

Minutes of the Licensing Committee

18th May, 2007 at 9.15 a.m.
at the Sandwell Council House, Oldbury

Present: Councillor Silvester (Chair);
Councillor Rouf (Vice-Chair);
Councillors Allen and Mrs A Hughes.

Apologies: Councillors Dr Crumpton and Mrs Giles.

8/07 **Gambling Act 2005**

Members were reminded that the key implementation dates for the provisions of the 2005 Act are 21st May 2007, when the Council as the Licensing Authority would need to be in a position to start processing applications, and 1st September 2007 when the transition period ends, and new licences take effect.

Section 154 of the 2005 Act delegates certain matters to the Licensing Committee and the Committee may arrange for the discharge of certain of its functions by a Panel established by it, or an officer of the Licensing Authority. The Committee had already established Panels consisting of three members of the Committee.

The Licensing Committee is responsible for regulating the procedures of the Licensing Panels and the terms of reference for the Licensing Panels and in order to take into account the provisions of the 2005 Act, a revised terms of reference was now submitted.

The Council's scheme of delegation to officers had also been amended to reflect the 2005 Act. The proposed delegations to the Head of Environmental Health and Trading Standards to allow officers to carry out their operational duties under the 2005 Act was also outlined.

The 2005 Act also provides that the Council as Licensing Authority was designated a "Responsible Authority", with the right to object to the grant of licences, or to ask for a review.

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Section 154 of the 2005 Act provides that the Licensing Authority shall delegate this function to the Licensing Committee however; it is usual to delegate such functions to appropriate officer/s and the Licensing Committee was requested to authorise the Head of Environmental Health and Trading Standards to carry out this function.

Resolved:

- (1) That the revised terms of reference for the Licensing Panels as set out in Appendix 1 to the report, 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 as set out in Appendix 2 to this report be approved;
- (3) That the Head of Environmental Health and Trading Standards be authorised to act in situations where the Licensing Authority is also acting as a "Responsible Authority";
- (4) 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 Council on recommendations above.

(The meeting ended at 9.25 a.m.)

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