

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

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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.
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