

Minutes of the Licensing Committee

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

- Present:** Councillor Piper (Chair);
Councillors Dr T Crumpton and White (Vice Chairs);
Councillors S Crumpton, K Davies, P Davies,
Downing, Eaves, Lewis, Millard and Padda.
- Apologies:** Councillor Allen, S Davies, L Giles and Tranter.

4/18 **Minutes**

Resolved that the minutes of the meeting of the Licensing Committee, held on 1st March 2018, be confirmed as a correct record.

5/18 **Establishment of Licensing Sub Committees**

Approval was sought to establish Licensing Sub Committees for the municipal year 2018/2019.

Under the provisions of the Licensing Act 2003, the Licensing Committee may establish one or more Licensing Sub Committees to assist in the discharge of the licensing functions under the Licensing Act, 2003. Further such functions of the Gambling Act, 2005 may also be discharged by those Sub Committees.

The Licensing Act 2003 specifies that each Sub Committee shall consist of three members of the Licensing Committee. The Council at its meeting on 22 May, 2018 appointed a Licensing Committee comprising 15 members, including one Chair and two Vice Chairs.

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It is proposed that three Sub Committees, consisting of five members, with a Chair/Vice Chair each sitting on a Sub Committee, be appointed for 2018/19. However, in accordance with the provisions of the Act, Sub Committees sitting to consider Licensing Act 2003/Gambling Act 2005 functions must consist of only three members.

The Director – Monitoring Officer, in consultation with the Chair of the Licensing Committee, was authorised to select members from the Licensing Committee to serve on Sub Committees as necessary and 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.

Approval was also sought to the terms of reference for the Sub Committees, as set out in Appendix 1.

Resolved:-

- (1) that the Terms of Reference for the Licensing Sub Committees, as set out in Appendix 1, be approved;
- (2) that three Sub Committees be established, to undertake those functions set out in the terms of reference referred to in (1) above, each comprising three members of the Licensing Committee when considering matters in relation to the Licensing Act 2003/Gambling Act 2005 and five members of the Licensing Committee when considering matters affecting applications for licences and licences previously granted under the terms of the Local Government (Miscellaneous Provisions) Act 1976;
- (3) that, in connection with (1) and (2) above, members be appointed to the Sub Committees, as set out in Appendix 2;
- (4) that the Director – Monitoring Officer, in consultation with the Chair of the Licensing Committee, be authorised to select members from the Licensing Committee as necessary to serve on Licensing Sub Committees 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;

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- (5) that the Head of Governance be authorised to make the necessary changes to the Council's Constitution in order to reflect the decisions of the Committee on the above recommendations.

6/18

Annual Report of the Licensing Committee 2017-2018

The Committee considered the proposed Annual Report of the Licensing Committee for the 2017-2018 municipal year.

Members discussed the annual report and concluded that it included the pertinent points required to enable Council to gain an understanding of the business conducted.

Resolved that the Annual Report of the Licensing Committee for the 2017-2018 municipal year be approved and submitted to Council on 17th July, 2018.

(The meeting ended at 10.13am)

Contact Officer: Trisha Newton Democratic Services Unit 0121 569 3193

Licensing Sub Committee

Terms of Reference

Statutory Licensing Committee

- (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.
Determination of interim steps pending summary review	All cases

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Decision to give counter notice following police objection to temporary event notice	All cases
Review following review notice	If a police objection has been made.
Review following closure order	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 or environmental health objection to a temporary event notice.	All cases. All cases.
Review of provisional licence to consider revocation or suspension.	

- (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;

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

Application for premises licence.	If a relevant representation is made
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Application for a variation to a licence.	If a relevant representation is made
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Application for a transfer of a licence.	If a relevant representation is made
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Application for provisional statement.	If a relevant representation is made
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Application for club gaming/club machine permits.	If a relevant representation is made
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Application for licensed premises gaming machine permits	If a relevant representation is made
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Cancellation of club gaming/club machine permits.

Review of premises licence.

Decision to give a counter notice to a temporary use notice.

Section 101 of the Local Government Act 1972

- (3) Functions relating to the licensing of private hire and hackney carriage licenses, with the exception of any review and recommendations to the Cabinet on the guidance for use in connection with applications for private hire and hackney carriage licenses;
- (4) Exercise those functions of the Licensing Committee under Section 101 of the Local Government Act 1972 the Council's powers and duties under the following Acts and Regulations:-

Betting, Gaming and Lotteries Act 1963;

Town Police Clauses Act 1847;

Local Government (Miscellaneous Provisions) Act 1976;

House to House Collections Act 1939;

Local Government (Miscellaneous Provisions) Act 1982;

Theatres Act 1968;

The Police, Factories etc. (Miscellaneous Provisions) Act 1916;

Safety of Sports Grounds Act 1975.

- (5) The registration and licensing of matters under other existing or future miscellaneous statutes, government directives or directions not referred to or dealt with by any other Committee, including in particular, and where appropriate to this Council, those functions B 1 to B 72 inclusive set out in Appendix 1 (Functions not to be the responsibility of an Authority's Executive) to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.
- (6) Functions under any of the "relevant statutory provisions" within the meaning of Part 1 (Health, safety and welfare in connection with work, and the control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.
- (7) Functions for the licensing of sex establishments in accordance with the Local Government (Miscellaneous Provisions) Act 1982 Section 2 and Schedule 3, together with any regulations made under the Act.

ends

Statutory Licensing Sub Committee

	Councillor Piper (Abbey)	Councillor Dr Crumpton (Old Warley)	Councillor White (Cradley Heath & Old Hill)
A	Councillor P Davies (Hateley Heath) Councillor L Giles (Wednesbury North)	Councillor Lewis (Friar Park) Councillor Millard (Blackheath)	Councillor S Crumpton (Oldbury) Councillor S Davies (Langley)
B	Councillor Allen (Great Bridge) Councillor Downing (Oldbury)	Councillor Eaves (Rowley) Councillor Padda (Greets Green & Lyng)	Councillor K Davies (Smethwick) Councillor Tranter (Rowley)

Non-Statutory Licensing Sub Committee

Sub Committee 1

Councillor Piper
Councillor P Davies
Councillor L Giles
Councillor Allen
Councillor Downing

Sub Committee 2

Councillor Dr Crumpton
Councillor Lewis
Councillor Millard
Councillor Eaves
Councillor Padda

Sub Committee 3

Councillor White
Councillor S Crumpton
Councillor S Davies
Councillor K Davies
Councillor Tranter