



Governance and Human Resources
Town Hall, Upper Street, London, N1 2UD

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, **2 June 2015 at 6.30 pm.**

John Lynch
Head of Democratic Services

Enquiries to : Jackie Tunstall
Tel : 020 7527 3068
E-mail : democracy@islington.gov.uk
Despatched : 22 May 2015

Membership

Substitute Members

Councillor Flora Williamson (Chair)
Councillor Raphael Andrews (Vice-Chair)
Councillor Alex Diner
Councillor Gary Doolan
Councillor Aysegul Erdogan
Councillor Satnam Gill
Councillor Jean Roger Kaseki
Councillor Robert Khan
Councillor Rupert Perry
Councillor Angela Picknell
Councillor Gary Poole
Councillor Michelline Safi Ngongo
Councillor Paul Smith
Councillor Marian Spall
Councillor Nick Wayne

Quorum: is 4 Councillors



A.	Formal Matters	Page
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| 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.

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| 3. | Minutes of previous meeting | 1 - 2 |
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B.	Items for Decision	Page
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| 1. | Appointment of Sub-Committees and Delegation of Licensing Functions | 3 - 10 |
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C.	Urgent non-exempt items	
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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.

London Borough of Islington

Licensing Committee - 27 January 2015

Non-confidential minutes of the meeting of the Licensing Committee held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 27 January 2015 at 6.30 pm.

Present: **Councillors:** Satnam Gill, Jean-Roger Kaseki, Angela Picknell,
David Poyser, Michelline Safi Ngongo, Nick Wayne and
Flora Williamson (Chair)

Councillor Flora Williamson in the Chair

5 ELECTION OF CHAIR
RESOLVED

That Councillor Flora Williamson be elected as Chair for the meeting.

6 APOLOGIES FOR ABSENCE (Item A1)

Apologies were received from Councillors Marian Spall, Alice Donovan, Gary Poole, Aysegul Erdogan and Raphael Andrews.

7 DECLARATIONS OF INTEREST (Item A2)

None.

8 MINUTES OF PREVIOUS MEETING (Item A3)

That the minutes of the meeting on the 16 June 2014 be confirmed as a correct record and the Chair be authorised to sign them.

9 SEX ESTABLISHMENT LICENSING (Item B1)
RESOLVED

That the proposed fees as detailed in paragraph 3.5 of the report for premises licensed as sex establishments under the Local Government (Miscellaneous Provisions) Act 1982 from 1 April 2014 be agreed.

The meeting ended at 6.40 pm

CHAIR

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Governance and Human Resources
Town Hall, Upper Street, London N1 2UD

Report of: Assistant Chief Executive – Governance and Human Resources

Meeting of:	Date	Agenda item	Ward(s)
Licensing Committee	2 June 2015		N/A

Delete as appropriate		Non-exempt
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SUBJECT: APPOINTMENT OF THE LICENSING SUB-COMMITTEES FOR MUNICIPAL YEAR 2015/2016 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 2015/2016 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 2015/2016 or until successors are appointed.

Licensing Sub-Committee A:

Members:	Substitutes:
Raphael Andrews - Chair Nick Wayne – Vice-Chair Angela Picknell	All other members of the Licensing Committee.

Licensing Sub-Committee B:

Members:	Substitutes:
Alex Diner – Chair Marian Spall – Vice-Chair Robert Khan	All other members of the Licensing Committee.

Licensing Sub-Committee C:

Members:	Substitutes:
Gary Poole – Chair Michelline Ngongo – Vice Chair Gary Doolan	All other members of the Licensing Committee.

Licensing Sub-Committee D:

Members:	Substitutes:
Flora Williamson - Chair Satnam Gill – Vice-Chair Aysegul Erdogan	All other members of the Licensing Committee.

(c) That, it be noted that, the following are members of the Licensing Committee and are substitutes for all the Licensing Sub-Committees:-

Paul Smith
Jean-Roger Kaseki
Rupert Perry.

(d) 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 are no environmental impacts arising from this report

4.4 Resident Impact Assessment

There are no direct equality or other resident impact 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:

Received by: Assistant Chief Executive (Governance and HR) Date

Head of Democratic Services Date

Report Author: Marina Lipscomb, Chief Litigation Lawyer
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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 2015/16

Tuesday 2 June 2015 – 6.30 pm
Thursday 10 September 2015
Tuesday 8 December 2015
Monday 7 March 2016

Licensing Sub-Committee Dates 2015/16 – 6.30 pm

Licensing Sub-Committee A

Thursday 14 July 2015
Monday 5 October 2015
Tuesday 15 December 2015
Tuesday 23 February 2016
Tuesday 26 April 2016

Licensing Sub-Committee B

Tuesday 2 June 2015
Tuesday 4 August 2015
Tuesday 20 October 2015
Tuesday 12 January 2016
Tuesday 8 March 2016

Licensing Sub-Committee C

Tuesday 16 June 2015
Tuesday 25 August 2015
Tuesday 10 November 2015
Tuesday 26 January 2016
Tuesday 22 March 2016

Licensing Sub-Committee D

Tuesday 30 June 2015
Thursday 17 September 2015
Tuesday 24 November 2015
Tuesday 9 February 2016
Thursday 14 April 2016

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