

LICENSING SERVICE – ANNUAL REPORT**LICENSING COMMITTEE****31 OCTOBER 2017****CLASSIFICATION:****Open****If exempt, the reason will be listed in the main body of this report.****WARD(S) AFFECTED****All Wards****GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING****KIM WRIGHT**

1. INTRODUCTION

- 1.1 The purpose of this report is to inform the Committee of the activities and performance of the Service during the 2016/17 municipal year and to show aims and targets for the forthcoming 2017/18 year.

2. RECOMMENDATION(S)

- 2.1 That the Licensing Committee notes the report.

3. BACKGROUND

- 3.1 The Licensing Service has been preparing an annual report to the Licensing Committee since 2009. This report provides an update on the main operational functions of the Licensing Service in terms of applications, policy and enforcement.

4. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES

- 4.1 This report informs the Licensing Committee of the activities and performance of the Service during 2016/17. The report is retrospective, and therefore has no immediate financial implications.
- 4.2 The Licensing Service generated an annual income of £744k in 2016/17, against budgeted income of £581k. Expenditure was £796k against budgeted expenditure of £793k. The income surplus was attributable to the Highways Act 1980 functions which have also accounted for the highest volume in terms of overall numbers of applications received (See Appendix 1).
- 4.3 The administration of highways functions transferred to Streetscene on 1 February 2017 as part of the Cross-Cutting Enforcement Review. The respective service income budgets were updated in 2017/18 to accommodate this transfer.
- 4.4 The Licensing Service will continue to manage its costs within the financial constraints determined by income from externally regulated and locally set fees.

5. COMMENTS OF THE DIRECTOR OF LEGAL

- 5.1 This report is solely for noting as such there are no legal matters arising from the report that require comment on at this stage.
- 5.2 Notwithstanding paragraph 5.1 it should be noted that since the last report legislative changes has resulted in the following;

- The Immigration Act 2016 came into effect in April 2017 and as outlined within the last annual report and at the training session in April, it amended the Licensing Act 2003 ('the 2003 Act') to include amongst other things includes:
 1. The Secretary of State ('SoS') has become a responsible authority;
 2. A premises or a personal licence holder must be entitled to work in the UK;
 3. Existing premises/personal licences will lapse if a licence holder ceases to be entitled to work in the UK;
 4. An immigration offence will be a relevant offence in respect of personal licence applications;
 5. Notice of a transfer application should be given to the SoS and can be rejected if its 'appropriate for the prevention of illegal working in licensed premises to do so';
 6. Immigration officers will have the right of entry to a premises to investigate immigration offences and can issue Illegal Working Closure Notices for up to 48 hours;
 7. Immigration officers also have the power to apply to the courts for compliance orders; and
 8. A review of a premises licence shall be triggered when a compliance order has been made by a court.

- The Policing and Crime Act 2017 ('the 2017 Act'), which received Royal Assent on 31st January 2017, has by regulations been partly introduced on 6th April 2017. The effect on the 2003 Act is as follows;
 1. There can only be a single appeal within 48 hours against any Interim Steps taken by the Premises Licence Holder, unless there has been a material change in circumstances;
 2. Amending the summary review process to allow licensing authorities to keep interim steps in place between the review hearing and the outcome of any appeal;
 3. The Licensing Authority, having the power to suspend, for up to 6 months, or revoke a Personal Licence upon it becoming aware a Personal Licence Holder has been convicted of a relevant offence;
 4. The definition of alcohol has been amended to ensure that powdered alcohol and vaporised alcohol fall within the definition set-out within S.191 of the 2003 Act; and
 5. Removed the requirement to lay the S.182 Guidance before Parliament when it's revised. The guidance will retain its statutory status and will simply enable amendments to the Statutory Guidance to be made quicker.

- Regulations to the 2017 Act are still to be made to introduce the following change to the 2003 Act;
 1. To put Cumulative Impact Policies onto a statutory footing

- Regulations are also still being awaited to amend the legislation (the Police Reform and Social Responsibility Act 2011) covering Late Night Levy, which will enable the following;
 1. A Levy to be applied in its area or part of its area (as opposed to just the whole borough);
 2. A Levy to be introduced for either alcohol authorisations on its own or alcohol and late night refreshment authorisations (i.e. extending the levy to include late night refreshment outlets, except those that are just providing hot drinks);
 3. Different requirements to be applicable to different parts of its area, this allows different times/periods to be applied when the LNL relates to both alcohol and LNR; and
 4. A requirement for licensing authorities to publish information on how funds raised through the levy are spent
- 5.3 The last annual report outlined that a House of Lords select committee appointed in May 2016 had been appointed to consider the Licensing Act 2003 and that they would be reporting back before 31st March 2017. The report was published in April 2017 and a comprehensive update was provided at the training session on 26th April 2017. In summary the select committee considered both oral and written evidence since the introduction of the Act in 2005 and believed that the Act requires a major overhaul and outlined a number of recommendations including a merger of the Licensing and Planning Committees. The majority view was that any merger would be a retrograde step, but acknowledged there may be some benefit from closer integration of the licensing and planning regimes. The Home Office is still to provide a response to the select committee's report.

APPENDICES

Appendix 1 – Annual Report

EXEMPT

Not applicable.

BACKGROUND PAPERS

Not applicable.

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