

LICENSING COMMITTEE: 6 July 2010

Report of the Chief Strategic Planning and Environment Officer

ALCOHOL AND ENTERTAINMENT PREMISES LICENSING – SUMMARY OF ACTIVITIES 2009/2010

1. **Background**

This report has been prepared to provide summarised details for the information of the Licensing Committee on the work undertaken in respect of the Licensing Act 2003 by the Licensing Service during the year from 1 April 2009 to 31 March 2010.

2. **Licensing Act 2003 Activity**

- 2.1 The following figures represent a cross section of recorded information on the various aspects of the work of the Licensing service in dealing with the Licensing Act 2003 during the period in comparison with previous years:

	2005/06	2006/07	2007/08	2008/09	2009/10
Premises Licences Total	1067	1153	1164	1154	1177
Club Premises Certificates Total	82	82	82	80	80
Applications Received	1415	596	745	694	747
Personal Licences	1259	1628	1986	2313	2589
Temporary Event Notices Received	309	623	624	532	537
Counter Notices Given	13	8	4	1	2
Licensing Sub-Committee Hearings	302	87	85	77	82
No. Court Appeals	22	2	4	4	3
No. of Reviews	1	4	4	3	2
No. of Complaints Received.	0	83	113	177	201
No. of Cumulative Impact Areas.	1	1	1	1	2
TOTAL	4471	4267	4812	5036	5422

- 2.2 During the year 747 applications were received in respect of premises and 423 from personal licence applicants. The total of licensed premises and club premises certificates held has remained fairly stable during the year having increased less than 2% from 1234 to 1257. The number of Personal Licences held has increased by 11.93% to 2589 from 2313. The following table details the type and number of applications received during 2009/10 in comparison with previous years.

Application Type	2005/06	2006/07	2007/08	2008/09	2009/10
Conversion	953	N/A	N/A	N/A	N/A
Grant	220	87	66	70	76
Variation	38	71	88	64	46
Minor Variation	N/A	N/A	N/A	N/A	16

Variation of DPS	168	324	380	355	338
Transfer	35	83	126	112	131
Review	1	4	4	3	2
Other	0	27	81	90	138
Personal Licence	1297	489	478	473	423
TOTAL	2712	1085	1223	1167	1170

The majority of the licensing work is concerned with Premises Licences. Only two matters concerned Club Premises Certificates during the year, Llanrumney Community Association Licence lapsed and the Greek Cypriot Association of Wales Community Hall was granted a licence.

- 2.3 The majority of premises continue to operate with a maximum terminal hour before midnight. The following table shows the maximum terminal hour of licensed premises in comparison with the previous periods.

Max Terminal Operating Hours	31/03/06	31/03/07	31/03/08	31/03/2009	31/03/2010
up to Midnight	702	759	738	715	720
00.01-01.00	165	181	200	203	211
01.01-02.00	106	107	111	108	109
02.01-03.00	52	53	59	60	58
03.01-04.00	51	49	47	49	49
04.01-05.00	54	61	64	62	59
05.00 or later	19	25	27	37	51
TOTAL	1149	1235	1246	1234	1257

It should be noted that many licence only permit the maximum terminal hour on certain days of the week, for example licensed activity until a terminal hour of 1.00am may be permitted only on Friday and Saturday.

- 2.4 Of the Premises Licences and Club Premises Certificates issued the following table shows the type of premises involved.

Premises Type	31/03/06	31/03/07	31/03/08	31/03/2009	31/03/2010
Casino	4	4	3	3	4
Cinema	3	3	3	3	3
Club - Registered Members	41	43	43	42	40
Club - Sports	58	58	57	54	53
Convenience Store	159	167	181	183	183
Hotel and Guesthouse	29	31	38	38	38
Off Licence	80	82	70	65	59
Other	20	31	61	64	105
Pub, Bar or Nightclub	332	368	305	309	275
Restaurant	193	212	254	240	261
Supermarket	59	59	59	62	63
Takeaway	127	134	129	129	131

Theatre	4	4	7	6	6
Village and Community Hall	40	39	36	36	36
TOTAL	1149	1235	1246	1234	1257

- 2.5 During the year 52 premises surrendered their licences or allowed it to lapse and in one case the Premises Licence was revoked. The following table details the types of premises which have ceased operating in comparison with previous years.

Premises Type	31/03/2008	31/03/2009	31/03/2010
Casino	1	0	0
Cinema	0	0	1
Club Premises Certificate	0	0	1
Convenience Store	9	3	9
Hotel and Guesthouse	2	4	0
Off Licence	9	6	7
Pub, Bar or Nightclub	11	3	10
Registered Members Club	0	2	1
Restaurant	15	8	11
Sports Club	3	8	1
Supermarket	3	2	2
Takeaway	0	4	2
Theatre	0	1	2
Village and Community Hall	3	0	2
Other	3	6	3
TOTAL	59	47	52

- 2.6 Four hundred and twenty three applications were received in respect of Personal Licences during the year. Of these 269 were for grant of a licence, 15 for the issue of a duplicate licence and 127 were to record a change of details. The licences last for ten years and as at 31 March 2010 there were 2589 valid licence holders.
- 2.7 During the year 537 Temporary Event Notices were received providing notice that a premises user intended to provide a licensing activity. The licensing authority must acknowledge receipt of the notice within one day and this requirement was met in 100% of cases. The authority issued two Counter Notices to prevent the activity taking place because the applicant had breached the limitations of the notification procedure.
- 2.8 Eighty two cases were presented to a Licensing Committee for determination under the Licensing Act 2003 or the Gambling Act 2005. The 82 cases were considered at 33 hearings of the Licensing Sub-Committee as detailed in the attached table.

Hearing Type	2007/08	2008/09	2009/10
Premises Licence Applications	65	54	50
Club Premises Certificate	2	2	1
Temporary Event Notices	14	3	4

Personal Licence Applications	4	5	1
Review	4	3	2
Amusement With Prize Machines	0	10	22
Gambling Premises Licences	0	0	2
TOTAL	89	77	82

- 2.9 During the 2008/09 year two applications for Licence Review were received one of which was made under the Summary Review procedure, the first time this has been used in Cardiff. One application for review was submitted by South Wales Police and the other by Pollution Control. In one case the premises licence was revoked while in the other a license activity was removed from the licence.
- 2.10 The service received and investigated 201 complaints about the activities of licensed premises during the year. The complaints varied from having unlicensed activity to issues through breach of licence conditions to the required legal notices not being properly displayed.
- 2.11 During the year the council also agreed to adopt a special policy in respect of the City and Crwys Road area of the City because the saturation of licensed premises was having a negative impact on the area. A saturation of licensed premises can attract customers to the area who have an impact on the surrounding area beyond the control of individual licence holders. Where the cumulative effect of many licensed premises within an area gives rise to problems of crime and disorder or nuisance in the surrounding area the Authority can adopt a special policy of not permitting any further licensed premises to be established in that area in the interests of public safety and the avoidance of nuisance. The policy creates a rebuttable presumption that no new applications for licences would be granted for premises within the area.

3. Performance Indicators.

- 3.1 The Licensing Service has adopted target performance indicators to enable the performance of the service to be measured.

	Target	No.	Achieved
No. of premises applications received determined within two months.			
No. of applications received		616	
No determined within 2 months	100%	615	99.84%
No. of personal applications received determined within two months.			
No. of applications received		421	
No. of applications determined within 2 months	100%	421	100.00%

The one Premises Licence not determined within the time limit was a result of one application being deferred at the request of the applicant who was unable to attend the Committee meeting arranged within the prescribed timetable.

4. National Statistical Information 2008/2009

4.1 The DCMS Licensing Statistics Bulletin released in October 2009 reported that as at 31 March 2009 the following headline information based on responses from all Licensing Authorities in England and Wales.

- 215,100 licences and certificates were in force in England and Wales on 31st March 2009. Overall this is an estimated 1% increase, compared to modelled 2008 estimates, although club premises certificates fell by an estimated 2%.
- 171,800 licences and certificates in force were authorised to sell alcohol, and 31,300 were not permitted to sell alcohol. [Approx. 93% response rate]
- The total number of licences permitting late night refreshment increased by nearly 4,000 to 81,100 in 2009, an approximate 5% increase over the year.
- Overall the estimated total number of live music licences or certificates was 94,400 as at March 31st 2009 (estimated 4% annual increase).
- There were an estimated 7,400 premises with 24-hour licences. This is 4% of all premises licences and club premises certificates authorised to sell alcohol. 4,200 were hotel bars; 1,600 supermarkets and stores; 900 pubs, bars and nightclubs; and 700 other premises types.
- 1,125 reviews were completed in this reporting period. Over half the reviews were instigated by the Police, and the main reason for completed review was 'Crime and Disorder'. Data collected for the first time reported that Local Residents were responsible for instigating 10% of all completed reviews.
- 4,500 premises licences and 320 club premises certificates were surrendered. Also 590 premises licences lapsed due to the death, incapacity, insolvency etc. of the licence holder. [Based on 99% and 97% of responses respectively.]
- The number of Temporary Event Notices increased by an estimated 3% from 119,400 in 2007/08 to 123,400 in 2008/09.
- The increase in number of Temporary Event Notices as well as an increase in premises licence with any regulated entertainment could be in response to the recession, as businesses choose to diversify what they offer to attract customers. The recession may also be a reason for an increase in number of premises licences surrendered and lapsed and a decrease in number of new applications for licences compared to 2007/08.

5. Financial Implications

There are no financial implications arising directly from this report.

6. Legal implications

This report is for information purposes only and, as such, there are no legal implications arising directly from it.

7. **Recommendation.**

That the report on the work of the licensing service in respect of alcohol, entertainment and late night food licences, be noted.

SEAN HANNABY

24 May 2010

CHIEF STRATEGIC PLANNING AND ENVIRONMENT OFFICER

This report has been prepared in accordance with procedures approved by the Corporate Management Team.

Background papers: None.