



Wednesday, 4 November 2015

LICENSING COMMITTEE

A meeting of **Licensing Committee** will be held on

Thursday, 12 November 2015

commencing at **9.30 am**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,
Torquay, TQ1 3DR

Members of the Committee

Councillor Manning (Chairman)

Councillor Barnby	Councillor Winfield
Councillor Brooks	Councillor Doggett (Vice-Chair)
Councillor Cunningham	Councillor Stocks
Councillor King	Councillor Ellery
Councillor Lang	Councillor Parrott
Councillor Stubleby	Councillor Excell
Councillor Sykes	Councillor Thomas (D)
Councillor Tolchard	

A prosperous and healthy Torbay

For information relating to this meeting or to request a copy in another format or language please contact:

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LICENSING COMMITTEE AGENDA

1. **Apologies**
To receive any apologies for absence, including notifications of any changes to the membership of the Committee.
2. **Minutes** (Pages 3 - 5)
To confirm as a correct record the Minutes of the meeting of this Committee held on 30 July 2015.
3. **Declarations of interest**
 - (a) To receive declarations of non pecuniary interests in respect of items on this agenda
For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
 - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda
For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
4. **Urgent items**
To consider any other items that the Chairman decides are urgent
5. **Glen Mayhew (Police) Briefing to Committee**
6. **Delegated decisions under the Licensing Act 2003** (Pages 6 - 8)
Decisions taken in relation to Licensing Act 2003 applications under delegated powers
7. **Delegated decisions under the Gambling Act 2005** (Pages 9 - 11)
Decisions taken in relation to Gambling Act 2005 applications under delegated powers
8. **Verbal Summary of Consultations on Policy Documents - Steve Cox** (Verbal Report)



Minutes of the Licensing Committee

30 July 2015

-: Present :-

Councillor Manning (Chairman)

Councillors King, Sykes, Tolchard, Doggett (Vice-Chair), Stocks, Ellery and Parrott

(Also in attendance: Councillor Excell)

9. Apologies

Apologies for absence were received from Councillors Cunningham, Stublely and Winfield.

10. Minutes

The Minutes of the meeting of the Licensing Committee held on 4 June 2015 were confirmed as a correct record and signed by the Chairman.

11. Gambling Act 2005 'Draft Statement of Principles 2016,' (Gambling Policy)

The Committee considered a report which set out the draft Gambling Act 2005 'Statement of Principles 2016', (Gambling Policy).

Resolved:

that the draft Gambling Act 2005 'Statement of Principles 2016', as set out at Appendix 1 to the submitted report be endorsed and submitted for formal consultation.

12. Licensing Act 2003 'Draft Statement of Principles 2016,' (Licensing Policy)

The Committee considered a report which set out the draft Licensing Act 2003 'Statement of Principles 2016', (Licensing Policy).

Resolved:

- (i) that Members were in part assured by the actions being undertaken by Officers of the Council, the Police and some Premises Licence Holders themselves in partnership to ensure that where appropriate, improvements were being made to ensure that the night time economy is both safe and welcoming. However, Members were unanimously concerned over the increase in the recorded 'violence against person' crimes between 2009/2010 and 2013/2014 and requested that a meeting be arranged at the

earliest opportunity with the Police, Licensing Officers and the Committee to explain in more detail this increase and what action was being taken to reduce this type of crime in the Cumulative Impact Area; and

- (ii) that the Draft Licensing Act 2003 'Statement of Principles 2016' be endorsed subject to the following amendments being considered as part of the consultation process:

Page Number	Item Number	Change
66	1.23	Replace 'does not condone' with 'is against' the use of illegal drugs.... and replace 'but' recognises with 'and' recognises
72	(vii)	Include that it is a mandatory requirement to provide free water and delete the second sentence.
73	(xi)	Replace 'all' with 'where deemed necessary by a Responsible Authority'....
78	(e)	Capital Letter for 'Responsible Authority' in line 7.
81	4.10	In the second sentence reword to read ... for up to the first 100 people likely to be present....
89	Appendix 1 first paragraph	Delete 'area shaded grey' and replace with 'shaded area'
94	Appendix 3 first paragraph	In the second to last sentence reword to read ... for up to the first 100 customers...
95	Prevention of Public Nuisance - fourth paragraph	Capital 'A' for Authority.
96	Second to last paragraph	Reword to read 'In most cases'... and change 'maybe' to 'may be'
96	Last paragraph	Capital 'A' for Applicant
97	Third paragraph	Replace 'benefited' with 'benefitted' and delete 'live music act' and replace with 'Licensing Act 2003'

Chairman/woman

Agenda Item 6



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: **12th November 2015**

Key Decision: **No**

Change to Budget: **No** Change to Policy Framework: **No**

Contact Officer: **Steve Cox**
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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
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 2015 Torbay Council had 810 Premises Licences/Club Premises Certificates; this is a slight increase on 6 months earlier, but fits within the usual seasonal pattern. Up until 30th September 2015 Licensing Committee has dealt with 569 premises hearings, of which 9 were between 1st April and 30th September 2015. Additionally up to 30th September 2015, 3045 Personal Licences had been issued, of which 96 had been issued between 1st April and 30th September 2015.

A1.2 From 1st April and 30th September 2015, Torbay Council has dealt with the following applications under the Licensing Act 2003.

	Total
Premises/Club Premises Applications – New	9
Premises/Club Premises Applications – Variations	9
Premises/Club Premises Applications – Minor Variations	21
Personal Licences	96
Hearings (Licensing Committee/Sub-Committee)	9
Appeals (to Magistrates Court)	0
Temporary Event Notices	173
Reviews of Licences (Licensing Committee/Sub-Committee)	1
Transfers of Premises Licences/Club Premises Certificates	33
Transfers of Designated Premises Supervisors	78

A1.3 The number of applications, being received by the Licensing and Public Protection Team was 39 compared to 36 in the previous 6 months.

A1.4 The number of Personal Licences issued increased slightly from 94 to 96. While the number of Temporary Events Notices (TENs), showed an increase compared to the last summer period from 148 up to 173.

A1.5 There has been no appeals and one review 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 in 2013, and decided to retain them, however due to the delay to amending the legislation, renewals had to take place until 1st April 2015.

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



Report No: _____ Public Agenda Item: **Yes**

Title: **Decisions taken in relation to Gambling Act 2005 applications under delegated powers**

Wards Affected: **All**

To: **Licensing Committee** On: **12 November 2015**

Key Decision: **No**

Change to Budget: **No** Change to Policy Framework: **No**

Contact Officer: **Steve Cox**
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1. What we are trying to achieve

- 1.1 To inform Members of the decisions taken in relation to Gambling Act 2005 applications in Torbay 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 gambling situation under the Gambling Act 2005 in Torbay.

3. Key points and reasons for recommendations

- 3.1 Torbay Council's "Gambling Policy Statement" (adopted December 2009) details the scheme of delegation under the Gambling Act 2005. This Policy also requires that the Licensing Committee receive regular reports (Section 9.15) on delegated decisions so that it can maintain a general overview of the current gambling situation in Torbay.

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 Gambling Act 2005 came into force on 1st September 2007. Torbay Council, as the Licensing Authority are responsible for the Premises Licences issued under the legislation, along with permits for gaming machines in a number of Premises, notably Unlicensed Family Entertainment Centres (UFEC's), Club and Pub Premises. The Gambling Commission are responsible for Operator Licences and Personal Licences.

A1.2 From 30th April 2007, Torbay Council became responsible for the administration and issuing of Premises Licences and UFEC's. Below are the applications dealt with between 1st April and 30th September 2015.

	Total
Casino Premises Licences – New	0 (1)
Casino Premises Licences – Variation	0
Bingo Premises Licences – New	1 (8)
Bingo Premises Licences – Variation	0
Betting Premises Licences – New	0 (17)
Betting Premises Licences – Variation	0
Adult Gaming Centre Premises Licences – New	0 (18)
Adult Gaming Centre Premises Licences – Variation	0
Family Entertainment Centre Premises Licences – New	0 (3)
Family Entertainment Centre Premises Licences – Variation	1
Unlicensed Family Entertainment Centre Gaming Machine Permit – New	3 (20)
Temporary Use Notices	0
Reviews of Licences (Licensing Committee/Sub-Committee)	0
Hearings (Licensing Committee/Sub-Committee)	0
Appeals (to Magistrates Court)	0

The numbers in brackets are the total number of each type of Premises Licences issued. There have been 2 applications for Premises Licences, one variation and one new, and three for an Unlicensed FEC, however one of these related to transfer premises so did not add to the total.

There was also one surrender of an AGC, which became one of the new UFEC

above.

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 Torbay Council's Gambling Policy.

A4. Summary of resource implications

A4.1 There is no significant additional resource implications from routine Gambling Act work.

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 "Preventing Gambling being a source of Crime and Disorder", so the work should have a positive impact on reducing this.

A6. Consultation and Customer Focus

A6.1 There is public consultation on all New and Variation Premises Licence applications for a 28 day period before any licence is granted.

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 is a consultee on all applications.

Annexes

None

Documents available in members' rooms

None

Background Papers:

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

None