

# Crawley Borough Council

## Minutes of Licensing Committee

6 September 2006 at 7.30pm

### Present:

Councillor B M Brockwell (Chair)  
Councillors B K Blake, A G Brown, B J Burgess, B Clay, R J Hull, B MeCrow,  
J L Millar-Smith, B J Quinn and L A Seekings

### Officers Present:

L Nwoye	Assistant Lawyer for Environment and Housing Directorate
M Lyons	Licensing Officer
M Shopland	Democratic Services Officer
J Green	Principal Democratic Services Officer

### Apologies for Absence:

Councillors S A Blake, D G Crow, C C Lloyd, C J Redmayne and D J Shreeves

## 4. Minutes

The minutes of the meeting of the Committee held on 7<sup>th</sup> June 2006 were approved as a correct record and signed by the Chair.

## 5. Gambling Act 2005 – Constitutional Amendments

The Committee considered the report of the Head of Environmental Service ES/174 on the Gambling Act 2005 – Constitutional Amendments.

The report sought approval to recommend that the Council amend its Constitution in anticipation of the application of the Gambling Act 2005. It also proposed that the Council be recommended to change the name of the Licensing Act 2003 Sub Committee to the Licensing Sub Committee and to amend the committee's delegated functions and those of the Head of Environmental Services.

The Committee questioned the wording of the delegations of the Sub Committee and the Head of Environmental Services, as set out in Appendix 1 to Report ES/174. It was suggested that the wording implied that it was necessary for every application to be taken before the Sub Committee when a representation had been received regardless of whether the representation received was in support of the application or whether it was an objection. The Licensing Officer informed Members that applications were only taken before the Sub Committee if an objection had been received.

It was requested that where the word 'representation' had been used in Appendix 1 it be replaced with the word 'objection'. The Principal Democratic Services Officer and the Assistant Lawyer for Environment and Housing Directorate indicated that whilst the majority of the wording for the proposed delegations had been taken directly from the Gambling Commission Guidance, some deviation was possible.

It was also requested that the delegation to the Head of Environmental Services proposed in functions 12, 13 and 14 of Appendix 1 should be exercised 'in accordance with the Act and the appropriate guidance'. The Principal Democratic Services Officer informed Members that, for the purposes of consistency it would be appropriate to recommend a similar amendment to function 60 of the Licensing Committee. Members agreed to these proposals.

## **RECOMMENDATION**

- (1) That the Council be recommended to amend the Constitution as follows:-
  - (i) The Licensing Act 2003 Applications Sub Committee be renamed the 'Licensing Sub Committee':
  - (ii) The powers and duties of the Sub Committee and of the Head of Environmental Services as set out in Part 3 of the Council's Constitution be amended to include the delegation set out in Appendix 1 to report ES/174, subject to the word 'representation', where it appears in Appendix 1, being replaced with the word 'objection'
  - (iii) that the delegation to the Head of Environmental Services proposed in functions 12, 13 and 14 of Appendix 1 should be exercised 'in accordance with the Act and the appropriate guidance' and that, for the purposes of consistency a similar amendment be made to Licensing Committee function 60 in the existing Constitution
  - (iv) The setting of fees in connection with functions appertaining to the Gambling Act (to the extent that the Council has authority so to do) to be the responsibility of the Licensing Committee:

such amendments to take effect from the date on which the Council assumes its responsibilities under the Gambling Act 2005.

## **6. Closure of Meeting**

With the business of the Committee concluded, the Chair declared the meeting closed at 7.40pm

**B M BROCKWELL**  
**Chair**