



NOTICE OF MEETING

Licensing Committee

THURSDAY, 22ND MAY, 2008 at 19:30 HRS - CIVIC CENTRE, HIGH ROAD, WOOD GREEN, LONDON N22 8LE.

MEMBERS: Councillors Baker, Beacham, Demirci, Dodds, Edge, Lister (Vice-Chair), Patel (Chair), Reid, Thompson and Vanier

AGENDA

1. APOLOGIES FOR ABSENCE

2. 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 at item 6 below.

3. DECLARATIONS OF INTEREST

A member with a personal interest in a matter who attends a meeting of the authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

A member with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgement of the public interest **and** if this interest affects their financial position or the financial position of a person or body as described in paragraph 8 of the Code of Conduct **and/or** if it relates to the determining of any approval, consent, licence, permission or registration in relation to them or any person or body described in paragraph 8 of the Code of Conduct.

4. MINUTES (PAGES 1 - 6)

To confirm and sign the minutes of (i) the meeting of the Licensing Committee held on 17 December 2007, and (ii) the special Licensing Committee held on 14 April 2008.

5. ESTABLISHMENT OF LICENSING SUB-COMMITTEES (PAGES 7 - 16)

6. NEW ITEMS OF URGENT BUSINESS

To consider any new items of urgent business admitted under agenda item 2 above.

7. DATES OF FUTURE MEETINGS

The scheduled meetings of the Licensing Committee for 2008/09 are as follows:

7 October 2008
17 February 2009

Yuniea Semambo
Head of Local Democracy & Member Services
5th Floor
River Park House
225 High Road
Wood Green
London N22 8HQ

Helen Jones
Principal Committee Coordinator
(Non Cabinet Committees)
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Wednesday 14 May, 2008

**MINUTES OF THE LICENSING COMMITTEE
MONDAY, 17 DECEMBER 2007**

Councillors Patel (Chair), Edge, Lister, Reid, Vanier, Peacock, Demirci, Dodds, Baker, and Beacham.

| MINUTE NO. | SUBJECT/DECISION | ACTION BY |
|-------------------|--|------------------|
| LSCO04. | APOLOGIES FOR ABSENCE Apologies were received from Councillors Peacock and Beacham. There was an apology from Councillor Demirci who was substituted by Councillor Aitken. | |
| LSCO05. | URGENT BUSINESS: None. | |
| LSCO06. | DECLARATIONS OF INTERESTS: None. | |
| LSCO07. | MINUTES: RESOLVED That the following minutes from the following meetings be agreed and signed by the Chair: <ul style="list-style-type: none"> • Licensing Committee held on 24 May 2007 • Special Licensing Committees on 11 July 2007, 30 August 2007, and 13 September 2007 • Special Licensing Sub-Committees held on 7 August 2007, 30 August 2007, 13 September 2007, 16 October 2007, 1 November 2007, and 15 November 2007. | |
| LSCO08. | CHANGE TO MEMBERSHIP OF LICENSING SUB-COMMITTEE C: RESOLVED That the Committee agree to the change of membership for Licensing Sub-Committee C so that Councillor Dodds replaces Councillor Dobbie. | |
| LSCO09. | CONSULTATION ON THE NEW STATEMENT OF LICENSING POLICY FOR LICENSING ACT 2003: Following introduction by the report author it was RESOLVED (i) To approve the Statement of Licensing Policy and to | |

**MINUTES OF THE LICENSING COMMITTEE
MONDAY, 17 DECEMBER 2007**

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| | <p>recommend it to the next meeting of the Full Council for adoption.</p> <p>(ii) To approve that the report be put before the General Purposes Committee who are asked to agree to delegate to The Assistant Director Enforcement or the Director of Urban Environment in consultation with the Cabinet Member the power to make any amendments to the Statement of Licensing Policy , having regard to the responses from the consultation, prior to the policy being reported to Full Council for adoption. These amendments would be agreed in consultation with the Chairs of Licensing Committee and the General Purposes Committee.</p> | |
| LSCO10. | <p>SETTING FEES UNDER THE GAMBLING ACT 2005 - TEMPORARY USE NOTICES</p> <p>Following introduction by the report author it was</p> <p>RESOLVED</p> <p>That the Committee agree to the fees as outlined in the report to enable the Licensing Authority to accept Gambling Act 2005 applications.</p> | |
| LSCO11. | <p>SETTING FEES UNDER THE GAMBLING ACT 2005:</p> <p>Following introduction by the report author it was</p> <p>RESOLVED</p> <p>That the Committee:</p> <p>(i) Notes the response to the consultation from William Hill organisation set out at Appendix One to the report and the advice in relation to this response at paragraphs 8.4 and 8.5</p> <p>(ii) Agrees not to reduce the level of the first annual fees in order to ensure the full recovery of costs.</p> <p>(iii) Agreed the fee structure for 2007/8 as set out in the Table under Paragraph 10:10 of the report.</p> <p>(iv) Notes that fees for future years will be set after reviewing them, within the limits of the legislation, to ensure that the premises licensing regime keeps fee income in line with the costs of service provision as nearly as possible. Fee changes required only to account for inflation need not undergo a full review.</p> | |
| LSCO12. | <p>ANY ITEMS OF URGENT BUSINESS:</p> <p>None.</p> | |
| LSCO13. | <p>DATES OF FUTURE MEETINGS:</p> | |

**MINUTES OF THE LICENSING COMMITTEE
MONDAY, 17 DECEMBER 2007**

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| | 21 February 2008, 7:30pm | |
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Councillor JAYANTI PATEL
Chair, Licensing Committee 2007/8

Date:

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**MINUTES OF THE SPECIAL LICENSING COMMITTEE
MONDAY, 14 APRIL 2008**

Councillors *Patel (Chair), Peacock (Vice-Chair), *Baker, *Beacham, *Demirci, Dodds, *Edge, Lister, *Reid and *Vanier

* Denotes Members present

| MINUTE NO. | SUBJECT/DECISION | ACTION BY |
|-------------------|---|------------------|
| LSCO01. | <p>APOLOGIES FOR ABSENCE</p> <p>Apologies for absence were received from Cllrs, Dodds, Lister and Peacock.</p> | |
| LSCO02. | <p>URGENT BUSINESS</p> <p>There were no items of urgent business.</p> | |
| LSCO03. | <p>DECLARATIONS OF INTEREST</p> <p>None received.</p> | |
| LSCO04. | <p>DELEGATED POWERS TO APPOINT TO LICENSING SUB COMMITTEES</p> <p>The Committee was asked to consider a report to confirm the delegation of power to the Head of Local Democracy and Member Services to appoint Members to Licensing Sub Committees (LSCs) in circumstances where the Sub Committee would otherwise be unable to function constitutionally.</p> <p>Mr Terence Mitchison, the Legal Officer presented the report and advised the Committee that this report had previously been to full Council. The final decision to agree the recommendations required the confirmation of the full Licensing Committee to be legally effective. Mr Mitchison advised there had recently been an increase in the number of hearings due to new gambling applications and the need for a considerable number of extra meetings. There had also been a growth in the number of applications by the responsible authorities and local residents to review licences of problem public houses. It was difficult to get regular LSCs A~C to meet at short notice and under the constitution this could not be delegated to the Chair of Licensing Committee. Therefore it was proposed in the report to delegate power to the Head of Local Democracy and Member Services to appoint the membership of special LSCs from among the Members of the Licensing Committee, subject to the conditions outlined in recommendation 2.2.</p> <p>Mr Mitchison further advised that in respect of regular scheduled LSCs A~C meetings if one of the Members could not attend and was notified in advance then the substitution rule would be applied. However, on the day of a meeting in this situation the meeting would have been adjourned. This situation should try to be avoided as it may expose the</p> | |

**MINUTES OF THE SPECIAL LICENSING COMMITTEE
MONDAY, 14 APRIL 2008**

Council to complaint or legal challenge. Therefore, this report was an attempt to find a way out of a difficult situation by the delegation of power to the Head Local of Local Democracy and Member Services to appoint an additional Member, or Members, to any scheduled meeting of a LSC from among the Members of the Licensing Committee in consultation with the Chair of Licensing Committee and the Chief Whip of each political group.

The Chair moved a motion to agree the recommendation outlined in the report at point 2.

RESOLVED

1. That authority be delegated to the Head of Local Democracy and Member Services:
 - i) to appoint the membership of a special LSC from among the Members of the Licensing Committee, and
 - ii) to appoint an additional Member, or Members, to any scheduled meeting of a LSC from among the Members of the Licensing Committee whenever the appointment of a substitute Member (under Part 4, Section B, paragraph 49 of the Constitution) would be impracticable and the meeting would otherwise be inquorate.
2. That the exercise of the above delegated powers by the Head of Local Democracy and Member Services be carried out so far as practicable in consultation with the Chair of the Licensing Committee and the Chief Whip of each Group and with a view to achieving political balance in the membership of the Licensing Sub Committees.
3. That the Scheme of Delegation to Officers in Appendix E, Part F7, Section 9 of the Council's Constitution be amended and as detailed in the Appendix to the report.

The meeting concluded at 7:45pm.

**Councillor Jayanti Patel
Chair**

Agenda item:

Licensing Committee

on

22 May 2008Report Title: **Establishment of Licensing Sub-Committees**Report of: **Head of Local Democracy & Member Services**Forward Plan ref. no. **N/A**Wards Affected: **All**Report: **Non-Key Decision****1. Purpose**

1.1 To establish three Licensing Sub-Committees to conduct the majority of hearings under the Licensing Act 2003 and the Gambling Act 2005.

2. Recommendations

- 2.1 To note the terms of reference of the Licensing Committee in Part 3 Section C of the Council's Constitution, attached as Appendix 1 to this report.
- 2.2 That Members agree the establishment of three Licensing Sub-Committees with the membership set out in Appendix 2 to this report (to follow).
- 2.3 That Members confirm the terms of reference of the Licensing Sub-Committees in Part 3 Section C of the Constitution, attached as Appendix 3 to this report.
- 2.4 That Members note the powers delegated to the Head of Local Democracy and Member Services at the meeting of the Committee on 14 April 2008: -
- (a) To make appointments to the membership of special Licensing Sub-Committees from among the Members of the Licensing Committee;
 - (b) To appoint an additional Member or Members to any scheduled meeting of a Licensing Sub-Committee from among the Members of the Licensing Committee whenever the appointment of a substitute Member under the Committee Procedure Rules (Part 4, Section B) would be impracticable and the meeting would otherwise be inquorate;
 - (c) The exercise of the delegated powers in (a) and (b) above shall be, so far as practicable, in consultation with the Chair of the Licensing Committee and the Chief Whip of each Group and with a view to achieving political balance in the membership of Licensing Committees.

Report Authorised by:


Yuniea Semambo, Head of Local Democracy and Member Services

Contact Officer: **Terence Mitchison, Senior Project Lawyer, Corporate**
 (x 5936) terence.mitchison@haringey.gov.uk

2 Executive Summary

3.1 Members are recommended to establish three Licensing Sub-Committees and to confirm the existing terms of reference for these bodies. Their membership and quorum must be three Members. To ensure that the Sub-Committees function effectively there are special delegated powers to appoint substitute Members and to appoint special Sub-Committees agreed by the 14 April Committee meeting.

3 Reasons for any change in policy or for new policy development (if applicable)

N/A

4 Local Government (Access to Information) Act 1985

5.1 The following background papers were used in the preparation of this report:

the Council's Constitution

6. 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. The Committee can still meet and undertake its business with a quorum of 4 Members.

6.2 The Council can determine the terms of reference of the Committee. These are currently set out in Part 3 Section C of the Council's Constitution and attached as Appendix 1 to this report. Members are invited to note the Committee's terms of reference and, in particular, the reference to the Committee of all premises sites or events where 500 or more persons are expected to be present. There have been no changes to the Committee's terms of reference since May 2007 when the additional functions relating to the Gambling Act 2005 were added.

7. Establishing the Licensing Sub-Committees

7.1 The Licensing Committee may establish Sub-Committees to assist with holding hearings for the less major cases. Although the membership for these has been reported to Annual Council, legally it must be the Licensing Committee that fixes the Sub-Committees' membership and confirms their terms of reference.

7.2 For the last two years there have been 3 Licensing Sub-Committees to deal with the very large number of contested applications that followed the introduction of the new system under the Licensing Act 2003 and, from September 2007, the new responsibilities for gambling premises under the Gambling Act 2005. It is anticipated that the volume of applications of all kinds will continue to be high for the foreseeable future and that many of these will be contested. It is recommended that 3 Licensing Sub-Committees be appointed and this should be sufficient.

- 7.3 The appointed membership for each Sub-Committee is fixed by law at 3 Members. The membership of the 3 Licensing Sub-Committees for 2008/09 is set out in Appendix 2 to this report (to follow).
- 7.4 On occasions an appointed Member of a Licensing Sub-Committee cannot take part in the decision on a particular case because of a conflict of interest. In such a case the Member should give written notice to the Head of Local Democracy and Member Services, well before the date of the meeting, asking for the appointment of a substitute Member under the Committee Procedure Rules.
- 7.5 Occasionally, where a Member is unexpectedly absent or seriously late, it will be necessary to appoint a substitute Member at short notice on the day of the meeting. This can now be done under the delegated powers noted in paragraph 2.4 above. The Members appointed as substitutes would always be trained Members of the main Committee who were able to make themselves available.
- 7.6 Members of the Committee are asked to note and confirm the existing terms of reference of the Licensing Sub-Committees. These are currently set out in Part 3 Section C of the Constitution and attached as Appendix 3 to this report. Members will note that the great majority of hearings will fall to the Sub-Committees but any case of special significance or difficulty can be called up to the parent Committee to decide. Reports on matters of general concern and decisions on general procedural issues will come to the Committee.
- 7.7 There have been no changes to the terms of reference of the Sub-Committees since May 2007 when the additional functions relating to the Gambling Act 2005 were added.

8 Recommendations

- 8.1 To note the terms of reference of the Licensing Committee in Part 3 Section C of the Council's Constitution, attached as Appendix 1 to this report.
- 8.2 That Members agree the establishment of three Licensing Sub-Committees with the membership set out in Appendix 2 to this report (to follow).
- 8.3 That Members confirm the terms of reference of the Licensing Sub-Committees in Part 3 Section C of the Constitution, attached as Appendix 3 to this report.
- 8.4 That Members note the powers delegated to the Head of Local Democracy and Member Services at the meeting of the Committee on 14 April 2008: -
- (a) To make appointments to the membership of special Licensing Sub-Committees from among the Members of the Licensing Committee;
 - (b) To appoint an additional Member or Members to any scheduled meeting of a Licensing Sub-Committee from among the Members of the Licensing Committee whenever the appointment of a substitute Member under the

Committee Procedure Rules (Part 4, Section B) would be impracticable and the meeting would otherwise be inquorate;

- (c) The exercise of the delegated powers in (a) and (b) above shall be, so far as practicable, in consultation with the Chair of the Licensing Committee and the Chief Whip of each Group and with a view to achieving political balance in the membership of Licensing Committees.

9 Comments of the Chief Financial Officer

- 9.1 There are no specific financial implications.

10. Comments of the Head of Legal Services

- 10.1 The legal implications are set out in the body of this report.

12. Use of Appendices / Tables / Photographs.

12.1 Appendix 1 to this report is the terms of reference of the Licensing Committee

12.2 Appendix 2 to this report is the proposed membership of the three Licensing Sub-Committees (to follow).

12.3 Appendix 3 to this report is the terms of reference of the Licensing Sub-Committees

APPENDIX I

**TERMS OF REFERENCE OF THE LICENSING COMMITTEE
COUNCIL'S CONSTITUTION PART 3 SECTION C**

6. Licensing Committee

- (1) The Licensing Committee has all the functions referred to it by law under the Licensing Act 2003 and the Gambling Act 2005. These include:
 - (a) To be responsible for monitoring the operation of the Acts licensable activities and gambling in the Borough;
 - (b) To receive reports on these matters and on the functions delegated to the Licensing Sub-Committees and to officers. To call for a report on any individual case;
 - (c) To be consulted on the review and determination of the Licensing Policy Statement and the Statement of Gambling Policy including procedures for Council consultation with external stakeholders;
 - (d) To determine the procedures to be followed in handling applications, notices, representations and all hearings, subject to the relevant Regulations;
 - (e) Subject to Regulations, to determine the fees payable for applications for premises licences and related matters under the Gambling Act 2005;
 - (f) To exercise the functions of the Licensing Sub-Committees in relation to any premises, site or event where 500 or more persons are to be present;
 - (g) To exercise the functions of the Licensing Sub-Committees in any case referred to the Committee by its Chair, or by the Chair of a Licensing Sub-Committee on the grounds of its special significance or difficulty;
 - (h) In a Council Election Year when there is a need to hold a hearing in the period between Election day and the Annual Meeting of the Council, those Members of the Licensing Committee who are re-elected as Councillors shall meet as the Licensing Committee to exercise any of the functions of the Licensing Sub-Committees, or under (f) above, and shall elect a Chair for the meeting.

- (2) Excluded from the Licensing Committee's terms of reference are:
- (a) The functions statutorily referred to the General Purposes Committee, the Cabinet and the full Council including the formal review and determination of the Licensing Policy Statement and the Statement of Gambling Policy;
 - (b) The functions delegated to the Licensing Sub-Committees, as set out below, except where referred back to the Committee under sub-paragraph 6(1)(g) above.

APPENDIX 3

TERMS OF REFERENCE OF THE LICENSING SUB-COMMITTEES
COUNCIL'S CONSTITUTION PART 3 SECTION C

3. Under Licensing Committee

3.1 Licensing Sub-Committees

General Provisions

- (a) To exercise all the functions listed in these terms of reference in relation to any premises, site or event where less than 500 persons are to be present;
- (b) The Chair of a Licensing Sub-Committee may, before hearing it, refer any case falling within these terms of reference to the Licensing Committee on the grounds of its special significance or difficulty. This power may also be exercised by the Chair of the Licensing Committee;
- (c) Licensing Sub-Committees have 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

- (d) To determine applications for premises licences where relevant representations have been made;
- (e) To determine applications for provisional statements where relevant representations have been made;
- (f) To determine applications for variations of premises licences where relevant representations have been made;
- (g) To determine valid applications for review of premises licences;
- (h) 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

- (i) To determine applications to vary designated premises supervisors following police objections;
- (j) To determine applications for transfer of premises licences following police objections;
- (k) To consider police objections made to interim authority notices;
- (l) To determine applications for club premises certificates where relevant representations have been made;
- (m) To determine applications to vary club premises certificates where relevant representations have been made;
- (n) To determine valid applications for review of club premises certificates;
- (o) To decide whether to give counter notices following police objections to temporary event notices;
- (p) To determine applications for grants of personal licences following police objections;
- (q) To determine applications for renewals of personal licences following police objections;
- (r) To decide on revocation of personal licences where convictions come to light after grant;

Functions under the Gambling Act 2005 alone

- (s) To determine applications for transfers of premises licences following representations by the Gambling Commission or others;
- (t) To determine applications for the re-instatement of premises licences where relevant representations have been made;
- (u) To decide whether to give counter notices following objections to temporary use notices;
- (v) To determine applications for the grant of club gaming permits and club machine permits where objections have been received;

- (w) To determine proposals to cancel club gaming permits and club machine permits where the holder requests a hearing;
- (x) 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;
- (y) To determine licensed premises gaming machine permit applications for 5 or more machines and all applications for any number of machines where there is cause for concern about the proper management of the premises;

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