

Report for: Licensing Committee

Date of Meeting:	30 June 2023
Subject:	Licensing Update Report
Cabinet Member:	Cllr David Wulff Cabinet Member for Community & Leisure
Responsible Officer:	Simon Newcombe Corporate Manager for Public Health, Regulation and Housing
Exempt:	No
Wards Affected:	All wards
Enclosures:	None

Section 1 – Summary and Recommendation(s)

To provide the Committee with an update on Licensing Act activity undertaken by the Licensing Team.

Recommendation(s):

- 1. To note the contents of the report**
- 2. To provide feedback on the report and the type of information the Committee would like to be included going forward**

Section 2 – Report

1 Introduction

- 1.1 This report provides an outline of the functions covered by the Licensing Committee in relation to the Licensing Act 2003 and the Gambling Act 2005. It also provides an overview of the activity carried out by the licensing team in respect of the following: regulated entertainment, late night refreshment, gambling and all aspects of alcohol licensing.

2 Service Delivery

2.1 Contextual data

2.1.1 The Licensing team is responsible for issuing a range of premises licences and personal licences under the Licensing Act 2003, this is broken down as below:

Type of Licence	Total active	Issued 2022-2023	Surrendered or suspended
<i>Personal Licence</i>	1396	64	11
<i>Premises With alcohol</i>	310	73 (new or amended)	14
<i>Premises with no alcohol</i>	62	3	1
<i>Club premises</i>	37	8	0

2.1.2 Mid Devon currently has 409 premises licensed under the licensing Act. A review of historic data shows that the total number of Licenced premises with alcohol within the district has increased by 8.4% since 2018. The Licensing Service dealt with applications from 23.5% of the licensed premises within the district in the previous year, this will include minor and full variations.

2.1.3 A Temporary Event Notice (TEN) is a notification given by an individual to the Licensing Authority where it is proposed to use a premises for one or more licensable activities during a period not exceeding 168 hours. They can be used to authorise relatively small-scale ad hoc events held in or on any premises involving no more than 499 people at any one time.

2.1.4 The number of Temporary Event Notices (TEN) issued within the last financial year:

Temporary Event Notices	Standard TEN	Late TEN
With alcohol	295 (12 amended or withdrawn)	57 (mostly Mid Devon show)
No alcohol	10	1

2.1.5 We receive a large number of TENS for some of the larger scale events, providing multiple TENS, for example Mid Devon Show. Discussions are being had with these event organisers to encourage applications for Premises Licences for such events. This will remove the reliance on TENS and provide more control of the events through Licence conditions.

2.1.6 Mid Devon has the following licences under the Gambling Act 2005:

Type of permit/Licence	Number active within District
Adult Gaming centres	2
Betting premises	4
Gaming machine permit	3
Club gaming permit	2
Club machine permit	4
Licensed premises gaming permit	3
Gambling machine notifications	74
Small society lotteries	70

2.2 Inspections

2.2.1 The Licensing Officers have conducted 35 licensed premises inspection with a purpose of determining if premises are in compliance with Licence conditions. A risk rating is applied to premises to identify those that are a priority for inspection. 10 of these inspections were carried out jointly with Devon and Cornwall police, where information and intelligence suggested that there was a non-compliance with Licence conditions.

2.3 Speed of processing and determination of applications

2.3.1 The Licensing Service ensures effective consultation on all applications received and is focused on determining applications within the legislative deadlines. All applications were determined within the deadlines over the last financial year.

3.0 Enforcement and Hearings

3.1 Hearings

3.1.1 There has been one premises licence application considered during 2022/23 by the Licencing Sub-committee. This related to Smeatharpe stadium and the retail sale of alcohol. The outcome of hearing resulted in the licence being granted with conditions.

3.2 Mediation

3.2.1 The Service provides a mediation function, recognising that through liaising between applicants and interested parties, a number of applications can be dealt with through delegated authority rather than needing to be scheduled at a Licensing Sub-Committee. This is resource intensive for the Licensing Service but results in a reduced number of cases going to Sub-Committees and therefore reduces the cost and speeds up the process for these applicants.

3.3 Enforcement

3.3.1 No formal enforcement action was recorded during the last year. Officers apply a graduated approach to enforcement, initially working to resolve issues of non-compliance informally.

4.0 Annual Fee Retrieval

- 4.1 Licensed premises are subject to an annual fee, determined by their rateable value, with fees set by central government. Some premises have historically not paid their annual fees, for reasons such as closure. The Licensing Team have been collecting historic debt for unpaid annual fees which has resulted in £16,000 of income for the service.
- 4.2 An additional outcome of this piece of work has been the cleansing of historic data and some licences have been suspended through this process.

5.0 Legislative and Policy updates

5.1 Review of Statement of Licensing Policy

- 5.1.1 The Act requires that Licensing Authorities publish a Statement of Licensing Policy for their area to guide them when considering licence applications and controlling licensed premises. Licensing authorities are required to review their statements of Licensing Policy every 5 years. The 5th review of the Mid Devon District Council statement of licensing policy will be carried out autumn 2023, with a view to consultation at the end of 2023 and ready for adoption in 2024.

5.2 Martyn's law

- 5.2.1 'Martyn's Law' is a tribute to Martyn Hett who was killed alongside 21 others in the Manchester Arena terrorist attack in 2017.
- 5.2.2 The Terrorism (Protection of Premises) Bill sets out the requirements that, under 'Martyn's Law', venues and other organisations will have to meet to ensure public safety. This will place a requirement on those responsible for licensed venues to consider the threat from terrorism and implement appropriate and proportionate mitigation measures. The draft bill will be subject to pre-legislative scrutiny by the Home Affairs Select Committee ahead of formal introduction.
- 5.2.4 Which regulatory body will enforce the legislation is still to be determined, however, Licensing will likely be required to play a key role in working with Licensed Premises when the legislation comes into force with a tiered approach being introduced for certain locations depending on the capacity of the venue or event; standard tier will be capacity 100-799 and enhanced 800+. Below 100 will be supported by generic guidance and training materials.

5.3 Regulatory easements

- 5.3.1 The Alcohol Licensing (Coronavirus) (Regulatory Easements) (Amendment) Regulations 2022, came into effect on 29 September, extending the off-sales provision of the Business and Planning Act 2020 (modification of premises licences to authorise off-sales for limited period) until 30 September 2023. The modifications provide automatic extensions of premises licences that only permit sales of alcohol for consumption on the premises ("on-sales") to allow sales of alcohol for consumption off the premises ("off-sales").

5.4 Levelling up and regeneration bill

5.4.1 In July 2020, the Business and Planning Act 2020 introduced a new pavement licence scheme so that operators of businesses selling food and drink could apply for authorisation to put removable furniture such as tables and chairs on the highway, in front of or adjacent to their premises for consumption of food and drink outside their premises to aid social distancing. The Levelling Up and Regeneration Bill will make pavement licensing the permanent licensing regime for outside consumption and the placement of furniture on the highway. This is now at the final stage in the House of Lords.

5.5 White Paper - High stakes: gambling reform for the digital age

5.5.1 Measures in this white paper are designed to increase existing protections against gambling-related harm.

Financial Implications: All licences for the areas mentioned above have a charge associated with them. The income from the licences is used to offset the running of the service. The service is not self-funding as the Licensing Act and Gambling Act fees are set at a national level and have not been increased for many years therefore do not fully cover costs. Where possible the fee income is used to reduce the contribution of the general fund to the running of the service.

Legal Implications: There are various regulations that govern the range of applications administered by the licensing team. These detail a range of duties and statutory deadlines, as well as policy and procedural requirements.

Risk Assessment: Provision of the licensing service is a statutory obligation. If resources for the team are not available there is a risk that the council is unable to meet its statutory duties in relation to licensed activities. This would put the health and safety of residents at risk if they accessed a service that did not meet licensing standards.

Impact on Climate Change: There is no direct impact on climate change as a result of this report.

Equalities Impact Assessment: An equality impact assessment is not required in respect of this update report.

Relationship to Corporate Plan: This report links directly to the Licensing Authority functions of the Council with the primary aim of protecting public safety and ensuring the well-being of our community and licensed service users. It therefore contributes to the priority of Community within the Corporate Plan.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 20 Jun 2023

Statutory Officer: Maria de Leiburne

Agreed on behalf of the Monitoring Officer

Date: 20 Jun 2023

Chief Officer: Simon Newcombe

Agreed by or on behalf of the Chief Executive/Corporate Director

Date: 19 June 2023

Performance and risk:

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 20 June 2023

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact:

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Background papers: None