

**Sandwell Metropolitan Borough Council**

**Licensing Committee**

**3<sup>rd</sup> June 2005**

**Establishment of Licensing Panels**

**1. Summary Statement**

- 1.1 Under the provisions of the Licensing Act 2003, the Licensing Committee may establish one or more Licensing Sub-Committees or Panels to assist in the discharge of the licensing functions under the Act. The Committee is therefore invited to establish Licensing Panels for the 2005/2006 municipal year.
- 1.2 During 2004/2005, 3 Licensing Panels were established, with the membership drawn from the 15 members of the Licensing Committee. The Act specifies that each sub-committee (Panel) shall consist of 3 members. However, given the possible number of applications to be dealt with, it is considered important to ensure that there will always be 3 members who are able to consider an application. In order to allow for illness, for example, or for instances where a member considers it would be inappropriate for him or her to proceed to hear a case, it is proposed that the Panels appointed shall each consist of 4 members, and that at each meeting the members shall agree between themselves which of them shall constitute the Panel on that day. The fourth member shall remain at the meeting as a reserve member.
- 1.3 Since it is important to ensure that there will always be 4 members present at a Licensing Panel meeting, it is recommended that the 3 members of the Licensing Committee who are not appointed as a member of a particular Panel be appointed as substitute members of the Panels, and that authority be given to the Head of Legal and Democratic Services to call them to meetings when necessary.
- 1.4 The terms of reference of the Licensing Panels for 2004/2005 are attached.

*Further details are attached for your information*

## 2. **Recommendations**

- 2.1 That 3 Licensing Panels, each consisting of 4 members of the Licensing Committee, be established to undertake those functions set out in the terms of reference now submitted, and that members be appointed to those Panels.
- 2.2 That those 3 members of the Licensing Committee who are not appointed to a Licensing Panel be appointed as substitutes for any member on a Panel and that authority be delegated to the Head of Legal and Democratic Services to call them to meetings of a Panel when necessary;
- 2.3 That the Monitoring Officer be authorised to make the necessary changes to the Council's Constitution, in accordance with Article 15 of the Constitution, in order to reflect the decisions of the Committee on recommendations 2.1 to 2.3 above.

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### **3. Strategic Resource Implications**

- 3.1 The costs arising from the administration and servicing of the Licensing Panels will be met from existing budgets.

### **4. Legal and Statutory Implications**

- 4.1 The Licensing Act 2003 places a duty on local authorities to undertake the licensing functions specified in the Act.
- 4.2 Section 10 of the Act allows 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. However, in any case where relevant representations have been made then an Officer cannot deal with the application and the matter must be determined by members.

### **5. Implications for the Council's Corporate Priorities**

- 5.1 The Licensing Act 2003 has four licensing objectives which are highly pertinent to the Council's corporate 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 The proposals contained within the report would have implications on the following corporate priorities:-
- (i) Clean, Tidy and Safe Borough- The Licensing function under the Licensing Act 2003 is key to the partnership working with "responsible Authorities" such as the police, fire, child protection, planning, and other agencies dealing with issues of safety, crime and disorder, anti-social behaviour, alcohol abuse relating to the licensable activities of liquor, public entertainment, and late night refreshment.
  - (ii) Local Communities- Whilst the legislation and duties relate to the whole of Sandwell, members of all local communities will benefit

from the additional controls that the Act will place on licensable activities on premises in the community.

- (iii) Protection and support for vulnerable children- There is always the potential for children to gain access to inappropriate public entertainment, and for under-age sales from premises targeted by this Act. The licensing function and associated test purchasing regarding under-age sales will strengthen the existing protection.

5.3 The licensing function already feeds into the Crime and Disorder Action Plan, Anti-Social Behaviour Plan, and Violent Crime / Alcohol Group action plan, but will have a greater role to play as the new legislation is enacted. Officers have reported directly to the Safer Sandwell Partnership Executive on licensing aspects of the above.

## 6. **Background Details**

None

### Source Documents

Licensing Act 2003.