



Public Agenda Item: **Yes**

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

Wards Affected: **All**

To: **Licensing Committee** On: **19 January 2017**

Contact Officer: **Gary O'Shea**
Telephone: **01803 207631**
E.mail: **Gary.oshea@torbay.gov.uk**

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 Assistant Director Community and Customer Services 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 January 2016) 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
Assistant Director Community and Customer Services

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 2016 Torbay Council had 805 Premises Licences/Club Premises Certificates; this number is net of licences issued against those that have lapsed or been surrendered during this period. Up to 30th September 2016 the Licensing Committee has dealt with a total of 573 premises hearings. Additionally up to 30th September 2016, 3143 Personal Licences have been issued, of which 77 were between 1st April 2016 and 30th September 2016.

A1.2 From 1st April 2016 to 30th September 2016, Torbay Council has dealt with the following applications under the Licensing Act 2003.

	Total
Premises/Club Premises Applications – New	19
Premises/Club Premises Applications – Variations	6
Premises/Club Premises Applications – Minor Variations	11
Personal Licences	77
Hearings (Licensing Committee/Sub-Committee)	2
Appeals (to Magistrates Court)	0
Temporary Event Notices	195
Reviews of Licences (Licensing Committee/Sub-Committee)	0
Transfers of Premises Licences/Club Premises Certificates	35
Transfers of Designated Premises Supervisors	75

A1.3 The number of applications, being received by the Licensing and Public Protection Team was 36 compared to 25 in the previous 6 months.

A1.4 The number of Personal Licences issued increased slightly from 74 to 77. While the number of Temporary Events Notices (TENs), also showed an increase compared to the last period from 122 up to 195. This increase whilst large would not be considered unusual as it covers the summer period where generally more applications would be expected.

A1.5 There has been no appeals and no 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 House of Lords are currently undertaking a review of the Licensing Act 2003. A report is expected around March of this year at which point recommendations will be put to Parliament. There is no information at this time as to what this may include or whether any changes will result from the report. However, locally set fees have not yet been discounted and there is potential for change in a number of areas e.g. Personal licences. Any information that becomes available will be reported to Members of the Licensing Committee at the earliest opportunity.

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