

- Report for:                      Licensing Committee**

## 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 or amended 2024/25	Surrendered or suspended
<i>Personal Licence</i>	1463 (+40)	55	0
<i>Premises With alcohol</i>	310 (+5)	73	3
<i>Premises with no alcohol</i>	64 (+1)	1	0
<i>Club premises with alcohol</i>	33 (-1)	2	0

- 2.2 Mid Devon currently has 407 premises licensed under the Licensing Act 2003. The Licensing Service dealt with applications from 18% of the licensed premises within the District during 2024/25, 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 2024/25	Late TEN 2024/25
With alcohol	391	95
No alcohol	17	0

- 2.5 A total of 503 TENS were received during 2024/2025. A 12% increase on 2023/24 (448). There has been a year on year increase in the number of TENS that the team are receiving and processing.
- 2.6 Five pavement Licences were issued during 2024/25. These licences permit the placement of removable furniture on a pavement in connection with an establishment where food and drink is sold for consumption on or off the premises.

2.7 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	3
Gaming machine permit	2
Club gaming permit	2
Club machine permit	2
Licensed premises gaming permit	4
Gambling machine notifications	76
Small society lotteries	73

### **Licensing at events**

- 2.8 Licensing Officers sit on the Safety Advisory Group (SAG) for Mid Devon. The SAG is co-ordinated by the Council and made up of representatives from relevant services including the Licensing team and Public Health plus emergency services, other relevant bodies, and the event organiser.
- 2.9 SAGs provide a forum for discussing and advising on public safety at an event. They aim to help organisers with the planning, and management of an event and to encourage cooperation and coordination between all relevant agencies.
- 2.10 Discussions may extend beyond an organiser's duty to comply with workplace health and safety law and even the boundaries of an event site, to include considering the impact on the local transport network and civil contingencies in the event of an emergency. The advice provided by the SAG and any decisions taken are proportionate to the risk profile of the event.
- 2.11 The guiding principle is that events presenting a significant potential public safety risk (whether in terms of numbers and profile of people attending, or the nature of the event activity and/or the challenge of the environment) are considered by the SAG.
- 2.12 24 event organisers attended a SAG meeting where licensing related matters would have been raised/ advised on as relevant.
- 2.13 Officers visited Shobrooke Park, as a joint inspection with Police, Licensing and the Fire Officer during the setup of The Enchanted Ball, one of our biggest annual events within Mid Devon.
- 2.14 A site visit was also made to Mid Devon show to consider Licensable activities as well as Food Safety and Animal contact.

### **Inspections**

- 2.15 Licensing Officers have conducted 7 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.

- 2.16 Four of these visits were carried out jointly with Devon and Cornwall Police Licensing, and one with a DCC Highways Officer, where information and intelligence suggested that there was a non-compliance with licence conditions and that a multi-agency approach was more appropriate.
- 2.17 Inspections were carried out in all of our (three) licenced betting shops in order to check compliance with conditions under the Gambling Act 2005.

### **Speed of processing and determination of applications**

- 2.18 The Licensing Team 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.
- 2.19 There have been some issues with the accuracy of Licensing Act applications that were not picked up during processing which has led to delay for the applicant, as the process has had to recommence. To prevent re-occurrence, the Lead Officer and Team Leader are reviewing the application process and will provide training for the Licensing team.

### **Staffing update**

- 2.20 The staffing situation within the team remains challenging, with a number of changes throughout the year. During quarter 1, the service manager will review the vacancies as a priority and will seek to address these ongoing recruitment challenges.
- 2.21 Where possible, resources required to provide statutory licensing functions will be met from changes to the licensing fees, however some fees, notably those under the Licensing Act 2003 for alcohol premises licenses and certificates, personal licences and temporary event notices, are set down in Regulations issued the Secretary of State. Therefore, these are fixed and cannot be set or changed locally.

## **3 Enforcement and Hearings**

### **Hearings**

- 3.1 There were four Sub-Committee hearings during the 2024/25 as set out below:
  - 1. Hearing to consider a variation application for General Sir Redvers Buller. The application for the variation of the licence was granted as applied for.
  - 2. Hearing to consider a new premises licence application for Wembworthy Village hall. The application was granted as applied for.
  - 3. Hearing to consider a new premises licence application for ASDA Express PFS. The application was granted, with the addition of a condition about

the provision of quarterly information being supplied to the Licensing Authority.

4. Hearing to consider a new premises licence application for The Seahorse. The application was granted with modified conditions, limiting timings.

## **Enforcement**

- 3.2 No other formal enforcement action was recorded during 2024/25. Officers apply a graduated approach to enforcement, initially working to resolve issues of non-compliance informally as set out in line with the adopted corporate Enforcement Policy.

## **4 Legislative and Policy updates**

### **Martyn's Law**

- 4.1 The Terrorism (Protection of Premises) Act 2025, also known as Martyn's Law, received Royal Ascent on 3<sup>rd</sup> April 2025.
- 4.2 The Act delivers the Government's manifesto commitment to strengthen the security of public premises and events.
- 4.3 The Government intends for there to be an implementation period of at least 24 months before the Act requirements come into force.
- 4.4 Those responsible for premises will have new requirements for emergency preparedness, depending on their size and venue capacity. There is a tiered approach to the requirements; Standard Duty premises and Enhanced Duty premises.
- 4.5 A Standard Duty premises is any location with a capacity of 200-799 people. They will be required to put in place procedures to reduce harm to the public in the event of an attack. This involves 4 key areas:
  - Evacuation
  - Invacuating
  - Lockdown
  - Communication

This will involve staff training on how to identify safe routes to cover and how to use any security equipment.

- 4.6 An Enhanced Duty premises is any location with a capacity of 800+ people. The enhanced tier has the responsibility to reduce the risk of an attack. They have to consider:
  - Measures
  - Controls
  - Procedures
  - Mitigation
  - Attack types

- Plus the 4 key areas in the standard tier

This may involve putting in place extra measures such as CCTV or hiring security staff.

- 4.7 To support enforcement of the regime, a new regulatory function will be established within the Security Industry Authority (SIA) and consequently there is no direct role for Local Authorities in enforcing this legislation. The Council may nonetheless have premises within the scope of the new legislation where it must meet the new requirements and the Licensing Team may also receive requests for support and advice from the operators of premises we license under the Licensing Act 2003.

#### **Relaxed off-site drinking rules to come to an end**

- 4.8 The alcohol licensing regulatory easements relating to off-sales, set out in the Business and Planning Act 2020 (BPA), was extended in 2023 until 31 March 2025.
- 4.9 Following a consultation in 2024, it was decided that the off-sales measure within the BPA will not be renewed and will therefore expire on 31 March 2025, and the Licensing Act 2003, will revert to its pre-COVID position.
- 4.10 Any licenced premises with on-sales authorisation only will no longer be able to sell alcohol for off-site consumption from that date.

#### **Tobacco and Vapes Bill**

- 4.11 As part of the Government's commitment to creating a smoke-free generation, the Tobacco and Vapes Bill gives allows the introduction of a new licensing scheme for the retail sale of tobacco products, herbal smoking products, cigarette papers, vapes, and nicotine products.
- 4.12 Following a future consultation on the design of a licensing scheme, new regulations will be brought in to introduce the scheme and will cover online and in person retailers. This may set new requirements on the Council as the Licensing Authority.

**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 (see report) 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 wellbeing, health and safety of residents at risk if they accessed a service that did not meet licensing standards, or if we do not have resource to investigate intelligence and complaints relating to unlicensed operators.

**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 health, wellbeing and safety of residents and licensed service users. It therefore contributes to the priority of Community, People & Equalities within the Corporate Plan 2024-2028.

### **Section 3 – Statutory Officer sign-off/mandatory checks**

**Statutory Officer:** Andrew Jarrett  
Agreed by or on behalf of the Section 151  
**Date:** 11 June 2025

**Statutory Officer:** Maria de Leburne  
Agreed on behalf of the Monitoring Officer  
**Date:** 11 June 2025

**Chief Officer:** Stephen Walford  
Agreed by or on behalf of the Chief Executive/Corporate Director  
**Date:** 11 June 2025

**Performance and risk:** Steve Carr  
Agreed on behalf of the Corporate Performance & Improvement Manager  
**Date:** 06 June 2025

**Cabinet member notified:** Yes

### **Section 4 - Contact Details and Background Papers**

**Contact:**

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**Background papers:**

[Tobacco and Vapes Bill – licensing of the retail sale of tobacco, vaping and nicotine products | Local Government Association](#)