

Sandwell Metropolitan Borough Council

18 July 2017

Annual Reports of the former Licensing Committee/Licensing Panels and former Licensing Miscellaneous Committee for the 2016/2017 Municipal Year

1. Summary Statement

- 1.1 The annual reports of the former Licensing Committee and Licensing (Miscellaneous) Committee for the 2016/17 municipal year are now submitted for consideration.
- 1.2 The former Licensing Committee was responsible for exercising the powers and duties of the Council with regard to licensing matters under relevant legislation
- 1.3 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.
- 1.4 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.

1.5 The former Licensing (Miscellaneous) Committee determined all matters in relation to the Council's powers and duties under the following Acts and Regulations:-

Betting, Gaming and Lotteries Act 1963;

Town Police Clauses Act 1847;

Local Government (Miscellaneous Provisions) Act 1976;

House to House Collections Act 1939;

Local Government (Miscellaneous Provisions) Act 1982;

Theatres Act 1968;

The Police, Factories etc. (Miscellaneous Provisions) Act 1916;

Consumer Credit Act 1974;

Safety of Sports Grounds Act 1975.

1.6 The key benefits of the Licensing (Miscellaneous) Committee were:-

(a) the protection of public health and safety;

(b) the establishment of professional and respected hackney carriage and private hire trades.

1.7 Both Committees were required to produce an annual report detailing activities undertaken throughout the year and identifying outcomes of the Committee.

1.8 For the 2017/18 municipal year, the former Licensing and Licensing Miscellaneous Committees have been merged to create one single Licensing Committee responsible for discharging the functions of the Council in relation to the complete range of licenses.

2. Recommendation

2.1 That the annual reports of the former Licensing Committee/ Licensing Panels and the Licensing (Miscellaneous) Committee for the 2016/2017 municipal year be received.

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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 2016/17 delegated the majority of its licensing functions to the Licensing Panels and/or officers.
- 4.9 In making its decisions, the former Licensing (Miscellaneous) Committee considered the following elements of the Human Rights Act 1998:-
- i) Article 6 which states that in determination of a person's civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law;
 - ii) Article 8 which states that everyone has the right to respect for his private and family life, his home and his correspondence;
 - iii) Part II, Article 1 of the Act which states that every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles on international law.

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;
- (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.

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 reports of the former Licensing Committee and the former Licensing (Miscellaneous) Committee for the 2016/17 municipal year are attached to this report.