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LICENSING AND APPEALS COMMITTEE
30 JUNE 2022

Report of the Director of Regulatory Services

LICENSING ACT 2003 AND GAMBLING ACT 2005 - ANNUAL UPDATE

PURPOSE OF REPORT

This report provides a summary of the work relating specifically to the Licensing Act 2003 and the Gambling Act 2005, undertaken by the Licensing Team during the last financial year, and the previous two financial-year periods, to allow comparisons to be made.

The Committee is provided with details of compliance and enforcement work carried out in partnership with other statutory authorities, which contributes to the Licensing Service Plan Actions.

RECOMMENDATION:

- 1) That the Licensing Team continues to work with other Responsible Authorities, where possible, when carrying out the following number of planned compliance/enforcement visits in the District by 31 March 2023:
 - 20 licensing awareness visits to premises licensed for alcohol sales, gambling or scrap metal;
- 2) That the Licensing Team continues to contribute to the work of the Community Safety Partnership's VAL (Violence Alcohol and Licensing) Group, and supports initiatives promoted by the Institute of Licensing and the Gambling Commission.

WARDS AFFECTED

All

STRATEGIC LINK

An effective licensing regime contributes towards the District Council's Place objective, in terms of keeping the Derbyshire Dales clean, green and safe.

1 THE LICENSING ACT 2003

1.1 The Licensing Act 2003 ("the Act")

The Licensing Act 2003 established a single integrated scheme for licensing premises which are used for the sale or supply of alcohol, and/or to provide regulated entertainment and/or to provide late night refreshment.

- 1.2 Each year the District Council, (in its role as the Licensing Authority), maintains in the region of 550 premises licences and club premises certificates; 1,300 personal licences; and on average (each calendar year) acknowledges 500 to 600 temporary event notices (TENs).

All of these authorisations permit one or more of the licensable activities under the provisions of the Licensing Act 2003.

- 1.3 Each year a number of new premises licences are granted and a small number are surrendered, as businesses close down or move premises. New licences are granted and existing licences varied for a number of reasons, which include the start-up of new businesses, a rise in the number of one-off events. eg: small music festivals, micro-breweries, themed/luxury bed and breakfast establishments, community shops in separate areas of existing licensed premises etc.
- 1.4 2020-21 and 2021-2022 saw a reduction in the number of new licences being granted and an increase in the number of licences surrendered; due mainly to the Covid Pandemic.
- 1.5 Annual Progress Reports

The first annual progress report was presented to this Committee in 2007, providing information about the numbers of alcohol, entertainment and late night refreshment licence applications determined with effect from November 2005. Since 2007 an annual progress report has been submitted for the Committee's information and consideration. The report is usually considered at the first meeting each new civic year.

- 1.6 Some of the activities which needed to be licensed at the start of the new licensing regime are no longer licensable at during certain times of the day and in particular circumstances; the Live Music Act 2012 exempted the Licensing Act 2003 requirement for a licence for the provision of facilities for music, dancing, entertainment or anything similar, and amended the need for a licence for live and recorded music, dancing, the performance of plays and the exhibition of films; but only during specific times, namely between the hours of 8am and 11pm; and at particular types of premises; usually in community premises or at those that are already licensed for the sale of alcohol.
- 1.7 Licence applications made under the Licensing Act 2003

Application Type	Number of Applications Processed			
	2018/19	2019/20	2020/21 Pandemic	2021/22
New Premises Licences/Club Premises Certificates (CPCs)	16	15	15	21
Transfers of Premises Licences/Club Premises Certificates	22	39	16	17
Variations (full)	7	8	2	5
Minor Variations	6	9	5	3
Variation of (DPS)	74	89	38	57
Removal of DPS Condition	1 + 1 withdrawn	0	0	0
New Personal Licences	42	61	39	35
Temporary Event Notices (TENs)	454	468	64	336
LATE Temporary Event Notices	125	169	27	113
Surrendered Premises Licences	9	8	3	2

- 1.8 Licensing and Appeals Sub-Committee Hearings

During 2020- 2021, three applications for premises licences and one for a Temporary Event Notice (TEN) were referred to the Licensing and Appeals Sub-Committee, following receipt of objections. All 3 applications/notifications were related to Music Festivals in the district; Femmefest at Pikehall and Darley Moor Dance Festival.

The application for one of the premises licences and the TEN were withdrawn, and the other 2 premises licence applications were both refused by the Licensing & Appeals Sub-Committee.

1.9 Working with Partners

The Licensing Team continues to work closely with the other agencies with responsibility for dealing with applications for licensing eg through the Safer Derbyshire (Community Safety) Partnership VAL Group (**V**iolence, **A**lcohol and **L**icensing).

1.10 As a general rule, throughout the year, visits to licensed premises are carried out jointly, where appropriate, with officers from the Police, Environmental Health, Fire Service and Trading Standards Authorities. Where problems exist or there is the potential for problems, measures to deal with these are agreed by officers and negotiated with the licence holder.

1.11 In 2020-21 and 2021-22 the number of visits to licensed premises has been affected by COVID and the Licensing team and partners are busy catching up with these in 2022-23.

2 **THE GAMBLING ACT 2005**

2.1 The Gambling Act 2005 ("the Act")

Local licensing authorities have regulatory obligations under the Gambling Act 2005 for licensing gambling premises and issuing permits and permissions.

2.2 The Gambling Commission works closely with licensing authorities and other regulatory partners on joint initiatives and provides support through training, advice and publications. The Commission has developed toolkits, application forms, returns forms, codes of practice, guidance, and a monthly Bulletin, to help Licensing Authorities carry out their regulatory responsibilities around gambling.

2.3 Local Activity

The following numbers of premises in Derbyshire Dales are currently licensed under the 2005 Act:

- 1 Adult Gaming Centre (Matlock Bath)
- 4 Bookmakers (Betting Shops)
- 4 Family Entertainment Centres (Matlock Bath)
- 1 Occasional Use Notice (Pikehall Harness Racing)
- 170 (approx) Small Society Lotteries.

2.4 3-Yearly Review of Statement of Principles – Gambling Policy

Under section 349 of the Gambling Act 2005 (the Act) each licensing authority must prepare and publish a statement of principles which sets out how gambling is to be managed across the local authority area taking account of local issues, priorities and risks that underpin its approach to regulation.

2.5 The Policy provides the opportunity for licensing authorities to agree and set out how gambling is to be managed in different parts of its area, and to provide clarity of expectation for licence holders and prospective licence holders about how their businesses are likely to be treated depending on where they are located.

- 2.6 A clear statement of policy will provide greater scope for licensing authorities to work in partnership with local businesses, communities and responsible authorities to identify and mitigate local risks to the licensing objectives.
- 2.7 The Policy which must be reviewed and approved by the full Council at least once every 3 years, was approved by the full Council for re-publishing for a further 3-year period from 31 January 2022- 30 January 2025.

3 LICENSING STATISTICS

3.1 Regulatory Services Service Plan

A target of 20 visits to licensed premises during 2022-23 has been agreed and published in the Regulatory Services Service Plan. It is proposed that some of these will be made as joint visits to scrap metal premises as well as alcohol-licensed and gambling premises, as the 3-year licences for most scrap yards/collectors will be due for renewal in the Autumn.

3.2 Licensing Authority Statistics Published by Gambling Commission

Licensing authorities (LAs) have a statutory duty to provide the Gambling Commission with specific information about gambling regulation in their area. The Commission collates and analyses the information to help Licensing Authorities, and the Government, understand the local and national landscape of gambling regulation.

Every September, the Commission publishes the licensing authority statistics for all authorities in England and Wales. The statistics for 2021-2022 are awaited.

3.3 Alcohol and late Night Refreshment Licensing Statistics Published by the Home Office

At the beginning of April, the Home Office asked all licensing authorities in England and Wales to complete a statistical return for 2021/22 to enable them to produce the Alcohol and Late Night Refreshment Licensing 2021/22 statistical release.

The data for 2018/19, 2019/20 and 2020/21 was not required, as it was not scheduled for 2018/19, and then cancelled due to the pandemic for years 2019/20 and 2020/21. The data will now be collected every other year and the length of the questionnaire has been reduced. This should reduce the burden on licensing authorities while continuing to ensure the headline data series is available for comparison between authorities/areas.

The statistical release for 2021/2022 data should be available later in the year and the information contained in it will be reported to a future meeting of this committee.

4 RISK ASSESSMENT

4.1 Legal

It is the duty of the Council to licence and monitor gambling and licensable activities in the District.

This report provides the Committee with information on how the Council is continuing to implement the Licensing Act 2003 and the Gambling Act 2005 in practical terms.

This report shows that practical steps are taken to make sure premises are complying with the relevant legislation and the risk to the council of a legal challenge due to its licensing functions is relatively low.

4.2 Financial

The direct costs and income of administering the Licensing Act 2003 and the Gambling Act 2005 during the last 3 financial years, are shown in the following table:

Licensed Premises	2019/20 Actual £	2020/21 Actual £	2021/22 Actual £	2022/23 Budget £
Direct Costs	107,134	101,635	88,296	89,117
Support Services	36,426	34,560	30,021	30,300
Total Income	-129,187	-100,617	-131,752	-122,281
Net Cost / (Income)	14,373	35,578	-13,425	-2,864

NB: Support services are no longer allocated directly to services. Support service costs have been applied as a proportion of direct costs using a multiplier of 34% (based on 2016/17 actuals when more detailed records were maintained).

The costs of implementing the recommendations made in this report can be met from the existing budget and therefore the financial risk is assessed as low.

5 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, environmental, climate change, health, human rights, personnel and property.

6 CONTACT INFORMATION

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7 BACKGROUND PAPERS

Licensing Software M3/ASSURE records. RS/LN/ET/LA2003&GA2005/2005 onwards

8 ATTACHMENTS

None.