



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

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## AGENDA FOR THE LICENSING COMMITTEE

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A meeting of the Licensing Committee will be held in Committee Room 3, Town Hall, Upper Street, N1 2UD on, **17 May 2016 at 6.30 pm.**

**John Lynch**  
**Head of Democratic Services**

Enquiries to : Jackie Tunstall  
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Despatched : 6 May 2016

### Membership

### Substitute Members

Membership of the Licensing Committee will be agreed at the Annual Council meeting on the 12 May 2016.

**Quorum: is 4 Councillors**



|                          |             |
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| <b>A. Formal Matters</b> | <b>Page</b> |
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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>B. Items for Decision</b> | <b>Page</b> |
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- |                                  |        |
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| 1. Appointment of Sub-Committees | 3 - 10 |
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**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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London Borough of Islington

## Licensing Committee - 7 March 2016

Minutes of the meeting of the Licensing Committee held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 7 March 2016 at 7.30 pm.

**Present:**           **Councillors:**       Flora Williamson (Chair), Raphael Andrews, Alex Diner,  
Robert Khan, Gary Poole, Jean Roger Kaseki,  
Michelline Safi-Ngongo and Nick Wayne.

### Councillor Flora Williamson in the Chair

**14       APOLOGIES FOR ABSENCE (Item 1)**

Apologies were received from Councillors Marian Spall and for lateness from Councillor Satnam Gill.

**15       DECLARATIONS OF INTEREST (Item 2)**

None.

**16       MINUTES OF PREVIOUS MEETING (Item 3)**  
**RESOLVED**

That the minutes of the meeting of the Licensing Committee held on the 2 June 2015 be confirmed as a correct record and signed by the Chair.

**17       LATE NIGHT LEVY - ANNUAL REVIEW (Item 1)**

The Committee noted that the late night levy had been used to fund new initiatives to manage the night time economy in Islington rather than spending on services already being carried out. It was considered that this approach had strengthened the partnership between the local authority, police and the licensed trade. Licensees who had initially raised concerns about the levy, generally now welcomed these additional services.

A further document was also tabled which reflected alcohol related crime in Islington and in relation to the other London Boroughs. This would be interleaved with the agenda papers. The Committee noted that there had been a reduction in alcohol related crime over the past three years.

**RESOLVED**

That the first annual report on the Late Night Levy be noted.

The meeting ended at 7.45 pm

**CHAIR**

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**Report of:** Assistant Chief Executive – Governance and Human Resources

| Meeting of:         | Date        | Agenda item | Ward(s) |
|---------------------|-------------|-------------|---------|
| Licensing Committee | 17 May 2016 |             | N/A     |

|                       |  |            |
|-----------------------|--|------------|
| Delete as appropriate |  | Non-exempt |
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## **SUBJECT: APPOINTMENT OF THE LICENSING SUB-COMMITTEES FOR MUNICIPAL YEAR 2016/2017 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 2016/2017 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 2016/2017 or until successors are appointed.

#### **Licensing Sub-Committee A:**

| <b>Members:</b>  | <b>Substitutes:</b>                           |
|--|---|
| Flora Williamson - (Chair)<br>Michelline Ngongo - (Vice-Chair)<br>Paul Convery | All other members of the Licensing Committee. |

#### **Licensing Sub-Committee B:**

| <b>Members:</b>   | <b>Substitutes:</b>                           |
|---|---|
| Alex Diner – (Chair)<br>Aysegul Erdogan – (Vice-Chair)<br>Robert Khan | All other members of the Licensing Committee. |

### **Licensing Sub-Committee C:**

| <b>Members:</b>   | <b>Substitutes:</b>                              |
|---|--|
| Gary Poole – (Chair)<br>Asima Shaikh – (Vice Chair)<br>Rupert Perry | All other members of the<br>Licensing Committee. |

### **Licensing Sub-Committee D:**

| <b>Members:</b>  | <b>Substitutes:</b>                              |
|--|--|
| Nick Wayne – (Chair)<br>Satnam Gill – (Vice-Chair)<br>Marian Spall | All other members of the<br>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  
Joe Caluori

(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

There 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**

21. 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 2016/17**

Tuesday 17 May 2016  
Thursday 16 June 2016  
Monday 28 November 2016  
Tuesday 7 March 2017

**Licensing Sub-Committee Dates 2016/17 – 6.30 pm**

**Licensing Sub-Committee A**

Thursday 7 July 2016  
Thursday 1 September 2016  
Tuesday 25 October 2016  
Monday 19 December 2016  
Tuesday 7 February 2017  
Monday 3 April 2017

**Licensing Sub-Committee B**

Tuesday 19 July 2016  
Tuesday 13 September 2016  
Tuesday 8 November 2016  
Thursday 5 January 2017  
Tuesday 21 February 2017  
Tuesday 18 April 2017

**Licensing Sub-Committee C**

Thursday 9 June 2016  
Tuesday 2 August 2016  
Tuesday 4 October 2016  
Tuesday 22 November 2016  
Tuesday 17 January 2017  
Monday 6 March 2017  
Tuesday 2 May 2017

**Licensing Sub-Committee D**

Monday 20 June 2016  
Tuesday 16 August 2016  
Tuesday 11 October 2016  
Tuesday 6 December 2016  
Tuesday 31 January 2017  
Tuesday 21 March 2017  
Thursday 18 May 2017

There will also be an additional Sub-Committee on the 24 May 2016.

