



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, **16 June 2014 at 6.00 pm.**

John Lynch
Head of Democratic Services

Enquiries to : Jackie Tunstall
Tel : 020 7527 3068
E-mail : democracy@islington.gov.uk
Despatched : 6 June 2014

Membership

Substitute Members

Membership of the Licensing Committee will be appointed at the Annual Council meeting on the 12 June 2014.

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 the previous meeting 1 - 4

B. Items for Decision **Page**

4. Appointment of the Licensing Sub-Committees for Municipal Year 2014/15 and Delegation of Licensing Functions 5 - 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.

The next meeting of the Licensing Committee will be on 17 July 2014

This page is intentionally left blank

Agenda Item 3

London Borough of Islington

Licensing Committee – 18 November 2013

Minutes of a meeting of the Licensing Committee held at the Town Hall, Upper Street, N1 2UD on 18 November 2013 at 6.20 pm.

Present: Councillors: Raphael Andrews, Phil Kelly, Gary Poole, Claudia Webbe and Catherine West.

Also Present Councillor Paul Convery

Councillor Gary Poole in the Chair

62. **APOLOGIES FOR ABSENCE (Item A1)**
Apologies were received from Councillor Troy Gallagher.

63. **DECLARATIONS OF INTEREST (Item A2)**
None.

64. **MINUTES (Item A3)**

RESOLVED:

That the minutes of the meeting of the Licensing Committee held on the 23 May 2013 be confirmed as a correct record and the Chair be authorised to sign them.

65. **CHANGES TO MEMBERSHIPS OF LICENSING SUB-COMMITTEES FOR 2013/14 (Item B1)**

The Committee noted the report which detailed the proposed memberships for the Licensing Sub-Committees for the remainder of 2013/2014.

The Chair thanked members for their hard work to date.

RESOLVED:

That the following members, Chairs and Vice-Chairs, be appointed for 2013/14 or until successors are appointed:

Licensing Sub-Committee A:

Members	Substitutes
Councillor Gary Poole (Chair) Councillor Jilani Chowdhury (Vice-Chair) Councillor Catherine West	All other members of the Licensing Committee.

Licensing Sub-Committee B:

Members	Substitutes
Councillor Claudia Webbe (Chair) Councillor Phil Kelly (Vice-Chair) Councillor George Allan	All other members of the Licensing Committee.

Licensing Committee – 18 November 2013

Licensing Sub-Committee C:

Members	Substitutes
Councillor Marian Spall (Chair) Councillor Gary Poole (Vice-Chair) Councillor J R Kaseki	All other members of the Licensing Committee.

Licensing Sub-Committee D:

Members	Substitutes
Councillor Troy Gallagher (Chair) Councillor Raphael Andrews (Vice-Chair) Councillor David Wilson	All other members of the Licensing Committee.

The meeting ended at 6:25 pm.

CHAIR

London Borough of Islington

Licensing Committee – 13 February 2014

Minutes of a meeting of the Licensing Committee held at the Town Hall, Upper Street, N1 2UD on 13 February 2014 at 6.30 pm.

Present: **Councillors:** George Allan, Phil Kelly, Gary Poole and Marian Spall,

Councillor Gary Poole in the Chair

66. APOLOGIES FOR ABSENCE (Item A1)

Apologies were received from Councillor Troy Gallagher, Raphael Andrews, Claudia Webbe and Paul Convery.

67. DECLARATIONS OF INTEREST (Item A2)

None.

68. DISCUSSION ON THE LATE NIGHT LEVY CONSULTATION (Item B1)

Jan Hart gave a presentation on the consultation for the late night levy.

In the discussion the following points were made:-

- The Committee were keen to reinforce membership of best practice schemes for licensees. However, the Committee considered that membership of schemes was evidence of responsible management, that is expected of licensees and therefore members of such schemes should not benefit from a reduction.
- It was proposed that there be a Governance Board which would have a monitoring role and would consider spending options. This would include representatives from the police, the licensing team and the business community.
- It was envisaged that there would be an Annual report to the Licensing Committee.
- Funding would be used for specific issues rather than for items already funded.
- It was noted that the hours for the ASB line would be extended to take calls
- That the late night levy would not be implemented until the beginning of August 2014 at the earliest.
- The late night levy payment would be collected at the same time as the licence fee and the licence would lapse if the levy was unpaid.

RESOLVED that:

- a) The introduction of the late night levy be endorsed.
- b) The proposed hours for the levy of 12 midnight to 6am be supported.
- c) The exemption for New Year's Day be supported.
- d) The reductions for best practice membership schemes was not endorsed.
- e) The list of activities as detailed in the presentation was agreed with support for a Governance Board which had input from the Licensing Committee.
- f) An Annual report on the operation and effect of the late night levy be submitted to the Licensing Committee.

The meeting ended at 7:10 pm.

CHAIR

This page is intentionally left blank



Report of: Assistant Chief Executive – Governance and Human Resources

Meeting of:	Date	Agenda item	Ward(s)
Licensing Committee	16 June 2014	4	N/A

Delete as appropriate		Non-exempt
-----------------------	--	------------

SUBJECT: APPOINTMENT OF THE LICENSING SUB-COMMITTEES FOR MUNICIPAL YEAR 2014/2015 AND DELEGATION OF LICENSING FUNCTIONS

1. Synopsis

- 1.1 This report proposes the appointment of the Licensing Sub-Committees, the approval of their terms of reference and the delegation of licensing functions to the Licensing Sub-Committees and to officers.

2. Recommendation

(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 the municipal year 2014/2015 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 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.

3. Background

- 3.1 Licensing Sub-Committees are established under the Licensing Act 2003. They may exercise licensing functions (as defined by the Licensing Act 2003 and licensing functions under the Gambling Act 2005) other than functions specifically reserved to the Council, which are delegated to them by the Licensing Committee
- 3.2 The Licensing Committee may also delegate its functions to officers of the Council, subject to restrictions set out in the Act where relevant representations or police objections are received. Guidance issued in respect of the Licensing Act 2003 and the Gambling Act 2005 respectively recommends that functions be delegated to sub-committees and officers.
- 3.3 Functions under schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended are the responsibility of the Council. Under section 101 of the Local Government Act 1972, the Council may arrange for the discharge of these responsibilities by a committee or sub-committee of the Council. Guidance issued by the Home Office states that the Council may delegate these functions to its licensing committee set up to discharge licensing functions under the Licensing Act 2003.
- 3.4 The Licensing Committee is asked to appoint a number of Sub-Committees to determine applications in respect of the Licensing Act 2003, schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended and the Gambling Act 2005. The Licensing Committee is asked to approve the detailed terms of reference for the Sub-Committees contained in Appendix 1.
- 3.5 The Committee is asked to approve the delegations to officers in Appendix 1.
- 3.6 A list of dates for each of the Sub-Committees is attached at Appendix 2 for information.

4. Implications

4.1 Financial implications

None.

4.2 Legal Implications

4.2.1. The Licensing Act 2003 requires that each licensing authority establish a licensing committee of between ten and fifteen members. A licensing committee may form one or more sub-committees, each comprising three members of the committee.

4.2.2 A licensing committee may sub-delegate its functions to one or more sub-committees, or to an officer of the licensing authority.

4.2.3. Guidance has been issued in respect of the delegation of licensing functions to which the committee is required to have regard. The guidance has been followed in respect of the delegations proposed in this report.

4.2.4. A licensing sub-committee when dealing with an application for a sex establishment licence will not be acting as a sub-committee under the Licensing Act 2003 but would instead be exercising their functions under schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

4.3 **Environmental Implications**

The environmental impacts have been considered and it was identified that the proposals in this report would have no adverse impacts on the following:

- Energy use and carbon emissions
- Use of natural resources
- Travel and transportation
- Waste and recycling
- Climate change adaptation
- Biodiversity
- Pollution.

4.4 **Equality Impact Assessment**

There are no direct equality implications arising from the appointment of the Sub-Committees or the delegation of licensing functions.

5. **Conclusion and reasons for recommendations**

5.1 The Licensing Committee is responsible for establishing and making appointments to its Sub-Committees.

Background papers:

None.

Final report clearance:

Signed by:



Assistant Chief Executive (Governance and HR) Date

Received by:

Head of Democratic Services Date

Report Author: Marina Lipscomb, Chief Litigation Lawyer
Tel: (020) 7527 3314
Email: Marina.lipscomb@islington.gov.uk

This page is intentionally left blank

Terms of Reference of Licensing Sub-Committees

Licensing Act 2003

1. To determine applications for personal licences where the police have served an objection notice or the applicant has an unspent conviction.
2. To determine applications for premises licences, club premises certificates and provisional statements where a relevant representation is made.
3. To determine applications to vary premises licences and club premises certificates where a relevant representation is made.
4. To determine applications to vary a designated premises supervisor where a police objection is received.
5. To determine applications for transfer of a premises licences where a police objection is received.
6. To determine applications to review premises licences and club premises certificates.
7. To determine applications for interim authorities where a police objection is received.
8. To determine an objection to a temporary event notice.
9. Decision to object when the council is a consultee.

Gambling Act 2005

10. To determine applications for premises licences and provisional statements where representations have been made and not withdrawn.
11. To determine applications for variation of premises licences where representations have been made and not withdrawn.
12. To determine applications for transfer of premises licences where representations from the Gambling Commission or responsible authority are received.
13. To review a premises licence under section 201.
14. Application for club gaming/club machine permits where objections have been made and not withdrawn.
15. Cancellation of club gaming/club machine permits.
16. Decision to give a counter notice to a temporary use notice.

Schedule 3 Local Government (Miscellaneous Provisions) Act 1982 as amended

17. To determine applications for first grant of a sex establishment licence.

18. To determine renewal applications for a sex establishment licence if objections are received and not withdrawn.

19. To determine transfer applications for a sex establishment licence if objections are received and not withdrawn.

General

20. To determine any application or variation which is capable of being determined by officers but which the Director of Environment and Regeneration considers appropriate for the Sub-Committee to consider.

Delegation to Officers

All functions under the Licensing Act 2003, the Gambling Act 2005 and schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended not within the terms of reference of the Licensing Sub-Committees or reserved to the Council at Part 3 Section 7 of the Constitution, other than the fixing of fees under the Gambling Act 2005 are delegated to officers as detailed in Part 3 and Appendix 2 of the Constitution.

Licensing Committee Dates 2014/15 – 7.30 pm

Monday 16 June 2014 – 6pm
Thursday 17 July 2014
Tuesday 21 October 2014
Tuesday 27 January 2015
Tuesday 12 May 2015 – 6pm

Licensing Sub-Committee Dates 2014/15 – 6.30 pm

Licensing Sub-Committee A

Monday 23 June 2014 (changed to Wednesday 25 June 2014)
Thursday 4 September 2014
Tuesday 4 November 2014
Thursday 8 January 2015
Thursday 5 March 2015
Tuesday 12 May 2015

Licensing Sub-Committee B

Thursday 1 July 2014
Thursday 11 September 2014
Tuesday 25 November 2014
Thursday 22 January 2015
Tuesday 17 March 2015

Licensing Sub-Committee C

Tuesday 22 July 2014
Thursday 2 October 2014
Tuesday 9 December 2014
Tuesday 3 February 2015
Tuesday 14 April 2015

Licensing Sub-Committee D

Thursday 12 August 2014
Tuesday 14 October 2014
Thursday 18 December 2014
Thursday 12 February 2015
Monday 27 April 2015

This page is intentionally left blank