

Minutes of the Licensing Committee

20th June, 2014 at 10.00am
at the Sandwell Council House, Oldbury

Present: Councillor Allen (Chair);
Councillor Piper (Vice Chair)
Councillors K Davies, P Davies, S Davies, Eaves, Edis,
Gavan, Hadley, Lewis, Preece and Tranter.

4/14 **Minutes**

Resolved that the minutes of the meeting held on 31st January, 2014, be confirmed as a correct record.

5/14 **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.

On 11th June, 2014 the Council approved the terms of reference for the Licensing Committee and the discharge of its functions under the Licensing Act 2003 and the Gambling Act 2005. In addition the Council also approved that the Licensing Committee would also exercise the Council's functions relating to the licensing of sex establishments in accordance with the Local Government (Miscellaneous Provisions) Act 1982 Section 2 and Schedule 3.

It was reported that Section 103 of the Police Reform and Social Responsibility Act 2011 had amended Sections 13 and 69 of the Licensing Act 2003 to extend the list of responsible authorities to include the relevant licensing authority and any other licensing authority in whose area part of the premises was situated. It was proposed to designate the Trading Standards

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Manager as the appropriate officer for the discharging of functions. It was noted that the Committee's terms of reference had been amended to enable Licensing Panels to determine applications for licensed premises gaming machine permits under the Gambling Act 2005 if a relevant representation had been made. In the event that no representations had been received or had been withdrawn, it was proposed to delegate authority to the Area Director – Homes and Communities to determine the applications.

Resolved:-

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

Panel 1

Councillor Allen (Chair);
Councillors Piper and Tranter.

Panel 2

Councillor Allen (Chair);
Councillors K Davies and Hadley.

Panel 3

Councillor Allen (Chair);
Councillors Lewis and Preece.

Panel 4

Councillor Piper (Chair);
Councillors Eaves and S Davies.

Subs

Councillors P Davies, Edis and Gavan.

- (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;

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- (4) that the Trading Standards Manager be designated as the appropriate officer for the purpose of discharging the functions of the Council, under Sections 13 and 69 of the Licensing Act 2003;
- (5) that in the event no representations are made or where representations have been withdrawn, the Area Director – Homes and Communities be authorised to determine applications for licensed premises gaming machine permits under the Gambling Act 2005;
- (6) that subject to recommendations (4) and (5) above, the Director – Legal and Governance Services be authorised to make the necessary changes to the Council’s Constitution.

6/14

Annual Report of the Licensing Committee and Licensing Panels for the 2012/13 Municipal Year

The Committee considered the proposed Annual Report of the Licensing Committee and Licensing Panels for the 2013-2014 municipal year.

It was noted that the Council, on 18th May 2010, approved role descriptions for committee and scrutiny chairs and that these role descriptions included a responsibility to report periodically to Council on the performance of their duties.

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 and Licensing Panels for the 2013-2014 municipal year be presented to Council on 5th August, 2014.

(The meeting ended at 10.54am)

Contact Officer: Amy Simcox
Democratic Services Unit
0121 569 3736

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.
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Determination of a police or environmental health objection to a temporary event notice.	All cases.
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(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
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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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Licensing Panel (Cont)

Application for club gaming/club machine permits.

If a relevant representation is made

Application for licensed premises gaming 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.

- (3). exercise those functions of the Licensing Committee relating to the exercise of the Council's 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.