

LICENSING AND GENERAL PURPOSES COMMITTEE MINUTES

26 NOVEMBER 2012

Chairman: * Councillor Mano Dharmarajah

Councillors:

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| * Sue Anderson (5) | * John Nickolay |
| * Kam Chana (3) | * Phillip O'Dell |
| * Ramji Chauhan | * Varsha Parmar |
| * Mrinal Choudhury | * Bill Phillips (7) |
| * Susan Hall | * Anthony Seymour |
| Ajay Maru | * Mrs Rekha Shah (1) |
| * Amir Moshenson | |

* Denotes Member present
(1), (3), (5) and (7) Denote category of Reserve Members

RECOMMENDED ITEMS

91. Proposed 'Virtual Licensing Panel' Procedure

The Committee received a report of the Corporate Director Environment and Enterprise, which set out the proposed procedure for 'Virtual Licensing Panels'. An officer stated that there had been an omission in the recommendation, and it should have specified that the recommendation would require the approval of Council.

The officer advised that:

- following recent changes to the Licensing Act of 2003, both the police and the Environmental Health Authority were now able to object to the

granting of a Temporary Event Notice (TEN) on the basis of any of the Licensing Objectives;

- once an objection notice was received, the licensing authority was obliged to hold a hearing to consider the objection, unless all parties and the authority agreed that a hearing was unnecessary and decided whether or not to issue a counter notice (which would mean that the event could not go ahead);
- rather than having to convene a licensing panel in order to impose the agreed conditions, this could be done via a conference call or 'virtual Licensing Panel made up of members the Licensing Panel Pool (who were not ward councillors for the ward in which the premises was located and subject to any declaration of interests);
- the 'virtual licensing panel', as licensing authority, would be asked to agree that a) a hearing was unnecessary; b) that it did not wish to issue a counter notice, and; c) that it considered it appropriate for the promotion of the licensing objectives to impose the conditions on the TEN. Officers could then notify the decision to the parties and issue the statement of conditions. This procedure would save both time and money involved in convening a Licensing Panel hearing. A hearing would only be necessary where the Members of the 'virtual licensing panel' did not agree to any of above points a-c.

Following questions from Members, the officer advised that:

- under the amended Licensing Act, like the police, the Environmental Health department at the council were now deemed to be Responsible Authorities;
- the 'Virtual Licensing Panel' would be conducted during office hours and take the form of a conference call, with the 3 Members of the Licensing Panel, Licensing officer(s), Legal officer(s) and a Democratic Services officer taking part in the conference call;
- the conference call could be made either to a mobile or landline number and officers would confirm whether Members taking part in the conference call would incur telephone charges;
- the 3 Members of the 'Virtual Panel' would be invited to participate on a rota basis from the Licensing Panel Pool;
- it was not possible to attach further conditions to a TEN, and only those already imposed on a premises would apply;
- annually, the Council received in the region of 500 requests for TENs and about 400 of these received objections;

- the Licensing section maintained a public register which set out data relating to any infringements or nuisance caused by any licensed premises in Harrow.

In view of the very limited time available for agreeing a TEN, Members agreed that Virtual Licensing Panels were a good idea. One Member suggested that one day of the week could be identified as the day for possible Virtual Licensing Panel hearings and relevant Members on the Licensing Panel Pool Rota could ensure that they set aside this date in their diaries. Committee Members agreed to proceed with 'Virtual Licensing Panels', for a trial period, subject to further information about the practicalities and logistics of arranging a conference call being provided to Members.

Resolved to RECOMMEND: (to Council)

That the 'virtual licensing panel' procedure in relation to section 106A of the Licensing Act 2003 relating to imposition of conditions on standard temporary event notices in cases where the objection(s) seek the imposition of conditions and all parties agree that a hearing was unnecessary, be approved.

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

(Signed) COUNCILLOR MANO DHARMARAJAH
Chairman