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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 4, Town Hall, Upper Street, N1 2UD on, **5 June 2018 at 6.00 pm.**

**Lesley Seary**  
**Chief Executive**

Enquiries to : Jackie Tunstall  
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Despatched : 28 May 2018

### Membership

### Substitute Members

Councillor Flora Williamson (Chair)  
Councillor Nick Wayne (Vice-Chair)  
Councillor Rowena Champion  
Councillor Sheila Chapman  
Councillor Paul Convery  
Councillor Vivien Cutler  
Councillor Phil Graham  
Councillor Martin Klute  
Councillor Ben Mackmurdie  
Councillor Matt Nathan  
Councillor Gary Poole  
Councillor Michelline Safi Ngongo  
Councillor Asima Shaikh  
Councillor Marian Spall  
Councillor Kadeema Woodbyrne

**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 - 14

**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 - 17 October 2017

Minutes of the meeting of the Licensing Committee held at Committee Room 1, Town Hall, Upper Street, N1 2UD on 17 October 2017 at 6.30 pm.

**Present:**           **Councillors:**       Nick Wayne (Vice-Chair), Satnam Gill, Rakhia Ismail,  
Gary Poole and Diarmaid Ward  
**Also**               **Councillor**           Kaya Comer-Schwartz.  
**Present**

### Councillor Nick Wayne in the Chair

#### **34       APOLOGIES FOR ABSENCE (Item 1)**

Apologies were received from Councillors Champion, Convery, Diner, Shaikh, Spall and Williamson.

#### **35       DECLARATIONS OF INTEREST (Item 2)**

Councillor Gary Poole declared a personal interest as a member of the Safer Neighbourhood Board.

#### **36       MINUTES OF PREVIOUS MEETING (Item 3)**

##### **RESOLVED:**

That the minutes of the meeting held on 22 May 2017 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

#### **37       LICENSING POLICY 2018-2022 (Item 1)**

The Service Manager (Environmental Health) reported on the draft Licensing Policy for 2018-2022.

The following was noted in discussion:-

- The key policy changes from the licensing policy 2013/17 were highlighted as detailed in the report at paragraph 3.8.
- The consultation would be closing on the 29 October 2017 and the final draft would include changes before being submitted for approval by Council on the 7 December 2017.
- There would be a new cumulative impact policy for off sales licences and this policy would create a rebuttable presumption.
- It was considered that the wording 'subject to certain limitation' under Licensing Policy 3 on page 9 of the draft policy be moved to paragraph 11.
- That paragraph 48 revert to the wording of the previous policy as this had been working well and was considered to be an unnecessary change.
- That the word 'all' be deleted from the paragraphs detailing the exceptions to the cumulative impact policy.
- That the wording 'regarding negative cumulative impact on one or more of the licensing objectives' be reflected throughout the policy.

## Licensing Committee - 17 October 2017

**RESOLVED** that the draft policy be noted and submitted to Council for approval subject to any changes made following the end of the consultation period on the 29 October 2017 and the amendments as detailed above.

The meeting ended at 7.45 pm

**CHAIR**

**Report of: Acting Director of Law and Governance**

<b>Meeting of:</b>	<b>Date</b>	<b>Agenda item</b>	<b>Ward(s)</b>
Licensing Committee	5 June 2018		N/A

<b>Delete as appropriate</b>		Non-exempt
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## **SUBJECT: APPOINTMENT OF THE LICENSING SUB-COMMITTEES FOR MUNICIPAL YEAR 2018/2019 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 2018/2019 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 2018/2019 or until successors are appointed.

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

<b>Members:</b>	<b>Substitutes:</b>
Gary Poole (Chair) Michelline Safi-Ngongo (Vice-Chair) Ben Mackmurdie	All other members of the Licensing Committee.

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

<b>Members:</b>	<b>Substitutes:</b>
Flora Williamson (Chair) Phil Graham (Vice-Chair) Sheila Chapman	All other members of the Licensing Committee.

### Licensing Sub-Committee C:

<b>Members:</b>	<b>Substitutes:</b>
Rowena Champion (Chair) Vivien Cutler (Vice-Chair) Matt Nathan	All other members of the Licensing Committee.

### Licensing Sub-Committee D:

<b>Members:</b>	<b>Substitutes:</b>
Nick Wayne (Chair) Marian Spall (Vice-Chair) Kadeema Woodbyrne	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, Asima Shaikh, Martin Klute.

(d) That the Terms of Reference for the Licensing Committee as set out in Appendix 2 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 for the Licensing Committee set out at Appendix 2.
- 3.6 A list of dates for each of the Sub-Committees is attached at Appendix 3 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:



Corporate Director of Resources

Date

### Received by:

Head of Democratic Services

Date

Legal Implications Author: Marina Lipscomb

Email: Marina.lipscomb@islington.gov.uk



## **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 and not the relevant authority considering the application.
10. Determination of applications to vary premises licences at community premises to include an alternative licence condition if there is a police objection.

#### **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.

## **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.

8. To determine the amount of any fees and charges to be made for any approval, consent, licence, permit or registration within the terms of reference of the Committee.

## **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.
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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 and not the relevant authority considering the application.
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**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 2018/19**

Tuesday 5 June 2018 – 6.00pm  
Thursday 4 October 2018 – 6.30pm  
Tuesday 20 November 2018 – 6.30pm  
Tuesday 26 March 2019 – 6.30pm  
Tuesday 21 May 2019 – 6.30pm

## **Licensing Sub-Committee Dates 2018/19 – 6.30 pm**

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

Tuesday 5 June 2018  
Tuesday 7 August 2018  
Tuesday 16 October 2018  
Tuesday 18 December 2018  
Tuesday 19 February 2019  
Tuesday 23 April 2019

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

Thursday 21 June 2018  
Thursday 30 August 2018  
Tuesday 30 October 2018  
Tuesday 8 January 2019  
Tuesday 5 March 2019  
Thursday 9 May 2019

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

Tuesday 3 July 2018  
Tuesday 11 September 2018  
Tuesday 13 November 2018  
Tuesday 22 January 2019  
Thursday 21 March 2019  
Tuesday 21 May 2019

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

Tuesday 17 July 2018  
Thursday 27 September 2018  
Tuesday 27 November 2018  
Thursday 7 February 2019  
Thursday 4 April 2019

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