



Briefing 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: **22<sup>nd</sup> November 2018**

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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 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.**

**Steve Cox**  
**Environmental Health Manager (Commercial)**

## 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.

A1.2 As of 30<sup>th</sup> September 2018 Torbay Council had 793 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 30<sup>th</sup> September 2018 the Licensing Committee has dealt with a total of 591 premises hearings.

Additionally up to 30<sup>th</sup> September 2018, 3325 Personal Licences have been issued, of which 122 were between 1<sup>st</sup> October 2017 and 30<sup>th</sup> September 2018.

A1.2 From 1<sup>st</sup> October 2017 to 30<sup>th</sup> September 2018 Torbay Council has dealt with the following applications under the Licensing Act 2003.

	<b>Total</b>
Premises/Club Premises Applications – New	27
Premises/Club Premises Applications – Variations	13
Premises/Club Premises Applications – Minor Variations	33
Personal Licences	122
Hearings (Licensing Committee/Sub-Committee)	10
Appeals (to Magistrates Court)	2
Temporary Event Notices	352
Reviews of Licences (Licensing Committee/Sub-Committee)	8
Transfers of Premises Licences/Club Premises Certificates	65
Transfers of Designated Premises Supervisors	149

A1.3 The number of Premises Licence applications, being received by the Licensing and Public Protection Team was 27 which represents a small increase in the normal average of around 20 per annum.

A1.4 The number of Personal Licences issued was 122, which remains comparable to the average numbers received. While the number of Temporary Events Notices (TENs), also remains constant at 352, this being approximately the average annual number of TENs received. There remains a seasonal variation where a larger number of TENs tend to be received in the summer months. The last year has been no exception, with 200 of the total number being received between April and September.

A1.5 There have been two appeals submitted against Licensing Sub-Committee decisions in the last year. There have been 29 appeals in total in the 13 years since the Licensing Act 2003 came into force, 12 of these have arisen from Review decisions.

A1.6 Of the 2 most recent appeals these were both withdrawn prior to the full hearing, the latter of which has resulted in the closure of a non-compliant premises and over £9000 in costs being awarded to the Council.

A1.6 Transfers of Licences and Designated Premises Supervisors variations showed a small increase on the average numbers. This is probably due in part to some work that has been conducted over the last year to ensure compliance when premises have changed hands.

## **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 stable. However, with no change in the statutory fee since implementation of the Licensing Act in 2005, the real terms value of income reduces year on year.

## **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