

Minutes of the Licensing Committee

30th May, 2012 at 4.30 pm
at the Sandwell Council House, Oldbury

Present: Councillor Allen (Chair);
Councillors.

Apologies: Councillors Dr Crumpton, Piper and A Underhill.

Observer: Councillor P M Hughes

7/12 **Minutes**

Resolved that the minutes of the meeting held on 27th January, 2012, be confirmed as a correct record.

8/12 **Establishment of Licensing Panels**

The Committee considered a report indicating that under the provisions of the Licensing Act 2003, the Licensing Committee may establish one or more Licensing Sub-Committees (referred to in this Council as Panels) to assist in the discharge of the licensing functions under the Licensing Act 2003. Certain functions of the Gambling Act, 2005 were also discharged by these panels.

The Licensing Act 2003 specified that each Sub-Committee (Panel) should consist of three members of the Licensing Committee.

Members also gave consideration to the Terms of Reference for Licensing Panels.

Resolved:

- (1) that four Licensing Panels be established, each comprising three members of the Licensing Committee;
- (2) that members be appointed to those Panels, and that a Chair be appointed to each Panel, as indicated below:

Licensing Committee – 30th May, 2012

Panel 1

Councillor Allen (Chair);
Councillors Piper and Dr T Crumpton.

Panel 2

Councillor Allen (Chair);
Councillors Tranter and Wilkinson.

Panel 3

Councillor Allen (Chair);
Councillors E A Giles and Dhallu.

Panel 4

Councillor Silvester (Chair);
Councillors A Underhill and Hadley.

- (3) that the Director – Legal and Governance Services, in consultation with the Chair of the Licensing Committee, be authorised to select replacement members from the Licensing Committee as necessary to serve on Licensing Panels to ensure a quorum should a named member not be available for a meeting or unable to consider a particular case due to a conflict of interest;
- (4) that the terms of reference, as attached, be approved.

(The meeting ended at 4.50 pm)

Contact Officer: Sarah Sprung Democratic Services Unit 0121 569 3200
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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 relevant convictions.	If a police objection is made
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.

Licensing Panel (Cont)

Decision to object when local authority is a consultee and not the relevant authority considering the application. All cases.

Determination of a police or Environment Health objection to a temporary event notice. All cases.

(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 Gambling Act 2005 (Casino Resolution);
- b) any function conferred on the Licensing Authority by Section 212 of the Gambling Act 2005 (Fees);
- c) any function conferred on the Licensing Authority by Section 349 of the Gambling 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

Licensing Panel (Cont)

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.

end

