



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

Title: **Decisions taken in relation to Licensing Act 2003 applications under delegated powers and the Personal Licence consultation**

Wards Affected: **All**

To: **Licensing Committee** On: **7 November 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.
- 1.2 To inform members of Torbay Council's response to the Governments Personal Licences consultation.

2. Recommendation(s) for decision

- 2.1 That Members note the decisions made under delegated powers and the Personal Licence consultation response 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 24th November 2005. On the 30th September 2013 Torbay Council had 812 Premises Licences/Club Premises Certificates; this is an increase on 6 months earlier. Up until 30th September 2013 the Licensing Committee has dealt with 540 premises hearings, of which 10 were between 1st April and 30th September 2013. Additionally up to 30th September 2013, 2700 Personal Licences had been issued, of which 81 had been issued between 1st April and 30th September 2013.

A1.2 From 1st April and 30th September 2013, Torbay Council has dealt with the following applications under the Licensing Act 2003.

	Total
Premises/Club Premises Applications – New	16
Premises/Club Premises Applications – Variations	5
Premises/Club Premises Applications – Minor Variations	8
Personal Licences	81
Hearings (Licensing Committee/Sub-Committee)	10
Appeals (to Magistrates Court)	0
Temporary Event Notices	159
Reviews of Licences (Licensing Committee/Sub-Committee)	0
Transfers of Premises Licences/Club Premises Certificates	34
Transfers of Designated Premises Supervisors	73

A1.3 The number of applications, being received by the Licensing and Public Protection Team was 29 compared to 31 in the previous 6 months. Though the figures are similar, there is a notably increase in new applications. The number of hearings was up from 9 to 10. Overall this is a slight increase in activity compared to the previous six months.

A1.4 The number of Personal Licences issued increased from 79 to 81. While the number of Temporary Events Notices (TENs), showed a decrease from 180 to 159 compared to the last summer period. This may in part reflect a change in those activities needing to apply for a TEN due to regulated entertainment de-regulation.

A1.5 There has been no appeals or reviews during the period. There have been 27 appeals, 10 arising from Review decisions.

A1.6 Transfers of Licences and Designated Premises Supervisors variations showed

a slight increase in number.

A1.7 The general picture is therefore still a fairly static picture, however with a small increase in Premises Licences.

A1.8 The Government is intent on the removal of the requirement for Personal Licences. It has consulted on a range of options to uphold the educational and public safety safeguards that Personal Licences addressed. There are weaknesses in the current system. These are that once a Personal licence is issued only the court can revoke them and then only when they are aware that the 'defendant' holds one. There is also no national register so for a period of ten years there is arguably inadequate accountability.

A1.9 The option that is supported in the consultation submission is that a current qualification and Disclosure and Barring Service check become part of the Designated Premises Supervisor application. Annex one gives the background to the consultation and annex two Torbay Council's response.

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

Annex One Home Office Consultation on the removal of Personal Licences

Annex Two Torbay Council's submission for the Consultation on the Removal of the requirement for Personal Licences.

Documents available in members' rooms

None

Background Papers:

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

None