



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, **22 May 2017 at 6.00 pm.**

Lesley Seary
Chief Executive

Enquiries to : Jackie Tunstall
Tel : 020 7527 3068
E-mail : democracy@islington.gov.uk
Despatched : 12 May 2017

Membership

Substitute Members

Councillor Flora Williamson (Chair)
Councillor Nick Wayne (Vice-Chair)
Councillor Rowena Champion
Councillor Paul Convery
Councillor Alex Diner
Councillor Aysegul Erdogan
Councillor Osh Gantly
Councillor Satnam Gill OBE
Councillor Rakhia Ismail
Councillor Rupert Perry
Councillor Gary Poole
Councillor Michelline Safi Ngongo
Councillor Asima Shaikh
Councillor Marian Spall
Councillor Diarmaid Ward

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. Appointment of Sub-Committees 3 - 12

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.

Agenda Item 3

London Borough of Islington

Licensing Committee - 25 April 2017

Minutes of the meeting of the Licensing Committee held at Committee Room 1, Town Hall, Upper Street, N1 2UD on 25 April 2017 at 6.30 pm.

Present: **Councillors:** Flora Williamson (Chair), Nick Wayne (Vice-Chair),
Paul Convery, Alex Diner, Satnam Gill, Gary Poole,
Michelline Safi-Ngongo, Asima Shaikh, Marian Spall
and Diarmaid Ward

Also Present **Councillor:** Kaya Comer-Schwartz

Councillor Flora Williamson in the Chair

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

Apologies were received from Councillors Rowena Champion and Troy Gallagher.

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

There were no declarations of interest.

28 **MINUTES OF PREVIOUS MEETING (Item 3)**

RESOLVED:

That the minutes of the meeting held on 8 November 2017 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

29 **ANNUAL REPORT - LATE NIGHT LEVY (Item B1)**

RESOLVED that the report providing a summary of the activities funded by the Late Night Levy between the 1 November 2015 and 31 October 2016 be noted.

The meeting ended at 6.35 pm

CHAIR

This page is intentionally left blank



Report of: Corporate Director of Resources

Meeting of:	Date	Agenda item	Ward(s)
Licensing Committee	22 May 2017		N/A

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

SUBJECT: APPOINTMENT OF THE LICENSING SUB-COMMITTEES FOR MUNICIPAL YEAR 2017/2018 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 2017/2018 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 2017/2018 or until successors are appointed.

Licensing Sub-Committee A:

Members:	Substitutes:
Gary Poole (Chair) Michelline Safi-Ngongo (Vice-Chair) Rakhia Ismail	All other members of the Licensing Committee.

Licensing Sub-Committee B:

Members:	Substitutes:
Alex Diner (Chair) Aysegul Erdogan (Vice-Chair) Diarmaid Ward	All other members of the Licensing Committee.

Licensing Sub-Committee C:

Members:	Substitutes:
Flora Williamson (Chair) Asima Shaikh (Vice-Chair) Rowena Champion	All other members of the Licensing Committee.

Licensing Sub-Committee D:

Members:	Substitutes:
Nick Wayne (Chair) Satnam Gill (Vice-Chair) Marian Spall	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 Convery, Osh Gantly and Rupert Perry.

(d) That the Terms of Reference as set out in Appendix 1 be noted.

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 note the terms of reference at 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: Corporate Director of Resources Date

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

LICENSING COMMITTEE

Composition

The Licensing Committee shall comprise at least ten, but no more than fifteen members of the Council.

Quorum

The quorum of the committee shall be four members.

Terms of Reference

1. To discharge all of the licensing functions of the Council as the licensing authority under the Licensing Act 2003 and the Gambling Act 2005, except the determination of the Council's Statement of Licensing Policy and the publication of that Statement under either Act, the making of a resolution not to issue a casino premises licence under section 166 of the Gambling Act 2005 and the fixing of fees under the Gambling Act 2005.
2. To discharge the functions of the Council under schedule 3 Local Government Miscellaneous Provisions) Act 1982, as amended.
3. To establish and appoint to sub-committees to :
 - a. determine matters under the Licensing Act 2003 regarding personal licences, premises licences, club premises certificates, provisional statements, variation of the designated premises supervisor, interim authorities, police objections to temporary event notices and any applications requiring a hearing under the Act; and
 - b. determine matters under the Gambling Act 2005 regarding premises licences, provisional statements, variations of premises licences, transfers of premises licences, reviews of premises licences and any applications requiring a hearing under the Act.
4. To arrange for the discharge of the functions governed by the Licensing Act 2003 and the Gambling Act 2005 by its sub-committees or by officers in accordance with section 10 of the Licensing Act and section 232 of the Gambling Act.
5. To arrange for the discharge of any other of the Committee's functions by its sub-committees.
6. To receive and consider annual reports, where appropriate, on any matter directly related to the licensing functions in the borough.
7. To exercise the functions of the Licensing Sub-Committees during the period between the election and the Annual Meeting of the Council, if necessary.

LICENSING SUB COMMITTEES

Composition

The sub-committees shall comprise three members.

Quorum

The quorum of the sub-committee shall be three members.

Terms of Reference

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 responsibility 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.

This page is intentionally left blank

Licensing Committee Dates 2017/18

Monday 22 May 2017 – 6.00pm
Thursday 13 June 2017 – 6.30pm
Monday 27 November 2017 – 6.30pm
Tuesday 6 March 2017 – 6.30pm

Licensing Sub-Committee Dates 2017/18 – 6.30 pm

Licensing Sub-Committee A

Thursday 1 June 2017
Tuesday 1 August 2017
Thursday 28 September 2017
Monday 20 November 2017
Tuesday 16 January 2018
Tuesday 13 March 2018

Licensing Sub-Committee B

Monday 19 June 2017
Tuesday 15 August 2017
Tuesday 10 October 2017
Tuesday 5 December 2017
Monday 29 January 2018
Monday 26 March 2018

Licensing Sub-Committee C

Tuesday 4 July 2017
Thursday 31 August 2017
Tuesday 24 October 2017
Tuesday 19 December 2017
Tuesday 13 February 2018
Tuesday 10 April 2018

Licensing Sub-Committee D

Monday 22 May 2017
Tuesday 18 July 2017
Tuesday 12 September 2017
Thursday 9 November 2017
Thursday 4 January 2018
Monday 26 February 2018
Tuesday 24 April 2018

This page is intentionally left blank