



Public Agenda Item: **Yes**

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

Wards Affected: **All**

To: **Licensing Committee** On: **14<sup>th</sup> September 2017**

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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 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 (The Act) came into force on the 24<sup>th</sup> November 2005. On the 31<sup>st</sup> March 2017 Torbay Council had 792 Premises Licences/Club Premises Certificates; this number is net of licences issued against those that have lapsed or been surrendered during since the Act came into force. Up to 31<sup>st</sup> March 2017 the Licensing Committee has dealt with a total of 581 premises hearings.

Additionally up to 31<sup>st</sup> March 2017, 3202 Personal Licences have been issued, of which 58 were between 1<sup>st</sup> October 2016 and 31<sup>st</sup> March 2017.

A1.2 From 1<sup>st</sup> October 2016 to 31<sup>st</sup> march 2017, Torbay Council has dealt with the following applications under the Licensing Act 2003.

	<b>Total</b>
Premises/Club Premises Applications – New	8
Premises/Club Premises Applications – Variations	12
Premises/Club Premises Applications – Minor Variations	8
Personal Licences	58
Hearings (Licensing Committee/Sub-Committee)	8
Appeals (to Magistrates Court)	0
Temporary Event Notices	148
Reviews of Licences (Licensing Committee/Sub-Committee)	0
Transfers of Premises Licences/Club Premises Certificates	23
Transfers of Designated Premises Supervisors	60

A1.3 The number of Premises Licence applications, being received by the Licensing and Public Protection Team was 27 compared to 36 in the previous 6 months.

A1.4 The number of Personal Licences issued was 58 as compared to 74 in the previous 6 months. While the number of Temporary Events Notices (TENs), showed a decrease compared to the last period from 195 down to 148. This would not be considered unusual as the figure for the previous period covers the summer months 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.

## **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 in the case of new premises licence applications and full variations and 10 working days consultation in respect of a minor variation.

## **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