



Report No: **132/2010**

Public Agenda Item: **Yes**

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

Wards Affected: **All**

To: **Licensing Committee**

On: **20 May 2010**

Key Decision: **No**

Change to Budget: **No**

Change to Policy Framework: **No**

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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 please refer to the supporting information.

Frances Hughes
Executive Head Community Safety

Supporting information to Report 132/2010

A1. Introduction and history

A1.1 The Licensing Act 2003 came into force on the 24th November 2005. On the 31st March 2010 we had 836 Premises Licences/Club Premises Certificates in Torbay. This is an increase in 13 on 6 months ago. It should also be noted, that a number of Premises have also closed and retain their premises licences, but the general feel is there is an increase in business. Up until 1st April 2010 the Licensing Committee has dealt with 481 premises hearings, of which 10 were between 1st October 2009 and 31st March 2010. Additionally up to 1st April 2010 2209 Personal Licences had been issued, of which 134 had been issued between 1st October 2009 and 31st March 2010.

A1.2 From 1st October 2009 and 31st March 2010, Torbay Council has dealt with the following applications under the Licensing Act 2003.

	Total
Premises/Club Premises Applications – New	12
Premises/Club Premises Applications – Variations	15
Premises/Club Premises Applications – Minor Variations	28
Personal Licences	134
Hearings (Licensing Committee/Sub-Committee)	10
Appeals (to Magistrates Court)	2
Temporary Event Notices	122
Reviews of Licences (Licensing Committee/Sub-Committee)	3
Transfers of Premises Licences/Club Premises Certificates	37
Transfers of Designated Premises Supervisors	64

A1.3 The number of applications, being received by the Licensing and Public Protection Team has increased to 55 compared to 18 in the previous 6 months. However 28 of these were the new Minor variation procedure, which is quicker and cheaper for businesses. The number of hearings was also up from the previous 6 months, with 10 compared to 7.

A1.4 The number of Personal Licences issued increased from 96 to 134. While the number of Temporary Events Notices, remained the same as last summer this can be seen as a significant increase as winter periods are always quieter than summer periods.

A1.5 There has been two appeals during the period, relating to two McColl stores. There was significant negotiation on the new conditions though the principles agreed by Licensing Committee were upheld. There have no been 24 appeals, 7

arising from Review decisions.

A1.6 There were three Reviews made during the period, for Valbonne, Venue and Play nightclubs. All related to drinks promotions, which had raised concerns for the Police. Valbonne and The Venue had additional conditions added to their Premises Licences. Play was bought out by a new operator and renamed PURE. The Police withdrew their representation, with the agreement to add certain conditions to their Premises Licence by the new owner. The other 4 representations were subsequently withdrawn so the matter was not heard. There have now been 14 Reviews of Premises Licences, all instigated by The Police.

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