



Public Agenda Item: **Yes**

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

Wards Affected: **All**

To: **Licensing Committee** On: **2 June 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 24 November 2005. On the 31 March 2011 Torbay Council had 811 Premises Licences/Club Premises Certificates. This is a decrease of 11 on 6 months ago. It should also be noted, that a number of Premises have surrendered their Premises Licences. Up until 31 March 2011 the Licensing Committee has dealt with 497 premises hearings, of which 6 were between 1 October 2010 and 31 March 2011. Additionally up to 31 March 2011, 2347 Personal Licences had been issued, of which 107 had been issued between 1 October 2010 and 31 March 2011.

A1.2 From 1 October 2010 and 31 March 2011, Torbay Council has dealt with the following applications under the Licensing Act 2003.

	Total
Premises/Club Premises Applications – New	17
Premises/Club Premises Applications – Variations	12
Premises/Club Premises Applications – Minor Variations	22
Personal Licences	107
Hearings (Licensing Committee/Sub-Committee)	7
Appeals (to Magistrates Court)	0
Temporary Event Notices	111
Reviews of Licences (Licensing Committee/Sub-Committee)	0
Transfers of Premises Licences/Club Premises Certificates	35
Transfers of Designated Premises Supervisors	67

A1.3 The number of applications, being received by the Licensing and Public Protection Team has remained static at 51 compared to 49 in the previous 6 months. 22 of these were the Minor Variations, an increase of 4, while new applications decreased from 22 to 17. The number of hearings was down from 10 to 7, of which one was a Personal Licence.

A1.4 The number of Personal Licences issued increased from 84 to 107. While the number of Temporary Events Notices, showed a slight decrease from 122 to 111 compared to the last winter period, to which it is comparable.

A1.5 There has been no appeals during the period. There have now been 24 appeals, 7 arising from Review decisions.

A1.6 There were no Reviews made during the period. There have now been 17 Reviews of Premises Licences, the majority instigated by The Police.

A1.7 Transfers of Licences were down a little while Designated Premises Supervisors variations remained similar in number.

A1.8 The general picture is therefore a fairly static picture, however with slight decreases in total number of licences.

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