

LICENSING AND GENERAL PURPOSES COMMITTEE (SPECIAL) MINUTES

25 JANUARY 2017

Chair: * Councillor Krishna Suresh

Councillors:

* Mrs Chika Amadi	Phillip O'Dell
† James Bond	* Nitin Parekh
† Kam Chana	Varsha Parmar
* Ramji Chauhan	David Perry
* Margaret Davine (4)	Kanti Rabadia
* John Hinkley	* Adam Swersky
* Amir Moshenson	* Stephen Wright

* Denotes Member present

(4) Denotes category of Reserve Members

† Denotes apologies received

RECOMMENDED ITEMS

23. Revised Statement of Licensing Policy under the Licensing Act 2003

The Committee received a report of the Corporate Director, Community which set out the draft revised Statement of Licensing Policy (SLP) under the Licensing Act 2003.

Following questions and comments from Members, officers advised that:

- The Council participated in schemes such as the 'Best Bar None Scheme', which had introduced a level of professionalism within the licensed trade. There was no evidence to suggest that Harrow would benefit from a 'cumulative impact' policy which was aimed at limiting

the number of premises licences granted. Officers would continue to monitor and regularly inspect any 'hot spots' and licensed premises causing concern;

- with regard to imposing penalties and restrictions on licensed premises which breached their conditions, it was important to remember that there existed a statutory framework and guidance regarding this, which should be followed. However, the Licensing Authority had discretion when imposing additional conditions following a Review Hearing;
- if a Panel was of the view that the high number of licensed premises in an area would have a negative impact on the Licensing Objectives, then it could refuse to grant a new licence or an extension to an existing one;
- when considering any representations from objectors or reasons for refusal, it was important for a Licensing Panel to assess the relevance of the evidence or representation in relation to the Licensing Objectives;
- current regulations specified that an application for a licence must be on display in the licensed premises and be visible by the public from the street, as well as notification in a local newspaper and on the Council's website. If the Council were to amend this to require premises to have a second notice displayed outside the premises, this could have cost implications for the Council and would be going beyond the statutory requirements;
- a copy of the licence was sent to the home address of incoming Designated Premises Supervisors (DPS) so that they would be aware of the conditions they would be required to follow;
- Ward Councillors were, as a matter of course, informed of any new licence applications in their wards and were at liberty to share this information with their residents;
- the non-exhaustive list of factors (as set out in the officer report), which could be taken into consideration by a Licensing Panel, would help to make decision-making at Licensing Hearings more transparent and consistent. It was important to judge each case on its merits, and adding further conditions to the list of factors in paragraph 6.3 of the proposed draft policy may make the decision-making process too prescriptive and therefore less flexible;
- parking issues outside a licensed premises did not automatically fall within the remit of the Licensing Panel, however, any breaches should be reported to the relevant enforcement team;
- a Licensing Panel could take into consideration the previous track record (including any recent convictions) of the applicant, where relevant to the Licensing Objectives;

- Licensing Panels had the discretion to refuse an application for a new or varied licence even in an area where there were a high number of licensed premises if the relevant representations indicated granting the application would result in the licensing objectives being undermined;
- Licensing Panels had the option on review of limiting the hours of operation of premises. However, in some cases it may be more appropriate to take punitive or enforcement action against the premises licence holder;
- in Licensing terms, there was no significant difference between an applicant who was a sole trader and one that was a Limited Company. In both cases, the DPS could potentially be held accountable for any breach of the licensing conditions.

Following further discussion, the Committee unanimously agreed that the following factor be added at paragraph 6.3 of the draft SLP which could be taken into account by a Licensing Panel of Councillors, should representations be raised in relation to these matters, as set out in the SLP:

'clear identification of staff authorised to sell alcohol'

Resolved to RECOMMEND: (to Council)

That the Statement of Licensing Policy, as amended by the Committee with an addition at paragraph 6.3, be approved.