
Report to: Licensing & Regulatory Committee **Date of Meeting:** 3rd June 2013

Subject: Local Licensing: Performance Report 2012/13

Report of: Director of Built Environment

Wards Affected: All

Is this a Key Decision? No

Is it included in the Forward Plan? No

Exempt/Confidential No

Purpose/Summary

To report the progress against the 2012/13 Local Licensing Service Plan.

Recommendation(s)

That Licensing and Regulatory Committee:

- i) Notes this report; and
- ii) Requests similar reports on a biannual basis

How does the decision contribute to the Council's Corporate Objectives?

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community	√		
2	Jobs and Prosperity		√	
3	Environmental Sustainability		√	
4	Health and Well-Being	√		
5	Children and Young People		√	
6	Creating Safe Communities	√		
7	Creating Inclusive Communities		√	
8	Improving the Quality of Council Services and Strengthening Local Democracy	√		

Reasons for the Recommendation:

In order that the Licensing & Regulatory Committee can have an overview of the work carried out by the Local Licensing Unit.

What will it cost and how will it be financed?

(A) Revenue Costs

Costs are met from within the existing Local Licensing Budget.

(B) Capital Costs

None.

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Legal	The Head of Corporate Legal Services (LD1567/13) has been consulted and any comments have been incorporated into the report.
Finance	The Head of Finance and ICT (FD2251) has been consulted and notes the report indicates any costs will be met from within the existing Local Licensing Budget.
Human Resources	None
Equality	
1. No Equality Implication	<input checked="" type="checkbox"/>
2. Equality Implications identified and mitigated	<input type="checkbox"/>
3. Equality Implication identified and risk remains	<input type="checkbox"/>

Impact on Service Delivery:

Improved standards and greater customer focus.

What consultations have taken place on the proposals and when?

None.

Are there any other options available for consideration?

None.

Implementation Date for the Decision

Immediately following the Committee Meeting.

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Background Papers:

- Licensing Act 2003.
- Guidance issued under Section 182 of the Licensing Act 2003.
- Statement of Licensing Act Policy in force from 7th January 2011.
- Gambling Act 2005.
- Guidance issued under 25 of the Gambling Act 2005.
- Statement of Gambling Licensing Policy in force from 31st January 2013.
- *Outcome of the 12 month Borough-Wide trial Licensing Act notification scheme* – Report to Licensing and Regulatory Committee, 6th June 2011.
- *Changes to the Licensing Act 2003 made by the Police Reform and Social Responsibility Act 2011* – Report to Licensing and Regulatory Committee, 28th May 2012.

1. Details of licensing applications accepted for process

- 1.1 For the period 1st October 2012 to 31st March 2013 457 applications were accepted for process under the Licensing Act 2003 (“the LA03”), this representing a 7.3% decrease over the 493 applications received during the equivalent 6-month period for 2011/2012 (the full 12 months figures being 951, compared to 960 for 2011/2012, a decrease of 0.94%).
- 1.2 Under the Gambling Act 2005 (“the GA05”), 26 applications were accepted for process, this representing a 16.1% decrease over the 31 applications received during the equivalent 6-month period for 2011/2012 (the full 12 months figures being 54, compared to 73 for 2011/2012, a decrease of 26%).
- 1.3 With respect to general licensing applications (pet shops, animal boarding etc.), 90 applications were received, compared with the 71 received during the equivalent 6-month period for 2011/2012, this representing an 26.7% increase (the full 12 months figures being 124 compared to 123 for 2011/2012, an increase of 0.81%).

2. Advertisement of certain LA03 applications

- 2.1 In order to ensure that Grant and Variation applications are brought to residents’ / businesses’ attention, since 25th April 2012 (via legislation introduced into the LA03 by The Police Reform and Social Responsibility Act 2011) the Licensing Unit has been required to advertise these types of applications on the Council website (this is in addition to the existing provisions which were retained whereby the applicant has to advertise the application in a newspaper and on the premises).
- 2.2 In respect of Sefton these Notices can be found via a dedicated page on the Council website at <http://www.sefton.gov.uk/default.aspx?page=11697>.
- 2.3 During the relevant period there were 24 applications received which required such advertisement; these comprised of 17 Grant applications and 7 Variation applications (the full 12 months figures being 52 applications, 33 Grants and 19 Variations).

3. Sefton's LA03 leafleting notification scheme

- 3.1 Members will recall that this scheme was formally adopted at their Meeting on 6th June 2011. Members will further recall that the scheme involves the Licensing Unit going over and above the advertising provisions of the LA03 by proactively informing those occupiers and owners of properties with curtilages abutting premises, who have made certain applications under the LA03, of the fact of that application.
- 3.2 For the period 1st October 2012 to 31st March 2013 there were 28 applications received which were caught by the scheme; these comprised 17 Grant applications, 7 Variation applications and 4 Review applications.
- 3.3 As a consequence Licensing Officers sent out a total of 333 notifications to residents / businesses; the average being 12 notifications sent per application.
- 3.4 The Licensing Unit received 4 telephone calls from residents / businesses as a direct result of this activity; the average being of 0.14 per application. These taking the form of requests for more information with regard to the terms and conditions of the application being made.

4. Reports submitted to Licensing Sub-Committee

- 4.1 During the relevant period 13 Reports were submitted by the Unit for consideration by the Licensing Sub-Committee, compared with 5 during the equivalent 6-month period for 2011/2012 this representing a 160% increase (the full 12 months figures being 24, compared to 9 for 2011/2012, an increase of 167%).

5. Details of Reviews held

- 5.1 During the relevant period 4 review applications were accepted, compared with 2 during the equivalent 6-month period for 2011/2012 this representing a 100% increase (the full 12 months figures being 5 accepted, compared with 4 for 2011/2012, an increase of 25%).

6. Details of LA03 Licences surrendered

- 6.1 Members will recall that at their Meeting on 19th November 2012 they RESOLVED that any future Performance Reports should "*provide details of surrendered Licences*".
- 6.2 For the period 1st October 2012 to 31st March 2013 9 Licences were surrendered, the same number as during the equivalent 6-month period for 2011/2012 (the full 12 months figures being 23, compared to 24 for 2011/2012, a decrease of 4%).

7. Programmed inspections

- 7.1 The guidance issued under Section 182 of the LA03 states that the "*principle of risk assessment and targeting should prevail and inspections should not be*

undertaken routinely but when and if they are judged necessary. This should ensure that resources are more effectively concentrated on problem premises”.

- 7.2 The guidance issued under Section 25 of the GA05 states at paragraph 36.37 that local authorities “*should adopt a risk-based approach when determining the frequency at which gambling premises are to be inspected*”.
- 7.3 In implementing both inspection regimes Sefton has adopted these recommended approaches.
- 7.4 The number of inspections contained within the Departmental Plan for 2012/2013 for the Licensing Unit is 100 inspections.
- 7.5 The following number of programmed inspections were undertaken between 1st October 2012 and 31st March 2013:

Inspection Regime	Number of inspections in period	Running total for year
Licensing Act 2003	50	53
Gambling Act 2005	17	21

- 7.6 During inspections, licensing officers carry out a proactive audit of the premise against its licensing conditions reviewing the suitability of the licence conditions against current use as well as reviewing any mandatory conditions imposed by the LA03 or the GA05 as applicable.
- 7.7 Officers also actively promote Council initiatives such as ‘Knock Back’ as well as the continued usage of the Council Door Supervisor Logbooks and the Designated Premise Supervisor delegation forms.
- 7.8 Of the 26 premises that were not inspected 6 closed and ceased trading during the relevant period leaving 20 premises that were not inspected. The shortfall being attributed to long term sickness during the previous relevant period and an increase in the number of service requests received during the latter part of the year.

8. Details of Service Requests received

- 8.1 During the relevant period the Unit received and dealt with 545 service requests. This representing a 20% increase over the 453 requests received during the equivalent 6-month period for 2011/2012 (the full 12 months figures being 970, compared to 962 for 2011/2012, an increase of 0.83%) of these 6 took the form of LA03 complaints and 1 concerned a general licensing complaint.
- 8.2 With regard to the ‘Knock Back’ scheme the Unit dealt with 31 queries and/or requests for packs to be sent out.
- 8.3 Of the remaining service requests 402 were requests to the section for LA03 guidance or advice, 40 were requests for GA05 guidance or advice with 65 being requests for general licensing guidance or advice.
- 8.4 All of the above matters have been attended to within the departmental timescales laid down for such matters.

8.5 It is worth noting that service requests have increased year on year and this year continues that trend:

Licensing year	Number of service requests
01/04/12 – 31/03/13	970
01/04/11 – 31/03/12	962
01/04/10 – 31/03/11	926
01/04/09 – 31/03/10	825
01/04/08 – 31/03/09	501
01/04/07 – 31/03/08	379
01/04/06 – 31/03/07	266