



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, **16 May 2023 at 6.20 pm.**

Enquiries to : Jackie Tunstall
Tel : 020 7527 3068
E-mail : democracy@islington.gov.uk
Despatched : 8 May 2023

Membership

Substitute Members

Membership to be agreed at the Annual Council meeting on the 11 May 2023.

Quorum: is 4 Councillors



A.	Formal Matters	Page
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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 - 4 |
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B.	Items for Decision	Page
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| 1. | Appointment of the Licensing Sub-Committees for 2023/2024 and Delegation of Licensing Functions | 5 - 14 |
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C.	Urgent non-exempt items
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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 November 2022

Minutes of the meeting of the Licensing Committee held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 17 November 2022 at 7.30 pm.

Present: **Councillors:** Weekes (Chair), Bossman-Quarshie (Vice-Chair),
Convery, Croft, Graham, Jegorovas-Armstrong,
Nargund, Staff, Wayne and Williamson
Also **Councillors:** Woolf
Present:

Councillor Angelo Weekes in the Chair

5 INTRODUCTIONS (Item 1)

Councillor Angelo Weekes welcomed everyone to the meeting and members and officers introduced themselves. The Committee noted that Sergeant Fraser was attending from the Islington Licensing Team. He gave a short summary of his role and responsibilities and answered some questions from the Committee. The Committee raised concerns about the difference in public behaviour following Covid lockdown and invited Sergeant Fraser to the next meeting of the Licensing Committee to be held in March for further discussion.

6 APOLOGIES FOR ABSENCE (Item 1)

Apologies for absence were received from Councillors Anjna Khurana, Ben Mackmurdie, Matt Nathan, Asima Shaikh and Marian Spall.

7 DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

8 MINUTES OF PREVIOUS MEETING (Item 3)

RESOLVED:

That the minutes of the meeting held on 31 May 2022 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

9 LICENSING POLICY 2023-2027 (Item B1)

The Executive Member for Community Safety and the Head of Regulatory Services introduced the draft Licensing Policy 2023-2027.

The following amendments were agreed during discussion of the policy.

- There would be a final spell check before publication;

- Re: paragraph 73. The addition of the words 'or preventing', the specifying of high strength alcohol and linking the sale of alcohol to a minimum spend on food;
- The inclusion of paragraphs regarding arrangements for shadow licences;
- The inclusion of a paragraph regarding the provision of toilet facilities;
- Licensing policy 22. Amend wording from encourage to expect. Amend paragraph wording regarding deliveries to and from the premises to read the same;
- Strengthen the wording regarding pavement obstructions for wheelchair users.
- Licensing policy 24/25. Amend the wording reflecting the noise taking place from deliveries;
- Policy 26. Add additional wording regarding the use of outside tables and chairs.
- Licensing policy 28. Delete the words 'where possible' to reflect the need to maximise recycling and amend the paragraph to reflection the reduction in use of internal combustion engines.
- It was noted that there would be a joint foreword from the Executive Member for Community Safety and the Chair of Licensing at the beginning of the policy.

RESOLVED:-

- (1) That the report be noted and recommended to Council with the amendments detailed above;
- (2) To confirm that the policy shall apply to all applications for a premises licence or club certificate submitted after 1 January 2023.

10

GAMBLING PREMISES LICENSING POLICY 2023-2026 (Item B2)

The Executive Member for Community Safety and the Head of Regulatory Services introduced the draft Gambling Premises Licensing Policy 2023-2026.

The following amendments were agreed during discussion of the policy.

- There be a final spell check before publication;
- The first paragraph relating to the general approach to applications be reworded in line with the discussion regarding aim to permit.
- The addition of the wording 'societal and economic impacts' be included in Part 3 – Protecting Vulnerable People from Harm.
- It was noted that there would be a joint foreword from the Executive Member for Community Safety and the Chair of Licensing at the beginning of the policy.

RESOLVED:-

- (3) That the report be noted and recommended to Council with the amendments detailed above;

Licensing Committee - 17 November 2022

- (4) To confirm that the policy shall apply to all applications for a premises licence or club certificate submitted after 1 January 2023.

The meeting ended at 9.00 pm

CHAIR

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Report of: Interim Assistant Director of Law

Meeting of: Licensing Committee

Date: 16 May 2023

Ward(s): All wards

Appointment of the Licensing Sub-Committees for the Municipal Year 2023/2024 and Delegation of Licensing Functions

1. Synopsis

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. Recommendations

- 2.1 That four Licensing Sub-Committees be established for the municipal year 2023/2024 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;
- 2.2 That the following members, Chairs and Vice-Chairs, be appointed for the municipal year 2023/2024 or until successors are appointed.

Licensing Sub-Committee A:

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

Licensing Sub-Committee B:

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

Licensing Sub-Committee C:

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

Licensing Sub-Committee D:

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

- 2.3 That, it be noted that, the following are members of the Licensing Committee and are substitutes for all of the Licensing Sub-Committees:-
- 2.4 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.

4. Implications

4.1. Financial Implications

The costs associated with the Licensing Committee and the Sub-Committees are met through the Council budget.

4.2. 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 and contribution to achieving a net zero carbon Islington by 2030

There are no environmental impacts arising from this report.

4.4. Equalities 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.

An Equalities Impact Assessment is not required in relation to this report, because the contents of the report relate to a purely administrative function and will not impact on residents.

5. Conclusion and reasons for recommendations

Approval of the recommendation is required to ensure the Sub-Committees are 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 2023/2024.

Background papers:

- None.

Final report clearance:

Authorised by: Marina Lipscomb, Interim Director of Law

Date: 28 April 2023

Report Author: Jackie Tunstall

Tel: 020 7527 3068

Email: Jackie.tunstall@islington.gov.uk

Legal Implications Author: Quentin Paterson, Chief Litigation Lawyer

Tel:

Email: Quentin.paterson@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.
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 2023/24

Tuesday 16 May 2023 – **6.20pm – 6.30pm (prior to Licensing Sub B)**

Tuesday 26 Sept 2023 – 6.30pm

Tuesday 5 December 2023 – 6.30pm

Tuesday 12 March 2024 – 6.30pm

Licensing Sub-Committee Dates 2023/24 – 6.30 pm

Licensing Sub-Committee A

Thursday 17 July 2023

Tuesday 19 September 2023

Tuesday 28 November 2023

Tuesday 6 February 2024

Tuesday 16 April 2024

Licensing Sub-Committee B

Tuesday 16 May 2023

Tuesday 1 August 2023

Thursday 12 October 2023

Tuesday 19 December 2023

Tuesday 27 February 2024

Thursday 9 May 2024

Licensing Sub-Committee C

Thursday 8 June 2023

Tuesday 22 August 2023

Tuesday 31 October 2023

Tuesday 9 January 2024

Thursday 14 March 2024

Licensing Sub-Committee D

Tuesday 27 June 2023

Thursday 7 September 2023

Thursday 16 November 2023

Thursday 25 January 2024

Tuesday 26 March 2024

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