

Licensing Committee

**Friday 5 June, 2015, at 10.00am
in Committee Room 2
at Sandwell Council House, Freeth Street, Oldbury**

Agenda

(Open to Public and Press)

1. Apologies for absence.
2. Members to declare any interest in matters to be discussed at the meeting.
3. To confirm the minutes of the meeting held on 6 February, 2015, as a correct record.
4. Establishment of Licensing Panels.
5. Licensing Committee and Licensing Panel Annual Report 2014/15.

**Jan Britton
Chief Executive**

Sandwell Council House
Freeth Street
Oldbury
West Midlands

Distribution:

Councillor Allen (Chair);
Councillor Piper (Vice Chair);
Councillors Bawa, Dr Crumpton, K Davies, S Davies, Frear, Goult,
Hadley, Lewis, Preece and Tranter.

**Agenda prepared by Amy Simcox
Democratic Services Unit
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Apologies

To receive any apologies from members

Declarations of Interest

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

Minutes of the Licensing Committee

6th February, 2015 at 10.00am
at the Sandwell Council House, Oldbury

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

Apologies: Councillors Eaves and Hadley.

1/15 **Minutes**

Resolved that the minutes of the meeting held on 20th June 2014, be confirmed as a correct record.

2/15 **Review of Fees and Charges under the Gambling Act 2005**

The Committee considered a report detailing proposed charges for services for 2015/16 in relation to premises licences and other permissions under the Gambling Act 2005.

Members noted that the Council required all divisions to undertake a review of its fees and charges on an annual basis.

The Committee was advised that some of the fees were set by statute and so it was not possible to alter these charges. However, where it was possible to alter charges, a 3% uplift had been applied.

Licensing Committee – 6th February, 2015

Resolved: that the fees and charges for 2015/16 for Premises Licences and permissions under the Gambling Act 2005, as set out in the Appendix, be approved, with effect from 1st April, 2015.

(The meeting ended at 10.12am)

Contact Officer: Trisha Newton
Democratic Services Unit
0121 569 3193

Fees & Charges Approval Form 2015/16								
Service Provided	Standard Charge 2014/15	Proposed Charge 2015/16	Increase / (Decrease)		Concessionary Charge 2014/15	Proposed Concessionary Charge 2015/16	Increase / (Decrease)	
	£	£	£	%	£	£	£	%
Gambling Act 2005								
Converted casino premises licences:-								
Grant	1,165	1,200	35	3%	0	0	0	#DIV/0!
Annual fee	1,165	1,200	35	3%	0	0	0	#DIV/0!
Fee for application to vary licence	874	900	26	3%	0	0	0	#DIV/0!
Fee for application to transfer a licence	583	600	17	3%	0	0	0	#DIV/0!
Fee for application for reinstatement of a licence	583	600	17	3%	0	0	0	#DIV/0!
Copy licence	21	22	1	3%	0	0	0	#DIV/0!
Notification of change	31	32	1	3%	0	0	0	#DIV/0!
Bingo premises licence:-								
Grant	1,747	1,799	52	3%	0	0	0	#DIV/0!
Annual fee	466	480	14	3%	0	0	0	#DIV/0!
Fee for application to vary licence	759	782	23	3%	0	0	0	#DIV/0!
Fee for application to transfer a licence	525	541	16	3%	0	0	0	#DIV/0!
Fee for application for reinstatement of a licence	525	541	16	3%	0	0	0	#DIV/0!
Fee for application for provisional statement	1,747	1,799	52	3%	0	0	0	#DIV/0!
Copy licence	21	22	1	3%	0	0	0	#DIV/0!
Notification of change	31	32	1	3%	0	0	0	#DIV/0!
Betting premises (track) licence:-								
Grant	1,165	1,200	35	3%	0	0	0	#DIV/0!
Annual fee	466	480	14	3%	0	0	0	#DIV/0!
Fee for application to vary licence	583	600	17	3%	0	0	0	#DIV/0!
Fee for application to transfer a licence	466	480	14	3%	0	0	0	#DIV/0!
Fee for application for reinstatement of a licence	466	480	14	3%	0	0	0	#DIV/0!
Fee for application for provisional statement	1,165	1,200	35	3%	0	0	0	#DIV/0!
Copy licence	21	22	1	3%	0	0	0	#DIV/0!
Notification of change	31	32	1	3%	0	0	0	#DIV/0!
Betting premises (other) licence:-								
Grant	1,165	1,200	35	3%	0	0	0	#DIV/0!
Annual fee	292	301	9	3%	0	0	0	#DIV/0!
Fee for application to vary licence	583	600	17	3%	0	0	0	#DIV/0!
Fee for application to transfer a licence	466	480	14	3%	0	0	0	#DIV/0!
Fee for application for reinstatement of a licence	466	480	14	3%	0	0	0	#DIV/0!
Fee for application for provisional statement	1,165	1,200	35	3%	0	0	0	#DIV/0!
Copy licence	21	22	1	3%	0	0	0	#DIV/0!
Notification of change	31	32	1	3%	0	0	0	#DIV/0!
Family entertainment centre premises licence:-								
Grant	699	720	21	3%	0	0	0	#DIV/0!
Annual fee	350	361	11	3%	0	0	0	#DIV/0!
Fee for application to vary licence	466	480	14	3%	0	0	0	#DIV/0!
Fee for application to transfer a licence	409	421	12	3%	0	0	0	#DIV/0!
Fee for application for reinstatement of a licence	409	421	12	3%	0	0	0	#DIV/0!
Fee for application for provisional statement	699	720	21	3%	0	0	0	#DIV/0!
Copy licence	21	22	1	3%	0	0	0	#DIV/0!
Notification of change	31	32	1	3%	0	0	0	#DIV/0!
Adult gaming centre premises:-								
Grant	874	900	26	3%	0	0	0	#DIV/0!
Annual fee	466	480	14	3%	0	0	0	#DIV/0!
Fee for application to vary licence	466	480	14	3%	0	0	0	#DIV/0!
Fee for application to transfer a licence	525	541	16	3%	0	0	0	#DIV/0!
Fee for application for reinstatement of a licence	525	541	16	3%	0	0	0	#DIV/0!
Fee for application for provisional statement	874	900	26	3%	0	0	0	#DIV/0!
Copy licence	21	22	1	3%	0	0	0	#DIV/0!
Notification of change	31	32	1	3%	0	0	0	#DIV/0!
Temporary Use Notice:-								
Temporary Use Notice	500	500	0	0%	0	0	0	#DIV/0!
Licensed Premises Gaming Machine Permit:-								
Grant	150	150	0	0%	0	0	0	#DIV/0!
Grant (Existing Operator)	100	100	0	0%	0	0	0	#DIV/0!
Annual Fee	50	50	0	0%	0	0	0	#DIV/0!
Variation	100	100	0	0%	0	0	0	#DIV/0!
Transfer	25	25	0	0%	0	0	0	#DIV/0!
Change of Name	25	25	0	0%	0	0	0	#DIV/0!
Copy of permit	15	15	0	0%	0	0	0	#DIV/0!
Club Gaming & Club Machine Permits:-								
Grant or Renewal	200	200	0	0%	0	0	0	#DIV/0!
Grant or Renewal (Fast Track)	100	100	0	0%	0	0	0	#DIV/0!
Variation	100	100	0	0%	0	0	0	#DIV/0!
Annual Fee	50	50	0	0%	0	0	0	#DIV/0!
Copy of permit	15	15	0	0%	0	0	0	#DIV/0!
Lottery Registration:-								
Grant statutory fee	40	40	0	0%	0	0	0	#DIV/0!
Annual statutory fee	20	20	0	0%	0	0	0	#DIV/0!
Automatic Entitlement - upto two Cat C or D machines:-								
Notification	50	50	0	0%	0	0	0	#DIV/0!
Unlicensed Family Entertainment Centre:-								
Grant	300	300	0	0%	0	0	0	#DIV/0!
Grant (Existing Operator)	100	100	0	0%	0	0	0	#DIV/0!
Renewal	300	300	0	0%	0	0	0	#DIV/0!
Copy of permit	15	15	0	0%	0	0	0	#DIV/0!
Change of Name	25	25	0	0%	0	0	0	#DIV/0!
Prize Gaming Permit:-								
Grant	300	300	0	0%	0	0	0	#DIV/0!
Grant (Existing Operator)	100	100	0	0%	0	0	0	#DIV/0!
Renewal	300	300	0	0%	0	0	0	#DIV/0!
Copy of permit	15	15	0	0%	0	0	0	#DIV/0!
Change of Name	25	25	0	0%	0	0	0	#DIV/0!
Key:-								
Maximum allowed under Act								
Fees determined by statute and not subject to change								

Sandwell Metropolitan Borough Council

Licensing Committee

5 June, 2015

Establishment of Licensing Panels

1. Summary Statement

- 1.1 Under the provisions of the Licensing Act 2003, the Licensing Committee may establish one or more Licensing Sub-Committees (referred to by the Council as Panels) 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 Panels. The Committee is invited to establish Licensing Panels for the municipal year 2015/2016.
- 1.2 The Licensing Act 2003 specifies that each Sub-Committee (Panel) shall consist of three members of the Licensing Committee. The Annual Council at its meeting on 26 May, 2015 appointed a Licensing Committee comprising 12 members. It is proposed that four panels, of three members each, be appointed for 2015/16. It is also suggested that the Director - Governance, in consultation with the Chair of the Licensing Committee, be authorised to select replacement members from the Licensing Committee to serve on panels 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.
- 1.3 The revised terms of reference of the Licensing Panels for 2015/2016 are attached.

Further details are attached for your information.

2. Recommendations

- 2.1 That four Licensing Panels be established, to undertake those functions set out in the terms of reference now submitted, each comprising three members of the Licensing Committee, and that the Committee make appointments to those panels;

- 2.2 That the Licensing Committee appoint a Chair to each of the four Panels;
- 2.3 That the Director - Governance, 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.
- 2.4 That the Director Governance and 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.

Neeraj Sharma
Director - Governance

Contact Officers

Trisha Newton
Governance Services Lead
0121 569 3193

Stewart Wright
Principal Solicitor
0121 569 3267

3. Strategic Resource Implications

- 3.1 The costs arising from the administration and servicing of the Licensing Panels will be met from existing budgets.

4. Legal and Statutory Implications

- 4.1 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.
- 4.2 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.
- 4.3 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.

- 4.4 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.
- 4.5 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.
- 4.6 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.
- 4.7 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 Licensing Authority. Arrangements may provide for more than one sub-committee or officer to discharge the same functions concurrently.
- 4.8 The Licensing Committee has already delegated the majority of its licensing functions to the Licensing Panels and/or officers.
- 4.9 The Licensing Committee reviews the membership of the Panels each year following the appointment of members to the Licensing Committee at the Annual Council meeting.

5. Implications for the Council's Scorecard Priorities

- 5.1 The Licensing Act 2003 has four licensing objectives which are highly pertinent to the Council's Scorecard priorities, these being:-
- (a) the prevention of crime and disorder;
 - (b) public safety;
 - (c) the prevention of public nuisance;
 - (d) the protection of children from harm.
- 5.2 Similarly, the Gambling Act 2005 has three licensing objectives, as follows:-
- (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.

5.3 The proposals contained within the report have implications on the following Scorecard priorities:-

- (i) A safe and clean place to live - the licensing function under the 2003 Act and the 2005 Act relating to activities associated with gambling, public entertainment and alcohol is key to partnership working with “responsible Authorities” such as the police, fire, child protection, planning, and other agencies dealing with issues of safety, crime or disorder, anti-social behaviour, protecting the young and vulnerable in the community. Whilst the legislation and duties relate to the whole of Sandwell, members of all local communities will benefit from the additional controls that these Acts will place on gambling activities and entertainment activities associated with premises in the community.
- (ii) Active and Well People - Support for vulnerable children as there is always the potential for children to gain access to inappropriate public entertainment, and for under-age sales from premises targeted by the Licensing Act 2003. The licensing function and associated test purchasing regarding under-age sales will strengthen the existing protection. The provisions of the Gambling Act 2005 will provide similar protection in respect of gambling for this vulnerable group.

5.4 The licensing function already feeds into the Crime and Disorder Action Plan, Anti-Social Behaviour Plan, and Violent Crime/Alcohol Group action plan.

6. **Background Details**

6.1 The Licensing Panels 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, matters dealt with under the 1982 Act will be subject to proportionality. For 2015/16, as Sandwell is a single party authority, the proportionality provisions will not apply.

Source Documents

Licensing Act 2003

Gambling Act 2005

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 environmental 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

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.

Sandwell Licensing Panels 2015

Panel 1 P. Allen
 B. Piper
 C. Tranter

Panel 2 P. Allen
 K. Davies
 J. Hadley

Panel 3 P. Allen
 L. Preece
 S. Frear

Panel 4 B. Piper
 G. Lewis
 S. Davies

Unattached Bawa
 C. Goult
 T. Crumpton

Report to Licensing Committee

5 June 2015

**Annual Report of the Licensing Committee and Licensing Panels
for the 2014/2015 Municipal Year**

1. Summary Statement

- 1.1 The Council, at its meeting on 18 May 2010, approved role descriptions for Scrutiny/Committee Chairs and members of the Standards Committee.
- 1.2 These role descriptions include a responsibility to report periodically to Council on the performance of their duties.
- 1.3 The Council, at its meeting on 24 May 2011, approved the arrangements for such reports, citing that the Licensing Committee and Licensing Panel report be submitted to Council each year.
- 1.4 The attached report relates to the municipal year for 2014/2015.

2. Recommendation

- 2.1 That the Licensing Committee/Licensing Panel Annual Report for the 2014/2015 municipal year be approved and submitted to Council on 21 July, 2015.

Neeraj Sharma
Director – Governance

Kerry Bolister
**Director - Homes and
Communities**

Contact Officer

Sarah Brookes
Senior Licensing Officer
0121 569 6743

3. Strategic Resource Implications

- 3.1 There are no strategic resource implications arising from this report. The implications for resources arising from any matters considered by the Committee are included within the relevant reports to the Committee and referred to in the main body of the Annual Report as necessary.

4. Legal and Statutory Implications

- 4.1 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.
- 4.2 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.
- 4.3 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.
- 4.4 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.
- 4.5 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.
- 4.6 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.

- 4.7 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 Licensing Authority. Arrangements may provide for more than one sub-committee or officer to discharge the same functions concurrently.
- 4.8 The Licensing Committee has already delegated the majority of its licensing functions to the Licensing Panels and/or officers.
- 4.9 The Licensing Committee reviews the membership of the Panels each year following the appointment of members to the Licensing Committee at the Annual Council meeting.

5. **Implications for the Scorecard Priorities**

- 5.1 The Licensing Act 2003 has four licensing objectives which are highly pertinent to the Council's Scorecard priorities, these being:-
- (a) the prevention of crime and disorder;
 - (b) public safety;
 - (c) the prevention of public nuisance;
 - (d) the protection of children from harm.
- 5.2 Similarly, the Gambling Act 2005 has three licensing objectives, as follows:-
- (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.
- 5.3 The Licensing function specifically impacts on the following Scorecard priorities:-
- i) Great Prospects – Investing in people, business and jobs - Licensed establishments provide a proportion of employment in the Borough, as such they provide an important part of the borough's economy;

- ii) Great Place – cleaner streets, more recycling and safer neighbourhoods – the objectives of the Licensing Act and the Gambling Act both contribute to upholding and improving safety within the borough for its residents.

5.4 The licensing function already feeds into the Crime and Disorder Action Plan, Anti-Social Behaviour Plan, and Violent Crime / Alcohol Group action plan.

6. **Background Details**

6.1 The Annual Report for 2014/15 is attached to this report.

Licensing Committee and Licensing Panel Annual Report 2014/15

Foreword – Chair of the Licensing Committee

My role involves chairing, leading and co-ordinating the activities of the Licensing Committee. The Committee seeks to add value to the Council by ensuring the effective and efficient discharge of the Licensing functions and by assisting the Executive with the development of any policies and procedures.

Amongst other things this involves ensuring that:-

- i) Licensing functions are undertaken in a positive, constructive and non-partisan manner which enhances the reputation of the Council;
- ii) that performance is monitored;
- iii) that functions are carried out within budget and that the regulatory processes which underpin the Committee's work are promoted.

The Licensing Committee is responsible for exercising the powers and duties of the Council with regard to licensing matters under relevant legislation conferring powers and duties relating to the same upon the Council.

The Licensing Committee is also authorised, to appoint such sub-committees as it considers necessary to discharge powers and duties specified by the Committee. Four sub-committees, or Licensing Panels, have supported the work of the main Licensing Committee primarily in order to deal with issues related to the Licensing Act 2003 and the Gambling Act 2005.

To enable the Licensing Committee to undertake all of its functions, a continual programme of training and informing is undertaken at every full Licensing Committee meeting every three months. This is provided by our own officers or partners and enables the Licensing Committee members to respond appropriately to the work the Licensing Panels undertake when dealing with licensing reviews.

Councillor Peter Allen
Chairman – Licensing Committee

The Licensing Committee

Each year the Council establishes the Licensing Committee to:

- i) deal with all matters relating to the discharge of the functions of the Licensing Authority under the Licensing Act 2003 and any regulations made under that Act, together with any related functions, with the exception of any function conferred on the Licensing Authority by Section 5 of the Licensing Act 2003 (Statement of Licensing Policy) and any function discharged under Section 7(5)(a) of that Act by a committee other than the Licensing Committee;
- ii) deal with all matters relating to the discharge of the functions of the Licensing Authority under the Gambling Act 2005 and any regulations made under the 2005 Act, together with any related functions, with the exception of any function conferred on the Licensing Authority by Section 166 of the 2005 Act (Casino Resolution) and Section 349 of the 2005 Act (Statement of Principles).

The Committee has established four Licensing Panels which predominantly meet to determine applications under the Licensing Act 2003 and the Gambling Act 2005. Further detail on the work of the Licensing Panels is set out below.

The Authority's Fees and Charges are reviewed every year. Fees and charges for 2015/16 have been approved.

Licensing Panels

The Licensing Committee establishes four Licensing Panels to exercise its functions under the Licensing Act 2003 and Gambling Act 2005 and any regulations made under these Acts.

General

The year 1 April 2014 – 31 March 2015 has seen a number of changes to the Licensing Act, in particular through deregulation, although not all the Deregulation Act 2015 making changes is yet in effect.

Deregulation removes a number of places from the licensing regime from 6 April 2015 including places of public worship, village halls, church halls schools, hospitals and local authority premises. From that date a licence is not required for live music, or the playing of recorded music between 8am and 11pm if it takes place at an alcohol on-licensed premises and the audience is no more than 500 people. Unamplified live music has been removed at any place or at a workplace between the same hours and provided the audience is no more than 500 people. Similar changes are made to dancing and indoor sporting events and there have been increases in audience numbers for some activities before a licence is required.

All sex establishment applications are now considered by the Licensing Committee. This ensures an overview of those premises being licenced and those considerations permitted for such applications are taken into account. There are currently three Sexual Entertainment Venues and three Sex Shops. The licence is valid for twelve months and subject to committee consideration on renewal.

Recent Guidance issued under S182 of the Licensing Act requires licensing authorities consider the need to protect children from sexual exploitation when undertaking licensing functions.

The authority Gambling Policy has to be reviewed in 2015. For the first time there is a requirement to include local area profiling and applicants will have to consider this and formulate a risk assessment as part of their application. The Gambling Commission have revised the codes of practice and guidance is due to be issued.

The licensing software being developed for the Licensing Team, intended to provide more immediate access to information by members of the public and statutory bodies, as well as bringing improvements to the service is being progressed. Such progress has not been without technical problems and although the majority

of the licences are now entered onto the system, and it is in use for the issue of some general licences the full operational date is not yet confirmed.

Applications considered by the Committee

Detailed in the table below is a breakdown of the type of applications considered by the Licensing Panels together with further information on the responsible authority requesting the review for the period 1 April 2014 – 31 March 2015. The number of grant applications subject to representations increased and whilst some were dealt with by negotiation, as required by Licensing Act guidance, it was apparent in the last twelve months that people are becoming more aware of the application process. The main cause of reviews through the year was the finding of illicit or non-duty paid goods on licensed premises:-

There were 21 hearings overall.

Reviews

Trading Standards	8
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Total Reviews	8
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Reason for review

Crime and disorder	5
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Crime disorder/public safety	3
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Total	8
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Other Hearings

Grant application	11
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Police objection to a Temporary Event Notice	1
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Sex Establishment applications	6
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Total other hearings	18
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Temporary Event Notices.

Temporary Event Notices permit licensable activities on unlicensed premises, or outside the hours of a licence, for short periods of time and subject to restrictions on the number that can be given for premises or by an individual.

A notice given more than ten working days before the event is a standard notice, when given between nine and five working days before the event it is a late notice.

Only the Police or Environmental Health may object. Objections to a standard notice may result in a hearing, for a late notice a counter notice is given and the event cannot go ahead.

During the course of this year there were 180 such notice given. Police objected to one standard notice that was considered by the committee, and three late notices to which a counter notice was issued.

The role of Trading Standards

The risks of drinking to excess are well established. Long term alcohol abuse can lead to numerous health problems, including liver and kidney disease, acute and chronic pancreatitis, heart disease, high blood pressure, depression, stroke, foetal alcohol syndrome and several cancers.

A report by Public Health England 'Alcohol treatment in England 2013-2014' found that the total annual cost to society of alcohol related harm is estimated to be £21 billion. The NHS incurs £3.5 billion a year in costs related to alcohol.

The Chief Medical Officer's guidance that young people under 15 should not drink alcohol at all is based on the fact that young people who start drinking alcohol at an early age drink more frequently and more than those who start drinking later; as a result, they are more likely to develop alcohol problems in adolescence and adulthood.

The Trading Standards team is responsible for ensuring that the law relating to underage sales of alcohol is obeyed by those who normally supply those goods in the course of a trade or business.

Trading Standards are committed to promoting responsible sales of alcohol and to stop sales to those who are underage. Whilst maintaining a robust and fair enforcement policy against those traders who disregard their responsibilities, the service works closely with local businesses by offering advice and assistance to ensure compliance with the law. This is done for the benefit of Sandwell consumers and businesses and the protection of children. During the last financial year, Trading Standards provided free legal advice to 82 businesses concerning age restricted products.

Only Trading Standards Officers and Police Officers are able to legally ask a person under the age of 18 years to purchase alcohol. It is therefore necessary for Trading Standards working in partnership with the police to lead on this area of work.

The willingness of businesses within Sandwell to supply alcohol and tobacco to underage persons is tested by Trading Standards who consensually use young persons to attempt the test purchase the age restricted products.

Under age sales of alcohol

In the financial year of 2014/2015 Trading Standards only received 4 complaints concerning the supply of alcohol to young people. Seven test purchase operations were conducted, visiting 45 premises of which, four or 9 % of shops sold alcohol to the underage person. The 9% failure rate represent a steady improvement in Sandwell, compared to the last two financial years' failure rates of 10% and 14 % respectively. As a result of the four sales, four cautions were given and two fixed penalty notices issued.

Across the Central England Trading Standards Authorities (CeNTSA) region, the average failure rate for alcohol test purchase operations is 10%.

As an intelligence scoping operation, Trading Standards carried out operations where the volunteers were permitted to lie about their age. In the two operations, ten business premises were visited resulted in three sales, giving a failure rate of 30%.

No formal action was taken against the offending shops, however they were all subsequently advised, warned and will be targeted for future test purchase operations.

Illegal Alcohol and tobacco

A project carried out by Sandwell Trading Standards in 2011 found 32% of the 74 business premises visited in Sandwell were caught selling illegal alcohol. The total value of illegal alcohol seized during the project was in excess of £40,000.

Not only is the sale of illegal alcohol a crime but, it also poses a serious health risk to the public. Analysis found that some spirit drinks were contaminated with such a high level of methanol that they were 'unfit for human consumption'. Other drinks were found to contain chloroform, a banned chemical which can cause damage to the liver and kidneys.

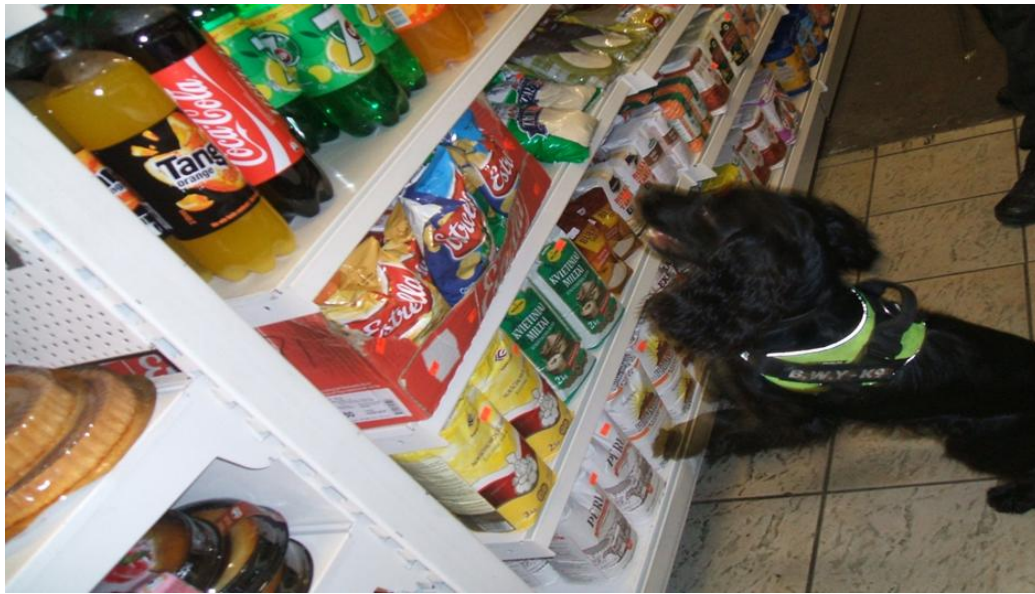


Illegal bottles of spirits

To assist in this area of work an officer was appointed within Trading Standards in order to drive down the level of illicit, non-duty paid and counterfeit alcohol. The project was repeated again and during 2012/2013 and 2013/2014 and the non-compliance levels were reduced to 15% and 13% respectively, a massive improvement from 2011. In the last financial year, Sandwell Trading Standards received 21 complaints concerning illegal

alcohol. Trading Standards Officers visited 109 business premises and 9% of them were caught selling illegal alcohol.

An emerging problem for Sandwell is the increase in the supply and availability of illicit and illegal tobacco. In this current financial year Trading Standards received 26 complaints in relation to illegal tobacco. An intelligence gathering exercise during 'Do Want You Want Day' in July 2014 found 47%, 9 shops out of 19 sold illegal tobacco. This was followed up with operations Henry and Bruno, using sniffer dogs where over £77,000 worth of illegal tobacco was seized for just the two days.



Sniffer dog detects illegal tobacco behind a box of crisps



Tobacco products as found by the dog

Seizures found some tobacco products to be mouldy and short weight as much as 40%. Certain illicit tobacco brands failed to comply with BS EN 16156, a safety standard which required a lit cigarette to be able to self-extinguish when not being actively smoked. The purpose of this is to reduce unintended fires, a common cause of death in smokers. A failure to pass the standard would render the products unsafe by virtue of the General Products Regulations 2005.



Mouldy pouches of counterfeit hand rolling tobacco

Section 182 guidance by the Home Office is clear in that licensing reviews are not limited to just alcohol related as they can include drugs firearms, money laundering by criminal gangs, the sale of contraband or stolen goods. The guidance goes further by stating that certain crimes including the sale of smuggled tobacco and alcohol must be treated seriously and it is expected revocation of the licence even in the first instant.

In total eight licencing reviews were requested by Trading Standards against offending traders for stocking illegal alcohol and/or tobacco on their business premises. As a result, four premises licences were revoked, one suspended for two weeks and two had stricter conditions imposed on their licences.

Appeals

A decision of the Licensing Panel can be appealed to a Magistrates' Court in the first instance. During 2014/15 there were two appeals;

1. Costcutter, 125 Hill Top, West Bromwich, B70 0RU-appeal to the Magistrates' Court. The appeal was listed for the 14th November 2014. The appeal was withdrawn and costs in the sum of £1000 were awarded to the Council.
2. Bargain Express, 416 High Street, Smethwick - appeal to the Magistrates' Court. The appeal was listed for the 7th November 2014. The appeal was withdrawn and costs in the sum of £1290 were awarded to the Council.

Visits to Licensed Premises

Visits have been undertaken by the Sandwell Licensing Group. These visits have been written into Trading Standards and Licensing annual business plan as a quarterly commitment.

This group consists of representatives from Police Licensing Officers, Fire (Safety and Licensing), Air Pollution and Noise Control, Trading Standards and Licensing, and Public Health. It is additional to the arrangements with the Police for joint intervention of Police and Licensing Team where there are immediate problems, but supports those activities.

Public Health is now a responsible authority, although public health is not currently a licensing objective. During the year Public Health Alcohol Project Manager joined the Sandwell Licensing Group. In the course of time it is anticipated this post will be delegated the role of considering the impact of applications on the health matters.

Premises that cause concern to any of the responsible authorities for any reason related to the licensable activities and licensing objectives can be proposed for a visit. Premises are identified for a visit by risk assessment process. The visits are not primarily enforcement visits but to advise, point out noncompliance and particularly to support the licence holder / DPS where that person is already working with the relevant authorities. The visits provide a warning system that things may be going wrong. Elected members have attended as observers on occasion. Passing attention is also given to premises that do not reach the criteria for a visit but have been identified as potentially problematic.

As has proven the case in previous year's operational commitments, for the Police in particular, industrial action and staff availability impacted upon the ability to undertake group visits.

In the period April 2014 to April 2015, there were three planned outings but only two were viable, 17 premises were visited.

Noise and public nuisance continue to be a feature of public concerns. It is not yet clear how the Deregulation Act will impact upon such complaints as it removes a number of nuisance causing activities from the licensing regime.

As intended the majority of visits carried out led to advice. One premise was found to have in use gaming machines that the Gambling Commission had identified as potentially illegal. The Gambling Commission was provided details.



Potentially illegal machine

To date no premises visited during this year has subsequently been called for review and none of them is, at the time of this overview, a cause of further concern.

Visits to Gambling premises

These visits have been written into Trading Standards and Licensing annual business plan as a quarterly commitment to one or other of the inspections.

During the year visits have been carried out to premises to check whether gaming machines were sited for use without the appropriate permission. Whenever possible, these visits are conducted as joint operations with the Gambling Commission.

Eleven premises were visited of which only two were found to be fully compliant. One applied for the appropriate permit as a result, the remainder will be revisited as part of an ongoing inspection programme.

The Licensing Team conducted their first Test Purchase Exercise in partnership with the Gambling Commission to test the effectiveness of underage gambling policies and procedures at gambling licensed premises.

The tests are designed to provide the authority and the Commission with evidence that licensed operators have sufficient safeguards in place to prevent underage gambling.

Five premises were visited, three premises made no attempt to challenge the volunteer at any point, one challenged the volunteer while playing a machine and one challenged the volunteer at some point between entering the premises and before being able to play the machine. Advice has been given to all operators as a result.

In addition gaming machines in licensed premises are checked as part of the Licensing Group visits, the results from these act as an indicator for further action or visits for gambling matters.

Training

During the year, the Licensing Committee received specific training In relation to sex establishment licensing.

Officers have received training on deregulation and changes to the Gambling Commission codes of practice.