

Sandwell Metropolitan Borough Council

21 July 2015

**Annual Report of the Licensing Committee and Licensing Panels
for the 2014/2015 Municipal Year**

1. Summary Statement

1.1 The Licensing Act 2003 has four licensing objectives:-

- (a) the prevention of crime and disorder;
- (b) public safety;
- (c) the prevention of public nuisance;
- (d) the protection of children from harm.

1.2 Similarly, the Gambling Act 2005 has three licensing objectives:-

- (a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- (b) ensuring that gambling is conducted in a fair and open way;
- (c) protecting children and other vulnerable persons from being harmed or exploited by gambling.

1.3 The Licensing Committee is responsible for exercising the powers and duties of the Council with regard to licensing matters under relevant legislation and is required to produce an annual report detailing activities undertaken throughout the year and identifying outcomes of the Committee.

2. Recommendation

2.1 That the annual report of the Licensing Committee/Licensing Panels for the 2014/2015 municipal year be received.

Neeraj Sharma
Director – Governance

Kerry Bolister
**Director - Homes and
Communities**

Contact Officer

Sarah Brookes
Senior Licensing Officer
0121 569 6743

3. Strategic Resource Implications

- 3.1 There are no strategic resource implications arising from this report. The implications for resources arising from any matters considered by the Committee are included within the relevant reports to the Committee and referred to in the main body of the Annual Report as necessary.

4. Legal and Statutory Implications

- 4.1 Section 3 of the Licensing Act 2003 provides that the Council is a Licensing Authority and as such the Council must carry out its functions under the Licensing Act, 2003.
- 4.2 Under Section 6 of the Licensing Act, 2003 each Licensing Authority must establish a licensing committee consisting of at least ten, but not more than fifteen, members of the authority.
- 4.3 Section 9 of the Licensing Act, 2003 states that a licensing committee may establish one or more sub-committees consisting of three members of the committee, and Section 10 provides that the committee may arrange for the discharge of any functions exercisable by it by a sub-committee established by it, or an officer of the licensing authority.
- 4.4 Section 2 of the Gambling Act 2005 further states that the Council is a licensing authority. The Gambling Act 2005 places a duty on the Council to undertake the licensing functions specified in the Act.
- 4.5 Section 154 of the Gambling Act 2005 provides that all decisions, subject to exceptions, relating to premises licences are delegated to the licensing committee of the authority that has been established under Section 6 of the Licensing Act, 2003.

- 4.6 Section 154(3) of the Gambling Act, 2005 states that Section 10 of the Licensing Act 2003 shall apply in relation to a function delegated to a licensing committee as they apply in relation to a function delegated under that Act.
- 4.7 The 2003 Act and the 2005 Act allow the Licensing Committee to arrange for the discharge of any of its functions by a Sub-Committee or by an Officer of the Licensing Authority. Arrangements may provide for more than one sub-committee or officer to discharge the same functions concurrently.
- 4.8 The Licensing Committee has already delegated the majority of its licensing functions to the Licensing Panels and/or officers.
- 4.9 The Licensing Committee reviews the membership of the Panels each year following the appointment of members to the Licensing Committee at the Annual Council meeting.

5. Implications for the Scorecard Priorities

- 5.1 The Licensing Act 2003 has four licensing objectives which are highly pertinent to the Council's Scorecard priorities, these being:-
- (a) the prevention of crime and disorder;
 - (b) public safety;
 - (c) the prevention of public nuisance;
 - (d) the protection of children from harm.
- 5.2 Similarly, the Gambling Act 2005 has three licensing objectives, as follows:-
- (a) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - (c) Ensuring that gambling is conducted in a fair and open way;
 - (c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.

5.3 The Licensing function specifically impacts on the following scorecard priorities:-

- i) Great Prospects – Investing in people, business and jobs - Licensed establishments provide a proportion of employment in the Borough, as such they provide an important part of the borough's economy;
- ii) Great Place – cleaner streets, more recycling and safer neighbourhoods – the objectives of the Licensing Act and the Gambling Act both contribute to upholding and improving safety within the borough for its residents.

5.4 The licensing function already feeds into the Crime and Disorder Action Plan, Anti-Social Behaviour Plan, and Violent Crime/ Alcohol Group action plan.

6. **Background Details**

6.1 The annual report for 2014/15 is attached to this report.