

Agenda Licensing Committee

**Monday 4 March 2024 at 10.30 am
in Committee Room 1 - Sandwell Council House, Oldbury**

- | | | |
|---|--|---------|
| 1 | Apologies for Absence | 5 - 6 |
| | To receive any apologies for absence. | |
| 2 | Declarations of Interest | 7 - 8 |
| | Members to declare any interests in matters to be discussed at the meeting. | |
| 3 | Minutes | 9 - 16 |
| | To confirm the minutes of the meetings held on 9 and 14 June 2023 as a correct record. | |
| 4 | Appointment to Licensing Sub Committees | 17 - 22 |
| | To consider the appointments to the Licensing Sub Committees. | |



Shokat Lal
Chief Executive
Sandwell Council House
Freeth Street
Oldbury
West Midlands

Distribution

Councillor J Giles (Chair)
Councillors Fenton, Lewis, E M Giles, Hemingway, A Hussain, Jalil, Johnston,
Khan, Loan, J Singh, N Singh, Tromans, Weston and Wilkes

Contact: democratic_services@sandwell.gov.uk

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Licensing Committee

Apologies for Absence

To receive any apologies for absence from the members of the Committee.



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Licensing Committee

Declarations of Interest

Members to declare any interests in matters to be discussed at the meeting.



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Minutes of Licensing Committee

Wednesday 9 June 2023 at 10.30am
in the Council Chamber, Sandwell Council House, Oldbury

Present: Councillor J Giles (Chair);
Councillors Fenton and Hussain.

Also present: Councillor Lewis.

Officers: Makhan Singh Gosal (Senior Licensing Officer);
Geeta Bangerh (Licensing Officer);
David Elliot (Legal Advisor);
Connor Robinson (Democratic Services Officer);
John Swann (Democratic Services Officer).

In Attendance: Nicola Stansbie (West Midlands Police);
Vijendra Singh (Applicant and Licensee);
Gurbir Singh (General Manager);
Dennis Alle (Security Consultant).

1/23 **Apologies for Absence**

No apologies for absence were received.

2/23 **Declarations of Interest**

There were no interests declared at the meeting.



Objection to a Temporary Event Notice – Red Leaf Village, 28-32 High Street, West Bromwich, B70 6JT

The Committee considered the objection made by West Midlands Police to a Temporary Event Notice (TEN) in respect of Red Leaf Village, 28- 32 High Street, West Bromwich, B70 6JT.

The Applicant – Mr Vijendra Singh was in attendance and was accompanied by the premises General Manager and a Security Consultant who was employed by the venue.

The Committee was advised that representations had been received from West Midlands Police objecting to the Temporary Event Notice due to the Licensing Objectives being undermined if it were to be granted.

The West Midlands Police Representative outlined that a satisfactory risk assessment had not been received and that concerns existed relating to the enforcement of the venue's maximum occupancy of 300 patrons.

The Applicant outlined that previous events of a similar nature, in conjunction with the same external promoter which had operated under TENs had taken place previously.

The Applicant explained that previous events had not been fractious in nature and that representations from responsible authorities or complaints from residents had not been received.

In response to representations from West Midlands Police, the Applicant provided a risk assessment and outlined that the venue had a dispersal policy in place to address concerns relating to the venue's capacity and maximum occupancy.

No representations from Environmental Health had been made.

The Committee took advice from its Legal Advisor before adjourning to make a decision on the objection.



Licensing Committee – 9 June 2022

The Committee had taken into account representations made by all parties and was minded to grant the application for a Temporary Event Notice. The Committee noted that two similar events in conjunction with the same external promoter had occurred within previous months with no objections from West Midlands Police, Environmental Health or any known complainants. In addition, Members were satisfied by the Applicant's assurances and the risk assessment provided to the committee and noted that he was an experienced Designated Premises Supervisor and Licensee.

Resolved that the application for a Temporary Event Notice in respect of Red Leaf Village, 28- 32 High Street, West Bromwich, B70 6JT be granted.

In making its decision the Committee took into account the Licensing Act itself, the Section 182 Guidance and noted that it must carry out all its functions under the Act with a view to promoting the licensing objective. It also took into account the Human Rights Act 1998.

Meeting ended at 12.48pm
(Meeting adjourned between 11.22am – 11.42am)

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Minutes of Licensing Committee

**Wednesday 14 June 2023 at 10.07am
in the Council Chamber, Sandwell Council House, Oldbury**

Present: Councillor J Giles (Chair);
Councillors Fenton (Vice- Chair), Lewis (Vice- Chair), E
Giles, Hussain, Jalil, Khan, Loan and Tromans.

Also present: Councillor Randhawa.

Officers: Liz Nembhard (Operations manager – Citizen and Consumer Protection), Alasdair Morrison (Operations Manager - Regulatory Services), David Elliot (Legal Advisor), Fiona Gee (Taxi Licensing Supervisor), Trisha Newton (Deputy Democratic Services Manager), Johane Gandiwa (Committee and Constitutional Services Lead Officer), Connor Robinson (Democratic Services Officer); and John Swann (Democratic Services Officer).

4/23 **Apologies for Absence**

Apologies for absence were received from Councillor Kausar.

5/23 **Declarations of Interest**

There were no interests declared at the meeting.

6/23 **Minutes**

Resolved that the minutes of the meetings held on 16 August 2022 be confirmed as a correct record.



Establishment of Licensing Sub Committees

Approval was sought to establish and appoint Members to the Licensing Sub-Committees for the Municipal Year 2023/ 24.

Under the provisions of the Licensing Act 2003, the Licensing Committee could 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 could also be discharged by those Sub-Committees.

The Council at its meeting on 23 May 2023 had appointed a Licensing Committee comprising 15 members, including one Chair and two Vice- Chairs. It was proposed that three Sub-Committees, consisting of five members, with a Chair/ Vice- Chair each sitting on a Sub- Committee, be appointed for 2023/24. However, in accordance with the provisions of the Act, Sub-Committees sitting to consider Licensing Act 2003/ Gambling Act 2005 functions would consist of only three members.

The Director - Law and Governance and 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 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.

Resolved:-

- (1) that the Terms of Reference for the Licensing Sub-Committees, as set out in Appendix 1 of the report, 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 previously granted under the terms of the Local Government (Miscellaneous Provisions) Act 1976, and that the Committee make appointments to those Sub- Committees;
- (3) that the Director of Law and Governance - 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;
- (4) that the Director of Law and Governance - Monitoring Officer 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.

8/23

Annual Report of the Licensing Committee

The Committee considered the proposed Annual Report of the Licensing Committee for the 2022/23 Municipal Year.



Licensing Committee – 14 June 2022

Resolved that the Annual Report of the Licensing Committee for the 2022/ 23 municipal year be approved and submitted to the next meeting of Full Council.

Meeting ended at 10.14am

Contact: democratic_services@sandwell.gov.uk



Report to Licensing Committee

4 March 2024

Subject:	Appointment to Licensing Sub Committees
Director:	James McLaughlin Assistant Chief Executive
Contact Officer:	Connor Robinson Democratic Services Officer connor1_robinson@sandwell.gov.uk

1 Recommendations

- 1.1 To approve changes to the appointment to Sub Committees to reflect changes in membership approved at Council on 12 December 2023, with each Sub Committee comprising three members of the Licensing Committee when considering matters in relation to the Licensing Act 2003/Gambling Act 2005 and to be made up of up to six 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;
- 1.2 that the Licensing Committee make appointments to the Sub Committees for the purposes detailed in 1.1.


2 Reasons for Recommendations

- 2.1 At its annual meeting on 23 May 2023, the Council appointed a statutory Licensing Committee which would also sit as the Council Committee to carry out other licensing functions.
- 2.2 At its meeting on 12 December 2023, the Council agreed to the Revisions to Committees/Boards/Other Bodies, whereby Councillor Johnston replaced Councillor Abrahams and Councillor Hemingway replace Councillor Davies.



- 2.3 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.
- 2.4 The Committee is invited to establish Licensing Sub Committees for the remainder of the municipal year 2023/2024.
- 2.5 The Licensing Act 2003 specifies that each Sub Committee shall consist of three members of the Licensing Committee. The Council at its meeting on 23 May 2023 appointed a Licensing Committee comprising 15 members, including one Chair and two Vice Chairs.

3 How does this deliver objectives of the Corporate Plan?

	<p>The Licensing Act 2003 has four licensing objectives which are highly pertinent to Ambition 5 of Sandwell's Vision 2030 these being:-</p> <ul style="list-style-type: none"> (a) the prevention of crime and disorder; (b) public safety; (c) the prevention of public nuisance; (d) the protection of children from harm. <p>Similarly, the Gambling Act 2005 has three licensing objectives, as follows:-</p> <ul style="list-style-type: none"> (a) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime; (b) Ensuring that gambling is conducted in a fair and open way; (c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.
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4 Context and Key Issues

The Licensing Sub Committees are appointed under the provisions of the Licensing Act, 2003 and are therefore not subject to the proportionality requirements of the Local Government and Housing Act 1989. However, other licensing functions will be subject to proportionality.



For 2023/24, the proportionality provisions will apply, when considering licensing functions other than those under the provisions of the Licensing Act 2003, and seats have been allocated to the Sub Committees accordingly.

6 Implications

Resources:	There are no direct resource implications arising from this report.
Legal and Governance:	<p>Section 3 of the Licensing Act 2003 provides that the Council is a Licensing Authority and as such the Council must carry out its functions under the Licensing Act, 2003. Under Section 6 of the Licensing Act, 2003 each Licensing Authority must establish a licensing committee consisting of at least ten, but not more than fifteen, members of the authority.</p> <p>Section 9 of the Licensing Act, 2003 states that a licensing committee may establish one or more sub-committees consisting of three members of the committee, and Section 10 provides that the committee may arrange for the discharge of any functions exercisable by it by a sub-committee established by it, or an officer of the licensing authority.</p> <p>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. Section 154 of the Gambling Act 2005 provides that all decisions, subject to exceptions, relating to premises licences are delegated to the licensing committee of the authority that has been established under Section 6 of the Licensing Act, 2003. Section 154(3) of the Gambling Act, 2005 states that Section 10 of the Licensing Act 2003 shall apply in relation to a function delegated to a licensing committee as they apply in relation to a function delegated under that Act.</p> <p>The 2003 Act and the 2005 Act allow the Licensing Committee to arrange for the discharge of any of its functions by a Sub-Committee or by an Officer of the</p>



	Licensing Authority. Arrangements may provide for more than one sub-committee or officer to discharge the same functions concurrently.
Risk:	There are no direct implications arising from this report.
Health and Wellbeing:	There are no health and wellbeing implications arising from this report.
Social Value	There are no social value implications arising from this report.
Climate Change:	There are no climate change implications arising from this report.
Corporate Parenting:	There are no corporate parenting implications arising from this report.

7. Appendices

Proposed Sub Committees



Statutory Licensing Sub Committee

	Councillor J Giles (Greets Green and Lyng)	Councillor Fenton (Bristnall)	Councillor Lewis (Smethwick)
A	Councillor N Singh (Oldbury) Councillor Tromans (Langley)	Councillor J Singh (Blackheath) Councillor A Hussain (Tipton Green)	Councillor Khan (Rowley) Councillor E M Giles (Newton)
B	Councillor Loan (St Paul's) Councillor Jalil (Oldbury) Councillor Weston (Charlemont with Grove Vale)	Councillor Hemingway (Abbey) Councillor Wilkes (Princes End) Councillor Weston (Charlemont with Grove Vale)	Councillor Johnston (Bristnall) Councillor Weston (Charlemont with Grove Vale)

Non-Statutory Licensing Sub Committee

Sub Committee 1	Sub Committee 2	Sub Committee 3
Councillor J Giles	Councillor Fenton	Councillor Lewis
Councillor N Singh	Councillor J Singh	Councillor Khan
Councillor Tromans	Councillor A Hussain	Councillor E M Giles
Councillor Loan	Councillor Hemingway	Councillor Johnston
Councillor Jalil	Councillor Wilkes	Councillor Weston
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