licences where:

- Representations have been made, but remain unresolved.
- Applicants have relevant unspent convictions.

Matters relating to the licensing, certification and authorisation at premises where:

- Representations have been made to an application, but remain unresolved.
- There is an unresolved police representation to an application to vary a designated personal licence holder, or to the transfer of a premises licence.
- There is an unresolved police representation to the application for an interim authority, or to a Temporary Event Notice.
- An application is made for the review of a premises licence or club premises certificate.
- Matters of an exceptional nature that in the officer's opinion justify consideration by the Licensing Panel.

[Appeals against decisions of the Licensing Panel must be made to the Magistrates' Court.]

**(4) NATIONAL NON-DOMESTIC RATE: DISCRETIONARY RATE
RELIEF APPEAL PANEL (3) (Pool of Members)**

(To be selected from the following nominees)

	Conservative	Labour	Independent Labour	Ungrouped
I. Members	Mrs Camilla Bath Mrs Lurline Champagnie Susan Hall Manji Kara Barry Macleod- Cullinane Chris Mote Richard Romain	Keith Ferry Graham Henson Kairul Kareema Marikar Ajay Maru Phillip O'Dell Varsha Parmar Sachin Shah	Husain Akhtar Nizam Ismail Asad Omar	

**NATIONAL NON-DOMESTIC RATE: DISCRETIONARY RATE RELIEF APPEAL
PANEL**

The National Non-Domestic Rate Discretionary Rate Relief Appeal Panel has the following powers and duties:

- To determine appeals in respect of all categories of discretionary rate relief.

(5) PERSONNEL APPEALS PANEL (3) (Pool of Members)

(To be selected from the following nominees)

	Conservative	Labour	Independent Labour	Ungrouped
I. Members	Marilyn Ashton Mrs Lurline Champagnie OBE Susan Hall Manji Kara John Nickolay Joyce Nickolay Paul Osborn Simon Williams Stephen Wright	Sue Anderson Bob Currie Margaret Davine Mitzi Green Graham Henson Jerry Miles Phillip O'Dell Bill Stephenson	Husain Akhtar Mano Dharmarajah	

PERSONNEL APPEALS PANEL

The Personnel Appeals Panel has the following powers and duties:

- To consider and decide upon appeals against disciplinary action.

(6) SOCIAL SERVICES APPEALS PANEL ((2) + 1 Independent) (Pool of Members)

(To be selected from the following nominees)

	Conservative	Labour	Independent Labour	Ungrouped
	(1)	(1)	(0)	(0)
I. Members	Marilyn Ashton Mrs Camilla Bath Susan Hall Jean Lammiman John Nickolay Paul Osborn	Margaret Davine Mitzi Green Bill Phillips Christine Robson Victoria Silver		

* Denotes Group Members for consultation on Delegated Action and/or administrative matters.

(CH) = Chair

(VC) = Vice-Chair

* Denotes Group Members for consultation on Delegated Action and/or administrative matters.

SOCIAL SERVICES APPEALS PANEL

The Social Services Appeals Panel has the following powers and duties:

- (a) To review in accordance with the Children (Secure Accommodation) Regulations 1991 the keeping of children in secure accommodation;
- (b) In accordance with the Mental Health Act 1983, to decide whether to discharge patients from guardianship;
- (c) In accordance with procedures and guidance given under the Children Act 1989 and the National Health Service and Community Care Act 1990, and when requested to do so by a dissatisfied complainant, to review decisions made relating to complaints.

Note: Appeals Panels reviewing the keeping of a child in secure accommodation will be chaired by an Independent Person. Appeals hearing complaints under the Children Act 1989 and the National Health Service and Community Care Act 1990 will comprise 3 Independent Persons.

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LICENSING AND GENERAL PURPOSES COMMITTEE (SPECIAL) MINUTES

30 JULY 2013

Chairman: † Councillor Mano Dharmarajah

Councillors:

* Mrs Camilla Bath (2)	* Ajay Maru
* Ramji Chauhan	* Amir Moshenson
* Mrinal Choudhury	* Raj Ray (6)
* David Gawn	* Anthony Seymour
* Susan Hall	* Sachin Shah (2)
* Manji Kara	* Krishna Suresh
Kairul Kareema Marikar	

* Denotes Member present
(2) and (6) Denote category of Reserve Members

102. Attendance by Reserve Members

RESOLVED: To note the attendance at this meeting of the following duly appointed Reserve Members:-

Ordinary Member

Councillor Phillip O'Dell
Councillor Varsha Parmar
Councillor John Nickolay

Reserve Member

Councillor Sachin Shah
Councillor Raj Ray
Councillor Camilla Bath

103. Declarations of Interest

RESOLVED: To note that there were no declarations of interests made by Members.

104. Deputations

RESOLVED: To note that no deputations were received at this meeting.

RECOMMENDED ITEMS

105. Early Morning Alcohol Restriction Order (EMRO)

The Committee received a report of the Corporate Director of Environment and Enterprise which set out the reasons for the proposed introduction of an Early Morning Restriction Order (EMRO) in the vicinity of Stanmore Broadway.

An officer advised that the main reasons for seeking to implement an EMRO in the area were as follows:

- following changes in licensing legislation in 2012, the maximum number and duration of Temporary Event Notices (TENs) had been increased;
- many of the licensed premises in the proposed EMRO zone in Stanmore had applied for TENs during the Christmas/New Year period in 2012, which had extended opening hours of between 4.30-5.30 am;
- the police, officers in Licensing and the Out of Hours Noise teams and local Ward Councillors had received a large number of complaints during the holiday season in 2012 from residents in the vicinity of the proposed EMRO zone regarding largescale incidences of public nuisance. The public nuisance issues had probably occurred as a result of numerous licensed premises closing around the same time;
- following receipt of the complaints, additional patrols had been deployed in the Stanmore Broadway area to monitor the situation, at an approximate cost of £11,500. Other areas in Harrow did not have the same problems and had not generated the same level of complaints, and therefore the EMRO was only being proposed for the Stanmore Broadway area;
- it was a legal requirement to carry out a consultation lasting 42 days with all relevant stakeholders before an EMRO could be implemented. The consultation would be followed by a hearing if objections were received.

Following questions and comments from Committee Members, an officer advised that:

- New Year's Day was exempt from EMROs;
- there were no financial implications of the proposed EMRO, and all costs, including those associated with the consultation would be covered within the current Licensing budget;

- if agreed, this would be the first time an EMRO would be introduced in Harrow;
- if the consultation was agreed, then the Police, Licensing and Public Realm Enforcement teams would provide more detailed evidence of the public nuisance related complaints received in 2012 from residents in the vicinity of Stanmore Broadway;
- most of the premises in the proposed EMRO zone currently had licenses until 1.00 am, and these would not be curtailed, and it was proposed that they be permitted to open until 2.00 am at the latest. This would ensure that most licensed premises in the area would be vacated by 2.30 am at the latest;
- the area of the proposed EMRO zone had been identified on the basis of evidence gathered during the additional patrols in 2012 and included all the premises in the area of Stanmore Broadway which were likely to have contributed to the public nuisance issues;
- officers had invited all the licensees in the proposed EMRO zone to provide suggestions as to how to better manage the public nuisance issue in the future, however, to date, none of the licensees had contacted the council with any proposals;
- it was unlikely that the introduction of an EMRO in Stanmore would displace the public nuisance issues to neighbouring areas as premises in other parts of Harrow had requested fewer TENS for shorter durations compared to those requested by licensees in the Stanmore Broadway area;
- any future requests for TENS would be closely monitored, and the Police and Environment Services would have an opportunity to object in cases where they had concerns;
- the following two premises named on the list of premises included in the proposed EMRO zone had been included in error: the Social club, Royal National Orthopaedic Hospital and Stanmore Golf club. The officer undertook to amend the list.

A Member stated that Stanmore was a densely populated area with more people living there than in the vicinity of the Town Centre. She added that she had received numerous complaints from residents regarding public nuisance issues in the area of Stanmore Broadway during the 2012 Christmas and New Year period.

The officer added that any issues arising from the consultation would be reported to the Committee and he would keep the Chairman and Vice-Chairman updated regarding the consultation. An update report would be submitted to the Committee after completion of the consultation.

RESOLVED: That officers of the Licensing Authority be authorised to take the prescribed steps to seek to introduce an EMRO in part of Stanmore as set out in the officer report.

(Note: The meeting, having commenced at 7.30 pm, closed at 8.07 pm).

(Signed) COUNCILLOR MANO DHARMARAJAH
Chairman