



AGENDA FOR THE LICENSING COMMITTEE

A meeting of the Licensing Committee will be held in Committee Room 4, Town Hall, Upper Street, N1 2UD on, **27 January 2015 at 6.30 pm.**

John Lynch
Head of Democratic Services

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Despatched : 16 January 2015

Membership

Substitute Members

Councillor Gary Poole (Chair)
Councillor Raphael Andrews (Vice-Chair)
Councillor Alex Diner
Councillor Alice Donovan
Councillor Aysegul Erdogan
Councillor Osh Gantly
Councillor Satnam Gill
Councillor Jean Roger Kaseki
Councillor Robert Khan
Councillor Angela Picknell
Councillor Dave Poyser
Councillor Michelline Safi Ngongo
Councillor Marian Spall
Councillor Nick Wayne
Councillor Flora Williamson

Quorum: is 4 Councillors



A. Formal Matters **Page**

1. Apologies for Absence
2. Declarations of Interest

If you have a **Disclosable Pecuniary Interest*** in an item of business:

- if it is not yet on the council's register, you **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent;
- you may **choose** to declare a Disclosable Pecuniary Interest that is already in the register in the interests of openness and transparency.

In both the above cases, you **must** leave the room without participating in discussion of the item.

If you have a **personal** interest in an item of business **and** you intend to speak or vote on the item you **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent but you **may** participate in the discussion and vote on the item.

***(a) Employment, etc** - Any employment, office, trade, profession or vocation carried on for profit or gain.

(b) Sponsorship - Any payment or other financial benefit in respect of your expenses in carrying out duties as a member, or of your election; including from a trade union.

(c) Contracts - Any current contract for goods, services or works, between you or your partner (or a body in which one of you has a beneficial interest) and the council.

(d) Land - Any beneficial interest in land which is within the council's area.

(e) Licences- Any licence to occupy land in the council's area for a month or longer.

(f) Corporate tenancies - Any tenancy between the council and a body in which you or your partner have a beneficial interest.

(g) Securities - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

This applies to **all** members present at the meeting.

3. Minutes of previous meeting 1 - 2

B. Items for Decision **Page**

1. Sex Establishment Licensing 3 - 6

C. Urgent non-exempt items

Any non-exempt items which the Chair agrees should be considered urgently by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

D. Exclusion of press and public

To consider whether, in view of the nature of the remaining items on the agenda, any of them are likely to involve the disclosure of exempt or confidential information within the terms of Schedule 12A of the Local Government Act 1972 and, if so, whether to exclude the press and public during discussion thereof.

E. Urgent Exempt Items (if any)

Any exempt items which the Chair agrees should be considered urgently by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

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Agenda Item 3

London Borough of Islington

Licensing Committee - 16 June 2014

Non-confidential minutes of the meeting of the Licensing Committee held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 16 June 2014 at 6.00 pm.

Present: **Councillors:** Andrews (Vice-Chair, in the Chair), Diner, Donovan, Gantly, Ngongo, Picknell, Poyser, Spall, Wayne and Williamson.

Also Present: **Councillors:** Convery

Councillor Raphael Andrews in the Chair

1 APOLOGIES FOR ABSENCE (Item 1)

Apologies were received from Councillors Gary Poole, Satnam Gill, Jean-Roger Kaseki and Robert Khan.

2 DECLARATIONS OF INTEREST (Item 2)

None.

3 MINUTES OF THE PREVIOUS MEETING (Item 3)

RESOLVED:

That the minutes of the meetings of the Licensing Committee held on the 18 November 2013 and the 13 February 2014 be confirmed as a correct record and the Chair be authorised to sign them.

4 APPOINTMENT OF THE LICENSING SUB-COMMITTEES FOR MUNICIPAL YEAR 2014/15 AND DELEGATION OF LICENSING FUNCTIONS (Item 4)

RESOLVED:

a) That four Licensing Sub-Committees be established for the municipal year 2014/2015 with the terms of reference set out in Appendix 1 of the report and that all functions falling within the terms of reference be delegated to them;

b) That the following members, Chairs and Vice-Chairs, be appointed for 2014/15 or until successors are appointed:

Licensing Sub-Committee A:

Members	Substitutes
Raphael Andrews (Chair) Nick Wayne (Vice-Chair) Flora Williamson	All other members of the Licensing Committee.

Licensing Committee - 16 June 2014

Licensing Sub-Committee B

Members	Substitutes
Marian Spall (Chair) Alice Donovan (Vice-Chair) Osh Gantly	All other members of the Licensing Committee.

Licensing Sub-Committee C

Members	Substitutes
Gary Poole (Chair) Satnam Gill (Vice-Chair) Michelline Ngongo	All other members of the Licensing Committee.

Licensing Sub-Committee D

Members	Substitutes
Alex Diner (Chair) Angela Picknell (Vice-Chair) Aysegul Erdogan	All other members of the Licensing Committee.

c) That the delegations to officers as set out in Appendix 1 be approved.

The meeting ended at 6.05 pm

CHAIR

Report of: Director of Environment and Regeneration

Meeting of:	Date	Agenda item	Ward(s)
Licensing Committee	27 January 2015		All

Delete as appropriate		Non-exempt
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SUBJECT: Sex Establishment Licensing

1. Synopsis

- 1.1 The Council has the ability to charge application fees for new, renewal, variation and transfer of sex establishment licence under the Local Government (Miscellaneous Provisions) Act 1982. The Provision of Services Regulations 2009 requires that any licence application fees set by the council must be set on a cost recovery basis.
- 1.2 In light of recent case law relating to sex establishments, it has been necessary to review the fee structure which can now only recover the administrative costs of the process as opposed to the full costs of the function.
- 1.3 This report recommends the adoption of new licence application fees that will comply with this requirement.

2. Recommendations

- 2.1 To agree the proposed fees in paragraph 3.5 for premises licensed as sex establishments under the Local Government (Miscellaneous Provisions) Act 1982 from 1 April 2014

3. Background

- 3.1 The type of premises that the council can licence as sex establishments are as follows:
 - Sex shops - premises selling sex articles
 - Sex cinemas - premises showing adult films
 - Sexual entertainment venues - premises regularly providing lap dancing and other forms of nude dancing
- 3.2 Over the last years the number of sex establishments has reduced to such an extent that the council now has only 4 premises operating as sexual entertainment venues. The cost of an annual licence is currently £13,847.
- 3.3 In setting the Licence fees the council is required to take into account:
 - The Provision of Services Regulations 2009
 - HMTreasury Guidance on Managing Public Money- in particular Annex 6.2 How to Calculate Fees

- 3.4 The Regulations requires regulatory bodies to set reasonable and proportionate fees and the guidance highlights the need to set fees on a cost recovery basis. The guidance indicates the elements to costs which should be reflected in fee levels.
- 3.5 A review of costs associated with administering the Sex Establishment Licensing Regime over the last 3 years has confirmed that fee income is significantly higher than administration costs as they had included costs associated with regulation of both licensed and unlicensed premises.

The proposed fee structure for Sex Establishments has been set in accordance with the requirements of the Regulations and Guidance to reflect the cost of dealing with applications, monitoring and enforcement , is as follows:

New applications - £7845

Renewal application- £2680

Refund if application refused - £1345

Transfer applications - £200

Variation applications -£4106

It will need to be applied retrospectively from April 2014. The premises to which it applies have been advised of the review and fees will be collected from them for this current financial year once set.

4. Implications

4.1 Financial implications:

The proposed fee levels have been set on a full cost recovery basis. The reduced levels of income have been factored into current year income projections and the budget setting process through the identification of compensatory savings.

4.2 Legal Implications:

Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 provides that an applicant for the grant, variation, renewal or transfer of a sex establishment licence shall pay a reasonable fee determined by the authority.

The Provision of Services Regulations 2009 (“the Regulations”) sets out conditions which must be met by the authority when setting and charging fees, namely that the fees must be non-discriminatory, justified, proportionate and transparent. These principles apply to the formulation of all fees charged as part of the licensing process and each fee set must be proportionate to the effective cost of the process. In view of the likely reduced costs to the authority in processing renewal applications it is anticipated that these fees will be lower than the fees set for granting new licences.

In calculating a reasonable fee the authority must base this on cost recovery and cannot set an artificially high level to deter a specific service sector. In the case of *Hemming v Westminster City Council* (2013) the Court of Appeal has ruled that the Regulations permit the costs of monitoring the compliance of licensed operators to be reflected in the fee but the costs of enforcement against unlicensed operators cannot be included in the calculation.

4.3 Environmental Implications:

No implications have been identified.

4.4 Resident Impact Assessment:

The initial screening for a Resident Impact Assessment was completed on 20 August 2014 and this did

not identify any negative equality impacts for any protected characteristic or any human rights or safeguarding risks.

5. Conclusion and reasons for recommendations

- 5.1 The fee structure proposed will ensure that the Council is compliant with its legal obligations and is not profiting by charging a licence fee that cannot be justified.

Background papers: (available online or on request)

HMTreasury Guidance on Managing Public Money- in particular Annex 6.2 How to Calculate Fees

Final report clearance:

Signed by:



Service Director (Public Protection)

Date 13.1 2015

Received by:

Head of Democratic Services

Date

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