

Gravesham Borough Council

Report to: Licensing Committee
Date: 13 June 2007
Reporting officer: Head of Regulatory Services
Subject: Licensing Act 2003

Purpose and summary of report:

- (1) To apprise Members of the numbers of licences issued under the Licensing Act 2003
- (2) To apprise Members of the approach taken so far regarding the enforcement of premises licensed under the Licensing Act 2003 and to provide information of licensing visits, inspections and enforcement action
- (3) To apprise members of actions taken thus far in respect of the Gambling Act 2005 and expected level of activity for the remainder of 2007/08

Recommendations:

That Members note the report

1. Introduction

- 1.1 The Licensing Act 2003 came fully into force on 24 November 2005. From 1 February 2005 until 6 August 2005 the council as licensing authority was able to take applications from existing Justices' licence holders who were able to convert their licences to the new regime under 'grandfather rights'.
- 1.2 Licensees could also request a simultaneous variation of their licences in order that they could operate for longer hours, include regulated entertainment and provide late night refreshment (supply of hot food between 23.00 and 05.00).
- 1.3 From 7 August 2005 to date applicants can either apply for a new Premises licence or for the variation of an existing licence.
- 1.4 Any premises that supply alcohol can only be operated if there is at least one individual that possesses a Personal Licence and is appointed as a designated Premises Supervisor.

- 1.5 The making of licensing decision in Gravesham is done within the framework of the Statement of Licensing Policy adopted and published for the borough in December 2004 and attached as Appendix A to this report. This policy was developed with full consideration of the Guidance to the Licensing Act 2003 to which licensing authorities must have regard.

2. Licences issued

- 2.1 The number of licences issued to date are:

Type of licence	2005/06	2006/07	2007/08
Club Premises	36	2	0
Premises	299	45	5
Personal	477	124	6
Temporary Events Notice	67	149	23

In addition to the above there have been 108 changes of Designated Premises supervisor, 44 Transfer of Owners and 6 changes in Club Secretary from November 2005 to date

3. Enforcement of the Licensing Act 2003

- 3.1 The work of the Licensing Team up until November 2005 consisted purely of the processing of the various licence applications. Since that date the Licensing Team have an enforcement role as well as an administrative role.
- 3.2 At the present time there is no mandatory framework for licensing authorities to follow in terms of frequency or nature of proactive inspections of licensed premises.
- 3.3 The nature of the enforcement role in Kent has been agreed by all licensing authorities and responsible authorities (including police, fire safety and trading standards) signing a Kent and Medway Licensing Enforcement Protocol which is attached as Appendix B to this report. This protocol emphasises the importance of an ongoing programme for proactive inspections, with frequency determined on a risk rated basis. For Gravesham this means ongoing enforcement of approximately 360 licensed premises and of approximately 600 licensed persons.
- 3.4 When Full Council approved the Gravesham Statement of Licensing Policy on 14 December 2004 – this made reference to ongoing enforcement and investigation of complaints.
- 3.5 Full Council also approved an Enforcement and Prosecution policy at its meeting of 14 December 2004 that is attached as Appendix C to this report.
- 3.6 The Rogers Report was published in March 2007 and identifies 5 main national priority areas for enforcement one of which is alcohol, entertainments and late night refreshment and its enforcement.

- 3.7 In order to give an idea of the current level of enforcement work, findings and results, the following information is submitted for the period 1 April 2006 to 30 March 2007.
- 3.7.1 Apart from inspections carried out as part of the licence application process, the Licensing Officer undertook 141 pro-active daytime visits to licensed premises.
- 3.7.2 Of these 95 premises were found to contravene the regulations, which ranged in severity from not displaying the necessary documentation through to discovering that there was no authorised person in day to day control and there were 2 premises selling alcohol without having a licence at all. In accordance with procedure notes to be followed by licensing staff every premises were issued with an advisory letter and then a re-inspection a month later to check compliance. Of these re-inspections 61 premises had complied with requirements at first request, 34 premises needed a further inspection and of these 13 required a third visit before they were eventually deemed lawful.
- 3.7.3 The Licensing Officer also conducted 12 day time inspections and 31 night time inspection in the company of the police each requiring a follow-up inspection, full compliance was achieved at each visit.
- 3.7.4 The Licensing Officer conducted 50 night time off-site monitoring investigations to check on complaints regarding takeaway premises operating beyond hours and noise monitoring on premises where conditions had been applied, generally after a licence had been the subject of a licensing panel hearing. Of these 11 breaches were found in take-away premises and 7 in public houses.
- 3.7.5 The Senior Licensing Officer conducted 45 complaint investigations in the company of either the police or the Licensing Officer of which 3 were found to require further monitoring.
- 3.7.6 There have been no prosecutions brought by GBC under the Licensing Act 2003 as licensees have thus far either operated legally or have responded to informal warnings and advice to rectify contraventions accordingly
- 3.7.7 There have been no requests for a review of a Premises licence either from any responsible authority or from any interested party within the vicinity of a licensed premises.

4. Gambling Act 2005

- 4.1 The duties and function under this Act now also form part of the work of the Licensing Team.
- 4.2 A statement of licensing policy under the Gambling Act 2005 was approved at full Council in December 2006 at which time a 'no casinos' resolution was also passed. This is attached as Appendix D to this report
- 4.3 Transitional 'grandfather' applications and new applications will be received and processed from 21st May 2007.

- 4.4 The new licenses and regime are proposed to be fully operational as from September 2007.
- 4.5 Enforcement under the new regime, including GBC staff, will then follow.
- 4.6 During the transitional period we expect to receive applications from in the region of 150 premises in the borough possessing a liquor licence. Additionally there will be applications from all betting offices, entertainments centres, bingo halls and other miscellaneous premises.
- 4.7 It is intended that every premises will be inspected on receipt of an application to confirm that the correct licence being applied for. In addition a further inspection after approximately six months is anticipated to ensure compliance.
- 4.8 There will also be enforcement visits necessary to all 70 takeaway premises within the Borough to ensure that gaming machines have been removed as they are specifically precluded from having a licence or permit under the Gambling Act.