



Report No: Public Agenda Item: **Yes**

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

Wards Affected: **All**

To: **Licensing Committee** On: **23 May 2013**

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 December 2010) details the scheme of delegation under the Licensing Act 2003. This Policy also requires that the Licensing Committee receive regular reports (section 1.19) 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

### A1. Introduction and history

A1.1 The Licensing Act 2003 came into force on the 24<sup>th</sup> November 2005. On the 31<sup>st</sup> March 2013 Torbay Council had 793 Premises Licences/Club Premises Certificates; this is 27 less than the previous 6 months predominately due to redundant licences being surrendered due to the annual fee invoices and the new threat of suspensions if fees aren't paid. Up until 31<sup>st</sup> March 2013 the Licensing Committee has dealt with 530 premises hearings, of which 9 were between 1<sup>st</sup> October 2012 and 31<sup>st</sup> March 2013. Additionally up to 31<sup>st</sup> March 2013, 2619 Personal Licences had been issued, of which 79 had been issued between 1<sup>st</sup> October 2012 and 31<sup>st</sup> March 2013.

A1.2 From 1<sup>st</sup> April and 30<sup>th</sup> September 2012, Torbay Council has dealt with the following applications under the Licensing Act 2003.

	<b>Total</b>
Premises/Club Premises Applications – New	9
Premises/Club Premises Applications – Variations	10
Premises/Club Premises Applications – Minor Variations	13
Personal Licences	79
Hearings (Licensing Committee/Sub-Committee)	9
Appeals (to Magistrates Court)	1
Temporary Event Notices	111
Reviews of Licences (Licensing Committee/Sub-Committee)	0
Transfers of Premises Licences/Club Premises Certificates	42
Transfers of Designated Premises Supervisors	62

A1.3 The number of applications, being received by the Licensing and Public Protection Team was 32 compared to 25 in the previous 6 months. The increase is in Minor Variations. The number of hearings was up from 5 to 9. Overall this is a slight increase in activity compared to the previous six months.

A1.4 The number of Personal Licences issued increased from 67 to 79. While the number of Temporary Events Notices, showed a decrease from 130 to 111 compared to the last winter period.

A1.5 There has been one appeal during the period. There have now been 27 appeals, 10 arising from Review decisions. The appeal related to a review of Café Mambo with the majority of the original committee decision being upheld by the Magistrates Court.

- A1.6 There have been 23 Reviews of Premises Licences in total, the majority being instigated by The Police.
- A1.7 Transfers of Licences and Designated Premises Supervisors variations showed a slight increase in number.
- A1.8 The general picture is therefore still a fairly static picture, however with a decrease in the total number of licences, which often happens during fee paying time.

## **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 Community Safety 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