

Minutes of the Licensing Committee

1st March 2018 at 10.00am
at the Sandwell Council House, Oldbury

Present: Councillor Piper (Chair);
Councillors, K Davies, P Davies S Davies, Edis,
Lewis, Tranter and White.

Apologies: Councillor Dr Crumpton, Downing, Eaves, Gavan,
Goult and Millard

1/18 **Minutes**

Resolved that the minutes of the meeting of the Licensing Committee, held on 26th Mary, 2018 be confirmed as a correct record.

2/18 **Review of Fees and Charges under the Licensing Act 2003 and the Gambling Act 2005**

At its meeting on 7th February 2018, the Cabinet recommended that the Licensing Committee approve the fees and charges in relation to premises licences and other permissions under the Licensing Act 2003 and the Gambling Act 2005, as set out in the appendix, with effect from 1st April 2018.

The Council's Financial Regulations required an annual review of fees and charges. In considering proposed charges for 2018/19, the Council was required to consider its statutory obligations, the cost of service delivery, the demand for services and how proposed charges compared to neighbouring authorities.

Licensing Committee – 1st March, 2018

The Council's policies under both the Licensing Act 2003 and Gambling Act 2005 were subject to regular review and consultation with the widest possible range of stakeholders. The list of stakeholders was subject to agreement with the Licensing Committee. The Council's Gambling Policy 2005 Statement of Principles was approved by Council on 20th October 2015 and implemented on 31st January 2016.

Benchmarking had indicated that, where relevant fees or charges applied, charges were still comparative with neighbouring authorities. The Gambling Act 2005 required that when setting fees, the local authority must aim to ensure that the income raised equated to the cost of providing the service to which the fee related.

An equality impact assessment had been carried out and no issues had been identified which impacted on a particular group and therefore a full assessment was not required.

Resolved that the fees and charges for 2018/19 for premises licences and permissions under the Licensing Act 2003 and the Gambling Act 2005, as set out in Appendix 1, be approved with effect from 1st April 2017.

3/18

Licensing Update

The Committee received a presentation in respect of the Licensing Act 2003.

A House of Lords Select Committee carried out a review of the Licensing Act 2003 there recommendations included:-

- issues in respect of licensing committees;
- it was felt that planning committees were better placed for making licensing decisions and Licensing appeals would go to the planning inspectorate;
- the late-night levy did not pay for the cost of policing as intended;
- fees for licensing should be set locally not nationally;
- the legality of Minimum Unit Pricing was still under consideration by the Supreme Court. If it was found to be lawful and was introduced in Scotland, and was found to be effective in cutting down excessive drinking, England and Wales should follow Scotland's lead;

Licensing Committee – 1st March, 2018

- Scotland's example should also be followed in helping disabled people to access licensed premises by requiring an application for a premises licence to include a disabled access statement;
- there was no justification for the Licensing Act not applying to sales airside at airports;
- in Scotland, the minimum pricing of 50p per unit would be brought into force May 2018, and indications had been that the Government would monitor what happened in Scotland prior to making a decision on implementation in England;
- Local Authority that continued to take applications to Committee when all parties had agreed conditions and resolved issues would have to justify why the matter was still being referred to Committee;
- sections 21 and 23 of the hearings regulations was not subject to change, but guidance to Councillor conduct at hearings would be updated through the Local Government Association Handbook for Councillors;
- there were currently no changes to advertising however proposals being considered were to stop the need to advertise in a local newspaper. The blue notice outside premises may become less prescriptive in the way they have to be prepared;
- the Government were not looking at adding any additional licensing objectives as had been suggested in respect to disability considerations;

The presentation concluded with information in respect of new ways of consuming alcohol.

There was to be a change in the definition of alcohol via the Policing and Crime Act 2017 – section 135 would include non-liquid forms of alcohol within the Act so that it read liquor in any state.

(The meeting ended at 10.55am)

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