

Minutes of the Licensing Committee

23rd March, 2007 at 9.30 a.m.
at the Sandwell Council House, Oldbury

Present: Councillor Silvester (Chair);
Councillors Mrs Edis, Mrs A Hughes, McHard, Mrs Macklin,
Rouf and A Underhill.

Apologies: Councillors Dr Crumpton, R L Horton and Tagger.

3/07 **Minutes**

Resolved that the minutes of the meeting held on 23rd February, 2007 be confirmed as a correct record.

4/07 **Attendance**

The Chair expressed concern with regard to the level of attendance at the Committee and commented that in future he expected full attendance by members as far as possible.

5/07 **Gambling Act 2005**

Further to Minute No 2/07, the Committee was informed that the Council at its meeting on 6th March, 2007, had:

- (a) approved revised terms of reference for the Licensing Committee to give effect to Section 154 of the Gambling Act 2005 [the 2005 Act];
- (b) reserved to itself functions relating to Section 166 (Casino Resolution) and Section 349 (Statement of Principles);
- (c) delegated responsibility for setting fees and charges under the 2005 Act to the Licensing Committee, subject to consultation with the appropriate Cabinet Member on the budgetary implications;

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- (d) revised the terms of reference for the Licensing Policy Review Group; and
- (e) delegated enforcement and authorisation functions under the 2005 Act to the Head of Environmental Health and Trading Standards.

The Licensing Committee now needed to consider a number of matters in consequence of the decisions of the Council.

The Licensing Committee had already established sub-committees, that is, Panels, and was responsible for regulating the procedures of the Licensing Panels. Proposed revised terms of reference for the Licensing Panels to take into account the provisions of the 2005 Act were submitted for consideration.

The Licensing Committee was also enabled by Section 154 of the 2005 Act to delegate functions to its Panels or to an officer. Proposed delegations from the Licensing Committee to the Head of Environmental Health and Trading Standards to allow officers to carry out their operational duties under the 2005 Act were also submitted for consideration.

Members would be updated on any further significant changes in due course.

Resolved:-

- (1) that the revised terms of reference for the Licensing Panels as set out in Appendix 1 be approved;
- (2) that the scheme of delegations to officers set out in Part 3 of the Council's Constitution (Responsibility for Functions) be amended by the addition of the following:

'To authorise the Head of Environmental Health and Trading Standards or appropriate officer to determine the following applications in the circumstances indicated:

Nature of Application	Prevailing Circumstance.
Application for premises licence	No representations received or where representations have been withdrawn.

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Nature of Application	Prevailing Circumstance.
Application for a variation to a licence	No representations received or where representations have been withdrawn.
Application for a transfer of a licence	No representations received from the Gambling Commission
Application for a provisional statement	No representations received or where representations have been withdrawn
Application for club gaming/club machine permits	No objections made or where objections have been withdrawn.
Applications for other permits	
Cancellation of licensed premises gaming machine permits	
Consideration of temporary use notice	

- (3) that the Head of Legal Services, in consultation with the Head of Governance Services, 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 set out in (1) and (2) above.

(The meeting ended at 9.45 am)

*Contact Officer: Lorna Campbell
Democratic Services Unit
0121-569 3261*

Licensing Panel

The Licensing Panel shall:-

1. exercise those functions of the Licensing Committee under the Licensing Act 2003 and any regulations made under that Act, together with any related functions, with the exception of:-
 - a) any function conferred on the Licensing Authority by Section 5 of the Licensing Act 2003 (Statement of Licensing Policy);
 - b) any function discharged under Section 7(5)(a) of that Act by a committee other than the Licensing Committee;
 - c) any function specifically reserved to the Licensing Committee;

and in particular, deal with the following matters in the circumstances indicated:-

Application for personal licence	If a police objection has been made
Application for personal licence with unspent convictions	All cases
Application for premises licence / club premises certificate	If a relevant representation is made
Application for provisional statement	If a relevant representation is made
Application to vary premises licence / club premises certificate	If a relevant representation is made
Application to vary designated premises supervisor	If a police objection has been made
Application for transfer of premises licence	If a police objection has been made
Applications for interim authorities	If a police objection has been made
Application to review premises licence / club premises certificate	All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases
Determination of a police objection to a temporary event	All cases

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notice

- (2) exercise those functions of the Licensing Committee under the Gambling Act 2005 and any regulations made under that Act, together with any related functions, with the exception of:-
- a) any function conferred on the Licensing Authority by Section 166 of the Licensing Act 2005 (Casino Resolution);
 - b) any function conferred on the Licensing Authority by Section 212 of the Licensing Act 2005 (Fees);
 - c) any function conferred on the Licensing Authority by Section 349 of the Licensing Act 2005 (Statement of Principles);
 - d) any function specifically reserved to the Licensing Committee;

and in particular, deal with the following matters in the circumstances indicated:-

Application for premises licence	If a relevant representation is made
Application for a variation to a licence	If a relevant representation is made
Application for a transfer of a licence	If a relevant representation is made
Application for provisional statement	If a relevant representation is made
Application for club gaming/club machine permits	If a relevant representation is made
Cancellation of club gaming/club machine permits	
Review of premises licence	
Decision to give a counter notice to a temporary use notice	