

## DECISION SHEET

## LONDON BOROUGH OF HOUNSLOW

### Licensing Committee - Monday, 25 June 2012

Contact: Bill Lee, e-mail: [william.lee@hounslow.gov.uk](mailto:william.lee@hounslow.gov.uk) or by phone on 020 8583 2068

ITEM	SUBJECT	DECISION
1.	Apologies for absence, declarations of interest or any other communications from Members	Apologies for absence were received from Councillors Sohan Sangha and John Todd, who were attending the Pension Fund Panel, and Councillor Mohinder Gill.
2.	Minutes of the meeting held on 10 May 2012	The minutes of the meeting held on 10 May 2012 were agreed as a true and accurate record.
3.	Hounslow Town Centre - Street Trading/Market Initiative	<p>Please see the report from the Director of Environment (agenda item 3).</p> <p>The report was presented by Patricia Huertas, Town Centre Manager.</p> <p>Ms Huertas advised that the test market had taken place on Saturday 23 June 2012 and had been a success. The Space Makers agency would be producing a draft report by 29 June which would be brought to Committee once fully completed. The report would contain recommendations as to the running of the market which would need to be discussed by the Licensing Committee. There were three options:</p> <ol style="list-style-type: none"><li>1) Community led, in which the existing market traders work with the Council to run the market themselves. Early indications were that the traders would not be willing or able to take on the role and so that may not be the best option.</li><li>2) Council led. Ms Huertas advised that due to limited resources it would not be practical for the Council to take on that role.</li><li>3) A market operator. Ms Huertas advised that this was the most likely recommendation.</li></ol> <p>Caroline Eaton, legal adviser, stated that the market operator option would involve creating permanent pitches which would be let en bloc to a market operator who would then sub-let to traders who fulfilled the Council's criteria for the market. She advised that if this option were to be chosen there would be a need for a procurement exercise which would take time; this would be unlikely to allow trading to begin by Christmas and so Easter would be a better option. If this timeframe were to be followed Ms Eaton advised that existing Temporary Street Trading Licences be extended to February 2013.</p>

Caroline Eaton advised that the operator would be responsible for the allocation of Temporary Street Trading Licences, which would be controlled by the contract, allowing the Council to dictate the terms the licences operated on. When drafting the contract officers would liaise with Camden and Lambeth Councils who operated a similar policy. Enforcement would also be the responsibility of the operator. Patricia Huertas advised that any contract should allow variation and flexibility, and could include performance milestones and a termination clause allowing the Council to withdraw should the operator fail to run the market satisfactorily. Both officers stressed the need to take the time to get the contract absolutely right.

Members asked if a Christmas market could still be held before the scheme came into being and were advised that it was a possibility but could not be guaranteed due to limited resources. Following further questions members were advised that the stalls would be temporary structures and stock would not be stored on them overnight.

Cllr Elizabeth Hughes suggested that as time was of the essence, a sub-committee be formed to examine the recommendations and options ahead of the next meeting of the full Licensing Committee. Cllr Corinna Smart advised that it would be difficult to agree a date for the introduction of the policy as it was not known how long the procurement process would take but that it was important that a Christmas market was held. Caroline Eaton suggested that an additional Licensing Committee meeting could be scheduled for September 2012 to discuss the matter when more information was available and that a decision could be deferred until then. Patricia Huertas advised that it was necessary to work towards a specific date and that she wished to focus on Easter. She reminded members that the report from Space Makers would be a recommendation only and that more work would be needed to convert it into a final report, suggesting that if a sub committee were to be formed then it should begin to operate in July.

**Resolved:**

That a decision on the designation of the Public Highway, namely Hounslow High Street and linked streets, in Hounslow Town Centre as a Licensed street for Street Trading from Monday to Sunday inclusive and the decision on the date upon which the decision will come into effect, shall be deferred until September 2012 when more information will be available.

That a sub committee of the Licensing Committee shall be formed to examine the recommendations from the Space Makers agency regarding the establishment of permanent pitches in the above area. This sub committee shall comprise Councillors Darshan Grewal (Chair), Bradley Fisher, Elizabeth Hughes and Balvir Sond.

That the Community Team be approached with the aim of obtaining grant funding to assist the provision

of a Christmas market in the above area in 2012.

That Temporary Street Trading Licences in the above area be renewed for an additional six months from 31 August 2012.

4. Review of Gambling Policy

Please see the report from the Director of Environment (agenda item 4).

The report was presented by Nigel Farmer, Head of Business Regulations.

Mr Farmer stated that under the terms of the Gambling Act 2005 (the Act) there was a statutory requirement to review the Gambling policy every three years. He advised that there had been few problems in the Borough since the Act had been adopted and the only recent changes came from the Gambling Commission; these changes would come back to Committee later for adoption before going to Borough Council.

Cllr Liz Mammatt objected to the proposed shortened consultation period as it encompassed the Olympics and holiday period; asked if the Greater London Authority was to be included in the list of interested parties under paragraph 2.9; asked if “not before 2010” would be changed to “not before 2015” in paragraph 7.2; and asked if the requirement for conditions to be displayed could insist that they be displayed legibly. All were agreed.

Cllr Elizabeth Hughes made the following points regarding Appendix A, the draft statement of Gambling Policy:

Paragraph 1.2: *Reasonably consistent with the licensing objectives.*

Cllr Hughes asked for “reasonably” to be better defined.

Paragraph 1.7: This gives only the original approval date; Cllr Hughes asked if subsequent review dates could be included.

Paragraph 2 should contain a clause expressly stating that objections raised on moral grounds only are not permitted.

Paragraph 3.2: *Regulation will focus on the problem and any side effect will be minimised.*

Would the nature of problems be defined by the legislation or by the Council’s policy?

Paragraph 4.4: *Reasonably consistent with the licensing objectives.*

Cllr Hughes asked for “reasonably” to be defined.

Paragraph 4.5 *this Authority appreciates that “moral” objections to gambling are not a valid reason to reject applications for Premises Licences.*

The word “appreciates” should be changed to “notes” and “moral” objections should be defined.

Paragraph 4.9 *the protection of children and vulnerable persons from being harmed or exploited*

Cllr Hughes stated that “vulnerable” required a very good definition and that “children” also needed to be clearly defined as it could mean persons under the ages of 16, 18 and 21. Nigel Farmer advised that guidance was included in the consultation.

Paragraph 4.13 and subsequent references to door supervisors; Cllr Hughes requested that trained and accredited door supervisors be specified.

Paragraph 7.0 Casinos. Cllr Hughes asked for a debate on a “no casinos” ruling given that a number of major hotels were to open in the Borough and the possibility that one or more might wish to open a casino.

Paragraph 14.3 Cllr Hughes asked for a requirement that licence applications must include a policy regarding suspected truant school children entering the premises, specifying what action would be taken by staff, and that the applicant should be required to produce a CRB certificate to prove that he or she has no relevant convictions.

Cllr Hughes stated that she was unaware of any race tracks within the Borough but wondered if the term also included athletics tracks along with horse and dog racing tracks.

Cllr Brad Fisher advised that he had received reports of problems with illegal gambling and drug dealing in the doorways of some betting shops being reported to police. He agreed for the need for licensed door supervisors and asked if there was a mechanism for reviewing Premises Licences under the terms of the Gambling Act. Nigel Farmer advised that the Licensing Authority had the power to review a betting shop’s licence.

**Resolved:**

That the draft version of the Statement of Gambling Licensing policy be approved for consultation for a period of twelve weeks, subject to the following amendments:

Notices of conditions to be displayed legibly.

Paragraph 1.2: *Reasonably consistent with the licensing objectives.*  
“Reasonably” to be better defined.

Paragraph 1.7: Review dates to be included.

Paragraph 2 shall contain a clause expressly stating that objections raised on moral grounds only are not permitted.

Paragraph 2.9: The Greater London Authority shall be included in the list of interested parties.

Paragraph 3.2: *Regulation will focus on the problem and any side effect will be minimised.*  
To state whether the nature of “problems” is defined by the legislation or by the Council’s policy.

Paragraph 4.4: *Reasonably consistent with the licensing objectives.*  
“Reasonably” to be better defined.

Paragraph 4.5 *this Authority appreciates that “moral” objections to gambling are not a valid reason to reject applications for Premises Licences.*

The word “appreciates” shall be changed to “notes” and “moral” objections shall be defined.

Paragraph 4.9 *the protection of children and vulnerable persons from being harmed or exploited*  
“Vulnerable” shall be defined and “children” shall be clearly defined as to whether it refers to persons under the ages of 16, 18 or 21.

Paragraph 4.13 and subsequent references to door supervisors: Trained and accredited door supervisors shall be specified.

Paragraph 14.3 Licence applications shall be required to include a policy regarding suspected truant school children entering the premises, specifying what action would be taken by staff, and that the applicant should be required to produce a CRB certificate to prove that he or she has no relevant convictions.

Paragraph 7.2: Change 2010 to 2015

5.	Changes to Licensing Act 2003	<p>Please see the report by Caroline Eaton (agenda item 5).</p> <p>Caroline Eaton presented the report and advised members of the significant legal updates to the Licensing Act 2003 made by the Police Reform and Social responsibility Act 2011 and the Live Music Act 2012.</p> <p><b>Resolved:</b></p> <p>The Licensing Committee noted the legislative changes to the Licensing Act 2003.</p>
----	-------------------------------	---