

Licensing Committee – Meeting held on Wednesday, 23rd March, 2016.

Present:- Councillors Davis (Chair), Dhillon, Malik, Munawar, Sohal and Usmani

Apologies for Absence:- Councillors Abe, Cheema, Coad, Shah and Wright

PART 1

25. Declarations of Interest

None.

26. Guidance on Predetermination/ Predisposition - To Note

Members confirmed that they had read and understood the guidance on predetermination and predisposition.

27. Minutes of the Last Meeting held on 17th November, 2015

Resolved - That the minutes of the last meeting, held on 17th November 2015, be approved as a correct record.

28. Street Collections and House to House Collections

Melanie Sagar, Licensing Officer, informed the Committee of the outcome of the public consultation on the draft policies for Street Collections and House to House Collections, and requested that the Committee recommend to Full Council that the draft policies be adopted as Council strategies.

Members were advised that the Council did not currently have specific policies in relation to Street Collections and House to House Collections, and so currently dealt with such applications using Slough Borough Council (SBC) House to House Model Guidance for Public Charitable Collections, House to House Regulations, SBC Street Collections Guidance and the SBC Model Street Collection Regulations.

In light of this and to address some concerns over the legitimacy of previous collections made, the Licensing Team had conducted a review of the processes and procedures for 'Street Collections' and 'House to House Collections' with new draft policies and application forms being prepared.

On 17th November 2015 a report was put before the Licensing Committee on the new draft policies, and the Committee resolved to approve the policies and that Officers commence a full consultation exercise.

A full public consultation on the draft policies was conducted between 4th December 2015 and 14th January 2016, with all national and local charitable organisations, the Charities Commission and all previous applicants for charitable collections in Slough, as well as through the SBC website.

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The item was opened for discussion, and Members asked a number of questions, including:

Would a licence be available to anyone?

As part of the new formal policy and process, collectors would be required to hold a permit. Permits would be free of charge, with charitable organisations issued permits within 28 days.

How would Slough residents raise concerns over unlicensed collectors?

The Licensing team would rely on the public notifying them of any concerns. To help facilitate this, a list of authorised permit holders would be published on the Slough website.

Resolved- That Council be recommended to adopt the draft Street Collections and House to House Collections policies.

29. Immigration Bill- New Licensing Powers

Mick Sims, Licensing Manager, informed the Committee of the proposed new licensing powers following the amendments to the Immigration Bill 2015.

Members were informed that the Immigration Bill placed additional responsibilities on licensing authorities to take action where licence holders were found not to be entitled to work in the United Kingdom.

The taxi and private hire provisions in the Immigration Bill were considered by the House of Commons' Bill Committee on 10th November 2015. The Bill was currently before the House of Lords for review.

Chapter 2 of the Bill required immigration checks and continuing compliance with immigration laws as part of the existing licensing regimes for taxis and private hire vehicles. It did so by adapting existing provisions for private hire vehicles in London in the Private Hire Vehicles (London) Act 1998 and taxis and private hire vehicles in the rest of England and Wales in the Local Government (Miscellaneous Provisions) Act 1976. Licences could only be granted to UK residents or those with leave to remain in the UK.

The new bill would empower Licensing Authorities to only grant a licence for the length of a person's permission to live and work in the UK. Immigration offenses and penalties would be grounds for a licensing authority to revoke a licence, including Hackney Carriage and Private Hire licences, Premises licences and Personal licences. The Officer confirmed that the bill would likely be approved in late Spring 2016, upon which time a further report would be brought to the Committee in June.

Resolved- That the amendments to the Immigration Bill 2015 relating to new licensing powers and additional responsibilities be noted.

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30. Deregulation Act 2015- Guidance on the Licensing of Late Night Refreshment

Mick Sims, Licensing Manager, introduced a report informing Members of Thames Valley Police's response to the amendments to the Deregulation Act 2015, giving Licensing Authorities the power to exempt premises from the requirements to have a licence to provide Late Night Refreshment.

The Officer confirmed that Thames Valley Police's response to the proposed new provisions was that they were not in favour of exemptions but that matters could be reviewed on a case by case basis. It had been recommended that any exemptions that could potentially be taken advantage of by less honest traders were to be avoided.

It was confirmed that the provisions of the Deregulation Act 2015 came into effect on 1st October 2015, and empowered Licensing Authorities to:

- i. Designate a particular description of premises (as set out in the regulations) as not requiring permission to sell hot food and drink after 23.00hrs,
- ii. Designate areas where premises do not need a premises Licence to sell hot food or drink after 23.00hrs, and
- iii. Stipulate that during periods between no earlier than 23.00hrs and no later than 05.00hrs, premises may trade freely for the provision of hot food and drink without the need for a licence.

When choosing to designate particular categories of premises as exempt, the licensing authority could only exempt types of premises as set out in the regulations. The officer confirmed that, of the categories set out in the regulations, most were not applicable to Slough. Of the remaining categories, it was unlikely that exemptions would be made for premises within the town centre or in petrol stations, due to concerns over anti social behaviour. However, this would be up to the Committee.

To address Member concerns over the potential for the new regulations to limit the economic growth within Slough, the officer confirmed that a Task Group had been formed comprising the Licensing Manager as well as the new Town Centre Manager, with the remit to promote the night time economy within Slough (among other things). It was advised that the Task Group would be meeting later in the year, and could provide a report to the Committee before any ruling on exemptions was made.

Members requested details on how the new regulations would affect premises near Three Tuns Lane, and similar areas, currently frequented by high numbers of tradesmen and articulated lorries.

Members were informed that the new regulations would not stop trading, and that any exemptions were designed to free a premises from the requirements to hold a licence. If an exemption subsequently resulted in a rise in anti social

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behaviour, then that exemption could be removed and the premises would then need to apply for a licence.

As clarification, the Officer confirmed that there was no stipulation of when the powers were to be used, and that there was no requirement to use them.

Resolved- (i) That the response from Thames Valley Police be noted, and
(ii) That any exemptions to be made to the provision of Late Night Refreshment be postponed until after a report from the Task Group on Slough's Town Centre be considered at the meeting in June 2016.

31. Review of Standard Terms and Conditions for Street Trading Consents

Mick Sims, Licensing Manager, introduced a report advising Members on the review of and consultation on the revised standard terms and conditions for Street trading Consents.

Members were informed that the last review of Street Trading Consents was conducted in 2011. As the existing conditions had been deemed outdated, a new review had been required. A new set of terms had been prepared, and a formal consultation on the final terms had been conducted between 30th November 2015 and 4th January 2016. No responses had been received.

Following the consultation, Condition 2.1 had been deemed to be too arbitrary, and it was requested that this condition be amended to ensure the safety of the public and to prevent any obstruction of highways or footpaths. If approved, the new wording would be published as part of the guidance to street traders, via the Slough website.

Members asked a number of questions, including:

Who would enforce the 50m cordon between street traders and schools /nurseries, set out in Condition 2.1?

Licensing Officers would enforce the 50m restriction, via spot checks. In addition, officers would respond to concerns raised by members of the public or from the schools themselves. The Licensing Authority had the power to revoke a licence should the trader not be complying with the terms of his/her licence.

Who carried out the checks to ensure traders were complying with the terms of their licences?

Officers would review an applicant's recent criminal record via a DBS check, mandatory when applying for a licence. Once a licence had been granted, licence holders were under a legal obligation to inform the Licensing Authority of any convictions. To not do so would constitute a breach of their licence conditions, and could result in their licence being revoked.

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How would existing licence holders be notified of the proposed changes?

Licence holders were written to as part of the consultation process, and would also receive notification of the updated terms in writing.

Resolved-

- (a) That the new revised standard terms and conditions for Street Trading Consents be approved.
- (b) That the amended wording for condition 2.1 as set out in the report be approved.
- (c) That Council be recommended to approve the Revised Standard Terms and Conditions as set out in the report.

32. Members Attendance Record

The Member's Attendance Record was noted.

33. Date of Next Meeting- 8th June, 2016

The date of the next meeting was confirmed as Wednesday 8th June, 2016.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 7.17 pm)