

Licensing Committee

11 November 2016

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.
- 1.2 The Licensing Act 2003 specifies that each Sub-Committee (Panel) shall consist of three members of the Licensing Committee. The Council at its meeting on 19 July, 2016 appointed a Licensing Committee comprising 12 members. At its meeting on 29 July 2016, the Licensing Committee established four Licensing Panels for the 2016/17 municipal year, consisting of three members each.
- 1.3 It had become necessary to make changes to the membership of some committees/boards due to diary commitments and, at its meeting on 18 October 2016, Council gave consideration to the appointment of members to committees/boards. At that meeting, one member has been replaced on the Licensing Committee and an additional member has been appointed to fill a previously vacant position. The Committee is now invited to consider the Licensing Panels for the municipal year 2016/2017.

Further details are attached for your information.

2. Recommendations

- 2.1 That, further to Minute No. 7/16 of the Licensing Committee held on 29 July 2016, the Committee give consideration to appointments to the four licensing panels to take into account the change in membership of the Committee.

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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 Trading Standards and Licensing is a member of the Sandwell Drug and Alcohol Policy group, which reports to the Safer Sandwell Partnership.

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 2016/17, as Sandwell is a single party authority, the proportionality provisions will not apply.

Source Documents

Licensing Act 2003

Gambling Act 2005