



Report No: **289/2010**

Public Agenda Item: **Yes**

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

Wards Affected: **All**

To: **Licensing Committee**

On: **2 December 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 on this proposal please refer to Appendix A.**

**Frances Hughes  
Executive Head Community Safety**

## Appendix A – Supporting information to Report 289/2010

### 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 2010 we had 821 Premises Licences/Club Premises Certificates in Torbay. This is a decrease of 13 on 6 months ago. It should also be noted, that a number of Premises have surrendered their Premises Licences. The total number of Premises Licences has remained fairly static over the past 12-18 months. Up until 30<sup>th</sup> September 2010 the Licensing Committee has dealt with 491 premises hearings, of which 10 were between 1<sup>st</sup> April and 30<sup>th</sup> September 2010. Additionally up to 30<sup>th</sup> September 2010 2240 Personal Licences had been issued, of which 84 had been issued between 1<sup>st</sup> April and 30<sup>th</sup> September 2010. [In the previous six months there had been a reported 134 Personal Licences issued, this has been revised down to 81.]

A1.2 From 1<sup>st</sup> April and 30<sup>th</sup> September 2010, Torbay Council has dealt with the following applications under the Licensing Act 2003.

	<b>Total</b>
Premises/Club Premises Applications – New	22
Premises/Club Premises Applications – Variations	9
Premises/Club Premises Applications – Minor Variations	18
Personal Licences	84
Hearings (Licensing Committee/Sub-Committee)	10
Appeals (to Magistrates Court)	0
Temporary Event Notices	167
Reviews of Licences (Licensing Committee/Sub-Committee)	3
Transfers of Premises Licences/Club Premises Certificates	48
Transfers of Designated Premises Supervisors	68

A1.3 The number of applications, being received by the Licensing and Public Protection Team has remained static at 49 compared to 55 in the previous 6 months. 18 of these were the Minor Variations, a decrease of 10, while new applications increased from 12 to 22. The number of hearings was the same at 10.

A1.4 The number of Personal Licences issued increased slightly from 81 to 84. While the number of Temporary Events Notices, showed a significant increase from 122 to 167 for the last summer period, to which it is comparable.

A1.5 There has been no appeals during the period. There have now been 24 appeals, 7 arising from Review decisions.

A1.6 There were three Reviews made during the period, for The George Inn, Brixham Grill and Mojo's. The latter being the first expedited Review, which means that the matter is considered serious and any Committee decision remains in force until after any appeal period is finished or hearing heard. In the case of Mojo's the Premises Licence was revoked, and was subsequently surrendered so there was no further hearing. There have now been 17 Reviews of Premises Licences, the majority 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 fairly static picture, with very slight increases, except Temporary Event Notices where the increase has been more marked.

## **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 fairly static picture, so the income has remained the same.

## **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