

Minutes of the Licensing Committee

17th January, 2008 at 2.00pm
at the Sandwell Council House, Oldbury

Present: Councillor Silvester (Chair);
Councillor Rouf (Vice-Chair);
Councillors Edis, Dr Crumpton, A Hughes, R Horton, Sakhi
and A Underhill.

Apologies: Councillors Allen, Frear, Tagger, G Turton and L Turton.

01/07 **Minutes**

Resolved that the minutes of the meetings held on 9th
November, 2007 be approved as a correct record.

02/08 **Gambling Act 2005 Procedure and Licensing Act 2003 – Revised Procedure**

The Committee established its Licensing Panels on 25th May, 2007 in order to discharge the licensing functions under the Licensing Act 2003 and the Gambling Act 2005.

The Licensing Committee had already delegated the majority of its licensing functions to the Licensing Panels and/or officers.

Regulation 21 of the Licensing Act 2003 (Hearings) Regulations 2005 states that the Authority shall determine the procedure to be followed at the hearing and Regulation 22 states that the Authority shall explain to the parties the procedure which it proposes to follow at the hearing. "Authority" is defined in Regulation 2 as meaning to include the Licensing Committee or Licensing Sub Committees (Panels) discharging the function of holding the hearing.

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.

Procedures for use when considering matters under the Gambling Act

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2005; and also a revised procedure for the Licensing Act 2003 were submitted to the Committee for consideration and approval.

Members commented that they would like to allow parties to raise matters that were not mentioned in original representations, in view of the fact that on occasions incidents and matters may arise after original representations were made.

The Committee was advised that as far as the Licensing Act 2003 matters were concerned, the Statutory Guide made it clear that responsible authorities and interested parties could not add further representations at the hearing, but could expand on existing representations. In an event the Committee was advised that such matters could be contended on the grounds that individuals did not have time to address the issues raised or prepare a defence.

As far as the Gambling Act 2005 matters were concerned there was no similar guidance on the issue, but that this had been taken up with LACORs.

Resolved that the Gambling Act 2005 procedures in Appendix 3 and the revised procedures in respect of the Licensing Act 2003 in Appendix 4 set out in the report, be approved.

(The meeting ended at 2.05 p.m.)

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