



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: **24 May 2012**

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 Appendix A.

Frances Hughes
Executive Head Community Safety

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 31st March 2012 Torbay Council had 818 Premises Licences/Club Premises Certificates; this is 13 less than 6 months earlier. Up until 31st March 2012 the Licensing Committee has dealt with 516 premises hearings, of which 6 were between 1st October 2011 and 31st March 2012. Additionally up to 31st March 2012, 2451 Personal Licences had been issued, of which 56 had been issued between 1st October 2011 and 31st March 2012.

A1.2 From 1st October 2011 and 31st March 2012, 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	7
Premises/Club Premises Applications – Minor Variations	19
Personal Licences	56
Hearings (Licensing Committee/Sub-Committee)	6
Appeals (to Magistrates Court)	2
Temporary Event Notices	130
Reviews of Licences (Licensing Committee/Sub-Committee)	0
Transfers of Premises Licences/Club Premises Certificates	44
Transfers of Designated Premises Supervisors	66

A1.3 The number of applications, being received by the Licensing and Public Protection Team was 35 compared to 34 in the previous 6 months. 19 of these were the Minor Variations, an increase of 5, while new applications decreased from 13 to 9. The number of hearings was down from 14 to 6. Overall this is a similar level of activity to the previous six months.

A1.4 The number of Personal Licences issued decreased from 90 to 56. While the number of Temporary Events Notices, showed an increase from 111 to 130 compared to the last winter period, this being the highest winter six month figure to date.

A1.5 There has been two appeals during the period, but none pending. These two appeals related to Committee decisions over the review of their licences. The first was to revoke the Old Brewery Licence, although after they agreed to accept a tranche of conditions which included the removal of the DPS, it was agreed that the licence could be retained. The Sportsman's appeal was over one

condition imposed by Committee about opening hours and the sale of alcohol and a compromise was able to be reached. There have now been 26 appeals previously, 9 arising from Review decisions.

A1.6 There were no Reviews made during the period. There have 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 total number of licences, which often happens during fee paying time.

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