

Meeting: LICENSING & REGULATORY COMMITTEE

Date of Meeting: 7th June 2010

Title of Report: Local Licensing: Performance Report 2009/10

Report of: P. J. Moore,
Environmental & Technical Services Director

Contact Officer: T.J. Wood,
Commercial Section Manager
0151 934 4301

This report contains	Yes	No
CONFIDENTIAL information		√
EXEMPT information by virtue of paragraph(s) ... of Part 1 Schedule 12A of the Local Government Act 1972		√
Is the decision of this report DELEGATED?	√	

Purpose of Report

To report progress against the 2009/10 Local Licensing service plan.

Recommendation(s)

That Members:

- i) Note this Report; and,
- ii) Note that further reports will be submitted at half yearly intervals.

Corporate Objective Monitoring

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

Financial Implications

The inspection visits are catered for within the existing Licensing Unit budget.

BACKGROUND

1. A Report was presented to Members on 23rd May 2006 (entitled "Commencement of Programmed Inspections for premises licensed under the Licensing Act 2003") outlining the rationale for the Licensing Act 2003 Inspection Regime.
2. The minimum inspection frequency of premises for 2009/2010 were as follows:

Category	Minimum Inspection Frequency	Number of Inspections
A	At least every 12 months	30 per year
B	At least every 24 months	427 per year
C	Alternative enforcement strategy	Nil

3. Category A referring to those premises considered High Risk, Category B being Medium Risk, and Category C being Low Risk.
4. The inspection year runs from 1st April to 31st March.
5. One of the recommendations of the Report was that Members noted that further reports would be submitted updating them as to the results of Inspection Visits undertaken.

DETAILS OF INSPECTIONS UNDERTAKEN

6. The following number of programmed Inspection Visits were undertaken between 1st October 2009 and 31st March 2010:

Category	Number of premises visited in period	Running total for inspection year
A	21	30
B	187	348

7. 132 premises were found to be operating correctly, however 76 premises were found to have committed breaches under the Licensing Act 2003; the breaches being noted as follows:

Breaches	Numbers
Failure to secure safe custody or display on premises of premises licence / club premises certificate	20
Failure to produce premises licence / club premises certificate for examination	50
Notification of name or alteration of rules of a club	1
Duty to notify LA of convictions during application period	
Holder of personal licence fails without reasonable excuse to notify LA of any change of name or address	2
Failure to produce personal licence on request	3
Knowingly allowing or carrying on unauthorised licensable activities	3
Non compliance with operating schedule conditions	32

8. Most premises were able to attend to the breaches either at the time of the initial visit (and whilst the Licensing Officer was still in attendance) or shortly thereafter; 5 premises completed minor variations in order to make themselves compliant.
9. As a follow up to the above inspections, Officers sent out 12 informal warning letters to Licence Holders explaining the consequences should similar breaches be uncovered by Officers in the future. In particular they were informed that should this occur then they would be committing the offence of 'knowingly allowing or carrying on unauthorised Licensable Activities' (this being an offence under s.136 (1) of the LA03 and carries a penalty of up to 6 months imprisonment and/or a fine of £20,000).
10. With regard to the 79 unvisited Category B premises: 10 premises surrendered their Licences during the period; 19 are currently closed and not trading (although the Licences are still "live" and consequently they will be visited during 2010/2011 if and when they re-open); the remaining 50 unvisited premises will be added to the Inspection Programme for 2010/2011 where those with the highest Risk Scores within the Category will be targeted first by Officers.
11. Overall 407 premises were inspected, or closed and unavailable for inspection, during 2009/2010 representing 89% of the Inspection Programme. This is the highest number of inspections carried out by Officers since the Inspection Programme began in 2006.

Gambling Act 2005 programmed inspections

BACKGROUND

12. A Report was presented to Members on 31st March 2008 (entitled "Commencement of Programmed Inspections for premises licensed under the Gambling Act 2005") outlining the rationale for the new Gambling Act 2005 ("the GA05") Inspection Regime.
13. The Report stated that due to the small number of Licences involved, and the difficulty in carrying out any meaningful "desk top rating" exercise, that it was proposed that these premises be inspected and then given an actual Risk Rating by Licensing Officers.
14. As a result of these Risk Ratings, the premises would then be placed within the 3 bands shown in the Table below (with A being the highest and C being the lowest):

Category	Inspection Rating
A	81 and over
B	70 - 80
C	0 - 69

15. As with the LA03 the inspection year for the GA05 runs from 1st April to 31st March. 15 inspections were completed during the 2008/2009 Inspection Programme leaving 77 premises left to be inspected during 2009/2010.

DETAILS OF INSPECTIONS UNDERTAKEN

16. The following number of programmed Inspection Visits were undertaken between 1st October 2009 and 31st March 2010:

Number of premises visited in period	Running total for inspection year
43	74

17. 36 premises were found to be operating correctly, however 7 premises were found to have committed breaches under the GA05; the breaches being noted as follows:

Breaches	Numbers
Gambling carried out not in accordance with the terms and conditions of Licence	3
Failure to keep the Licence on premises and arrange for it to be available on request	4

18. Most premises were able to attend to the breaches either at the time of the initial visit (and whilst the Licensing Officer was still in attendance) or shortly thereafter.
19. With regard to the 3 unvisited Gambling Premises: 2 surrendered their licences during the period, whilst 1 closed and the licence was subsequently automatically revoked for non-payment of the annual fee.
20. Overall 77 premises were inspected, or closed and unavailable for inspection, during 2009/2010 representing 100% of the Inspection Programme.
21. From 1st April 2010 resources will be targeted at those premises considered to be “potentially” high risk with the minimum inspection frequency being as follows:

Category	Minimum Inspection Frequency	Number of Inspections
A	At least every 12 months	2 per year
B	At least every 24 months	22 per year
C	Alternative enforcement strategy	Nil

Details of Service Requests received

23. Within the same period, and in addition to the above pro-active work undertaken, the Section also received and dealt with 411 Service Requests. This representing a 59% increase over the 258 Requests received during the equivalent 6-month period for 2008/2009 (the full 12 months figures being 825, compared to 501 for 2008/2009, an increase of 65%).
24. 36 took the form of LA03 complaints, 2 were GA05 complaints and 3 were General Licensing complaints.
25. Of the remaining Service Requests 302 were requests to the Section for LA03 guidance or advice, 38 were requests for GA05 guidance or advice with 30 being requests for General Licensing guidance or advice.

26. All of the above matters have been attended to within the Departmental timescales laid down for such matters.

Details of applications accepted for process

27. Within the same period 495 applications were accepted for process under the LA03, this representing a 2.70% increase over the 482 applications received during the equivalent 6-month period for 2008/2009 (the full 12 months figures being 993, compared to 1,020 for 2008/2009, a decrease of 2.65%).
28. Under the GA05, 49 were accepted for process, this representing a 26% increase over the 39 applications received during the equivalent 6-month period for 2008/2009 (the full 12 months figures being 95, compared to 87 for 2008/2009, an increase of 9.2%).

Details of reviews held

29. 1 Review has been held during the relevant period compared with none held during the equivalent 6-month period for 2008/2009 (the full 12 months figures being 4 held, compared to 1 for 2008/2009, an increase of 300%).

Details of general licensing

30. 75 Licences have been issued during the relevant period compared with the 80 issued during the equivalent 6-month period for 2008/2009 this representing a 6.25% decrease (the full 12 months figures being 100, compared to 92 for 2008/2009, an increase of 8.7%).