

THE ASSEMBLY

18 MAY 2011

REPORT OF THE LICENSING AND REGULATORY BOARD

Title: Licensing and Regulatory Board Annual Report 2010 / 2011		For Information
Summary <p>The Licensing and Regulatory Board is responsible for exercising the Council's licensing and regulatory functions and considers applications where valid representations have been received from, for example, the Metropolitan Police or local residents. Applications where no valid representations are received are dealt with by the Corporate Director of Customer Services under delegated authority.</p> <p>This report summarises the work of the Board during the 2010/11 municipal year.</p>		
Recommendation <p>The Assembly is asked to note the Licensing and Regulatory Board's annual report for 2010/11.</p>		
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1. Introduction

- 1.1 The Licensing and Regulatory Board is responsible for exercising the Council's licensing and regulatory functions and powers set out under various legislation including Section 101 of the Local Government Act 1972, the Local Government (Miscellaneous Provisions) Act 1982, the London Local Authorities Act 1990, the Licensing Act 2003 and the Gambling Act 2005.
- 1.2 The Board currently has a membership of ten and has a fortnightly meeting schedule in view of the need to meet timescales for the consideration of applications as laid down in the legislation. Where there are no applications to consider, Board meetings are cancelled. A total of 14 scheduled meetings were able to be cancelled during 2010/11.
- 1.3 The Board is supported by the Group Manager for Environmental and Trading Standards, Rob Williams, who also acts as the Council's Licensing Officer, Paul Feild, Senior Lawyer for Property and Planning, who is responsible for providing legal advice and Masuma Ahmed, Democratic Services Officer, who provides administrative support and advice to members on governance and constitutional issues.

2. Training

- 2.1 The Licensing and Regulatory Board is similar to the Development Control Board in that the law relating to the licensing process obliges Board Members to act in a quasi-judicial and independent manner.
- 2.2 All Board Members are therefore required to undertake formal training before being allowed to hear applications. The Council's Licensing Officer and Legal officers provided the training at the beginning of the municipal year, with a refresher session also held later in the year.

3. Summary of Applications

- 3.1 The Board sat on 11 occasions and considered a total of 14 applications, broken down as follows:

New Premises Licence Application	Application for Variation of Premises Licence	Application for Review of Premises Licence	Application for Variation to Sex Establishment Licence
10	2	1	1

- 3.2 As the table shows, the vast majority of the Board's work relates to applications made under the Licensing Act 2003 regarding premises licenses and the sale of alcohol. When considering these applications, the Board has regard to the Council's Licensing Policy and the four statutory licensing objectives:
- The prevention of crime and disorder
 - The prevention of public nuisance
 - The protection of children from harm
 - The protection of public safety
- 3.3 The ten new premises licence applications covered a range of different types of premises including a restaurant, a Tesco Express, off-licences / convenience stores and a snooker / pool club. In all cases the applications were approved with additional conditions imposed by the Board aimed at further reinforcing the licensing objectives, with the exception of the Tesco Express application which was approved without the need for additional conditions.
- 3.4 The two applications for a variation to the current premises licences sought extended opening hours. The first related to a pub within Barking Town Centre, which was approved with a number of conditions aimed at reinforcing the licensing objectives and minimising potential noise nuisance. The second related to a convenience store where the Board partly allowed the application but refused to extend the Friday and Saturday night opening hours.
- 3.5 The application for a review of a premises licence was made by the Metropolitan Police in respect of a pool club. The Board did not revoke the licence and instead issued a formal warning to the Premises Licence Holder and added an additional condition to the licence.

3.6 The application for a variation to a sex establishment licence was refused by the Board on the grounds that the variation would contravene standard condition 33 of the Council's Sex Establishment Regulations.

Background Papers Used in the Preparation of the Report:

- Minutes of Licensing and Regulatory Board meetings 2010/ 2011
- Council Constitution