



AGENDA FOR THE LICENSING REGULATORY COMMITTEE

Members of the Licensing Regulatory Committee are summoned to a meeting which will be held in Committee Room 3, Town Hall, Upper Street, N1 2UD on, **29 February 2016 at 4.00 pm.**

John Lynch
Head of Democratic Services

Enquiries to : Mary Green
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Despatched : 17 February 2016

Membership

Councillor Mouna Hamitouche MBE
(Chair)
Councillor Angela Picknell
Councillor Michelline Safi Ngongo
Councillor Nurullah Turan

Substitute Members

Councillor Theresa Debono
Councillor Kat Fletcher
Councillor Rupert Perry
Councillor Marian Spall

Quorum: is 3 Councillors

Procedures to be followed at the meeting are attached.



A. FORMAL MATTERS

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1. Apologies for absence
2. Declaration of substitute members
3. 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 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.

4. Procedure for the meeting - this is attached 1 - 2
5. Minutes of the previous meeting 3 - 4

B. LICENSING MATTERS

1. Application fees for Special Treatment licences 5 – 10

C. Urgent non-exempt/non-confidential matters

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 public and press

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. Exempt/confidential matters (if any)

F. Urgent exempt/confidential matters

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 ordinary meeting of the Committee is scheduled for 16 May 2016

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LICENSING REGULATORY COMMITTEE

PROCEDURE FOR THE HEARING OF OBJECTIONS TO STREET TRADING, TRACK BETTING, AND SPECIAL TREATMENT LICENCES

1. The Chair of the Licensing Regulatory Committee shall:
 - (a) invite all members of the Committee, the applicant, the objector, their representatives and any witnesses and officers to introduce themselves
 - (b) ascertain whether the applicant and objector(s) are present and, if unaccompanied, whether they were aware that they could be represented
 - (c) outline the procedure to be followed at the meeting
2. The Service Director (Public Protection) or his/her representative, will introduce the application.
3. (a) Council officer reports on noise and other matters
(b) Questions to officers from objectors and applicants
4. The applicant or his/her representative will present in detail the grounds of the application.
5. Objectors and members of the Committee may ask questions only of the applicant at this stage. Statements will not be allowed.
6. The objector(s) or his/her representative(s) will present in detail the grounds of the objection and may call witnesses in support of the objection.
7. The objector(s) and any witnesses may be called be questioned by members of the Committee, the applicant or his/her representative(s) and appropriate officers of the Council. Statements will not be allowed. Witnesses called by the objector(s) may be re-examined by the objector(s) or his/her representative on matters arising from those questions.
8. A Ward councillor may be present at the meeting and may make a statement to the Committee regarding the application, if the required notice has been given.
9. The objector(s) or his/her representative may then make a closing speech.
10. The applicant or his/her representative may then make a closing speech.
11. Members of the Committee may withdraw from the room to consider their decision. The Council's legal adviser and the clerk will accompany Members, in case legal or procedural advice is required.
12. The Licensing Officers, objectors(s), applicant, any representative(s) and witnesses will remain available for recall.
13. If it is necessary to recall any party to provide further information or clarification, all parties at the meeting will be invited to return.
14. At the conclusion of the public hearing, the Committee will consider the evidence presented and the Chair will announce the decision, together with any conditions deemed fit to apply to the application. Reasons will be given for the decision and any conditions imposed on the licence.

This will be confirmed in writing to the applicant and objector(s), or to their legal representative, accompanied by a description of any conditions which are to be attached to the granting of the licence, or the reasons for the refusal of the application. The applicant will be told of any statutory rights of appeal which are available to him/her.

NB - These procedures may be waived, altered or modified by the Chair of the Licensing Regulatory Committee

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London Borough of Islington

Licensing Regulatory Committee - 14 July 2015

Non-confidential minutes of the meeting of the Licensing Regulatory Committee held at the Town Hall, Upper Street, N1 2UD on 14 July 2015 at 4.00 pm.

Present: **Councillors:** Mouna Hamitouche (Chair), Angela Picknell, Michelline Safi- Ngongo and Nurullah Turan (Vice-Chair)

Councillor Mouna Hamitouche MBE in the Chair

23 **APOLOGIES FOR ABSENCE (Item 1)**
None.

24 **DECLARATION OF SUBSTITUTE MEMBERS (Item 2)**
None.

25 **DECLARATIONS OF INTEREST (Item 3)**
None.

26 **MINUTES OF THE PREVIOUS MEETING (Item 5)**

RESOLVED:

That the minutes of the meeting held on 15 June 2015 be confirmed as a correct record and the Chair be authorised to sign them.

27 **BREACH OF STREET TRADING CONDITIONS - LICENCE NUMBERS 1 AND 12 CHAPEL MARKET (Item B1)**

The Committee noted that Mr Mirwais Huidary, the licensed trader on pitches 1 and 12 in Chapel Market, and the subject of the report by the Service Director for Public Protection, was present.

The Street Trading Manager stated that she had no update to report to the Committee but drew their attention to a statement received from Mr Huidary on the preceding evening, which he had asked to read out as part of his case. Copies of the statement had been laid round for members. The Street Trading Manager stated that the safety of consumers and shoppers of all products purchased from Islington markets was paramount to the Council. She had brought this case to the Committee for consideration to highlight to the trader, Mr Huidary, the seriousness of the breach of street trading conditions.

Mr Huidary read out a statement to the Committee, a copy of which had been interleaved with the Committee's records. In summary, the statement explained the circumstances leading up to the incident of the purchase of commodities which breached the Trade Marks Act 1994 and the Consumer Protection Act 1987.

Mr Huidary stated that he had been trading for fourteen years without any complaints and had made one mistake this year. He confirmed that he, rather than his staff, had purchased the counterfeit goods.

Licensing Regulatory Committee - 14 July 2015

In response to a question from a Member as to how he would ensure that he did not buy counterfeit goods in the future, Mr Huidary said that he would buy only from the recommended wholesalers. In response to further questions from Members, he confirmed that he employed two members of staff and that the goods sold on his stall were mobile phones, telecommunications equipment and accessories. He also repaired chargers and headphones.

Mr Huidary acknowledged that he had made a mistake and assured members that he would not purchase goods from a random trader in the future. He said that he was even more aware of the safety of people since he had been charged with selling counterfeit goods.

The Street Trading Manager stated that Mr Huidary had been a good trader, up until the recent breach of his conditions. She added that Mr Huidary had assured her that he would attend his pitches more often and pay more attention to the associated activities.

The Committee adjourned at 4.25pm to deliberate and returned at 4.37pm.

RESOLVED:

That, acknowledging the seriousness of the breach of conditions made by Mr Huidary, this was a one-off offence, that he was not a persistent offender and therefore no further action be taken. Mr Huidary would keep his licences.

Reason for decision

The Committee considered all of the written and oral evidence.

The Committee heard from the Street Trading Manager that there had been no other breaches of street trading conditions by Mr Huidary in the past 14 years. The Committee was satisfied that Mr Huidary was not a persistent offender.

The Committee noted that Mr Huidary had pleaded guilty to the trading standards offences and had been sentenced by the Magistrates Court. He had accepted full responsibility for the offences which lead to the breach of his licence conditions.

28 EXEMPT APPENDICES - BREACH OF STREET TRADING CONDITIONS - LICENCE NUMBERS 1+12 IN CHAPEL MARKET (Item E1)

RESOLVED:

That the information in the exempt appendix be noted.

The meeting ended at 4.40 pm

CHAIR

Licensing Regulatory Committee	Date: 29 February 2016	Ward(s): All
Delete as appropriate		Non-exempt

SUBJECT: Application Fees for Special Treatment Licences

1. Synopsis

- 1.1 This report proposes to amend the fees paid for special treatment licences.
- 1.2 The new fee structure is proposed because:
 - changes in operational practices have resulted in adopting a risk based approach to monitoring
 - the Provision of Service Regulations 2009 requires regulatory bodies to regularly review application fees to ensure that they are set on a cost recovery basis

2. Recommendation

- 2.1 To approve the proposed fee structure for Special Treatment Licences, detailed in Appendix A to this report, with effect from 1 April 2016.

3. Background

There are over 110 premises in the borough licensed to provide special treatment on an annual basis. Special treatments include the provision of services such as massage, manicure, acupuncture, tattooing, body piercing, chiropody, tanning equipment, saunas, steam and beauty treatments.

The purpose of licensing special treatment premises is to protect public health and safety, in particular to ensure that :

- Premises are suitable for providing treatments
- Staff providing treatments are appropriately qualified or experienced
- Equipment used on the premises is safe
- Operational procedures are in place to ensure customer health, safety and welfare
- The licence holder is a 'fit and proper' person and has the necessary skills and experience to ensure compliance with licence conditions

Over the last few years there has been a steady increase in the number of premises providing high-risk treatments such as tattooing, body piercing and laser treatments that require higher levels of assessment and monitoring to ensure public safety. To respond to this challenge we have allocated more resources to dealing with premises providing high-risk treatments whilst introducing a light touch approach towards premises providing lower risk treatments.

To reflect these changes we are proposing to amend the special treatment licensing fee structure to ensure that it reflects the cost of operating the scheme. The proposed fee structure is in appendix A.

Although the proposal is to increase the fee level for each category of premises, overall there will be a reduction in income because up to 50% premises will be reclassified as low risk. It is estimated that the reduction in income will be up to £17,384 per annum.

Benchmarking the proposed fee structure with fees charged by a number of other inner London Boroughs has indicated that the proposed fees are approximately mid-way between the highest and lowest levels set elsewhere.

4. Implications

Financial implications:

- 4.1 It is estimated that the proposed new fee structure for special treatment licences will reduce current income levels from around £80k to £63k, a loss of £17k per annum. This shortfall will need to be managed within the overall licensing income budget of around £0.5m.

Legal Implications:

- 4.2 The London Local Authorities Act 1991 provides that an applicant for the grant, variation, renewal or transfer of a special treatment licence shall pay a reasonable fee determined by the authority.

The Provision of Services Regulations 2009 give effect in English law to the EU Services Directive 2006/123. The Regulations set 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.

4.3 Environmental Implications

An environmental impact scoping exercise has been carried out and it was identified that the proposals in this report would have no 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 Resident Impact Assessment:

The Council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The Council has a duty to have due regard to the need to

remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The Council must have due regard to the need to tackle prejudice and promote understanding.

A Resident Impact Assessment was completed on 13 October 2015 and the summary is as follows:

Equality impacts

- Equality impacts are neutral

Safeguarding risks

- No safeguarding risks identified

Potential Human Rights breaches

- No potential breaches identified
- Policy sets out the framework on how the Council will make decisions about licence application
- Each contested application will be determined by the Licensing Regulatory Committee and the application will be determined on its merits

Key actions to be taken as a result of this RIA

- No additional action required

5 Reasons for the recommendations / decision:

The application fees for special treatment licences have been reviewed and the proposed fee structure is consistent with the principles contained in Provision of Service Regulations 2009.

**Signed
by:**



Service Director - Public Protection

3 February 2016

Date

Appendices

Appendix A Proposed special treatment application fee structure

Background papers:

Nil

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Special Treatment Application Fee

1 April 2016

New Application

Premises providing one or more low risk treatments	£442
Premises providing one or more high risk treatments	£780

Renewal Application

Premises providing one or more low risk treatments	£341
Premises providing one or more high risk treatments	£682

To qualify as a renewal the application must be submitted before the expiry of the current licence otherwise it is deemed a new application.

Low risk	High risk treatment
Sauna & Steam Spa & Bath Aromatherapy Manicure Pedicure Nail Extensions Colour Therapy Micro-Current Therapy Facial Reflexology Infra Red High Frequency Flotation Tank Lymphatic Drainage Faradism Massage Shiatsu Ultrasound	Tattoo Micro-pigmentation Body Piercing Ear Piercing Acupuncture Laser Intense Pulse Light UV Tanning Electrolysis Chiropody

Variation Applications	£227
Transfer Application	£130
Occasional Licence application	£243
Change of details	£16
Add additional treatment to licence	£48
Duplicate copy of licence	no charge
Therapist Registration	no charge

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