



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: **15 May 2014**

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 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 31st March 2014 Torbay Council had 805 Premises Licences/Club Premises Certificates; this is a slight decrease on 6 months earlier, but with this within the fee renewal period this is not unsurprising as redundant licences get surrendered. Up until 31st March 2014 the Licensing Committee has dealt with 547 premises hearings, of which 7 were between 1st October 2013 and 31st March 2014. Additionally up to 31st March 2014, 2771 Personal Licences had been issued, of which 71 had been issued between 1st October 2013 and 31st March 2014.

A1.2 From 1st October 2013 and 31st March 2014, Torbay Council has dealt with the following applications under the Licensing Act 2003.

	Total
Premises/Club Premises Applications – New	10
Premises/Club Premises Applications – Variations	9
Premises/Club Premises Applications – Minor Variations	17
Personal Licences	71
Hearings (Licensing Committee/Sub-Committee)	7
Appeals (to Magistrates Court)	0
Temporary Event Notices	121
Reviews of Licences (Licensing Committee/Sub-Committee)	0
Transfers of Premises Licences/Club Premises Certificates	40
Transfers of Designated Premises Supervisors	61

A1.3 The number of applications, being received by the Licensing and Public Protection Team was 36 compared to 29 in the previous 6 months, though this in part reflected a bulk group of minor variation applications made by Resident and Visitor Services.

A1.4 The number of Personal Licences issued decreased slightly from 81 to 71. While the number of Temporary Events Notices (TENs), showed a slight increase compared to the last winter period.

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

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

A1.7 The general picture is therefore still a fairly static.

A1.8 The Government has reviewed the need for Personal Licences following their consultation in 2013, and has decided to retain them, though there will be no renewal process as had been previously required. New legislation is awaited to formalise this decision.

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

Documents available in members' rooms

None

Background Papers:

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

None