



**Resources Department
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, **21 May 2019 at 6.00 pm.**

Enquiries to : Jackie Tunstall
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Despatched : 13 May 2019

Membership

Substitute Members

To be confirmed.

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 Licensing Sub-Committees and Delegation of Licensing Functions. 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.

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London Borough of Islington

Licensing Committee - 20 November 2018

Minutes of the meeting of the Licensing Committee held at Committee Room 4, Town Hall, Upper Street, N1 2UD - Islington Town Hall on 20 November 2018 at 6.30 pm.

Present: **Councillors:** Flora Williamson (Chair), Nick Wayne (Vice-Chair), Sheila Chapman, Paul Convery, Vivien Cutler, Phil Graham, Matt Nathan, Gary Poole and Michelline Ngongo.

Councillor Flora Williamson in the Chair

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

Apologies were received from Councillors Spall and Woodbyrne

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

There were no declarations of interest.

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

RESOLVED:

- 1) That the minutes of the meeting held on 5 June 2018 be confirmed as an accurate record of proceedings, subject to the deletion of Councillor Chapman in the apologies and the inclusion of Councillor Champion, and the Chair be authorised to sign them.

- 2) That Councillor Paul Convery replace Councillor Kadeema Woodbyrne on Licensing Sub D with effect from the 7 December 2018.

8 **DRAFT GAMBLING POLICY 2019-2022 (Item 1)**

The licensing manager reported that the Gambling Policy was reviewed every three years. There had not been many changes from the previous policy although local area profiles had now been introduced. The last application for a betting premises had been approved in 2013 and a few betting shops had closed.

In the discussion the following points were made:-

- Paragraph 41. Concern was raised regarding staff working alone and it was requested that this paragraph be strengthened. It was further noted that the spike in crime at certain times of the day be referenced in this paragraph in relation to standards of management.
- There was some inconsistency with terms in the report ie. the Gambling Act may be referred to as The Act, Islington Council may be referred to as the Local Authority or the Authority and these needed to be made more consistent.
- The wording in paragraph 3 needed further explanation where possible.

Licensing Committee - 20 November 2018

- Concern was expressed regarding the data provided on page 24, particularly in relation to St Peter's ward. The licensing manager stated that she would refer back to officers in Public Health to ensure that the crime data provided was accurate.
- Noted the typing error on page 24, Gambling 'Riak' Index.
- Noted that there should be a robust approach to enforcement. The wording in paragraph 33 be amended to 'may be invited to an officer panel or reviewed immediately by the Sub-Committee'.
- It was considered that a paragraph be included, unless prohibited, stating that planning permission was expected to be obtained prior to the submission of a licensing application.
- Regarding paragraphs 45 and 47, applicants would need to show they had taken steps to prevent gambling from being a source of crime and disorder and to protect children and vulnerable persons from harm, particularly where premises were near to schools.
- It was noted that if a betting premises wished to become an adult gaming centre they would need to make a new application.

RESOLVED that the report be noted and the comments outlined above included in the draft policy.

The meeting ended at 7.05 pm

CHAIR

Resources
Town Hall, Upper St,
London, N1 2UD

Report of: Assistant Director - Corporate and Dispute Resolution and Deputy Monitoring Officer.

Meeting of:	Date:	Ward(s):
Licensing Committee	21 May 2019	All

SUBJECT: Appointment of the Licensing Sub-Committees for Municipal Year 2019/2020 and Delegation of Licensing Functions.

1. Synopsis

This report proposed 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. Recommendations

- a) That four Licensing Sub-Committees be established for the municipal year 2019/2020 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 2019/2020 or until successors are appointed.

Licensing Sub-Committee A:

Members:	Substitute:
To be confirmed.	All other members of the Licensing Committee.

Licensing Sub-Committee B:

Members:	Substitute:
To be confirmed.	All other members of the Licensing Committee.

Licensing Sub-Committee C:

Members:	Substitute:
To be confirmed.	All other members of the Licensing Committee.

Licensing Sub-Committee D:

Members:	Substitute:
To be confirmed.	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 of the Licensing Sub-Committees:-

To be confirmed.

- 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.
- 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.
- 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

Financial implications:

None.

Legal Implications:

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.

The licensing committee may sub-delegate its functions to one or more sub-committees, or to an officer of the licensing authority.

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:

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. There are no equalities impacts arising from this appointment.

5. Conclusion and reasons for recommendations

The Committee needs to approve the report in order for the Sub-Committees to be properly constituted.

Appendices

- Appendix 1 – Terms of Reference of the Sub-Committees
- Appendix 2 – Terms of Reference of the Licensing Committee
- Appendix 3 – Licensing Sub-Committee meeting dates 2019/2020.

Background papers:

None.

Final report clearance:

A handwritten signature in black ink, appearing to read "P Felber", is displayed within a light grey rectangular box.

Signed by Assistant Director - Corporate and Dispute Resolution and Deputy Monitoring Officer

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Legal Implications Author: Marina Lipscomb, Chief Litigation Lawyer
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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 Committee Dates 2019/20

Tuesday 21 May 2019 – 6.00pm
Thursday 13 June 2019 – 6.30pm
Thursday 3 October 2019 – 6.30pm
Thursday 5 March 2020 – 6.30pm
Tuesday 19 May 2020 – 6.30pm

Licensing Sub-Committee Dates 2019/20 – 6.30 pm

Licensing Sub-Committee A

Tuesday 18 June 2019
Thursday 22 August 2019
Tuesday 22 October 2019
Tuesday 17 December 2019
Tuesday 25 February 2020
Thursday 23 April 2020
Thursday 18 June 2020

Licensing Sub-Committee B

Tuesday 2 July 2019
Tuesday 3 September 2019
Tuesday 5 November 2019
Thursday 9 January 2020
Tuesday 10 March 2020
Tuesday 5 May 2020
Tuesday 30 June 2020

Licensing Sub-Committee C

Tuesday 21 May 2019
Tuesday 16 July 2019
Tuesday 17 September 2019
Thursday 21 November 2019
Thursday 23 January 2020
Tuesday 24 March 2020
Tuesday 19 May 2020

Licensing Sub-Committee D

Thursday 6 June 2019
Thursday 1 August 2019
Thursday 10 October 2019
Tuesday 3 December 2019
Thursday 6 February 2020
Tuesday 7 April 2020
Thursday 4 June 2020

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