

Report for: Licensing Committee

Date of Meeting:	28 June 2024
Subject:	LICENSING UPDATE REPORT
Cabinet Member:	David Wulff, Cabinet Member for Quality (Cost) of Living, Equalities and Public Health
Responsible Officer:	Simon Newcombe – Head of Housing and Health
Exempt:	No
Wards Affected:	All wards
Enclosures:	None

Section 1 – Summary and Recommendations

To provide the Committee with an update on Licensing Act 2003 activity undertaken by the Licensing Team in the second half of 2023/24.

To provide an overview of legislative and guidance changes and make recommendations where these have an impact on service delivery.

Recommendations:

- 1. The Committee are asked to provide feedback on the proposal at section 4.2 of this report, suggesting a quarterly Teams briefing to support the established quarterly Licensing Bulletin.**
- 2. That Committee approve a minor review of the Gambling Act 2005 Statement of Principles and subsequent 6-week consultation during August and September 2024 as outlined in section 4.6 of this report.**

Section 2 – Report

1 Introduction

- 1.1 This report provides overview of the activity carried out by the Licensing Team during the second half of 2023/24, in respect of the following:**

- regulated entertainment;
- late night refreshment;
- gambling; and
- all aspects of alcohol licensing.

It also provides an overview of changes to legislation and guidance affecting the delivery of the Licensing service.

2 Service Delivery

Contextual data

- 2.1 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
() = variance on last report:

Type of Licence	Total active	Issued quarter 1&2 2023/24	Surrendered or suspended
<i>Personal Licence</i>	1423 (+14)	19	0
<i>Premises With alcohol</i>	305 (-2)	31	10
<i>Premises with no alcohol</i>	63 (+1)	2	0
<i>Club premises with alcohol</i>	37 (no change)	3	0

- 2.2 Mid Devon currently has 405 premises licensed under the Licensing Act 2003. The Licensing Service dealt with applications from 9% of the licensed premises within the District in the second half of the year, this will include new applications, and amendments via minor and full variations.

- 2.3 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.

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

Temporary Event Notices	Standard TEN Qrt 3 & 4	Late TEN Qrt 3 & 4
With alcohol	131	34
No alcohol	10	0

- 2.5 A total of 448 TENS were received during 2023/2024. A 19% increase on 2022/2023.

2.6 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	2
Club gaming permit	2
Club machine permit	2
Licensed premises gaming permit	5
Gambling machine notifications	74
Small society lotteries	82

2.7 The number of small society lotteries has increased by 15% since the last report.

Inspections

2.8 Licensing Officers have conducted 17 licensed premises visits 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.

2.9 Two 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.

Speed of processing and determination of applications

2.10 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 Hearings and Enforcement

Hearings

3.1 There have been no hearings relating to Licensing Act or Gambling Act Licence applications/ premises.

Enforcement

3.2 No formal enforcement action was recorded during the second half of 2023/24. Officers apply a graduated approach to enforcement, initially working to resolve issues of non-compliance informally.

4 Legislative and Policy updates

Licensing Bulletin

4.1 A Licensing Bulletin is circulated quarterly to Members of the Licensing and Regulatory Committee. The report is prepared by Legal Services and contains

useful information of recent and upcoming changes to Licensing legislation, guidance and case law, as well as case studies from other Local Authorities.

- 4.2 Licensing officers also propose a quarterly Teams meeting to support the briefing, delivered jointly by the Licensing and Legal Services, as an opportunity to ask any questions and explore the implications of the changes on the service and Authority.

Review of Statement of Licensing Policy

- 4.3 The fifth review of the Council's Statement of Licensing Policy has been carried out and a separate report is being presented to this Committee with a recommendation for a 6-week consultation on the proposed changes.

Review of Gambling Act 2005 Statement of Principles

- 4.4 There is a statutory requirement for Licensing Authorities to publish a Gambling Act 2005 Statement of Principles every 3 years. The current Statement covers 2022 – 2025 and a revised Statement will need to be published 4 weeks prior to the implementation date of 31st January 2025.
- 4.5 The Gambling Commission will be publishing revised guidance during 2025 and it is anticipated that changes to the Statement of Principles will be required following this update. It has therefore been suggested by the Gambling commission that Licensing Authorities should consider minimal change to their Statement of Principles, where they remain fit for purpose, during the current review. An additional review will then be carried out following the guidance update.
- 4.6 It is proposed that a minor review of the Statement be carried out, working on the following outline timescale: review by July 2024, a short consultation will be required from August 2024. The revised Statement and consultation responses will then be brought to Licensing Committee with a recommendation to present to Full Council to approve the Statement prior to 19th December 2024. This will then be ready to publish 4 weeks prior to implementation on 31st January 2025.

Pavement licensing made permanent

- 4.7 The Levelling Up and Regeneration Act 2023 makes permanent the provisions set out in the Business and Planning Act (BPA) 2020 for Pavement Licensing, with a number of changes.
- 4.8 Permission to place objects or structures on the highway are otherwise granted primarily under Part 7A of the Highways Act 1980. The fee for the Highways Act process varies between local authorities, and there is a minimum 28 calendar day consultation period. The Business and Planning Act process provides a cheaper, easier, and quicker way for businesses to obtain a licence and cover street furniture only.
- 4.9 Changes include the duration of the Licence (maximum 2 years), an increased consultation period for comments/objections (14 days), followed by an

increased determination period for licensing authorities (14 days) and enforcement powers for local licensing authorities.

- 4.10 The changes also increase the maximum fee that can be charged for a Pavement Licence. Fees are set locally, and it is for the licensing authority to determine the appropriate charge. A separate report will be presented to Full Council covering to administration of the service including setting of fees.

Consultation on the proposed changes to Martyn's Law standard premises

- 4.11 A six week consultation was carried out by the Home Office, seeking views to make sure the requirements of Martyn's Law do not place undue burdens on smaller businesses, while still protecting the public.
- 4.12 The changes being consulted on included a new 'reasonably practicable' approach better suited to the wide range of organisations that will be within the scope of standard tier. The revised approach is designed to be low to no financial cost, with associated costs largely driven by the time taken to communicate them to staff.
- 4.13 A Martyn's Law regulator will be established to monitor compliance and advise premises within scope of the legislation. Premises within standard tier will be required to notify the regulator that they are within the scope of this legislation.
- 4.14 Following the conclusion of the consultation process, the bill will be introduced as soon as parliamentary time allows.

5 Recommendations

- 5.1 In accordance with the above, the following recommendations are made:
1. The Committee are asked to provide feedback on the proposal at section 4.2 of this report, suggesting a quarterly Teams briefings to support the established quarterly Licensing Bulletin.
 2. That Committee approve a minor review of the Gambling Act 2005 Statement of Principles and subsequent 6-week consultation during August and September 2024 as outlined in section 4.6 of this report.

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: 19 June 2024

Statutory Officer: Maria de Leburne
Agreed on behalf of the Monitoring Officer
Date: 19 June 2024

Chief Officer: Simon Newcombe
Agreed by or on behalf of the Chief Executive/Corporate Director
Date: 24 May 2024

Performance and risk: Steve Carr
Agreed on behalf of the Corporate Performance & Improvement Manager
Date: 19 June 2024

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Harriet Said, Team Leader (Commercial), Public Health or Simon Newcombe, Head of Housing and Health
Email: hsaid@middevon.gov.uk / snewcombe@middevon.gov.uk
Telephone: 01884 255255

Background papers:

[Pavement licences: guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/pavement-licences)