

**Contact:** Nigel Farmer  
**Telephone:** 020 8583 5147  
**E-Mail:** nigel.farmer@hounslow.gov.uk

## Licensing Committee – 10 May 2012

### Licensing Act 2003 - Update

**Report by:** Councillor Tom Bruce

#### 1. RECOMMENDATION

- 1.1 This report is for information purposes only. There are no recommendations or decisions for the Committee to consider.

#### Summary

This Authority has been accepting applications under the Licensing Act 2003 for both personal and premises licences since the first transitional date on 7 February 2005. The Act came into full being on 24 November 2005. The purpose of this report is to provide members with an up to date position with regard to licences issued, inspections and enforcement initiatives.

#### 2. INTRODUCTION

- 2.1 It has been over six years since the first transitional date (the date that applications from existing licence holders could be accepted) of the Licensing Act 2003 (the Act) and six years since the Act came into full being.
- 2.2 Following the end of the transitional period for the introduction of the Licensing Act 2003 (the Act), since 7 August 2005, applications for new premises licences/club premises certificates or to vary existing premises licences/club premises certificates are received by the Council as the Licensing Authority. Where relevant representations are made on such applications, either by responsible authorities or interested parties (as defined under the Act), if those representations cannot be resolved, the matter is referred to the Council's Licensing Panels for a decision.

If there are no relevant representations on an application or relevant representations are made but subsequently resolved, prior to any hearing of the sub-committee, there is nothing for the sub committee to consider and accordingly under the Act, the application must be granted by officers under delegated authority.

- 2.3 This report provides an overview of the current impact of the Act, gives an accurate account of licences issued, provides details of inspections and enforcement and advises members of developments since implementation of the Act.

2.4 Enforcement of the provisions of the Act are shared jointly between the Police and the Licensing Authority, whilst the Police retain the greater powers (such as temporary closure of premises) the Licensing Authority are given a major role with rights of entry to most premises (with the exception of private members clubs), the ability to check that statutory provisions and terms and conditions of a licence are being upheld and rights of prosecution.

### 3. CURRENT SITUATION

- 3.1 The bulk of applications and consequently licences issued under the Licensing Act 2003 were received in 2005/2006 with a total of 594 licences being issued during this period. These were almost exclusively transfers of existing licences. Since that period of time the number of licences issued within a given year has remained pretty constant with an average of approximately 70 per year.
- 3.2 For the Committee's information, attached at Appendix A to this report are details of premises licences that were granted by the Council under the Licensing Act 2003 during the period 1 January 2011 to 31 December 2011. Premises are categorised by their main usage as follows: public houses, restaurants, off-licences, take-aways, clubs, entertainment venues, hotels and other (including parks). The Licensing team also deals with a variety of requests to amend or transfer licences and designated premises supervisors and numerous enquiries from the public and the trade, in relation to licensable activities. This information for 2011 is also presented in Appendix A.
- 3.3 Appendix B provides the total of licences issued under the Act from its transition date to 31 March 2012.
- 3.4 Appendix C provides more detailed information regarding the decisions made by Licensing Panels in the period 1 January to 31 December 2011. This also includes decisions made with regard to street trading.
- 3.5 Appendix D details the statistics relating to panels and member attendance for the Council Year May 2011 to May 2012.
- 3.6 In relation to enforcement there is a protocol between the Licensing team within the Environment Department and partner agencies, including the Police, Trading Standards and the Fire Service. Details are kept centrally by the Licensing team of all formal and informal actions taken to date.

For the period 1 January to 31 December 2011, the Trading Standards team has carried out 160 test purchases using minors. Attempts of test purchases are made regarding a number of age restricted products including alcohol. Of 160 test purchases, there were 17 sales in the following categories:

<b>Product</b>	<b>No. Sales</b>
Alcohol	6
Tobacco	5
Fireworks	3
Knives	2
DVDs	1

Actions taken in regards to the sales were a warning, a simple caution or prosecution.

- 3.7 The Licensing team undertakes advisory and enforcement visits to licensees in an effort to ensure both understanding and compliance with the provisions of the Act and conditions attached to their various licences. In this respect, there is close liaison and exchange of information with the Police and other responsible authorities.
- 3.8 Inspections are ongoing with premises categorised according to perceived risk, which allows clear indication of how often they should be visited to ensure compliance with the licensing objectives and conditions on individual licences.
- 3.9 Regular liaison meetings are undertaken with the Police, Pollution Control and other agencies, the purpose of which is to discuss potential problem premises, plan for future initiatives and maintain close working partnership in line with guidance issued by the Secretary of State. This type of communication has proved invaluable and is working well. Although problems are identified, these are usually rectified in line with the Business Regulation Teams Enforcement Policy which includes the offering of advice and education, rather than having to opt for a prosecution of the licence holder or a review of the premises licence.
- 3.10 A system of enforcement visits is operated by officers of this Authority; these are often carried out in conjunction with the Police and have been successful in identifying unlicensed premises, breaches of conditions and offering of advice where required. It has always been the case to date that breach of licence terms and conditions can adequately be dealt with by firm warning rather than prosecution.

#### **4. COMMENTS OF THE ASSISTANT DIRECTOR CORPORATE GOVERNANCE**

- 4.1 There are no legal implications arising from this report.

#### **5. COMMENTS OF THE ASSISTANT DIRECTOR CORPORATE FINANCE**

- 5.1 There are no financial considerations associated with this report.

#### **6. EQUALITIES IMPLICATIONS**

- 6.1 The nature of this report is such that there is no requirement to have regard to the duties set out in the Equalities Act 2010.

<b>Background Papers:</b>
Licensing team files, licence records, Licensing Panel decisions and Member attendance records
<b>This report has been or is due to be considered by:</b> Licensing Committee
<b>This report is relevant to the following wards/areas:</b> All

**REPORT ENDS**