

LICENSING ACT COMMITTEE

3 JUNE 2008

LICENSING ACT 2003, GAMBLING ACT 2005 ACTIVITY FOR PERIOD 2007/08 REVIEW OF THE LICENSING ACT 2003 BY THE DEPARTMENT OF CULTURE, MEDIA AND SPORT.

INFORMATION REPORT OF THE DIRECTOR OF COMMUNITY SERVICES

STRATEGIC OBJECTIVES:	TO IMPROVE OUR ECONOMY AND INFRASTRUCTURE
SERVICE PLAN(S):	PUBLIC PROTECTION
WARD(S):	ALL

1. PURPOSE OF THE REPORT

- 1.1 This report is to provide information on the activity undertaken by the Council's Licensing team for the period 2007/08, and to consider the main findings of the Department of Culture, Media and Sport (DCMS) review of the Licensing Act 2003 and any implication for the Council.

2. RECOMMENDATIONS

- 2.1 **The activity undertaken by the licensing team in relation to the Licensing Act 2003 and the Gambling Act 2005 for the period 2007/08 is noted.**
- 2.2 **The main findings of the DCMS review of the Licensing Act 2003 published in March 2008 are noted, and the fact that the issues raised in the review have not been reflected in the Council's implementation and ongoing administration of the Licensing Act 2003.**

3. REASONS FOR RECOMMENDATIONS

- 3.1 Appendix 1 contains details of the Council's activity in relation to the Licensing Act 2003 and the Gambling Act 2005.
- 3.2 The review of the Licensing Act undertaken for the DCMS published in March 2008 highlighted a number of issues in respect of the effect that the Act has had on the implementation and subsequent issues related to consumption of alcohol and regulated entertainment. The main findings of the review are attached at Appendix 2.

4. BACKGROUND

- 4.1 The Licensing Act 2003 made Local Authorities, as the Licensing Authorities, responsible for issuing premises licences, personal licences, and other administrative functions. Certain forms of entertainment (Regulated Entertainment) were also covered by the Act.
- 4.2 The Licensing team are responsible for the administration and enforcement of provisions contained in the Licensing Act 2003 and the Gambling Act 2005.
- 4.3 At the time of the introduction of the Act there were concerns at a national and local level, relating to issues such as opening hours, noise, and increase in anti-social behaviour.
- 4.4 A review of the Licensing Act has been undertaken by the Department of Culture, Media and Sport and its findings were published in March 2008.

5. DETAIL OF REPORT

- 5.1 A summary of the main findings from the DCMS review are attached at Appendix 2. The introduction of the Act in Rutland and the associated changes to the licensing laws has not resulted in problems either from extended opening hours or the provision of regulated entertainment. However, there have been a number of incidents in relation to sales to underage volunteers where test purchases have been undertaken.
- 5.2 Test purchases will continue to be undertaken by Trading Standards officers working with the Police. Action taken in such cases can be the service of a fixed penalty notices on the seller, with other action considered in each case against the Designated Premises supervisor and/or owner. This can include sending a warning letter, formal caution, prosecution, and/or a Licensing Panel Hearing which may result in additional conditions being applied to the Premises Licence, or the suspension or revocation of the licence.
- 5.3 The Council is only responsible for issuing Premises Licences under the provisions of the Gambling Act. There have only been three Premises Licences issued under this Act. There have not been any problems reported with the premises concerned.

6. FINANCIAL IMPLICATIONS

- 6.1 An annual fee is charged for the ongoing administration of the Premises Licence. The level of fees charged is set by the Government in respect of

the Licensing Act 2003 and by the Licensing Authority (within prescribed limits) for the Gambling Act 2005.

7. LEGAL IMPLICATIONS

7.1 There are none associated with this report

8. SUSTAINABILITY IMPLICATIONS

8.1 None

9. CRIME AND DISORDER IMPLICATIONS

9.1 Holders of Premises Licences must have an operating plan which promotes the prevention of, crime and disorder, public nuisance, public safety and harm to children.

10. CONCLUSION

10.1 Both the Licensing Act 2003 and the Gambling Act 2005 were implemented without major issue in Rutland.

10.2 The Licensing team continue to provide advice and assistance to enable compliance with the provisions of the Act.

Background Papers:

Licensing Act 2003
Gambling Act 2005
DCMS Review of the Licensing Act 2003 March 2008

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