



Public Agenda Item: **Yes**

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

Wards Affected: **All**

To: **Licensing Committee** On: **17 November 2011**

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 the Supporting Information.

Frances Hughes
Executive Head Community Safety

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 2011 Torbay Council had 831 Premises Licences/Club Premises Certificates; this is one less than 6 months earlier. (In the previous report this had been recorded as 811, this was in fact 832). Up until 30th September 2011 the Licensing Committee has dealt with 510 premises hearings, of which 14 were between 1st April 2011 and 30th September 2011. Additionally up to 30th September 2011, 2395 Personal Licences had been issued, of which 90 had been issued between 1st April 2011 and 30th September 2011.

A1.2 From 1st April 2011 and 30th September 2011, Torbay Council has dealt with the following applications under the Licensing Act 2003.

	Total
Premises/Club Premises Applications – New	13
Premises/Club Premises Applications – Variations	7
Premises/Club Premises Applications – Minor Variations	14
Personal Licences	90
Hearings (Licensing Committee/Sub-Committee)	14
Appeals (to Magistrates Court)	0
Temporary Event Notices	239
Reviews of Licences (Licensing Committee/Sub-Committee)	5
Transfers of Premises Licences/Club Premises Certificates	38
Transfers of Designated Premises Supervisors	65

A1.3 The number of applications, being received by the Licensing and Public Protection Team was 34 compared to 51 in the previous 6 months. 14 of these were the Minor Variations, a decrease of 8, while new applications decreased from 17 to 13. The number of hearings was up from 7 to 14, of which one was a Personal Licence.

A1.4 The number of Personal Licences issued decreased from 107 to 90. While the number of Temporary Events Notices, showed a large increase from 167 to 239 compared to the last summer period, to which it is comparable. This may have been in part due to the Rugby World Cup.

A1.5 There has been no appeals during the period, however there are 2 appeals pending. There have now been 24 appeals previously, 7 arising from Review decisions.

A1.6 There were 5 Reviews made during the period. One of the reviews resulted in the Premises Licence being revoked and one resulted in the hours being reduced and conditions being added. Both of these decisions are being appealed. The other 3 reviews resulted in additional conditions being added to the Premises Licence. There have now been 22 Reviews of Premises Licences, the majority instigated by The Police.

A1.7 Transfers of Licences and Designated Premises Supervisors variations remained similar in number.

A1.8 The general picture is therefore still a fairly static picture, however with a slight decrease in the number of applications.

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