

2.0 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 quarter 1&2 2023/24	Surrendered or suspended
<i>Personal Licence</i>	1409	29 (new or amendments)	11 (all)
<i>Premises With alcohol</i>	307	35 (new or amended)	2 surrendered 0 suspensions (in qrt 1 & 2)
<i>Premises with no alcohol</i>	62	2 (amended)	0
<i>Club premises with alcohol</i>	37	3	0

2.1.2 Mid Devon currently has 406 premises licensed under the Licensing Act 2003. The Licensing Service dealt with applications from 10% of the licensed premises within the District in the first half of the 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 Notices	Event	Standard TEN Qrt 1 & 2	Late TEN Qrt 1 & 2
With alcohol		225 (6 amended)	36
No alcohol		11	1

2.1.5 We receive a large number of TENS, so far this year we have received 75% of the total number received for the whole of 2022/2023. Whilst we normally see an increase during the summer months, it is anticipated that overall we will have an increase in numbers of TENS submitted for this year.

2.1.6 Discussions have started with the organisers of the Mid Devon Show, who are looking at the option to apply for a premises licence for the site. The event has multiple alcohol vendors all of whom currently submit TENS for the same piece of land. In addition, the event offers live music for attendees, which is a licensable activity. A premises licence would enable conditions to be discussed

and agreed with the event organisers focused on the licensing objectives. This would also remove the need for vendors to submit TENs which account for approximately 15% of the TENs received by the Council.

2.1.7 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	2
Club gaming permit	2
Club machine permit	4
Licensed premises gaming permit	5
Gambling machine notifications	72
Small society lotteries	70

2.2 Inspections

2.2.1 The Licensing Officers have conducted 15 licensed premises inspections with a purpose of determining if the premises are compliant with licence conditions. An inspection may be initiated as a result of a complaint, or by using a risk rating that is applied to premises to identify those that are a priority for inspection.

2.2.2 Four 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 and that a multi-agency approach was more appropriate.

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 period.

3.0 Enforcement and Hearings

3.1 Hearings

3.1.1 There has been one application considered during the first half of 2023/24 by the Licencing Sub-committee. This was an application to review the premises licence of Belluno, Newton St Cyres made by the Home Office, Immigration Enforcement. The applicant sought the outcome of licence revocation.

3.1.2 The hearing outcome was the removal of the DPS and a period of suspension for a weekend of the licence holder's choice during October 2023.

3.1.3 A new DPS is now in place at the premises. The suspension took place covering 20th October till 23rd October 2023.

3.2 Enforcement

- 3.2.1 Outside of the hearing outcome described at 3.1.2, no further formal enforcement action was recorded during the first half of 2023/24. Officers apply a graduated approach to enforcement, initially working to resolve issues of non-compliance informally.

4.0 Legislative and Policy updates

4.1 Review of Statement of Licensing Policy

- 4.1.1 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.
- 4.1.2 The 5th review of the Council's Statement of Licensing Policy has been initiated and will be completed by January 2024, with a view to consultation and ready for adoption in 2024/25.

4.2 Changes to the late-night levy

- 4.2.1 Following a consultation, the Government has now commenced a number of changes to the late-night levy. For example, licensing authorities can now target the levy in smaller geographical areas, rather than having to implement it across the entirety of their area. [Guidance has been produced to support councils with the levy.](#)

4.3 Pavement licensing

- 4.3.1 The [Business and Planning Act 2020 \(Pavement Licences\) \(Coronavirus\) \(Amendment\) Regulations 2023](#) has come into force extending pavement licence renewal dates to 30th September 2024.
- 4.3.2 Under the Business and Planning Act 2020 (2020 Act), a pavement licence may specify an expiry date, which may not be later than the date specified in section 4(2)(b). If a pavement licence does not specify an expiry date, the licence expires on the date specified in section 4(1)(b). If a pavement licence is deemed to be granted under section 3(9) (where the local authority has failed to determine an application), that pavement licence expires after a year, or if earlier on the date specified in section 4(4).
- 4.3.3 Prior to these Regulations, the date specified in each of those subsections was 30th September 2023. Regulation 5 extends the dates by twelve months, to 30th September 2024.
- 4.3.4 Regulation 6 extends the expiry of sections 1-9 of the 2020 Act generally, also to 30th September 2024.
- 4.3.5 The Council has issued two pavement licences under the 2020 Act which expire in September 2024.

4.4 Extension of temporary relaxation of rules around off-sales

- 4.4.1 The guidance relating to the alcohol licensing provisions in the 2020 Act has been updated to reflect the fact that temporary off-sales permission has been extended to 31 March 2025.
- 4.4.2 The Government have now published [The Alcohol Licensing \(Coronavirus\) \(Regulatory Easements\) \(Amendment\) Regulations 2023](#) to extend the alcohol licensing regulatory easements relating to off-sales until 31 March 2025.
- 4.4.3 Regulation 2 extends the application of the modifications for a period of 18 months, from 30 September 2023 to 31 March 2025.
- 4.4.4 These Regulations come into force on 28th September 2023 and extend to England and Wales only.

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 2003 and Gambling Act 2005 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: 14 November 2023

Statutory Officer: Maria De Leiburne
Agreed on behalf of the Monitoring Officer
Date: 14 November 2023

Chief Officer: Simon Newcombe
Agreed by or on behalf of the Chief Executive/Corporate Director
Date: 13 November 2023

Performance and risk: Steve Carr
Agreed on behalf of the Corporate Performance & Improvement Manager
Date: 16/11/2023

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact:

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Background papers: None