

NOTICE OF MEETING

LICENSING COMMITTEE

Monday, 23rd May, 2022, 8.30 pm or on the rise of Full Council (whichever is the later) - Panorama Room, Alexandra Palace, Alexandra Palace Way, London N22 7AY

Members: The membership of the Committee will be confirmed at the Full Council on 23 May 2022

Quorum: 3

1. FILMING AT MEETINGS

Please note this meeting may be filmed or recorded by the Council for live or subsequent broadcast via the Council's internet site or by anyone attending the meeting using any communication method. Members of the public participating in the meeting (e.g. making deputations, asking questions, making oral protests) should be aware that they are likely to be filmed, recorded or reported on. By entering the 'meeting room', you are consenting to being filmed and to the possible use of those images and sound recordings.

The Chair of the meeting has the discretion to terminate or suspend filming or recording, if in his or her opinion continuation of the filming, recording or reporting would disrupt or prejudice the proceedings, infringe the rights of any individual, or may lead to the breach of a legal obligation by the Council.

2. APOLOGIES

To receive any apologies for absence.

3. URGENT BUSINESS

The Chair will consider the admission of any late items of Urgent Business. (Late items will be considered under the agenda item where they appear. New items will be dealt with under item 7 below).

4. DECLARATIONS OF INTEREST

A member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

(i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and

(ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 5-7 and Appendix A of the Members' Code of Conduct

5. DEPUTATIONS / PETITIONS / PRESENTATIONS / QUESTIONS

To consider any requests received in accordance with Part 4, Section B, paragraph 29 of the Council's constitution.

6. ESTABLISHMENT OF THE LICENSING SUB-COMMITTEE (PAGES 1 - 8)

This report asks the Committee to note the establishment of the Licensing Sub-Committee for the 2022/23 Municipal Year, including its membership and to confirm its terms of reference.

7. NEW ITEMS OF URGENT BUSINESS

To consider any items of urgent business as identified at item 3.

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Fiona Alderman
Head of Legal & Governance (Monitoring Officer)
George Meehan House, 294 High Road, Wood Green, N22 8JZ

Friday, 13 May 2022

Report for: Licensing Committee – 23 May 2022

Title: Establishment of the Licensing Sub-Committee 2022/23

Report authorised by: Ayshe Simsek, Democratic Services and Scrutiny Manager, ayshe.simsek@haringey.gov.uk, 020 8489 2929

Lead Officer: Fiona Rae, Committees Manager, fiona.rae@haringey.gov.uk, 020 8489 3541

Ward(s) affected: All

1. Describe the issue under consideration

- 1.1 To note the establishment of the Licensing Sub-Committee for the 2022/23 Municipal Year including its terms of reference.

2. Cabinet Member Introduction

Not applicable.

3. Recommendations

The Licensing Committee is asked:

- 3.1 To agree the establishment of a Licensing Sub-Committee for the 2022/23 municipal year.
- 3.2 To agree the establishment of the Licensing Sub-Committee with the same membership as the Licensing Committee.
- 3.3 To confirm the terms of reference of the Licensing Sub-Committee as set out within the Council's constitution, attached as Appendix 1 to the report.

4. Reasons for decision

- 4.1 To support the discharge of licensing functions as set out within Part 3, Section B of the Council's constitution.

5. Alternative options considered

Not applicable.

6. Background information

Licensing Committee

- 6.1 The Full Council appoints the membership of the Licensing Committee including its Chair and Vice-Chair. By law there must be at least 10 but no more than 15 appointed members.
- 6.2 The Council can determine the terms of reference of the Committee. These are currently set out in Part 3 Section B of the Council's constitution and attached as Appendix 1 to this report. Members are invited to note the Committee's terms of reference.

Establishing the Licensing Sub-Committee

- 6.3 The Licensing Committee may establish Licensing Sub-Committees to conduct hearings. Although the membership for these has been reported to Annual Council, legally it is the Licensing Committee that fixes these Sub-Committee membership and confirms its terms of reference.
- 6.4 The membership of Licensing Sub-Committees is fixed by law at three members. The Council's own Local Licensing Procedure Rules set the quorum for hearings at three members as this is considered to promote better decision-making.
- 6.5 It is proposed that the membership of the Licensing Sub-Committee is the same as the Licensing Committee and that, for each hearing, three members of the Licensing Committee will be appointed to sit on the Licensing Sub-Committee.
- 6.6 All members of the Licensing Committee will be consulted on their availability when it is known that a Licensing Sub-Committee meeting is required. From responses received, three members will be notified that they have been selected to serve on the Licensing Sub-Committee and all members of the Licensing Committee will be advised accordingly. (Note: All efforts will be made to ensure that all members of the Licensing Committee share Sub-Committee responsibilities on an equal basis.) While there is no requirement in law for the statutory licensing committee (or its sub-committees) to reflect political balance, historically this has been done as a matter of good governance.
- 6.7 The Chair of the Licensing Committee shall chair the Licensing Sub-Committee. In their absence, the Vice Chair shall chair the Licensing Sub-Committee. In the absence of both the Chair and the Vice Chair, a member of the Licensing Committee who is trained to Chair licensing meetings will be proposed and seconded as Chair of the meeting.
- 6.8 On occasion, an appointed member of a Licensing Sub-Committee cannot take part in a decision, for example if premises are located in the member's ward. In such cases, it will be necessary to appoint a substitute member, often at short notice. Any such substitution will be made in accordance with the provisions of Part 4, Section B, of the constitution. Additional delegations are made to the Democratic Services Manager (Part 3, Section E of the constitution) for the appointment of a substitute Licensing Sub-Committee member from the

members of the Licensing Committee in order to prevent an inquorate meeting. Substitute members would always be trained members of the Licensing Committee.

6.9 Members of the Committee are asked to confirm the terms of reference of the Licensing Sub-Committee. These are set out in Part 3, Section B of the constitution and are attached as Appendix 2 to this report.

7. Statutory Officers' comments (Chief Finance Officer (including procurement), Head of Legal & Governance (Monitoring Officer), Equalities)

7.1 Chief Finance Officer

There are no financial implications arising from the recommendations in this report.

7.2 Head of Legal & Governance (Monitoring Officer)

The Head of Legal & Governance (Monitoring Officer) has been consulted and approves the content of this report.

7.3 Equalities

The Council has a public sector equality duty under S149 of the Equality Act 2010 to have due regard to need to:

- tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;
- advance equality of opportunity between people who share those protected characteristics and people who do not;
- foster good relations between people who those characteristics and people who do not.

An initial screening of the proposals in this report has been completed and the proposals carry no implications for any aspect of the duty outlined above.

8. Use of Appendices

Appendix 1: Licensing Sub-Committee terms of reference

9. Local Government (Access to Information) Act 1985

10.1 Not applicable.

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Licensing Sub-Committee

Introduction

The Licensing Sub-Committee has functions either (1) as Sub-Committee of the Licensing Committee in its capacity as the statutory Licensing Committee of the Council under the Licensing Act 2003, which also exercises functions under the Gambling Act 2005, or (2) as Sub-Committee of the Licensing Committee in its capacity as a non-statutory Committee exercising non-executive licensing and regulatory functions. At the beginning, and at other appropriate stage(s) in each meeting, the Chair will make a short announcement indicating whether the Sub-Committee is operating in its capacity as “statutory Licensing Sub-Committee” or as a “non-statutory Sub-Committee”.

Membership

The membership of the Sub-Committee shall be drawn from the Licensing Committee. When operating in its capacity as “statutory Licensing Sub-Committee” there must be a membership and quorum of 3 present at all times.

- (1) General Provisions Relating to the Statutory Licensing Sub-Committee
 - (a) The Licensing Sub-Committee has the power to make final decisions on behalf of the Council on matters within their terms of reference and there is no right of appeal to the Licensing Committee;

Functions under both the Licensing Act 2003 and the Gambling Act 2005

- (b) To determine applications for premises licences where relevant representations have been made;
- (c) To determine applications for provisional statements where relevant representations have been made;
- (d) To determine valid applications for review of premises licences where relevant representations have been made;
- (e) To decide on any other matter where it is necessary or desirable for members to make that decision;

Functions under the Licensing Act 2003 alone

- (f) To determine applications for variations of premises licences where relevant representations have been made except in the case of minor variations;
- (g) To determine applications to vary designated premises supervisors following police objections;
- (h) To determine applications for transfer of premises licences following police objections;

- (i) To consider police objections made to interim authority notices;
- (j) To determine applications for club premises certificates where relevant representations have been made;
- (k) To determine applications to vary club premises certificates where relevant representations have been made except in the case of minor variations;
- (l) To determine valid applications for review of club premises certificates where relevant representations have been made;
- (m) To decide whether to give counter notices following police objections to temporary event notices;
- (n) To determine applications for grants of personal licences following police objections;
- (o) To determine applications for renewals of personal licences following police objections;
- (p) To decide on revocation of personal licences where convictions come to light after grant;
- (pa) To determine the review of a premises license following a closure order where relevant representations have been made

Functions under the Gambling Act 2005 alone

- (q) To determine applications for variations of premises licences where relevant representations have been made;
- (r) To determine applications for transfers of premises licences following representations by the Gambling Commission or others;
- (s) To determine applications for the re-instatement of premises licences where relevant representations have been made;
- (t) To decide whether to give counter notices following objections to temporary use notices;
- (u) To determine applications for the grant or renewal of club gaming permits and club machine permits where valid objections have been received;
- (v) To determine proposals to cancel club gaming permits and club machine permits where the licence holder requests a hearing;
- (w) When the licence holder requests a hearing, to determine officer proposals: (i) to make an order removing the entitlement of an on-premises alcohol licence holder to have one or two gaming machines, or (ii) to cancel or vary a licensed premises

gaming machine permit;

- (x) To determine applications for the grant or variation of licensed premises gaming machine permits for 5 or more machines or in any case where the Chair of the Licensing Committee considers that there is cause for concern about the proper management of the premises;
- (2) General Provisions Relating to the Non-Statutory Licensing Sub-Committee
 - (a) The Sub-Committee has all the functions which are stated not to be the responsibility of the Council's Executive/Cabinet in Regulation 2 and paragraph B (Licensing and Registration) of Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 S. I. 2853, as amended, or further amended, in any statute or subordinate legislation. The Sub-Committee's remit includes the licensing of street trading, scrap metal dealing, special treatment premises, sex establishments and dog breeding establishments.
 - (b) The Sub-Committee makes decisions in all individual licensing or registration cases where a hearing is required because of an objection to an application or to a proposed revocation or because of an officer recommendation for refusal.
 - (c) The Sub-Committee has the power to make final decisions on behalf of the Council in relation to its functions in (b).
 - (d) Excluded from the Sub-Committee's' terms of reference are decisions on all policy issues, procedures and standard terms and conditions which are within the remit of The Licensing Committee.

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