

At a meeting of the Licensing Committee held on Thursday, 10 May 2012 at 7:30 pm in Committee Room 1, Civic Centre, Lampton Road, Hounslow.

**Present:**

Councillor Tom Bruce (Chair)

Councillors Bradley Fisher, Darshan Grewal, Kamaljit Kaur, Adrian Lee, Liz Mammatt and Shantanu Rajawat.

Caroline Eaton, Principal Lawyer (Litigation) and Nigel Farmer, Head of Business Regulations.

Patricia Huertas, Town Centre Manager.

**10. Apologies for absence, declarations of interest or any other communications from Members**

Apologies for absence were received from Councillors Colin Botterill, Matthew Harmer, Elizabeth Hughes and Paul Jabbal.

**11. Minutes of the meeting held on 25 January 2012**

The minutes of the meeting held on 25 January 2012 were agreed as a true and accurate record.

**Matters arising:**

Cllr Liz Mammatt said that she had heard that Prince's Club (page 5) was up for sale and due to close; she asked if licensing issues were the reason. Nigel Farmer, Head of Business Regulations, advised that officers had visited the site and prohibition notices had been served on certain activities under health and safety regulations, however the club had not applied for a licence and the process had only just begun. No licence would now be issued as the premises were due to close at the end of May 2012.

**12. Licensing Act 2003 - Update**

Please see the report from Councillor Tom Bruce, Chair of the Licensing Committee (Agenda Item 3).

With the Chair's permission this item was heard after Item 4 as Patricia Huertas did not need to be present.

Nigel Farmer, Head of Business Regulations, presented the report. He explained that whilst some of the statistics contained in the appendices pertained to the Council year of May to May most had been presented as calendar years as this was how Temporary Event Notices (TENS) were allocated. He added that the licence categories given were a rough guide only. Of the six reviews carried out by Licensing Panels and Officer delegated powers during 2011 one decision had been overturned on appeal by Brentford Magistrates Court, who had reinstated a premises licence with conditions following its revocation. Mr Farmer advised that most test purchases offences had resulted in a caution with minor variation in conditions. He stated that a new Police Licensing Officer for the Borough, PC Simon Lawrence, had taken over from PC Lindsey Cornock.

Cllr Shantanu Rajawat asked for more detail regarding the enforcement protocol referred to in paragraph 3.6. Nigel Farmer replied that there was a memorandum of understanding between

the Licensing Authority and the police and that discussions were currently underway on updating this. He advised that he did not have details of actions that had taken place but would supply them by email. Caroline Eaton added that all actions had been for underage sales, none under the terms of the Licensing Act 2003; to the best of her knowledge there had never been any such prosecutions.

Cllr Bradley Fisher stated that he had taken part in a Panel hearing that had reluctantly granted a 24 hour off sales licence as there had been no lawful reason not to. There had been no police representation against the application and yet subsequently the Hounslow Chronicle had reported that Commander Bilson objected to the licence; Cllr Fisher asked why the police had not objected beforehand. Cllr Liz Mammatt added that Commander Bilson had said that he had discussed the matter with Cllr Mayne but that nothing had reached the Police Licensing Officer.

Cllr Fisher stated that with regards to attendance at Licensing Panels 50% of the Committee were doing 90% of the work. He said that there were members of the Conservative Group who would like to join the Committee but this would upset the political balance. As the Licensing Committee was a non-political group he asked if it would be possible to do this. Caroline Eaton advised that as the Licensing Committee possessed functions delegated by Borough Council the Committee had to reflect the political make-up of the Council. However as the law required a minimum membership of 15 but did not give a maximum number, Ms Eaton stated that there was the possibility of a larger Committee which would allow more flexibility; this would need to be discussed with the political groups.

Cllr Adrian Lee said that he would be happy to do more Panels if he could and added that he was suspicious of the fact that four Committee members had failed to take part in any hearings; he asked if there were communication problems and enquired how Panels were selected. The clerk explained that all members were sent email notification of each agenda publication, following which the Chair was contacted first if his ward was not on the agenda and asked if he wished to be on the Panel. All other members were then contacted directly unless disqualified because an application had come from their ward and asked if they wished to take part. If more than three members came forward in a reasonable time priority was given to those who had done the fewest Panels providing a political mix was achieved (if possible) and ensuring that there was always an experienced member present; otherwise if only three volunteered they formed the Panel. Cllr Lee expressed satisfaction that there was not a communication problem. Caroline Eaton advised that other Local Authorities used larger sub-groups, ie if five members came forward to take part in a Panel, three would be chosen and two held in reserve. It was agreed that this would be acceptable. Cllr Bruce thanked the officers who had provided the information and advice.

**Resolved:** That the report be noted by the Licensing Committee.

Members present expressed the view that Cllr Bruce was an excellent Chair and congratulated him; Cllr Bruce thanked members for their time and energy given to the Licensing Committee and Panels during the past Council Year.

### **13. Hounslow Town Centre - Street Trading/Market Initiative**

Please see the report from Caroline Eaton, Principal Lawyer (Agenda Item 4).

With the Chair's permission this item was heard before Item 3 as Patricia Huertas did not need to be present for the latter.

Caroline Eaton, Legal Adviser, stated that she had drafted the report with the assistance of Patricia Huertas, Town Centre Manager and advised that it showed progress to date with street trading proposals for Hounslow High Street. Ms Eaton distributed plans showing the intended location of stalls within the High Street and informed members that the advertisement had gone to press on 4 May and that the 28 day consultation would close on 1 June. This, she stated, would allow time for responses to be received and brought to Licensing Committee on 25 June; Borough Council had formally delegated all street trading functions to the Licensing Committee on 27 March 2012. The second newspaper advertisement would, Ms Eaton advised, be placed 28 days before the resolution came into effect in late July or early August; the market would be established in September, giving time for traders to organise.

Patricia Huertas advised that towards the end of that period there would be a need to look at how the market would work, levels of fees and how it would be run. She described the starting date of early September as quite optimistic but that nonetheless it was still the intention to open by then. Nigel Farmer stated that current Street Trading Licences would have all expired by the end of August.

Caroline Eaton advised that the Space Makers agency were looking at applications for temporary licences for the designated area and would be in a position to arrange for stalls to be themed within given sections. Patricia Huertas stated that three themes were being looked at, food, flowers and arts & crafts; the latter two were proving to be challenging and so food was currently the prominent theme. Ms Huertas advised that a market operator was being sought to run a test market; information gathered from this would inform the final report. She stated that the market would start with low numbers of high quality stalls with the potential to be expanded later; the plan was to be put together by BDP who had been responsible for the Town Centre Master Plan. Ms Huertas described the current plan for the market layout as indicative of intentions rather than a definitive finished item; for example the possibility of more stalls if the High Street was fully pedestrianised was shown.

Cllr Tom Bruce requested more information on the wording of the policy regarding licence applications within the designated area and how the Committee would process them. Ms Huertas advised that there would be a number of permanent pitches within the area and traders would be invited to apply for licences to use them, adding that there would be a need for the Authority to specify what could be sold from each pitch. Caroline Eaton added that the licences would be as permanent as the pitches, to the extent that they could be bequeathed to heirs.

At this point, 7.45 pm, Cllr Adrian Lee arrived with apologies having been unavoidably detained.

Patricia Huertas advised that the Committee would have to be very careful regarding the proposal as it would transform stalls into permanent pitches and also remove shop front pavement displays from the designated area; it would no longer be possible to apply for such displays and the same would apply to A boards. Nigel Farmer stated that he was unsure if the licensing of A boards should be covered by Street Trading Licences and Caroline Eaton advised that they could possibly be controlled through laws relating to obstruction of the highway rather than street trading. She added that there was a need to carefully re-examine the Street Trading Policy approved in 2011 to ensure that it was sufficiently clear in this regard. However Ms Huertas stressed that pavement café licences would be retained as an asset to the High Street.

Cllr Brad Fisher asked if the stalls depicted in green as Phase 2 on the plan would become permanent as well as those shown in yellow. Ms Huertas advised that the plan had been

drawn up on the basis that the whole of the High Street would eventually be pedestrianised; this was no longer certain and if not carried out then the stalls depicted in green would not appear. Cllr Fisher referred to a recent street trading application near to the bus garage and said that the applicant had raised questions about neighbouring shops' pavement displays and asked what was to be done about enforcement against unlicensed displays, or those that exceeded the terms of their licences. Patricia Huertas replied that the area was outside the designated area and so applications would continue, however she planned to oppose such applications and stated that together with enforcement of existing licences she hoped this would solve these issues.

Cllr Shantanu Rajawat asked about progress regarding the purchase of permanent stalls; where revenue from the leasing and licensing of the stalls would go; and where money to fund a market operator would come from. Patricia Huertas responded that Space Makers had struggled to find traders to run a test market locally and so the intention was now to find a market operator who would provide stalls themselves; if this arrangement worked it would be made permanent. It had subsequently been decided not to spend the £17,000 on temporary stalls but to buy fewer, higher quality, items. The funding was allocated to Space Makers and purchases would only be made once it was established exactly what was needed. Caroline Eaton advised that the fees payable per square metre could be high but could be reduced for charities, community events and suchlike. Nigel Farmer advised that a plot designated for a specific type of stall such as food would have to be reapplied for if a change of use was wanted. Patricia Huertas stated that one off one day events could be arranged with the payment of a fee which could be negotiable.

Ms Huertas advised that great care should be exercised when choosing the right operator and noted the possibility of a non-profit organisation, citing the charity Eat Street. Cllr Liz Mammatt said that she liked the idea of themed markets around the Bell Junction and asked if there was sufficient scope and space for the extra stalls without disrupting regular stallholders. Ms Huertas advised that the designated area would include enough space and that Bell Corner had been suggested for events such as Christmas Markets. She stated that there would be a need for the Policy to allow the licensing of stalls for one off events; Nigel Farmer added that there was such a provision but advised that the Policy may need tidying up.

Cllr Adrian Lee referred to paragraph 2.4.3 of the report, regarding the de-cluttering of the street scene by terminating the use of highway licences to display goods, produce or advertisement boards in front of shops, stating that he believed that phone unlocking booths presented a poor image for the High Street. He added that this problem could be compounded if a number of poor quality stalls were established and that whilst quality control was a separate issue he expressed the view that the Council could not be laissez-faire about quality given the stated need to raise the area's image. Cllr Lee asked what the plan for the High Street may be if it turned out that the market could not commercially sustain the number of themed stalls that might be licensed. He also asked what, if anything, could be done to control smells and possible smoke from hot food stalls and finally asked how emergency vehicle access could be guaranteed.

Patricia Huertas responded that most phone unlocking services were linked to shops; no further stall or pavement displays would be licensed. She advised that officers would look at how Licensing and Street Care worked together in enforcement. Nigel Farmer stated that offenders tended to return very shortly after being removed and that officers would be looking to the PFI contract for future enforcement. Caroline Eaton advised that the PFI Team had been asked to deal with obstruction of the High Street; they would deal with issues proactively and would prosecute if necessary.

Ms Huertas stated that a long term cultural change was needed and that retailers would need

to be brought on board. She advised that there was a need to take great care over quality control and that a test market should be established for at least a year with regular reviews to learn lessons. Mr Farmer stated that the Health & Safety Team would visit stalls as there were concerns over such issues as cooking and hot water supply. Ms Eaton advised that any revised policy would need to incorporate the above. Patricia Huertas said that vehicle access was being looked into and that the issue affected existing retailers as well.

Cllr Lee said that it would be harder to regulate stalls selling prepared food in one-off events such as fairs than the permanent stalls and asked if it would be possible to differentiate between the two. Nigel Farmer advised that all food stalls needed to be registered with their own Local Authority and so temporary stalls would still be licensed with their home council; Hounslow could contact those authorities to check the stalls' licences and certification. Caroline Eaton stated that the Policy would need to make it clear that any stalls found to be in breach of regulations would not be welcome back.

The Chair, Councillor Tom Bruce, expressed approval of the plans and the hope that all would come successfully to fruition. He thanked Ms Huertas, Ms Eaton and all involved for all their hard work as did the Committee members present.

**Resolved:** The Licensing Committee noted the details of the progress made relating to the Hounslow Town Centre Street Trading initiative and the proposed implementation timetable to designate Hounslow High Street and some linked streets as Licensed Streets.

#### **14. Urgent Business**

**The meeting finished at 8:45 pm.**

The minute taker at this meeting was Bill Lee.