



Report No: **241/2009**

Public Agenda Item: **Yes**

Title: **Decisions taken in relation to Licensing Act 2003 applications under delegated powers**

Wards  
Affected: **All**

To: **Licensing Committee**

On: **19 November 2009**

Key Decision: **No**

Change to  
Budget: **No**

Change to  
Policy  
Framework: **No**

Contact Officer: **Steve Cox**  
Telephone: **01803 208034**  
E.mail: **Steve.cox@torbay.gov.uk**

---

**1. What we are trying to achieve**

- 1.1 To inform Members of the decisions taken in relation to Licensing Act 2003 applications by the Executive Head Community Safety under delegated powers.

**2. Recommendation(s) for decision**

- 2.1 That Members note the decisions made under delegated powers so that they maintain a general overview of the current licensing situation under the Licensing Act 2003.

**3. Key points and reasons for recommendations**

- 3.1 Torbay Council's "Statement of Licensing Policy" (adopted November 2007) details the scheme of delegation under the Licensing Act 2003. This Policy also requires that the Licensing Committee receive regular reports (section 1.17) on delegated decisions so that it can maintain a general overview of the current licensing situation.

**For more detailed information on this proposal please refer to Appendix A.**

**Frances Hughes**  
**Executive Head Community Safety**

## Appendix A – Supporting information to Report 241/2009

### A1. Introduction and history

A1.1 The Licensing Act 2003 came into force on the 24<sup>th</sup> November 2005. On the 30<sup>th</sup> September 2009 we had 823 Premises Licences/Club Premises Certificates in Torbay. This is a decline of 20 on 6 months ago. It should be noted, that a number of other Premises have also closed, but retain their premises licences. Up until 1<sup>st</sup> October 2009 the Licensing Committee has dealt with 471 premises hearings, of which 7 were between 1<sup>st</sup> April and 30<sup>th</sup> September 2009. Additionally up to 1<sup>st</sup> October 2009 2075 Personal Licences had been issued, of which 96 had been issued between 1<sup>st</sup> April and 30<sup>th</sup> September 2009.

A1.2 From 1<sup>st</sup> April and 30<sup>th</sup> September 2009, Torbay Council has dealt with the following applications under the Licensing Act 2003.

	<b>Total</b>
Premises/Club Premises Applications – New	10
Premises/Club Premises Applications – Variations	6
Premises/Club Premises Applications – Minor Variations	2
Personal Licences	96
Hearings (Licensing Committee/Sub-Committee)	7
Appeals (to Magistrates Court)	0
Temporary Event Notices	123
Reviews of Licences (Licensing Committee/Sub-Committee)	3
Transfers of Premises Licences/Club Premises Certificates	32
Transfers of Designated Premises Supervisors	71

A1.3 The number of applications, being received by the Safety and Licensing Team has reduced to 18 compared to 26 in the previous 6 months. The number of hearings was also down from the previous 6 months, with 7 compared to 11.

A1.4 The number of Personal Licences issued increased from 75 to 96. While the number of Temporary Events Notices, increased from 89 to 123, though this was for a summer period. However it was down from 155 the previous summer period of 2008.

A1.5 There has been no appeals during the period, though there are two pending following the 3 Reviews during the period. The Reviews were Zanzibar, which was agreed, and the two McColl's stores, where conditions were added and a suspension put in place. The suspension however is subject to the appeal, so both stores remain open.

A1.7 Transfers of Licences and Designated Premises Supervisors variations remained similar in number.

A1.8 The general picture is therefore a decline in the number of licences, applications for licences and hearings. However, Personal Licence numbers are up. Others remain similar in number.

**A2. Risk assessment of preferred option**

**A2.1 Outline of significant key risks**

There are no risks associated with this report.

**A3. Options**

A3.1 None. Members cannot change the Officer decisions but need to be appraised of the issues in accordance with the Licensing Policy.

**A4. Summary of resource implications**

A4.1 There is a downward trend in applications being received at the present time. If this continues then the profile of income received will need to be reconsidered.

**A5. What impact will there be on equalities, environmental sustainability and crime and disorder?**

A5.1 There are no equalities or environmental sustainability implications, however one of the Licensing Objectives is the "Prevention of Crime and Disorder", so the work will have a positive impact on reducing this.

**A6. Consultation and Customer Focus**

A6.1 There is public consultation on all new and variation applications for a 28 day period.

**A7. Are there any implications for other Business Units?**

A7.1 There are no significant implications for other Business Units, though the Local Children's Safeguarding Board and several teams within Environmental Health and Consumer Protection are consultees on the applications.

**Annexes**

None

**Documents available in members' rooms**

None

**Background Papers:**

The following documents/files were used to compile this report:

None