

COMMITTEE: ENVIRONMENT AND NON EXECUTIVE
FUNCTIONS SCRUTINY

DATE: 16TH OCTOBER 2008

SUBJECT: LICENSING ACT 2003/ GAMBLING ACT 2005
PROGRESS REPORT

REPORT BY: HEAD OF ENVIRONMENTAL AND CONSUMER
SERVICES

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IMPLICATIONS:

LEGAL	✓	COMMUNITY SAFETY	✓
EQUALITIES		ENVIRONMENT	
FINANCIAL		CONSULTATIONS	
STAFFING		OTHER	

WARDS AFFECTED: ALL

PURPOSE

- 1) This report provides a position statement on licences, notices and registrations administered under the Licensing Act 2003 and the Gambling Act 2005 since 1st January 2007.

RECOMMENDATION(S)

- 2) Environment and Non Executive Functions Scrutiny Committee is recommended to :

- i) **Note the current position with regard to premises licensed under the Licensing Act 2003 & Gambling Act 2005**
- ii) **Request that the Head of Environmental and Consumer Services provides an annual update**

BACKGROUND

- 3) The Licensing Act 2003 came into force on the 24th November 2005. From that date any person wishing to undertake licensable activities must apply for a licence to do so.
- 4) The Licensable activities as defined under the 2003 Act are as follows:
 - a) The sale and supply of alcohol
 - b) The provision of regulated entertainment, including the performance of plays, exhibition of films, indoor sporting events, live and recorded music, the performance of dance and the provision of facilities for music and dance.
 - c) The provision of late night refreshments, including the supply of hot food and drink for the consumption on and off the premises between 23.00 and 05.00
- 5) Premises licences or Temporary Event Notices are required for all premises on which licensable activities take place. In addition, where alcohol is supplied, there must be a "Designated Premises Supervisor (DPS)" who must hold a personal licence permitting them to authorise the sale or supply of alcohol.

REPORT

Applications

- 6) The table below lists the current situation with regard to applications received since the 1st January 2007 under the Licensing Act:

Application Type	No. Received	Licences Granted	Applications awaiting determination	Refused
Personal Licence	320	320	0	0
Premises Licence	69	67	2	0
Temporary Events Notice	286	N/A	N/A	N/A

In addition to these applications, there have been 314 variations and transfers, and 2 review applications for premises licences. Both reviews were granted with conditions attached to deal with the matters raised

- 7) Apart from the premises applications that are currently pending, all premises have been inspected as part of the ongoing risk based inspection programme.
- 8) This has continued to provide the Licensing Service with information on all the premises, a large number of which were not previously registered with the Council and therefore the information on these was sparse. The results of these inspections now provides the basis for a planned programme of information based inspections for the future. The premises have been graded either low, medium or high risk and the results are listed below:

New Grants – Still to be rated	2%	(9 Premises)
High Risk	2%	(8 Premises)
Medium Risk	31%	(165 Premises)
Low Risk	65%	(350 Premises)
Total	100%	(532 Premises)

High risk premises will be visited every 6 months, Medium risk annually and Low risk will be subject to a 2 year spot-check visit.

Extended Hours and 24 hour licences

- 9) Of the premises that have sought new grants or variations to their licence, most have only sought to extend on average by 2-3 hours. Some premises have sought a 24 hour licence, but these tend to be hotels, premises at the airport or garages that have off licences. In total 19 premises have a licence for 24 hours.

Impact on the night time economy

- 10) The recent Home Office Report on the Impact on the Night-Time economy has found that:
- There is no evidence of 24 hour drinking, with only a minority of premises securing 24 hour licences and very few actually utilising those hours. There have been only limited changes to actual opening hours.
 - The overall volume of incidents of crime and disorder has remained stable and not risen.
 - There is no evidence of increases in overall alcohol consumption.
 - There has been no serious adverse impact on the provision of live music.

A number of positive trends have emerged from the introduction of the new regime:

- Transfer of alcohol licensing to local authorities is viewed as a success.

- The alcohol licensing system is more democratically accountable and residents are better able to influence licensing decisions.
- There is much better partnership working between local authorities, the police and other responsible authorities and licensees.
- The new powers, including the ability to review licences, have been welcomed by local authorities and the police, and are being used to good effect.
- The administrative arrangements for the new regime appear to have delivered the administration cost savings to businesses, third sector and other licence holders of around £99m a year.

There are, however, some aspects that require further attention:

- While some areas report improvements in dispersal from licensed premises because flexible opening hours have helped to smooth the peaks of trouble, there is no clear picture of consistent improvements in all areas.
- While there has been a small fall in serious violent crimes, the impact on overall crime levels appears to be limited, with evidence of some displacement into the small hours.
- The use of the new legislation, in conjunction with other interventions and as part of a coherent strategy, may vary between different authorities and areas.
- There has yet to be a discernible change in the diversity of evening and late night venues, although there is some evidence of good practice and success in certain areas.
- While benefits in terms of bureaucracy and red tape have been delivered, some stakeholders are experiencing difficulties, which suggest that the regime could be more proportionate in its application.
- While the impact on live music has been broadly neutral, reform has not led to the increases in events hoped for by Ministers, and the regime may be disproportionate for some types of live music events and other types of events.

Gambling Act 2005

11. The Gambling Act 2005 came into force on the 1st of September 2007, and created a new system of licensing and regulation for commercial gambling in this country. It gives local authorities new and extended responsibilities for licensing premises for gambling. The main changes were:
- Licensing powers for premises licensing were transferred from the magistrates to the local authorities
 - There are now three categories of licence: operating licences; personal licences and premises licences. The Council is only responsible for premises licences. Operating and personal licences are dealt with by the Gambling Commission.

The Act contains a new regulatory system to govern the provision of all gambling in Great Britain, other than the National Lottery and spread betting. It also introduced a unified regulator, the Gambling Commission. The Commission and licensing authorities share between them responsibility for all matters previously regulated by the licensing justices in the magistrates court.

The Licensing Objectives

12. The regime supports the three key licensing objectives
- Preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime
 - Ensuring that gambling is conducted in a fair and open way
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The Role of the Local Authority

13. Local Authorities are responsible for:
- Premises licensing for gambling activities (and temporary use) & review as appropriate
 - Regulating gaming and gaming machines in clubs and miners' welfare institutes

- Granting permits to family entertainment centres for the use of lower stake gaming machines
- Regulating gaming and gaming machines on alcohol licensed premises, such as public houses
- Granting permits for prize gaming, and
- Registering small society lotteries

The types of premises included are: casinos, bingo halls, arcade and gaming centres, bookmakers and track racing, and lottery draws.

Local authorities were already responsible for issuing licences for lotteries and gaming machines (amusement with prizes machines).

14) The Licensing Service has received in total 38 applications for premises licences. 36 of these were fast-track applications to directly transfer Gaming Act 1968 licences to new Gambling Act 2005 licences, plus 1 new grant and 1 provisional statement for a proposed premises. The total number of applications (including new applications) per premises type is listed below:

Casinos	5
Bingo	3
Betting Shops	28
Adult Entertainment Centres	7

All Gambling Premises have been inspected as part of the application process to ensure that the details submitted with regard to the layout of the premises meet the new regulations and correctly represent the premises.

The table below lists the current situation with regard to new applications received since the 1st September 2007, under the Gambling Act:

Application Type	No. Received	Licences Granted	Applications awaiting determination	Refused
Premises Licence	5	5	0	0
Permits	11	11	0	0

15. All premises have been inspected as part of the inspection programme for the applications and an information based inspection programme has been devised for the future.

PROPOSAL/OPTION

16. It is proposed that Scrutiny notes the content of this report and seeks a further report from the Head of Environmental Services, on the effects of the Licensing Act 2003 and Gambling Act 2005 in twelve months time.

LEGAL IMPLICATIONS

17. There are no legal implications to this report and this has been agreed with Mary Cormack in Legal Services on 3 October 2008.

COMMUNITY SAFETY IMPLICATIONS

18. Provisions within the Licensing Act 2003 and Gambling Act 2005 require the promotion of the licensing objectives, this has significant impact on anti-social behaviour.

LIST OF BACKGROUND PAPERS

LOCAL GOVERNMENT ACT 1972, SECTION 100D