



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**

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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