

Licensing Act 2003 – Updates

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Purpose of the Report

The report provides an update on some of the activities of the Licensing Service under the Hypnotism Act 1952, the Licensing Act 2003 and the Gambling Act 2005.

Recommendation

That the Committee note the report.

Report Detail

Hypnotism Act 1952

We have received an application for a hypnotism permit, our first, since the Licensing Act 2003 came into force¹. The Hypnotism Act 1952 as amended² provides that:

“No person shall give an exhibition, demonstration or performance of hypnotism on any living person at or in connection with an entertainment to which the public are admitted, whether on payment or otherwise, at any place unless the controlling authority have authorised that exhibition, demonstration or performance.”

The Controlling Authority is the Licensing Committee exercising its power under the Licensing Act 2003. Under the scheme of delegation (Licensing Function 68) the decision to determine such applications have been delegated to the Licensing Manager.

The Food Safety team (who deal with health & safety issues) were advised of the application. No comments were received, hence the permit was granted.

Licensing Act 2003

Eighteen applications have been received to date for a new premises licence where one or more representations were received for the period 01 April 2017 to 31 March 2018; of those applications:

- Eleven were successfully negotiated, which resulted in the applicant amending their operating schedule and the Responsible Authority and/or Other Party withdrawing their representations.
- Four resulted in a hearing; three of which were granted subject to conditions consistent with the operating schedule and those conditions that were modified to promote the licensing objectives; one application was refused.

¹ 24 November 2005

² Licensing Act 2003 (c. 17), s. 201(2), Sch. 6 para. 27(a) (with ss. 2(3), 15(2), 195); S.I. 2005/3056, art.

- Two applicants failed to advertise their application correctly and both had received representations against the grant of those applications, which would have either been negotiated or been determined at a hearing. Neither applicant proceeded with their application.
- The final application is likely to result in a hearing; however at the time of writing, this is uncertain.

We have been informed that an appeal has been lodged with South Somerset Magistrates' Court regarding one of the applications determined and granted by the Licensing Sub-Committee; the outcome is awaited and will be communicated to the Licensing Committee as soon as it is known.

Two applications to vary a premises licence have been received to date, where one or more representations were received for the period 01 April 2017 to 31 March 2018; both were successfully negotiated.

Objections were received relating to five temporary event notices for the period 01 April 2017 to 31 March 2018. One was modified by the police with the consent of all parties, which resulted in the event going ahead; Two were determined by the Licensing Sub-Committee and refused; the objections were withdrawn for the other two.

An application for a new premises licence was received from Yeovil Football and Athletic Club Ltd for a new premises licence. Lengthy negotiations were held with the Responsible Authorities prior to the submission of the application. No representations have been received; hence it was granted, albeit some subsequent changes were made to the operating schedule to include further conditions. The person capacity has increased from 6,000 to 9,565 and the intention is to hold up to five concerts per annum at the premises where the capacity is 4,000 persons or more. It is understood that the two premises licences already held – one for the marquee and one for the rest of the premises will be surrendered.

Gambling Act 2005

Six unannounced visits were made to betting shops with the Gambling Commission. Most of the issues found were relatively minor and consisted of the following:

- Not displaying the rules for betting in at least a font 11 size in accordance with our policy
- Not being able to view all of the gaming machines due to obstructions

We did find some examples of good practice which were:

- Providing information on getting help for problem gaming in several different languages
- Providing additional staff at key locations during the more popular races such as the Grand National and Cheltenham Gold Cup

Further future unannounced joint visits are in the process of being planned.

Office Cover

There will be no Licensing Officers available on 19th April 2018 as they will be attending an all-day course on "Working on Safety Advisory Groups".

Legal Implications

None

Financial Implications

Unfortunately the cost of hearings is borne by the Licensing Authority as the fees charged under the Licensing Act 2003 do not cover the actual costs; however these fees are fixed by legislation and cannot be changed by the district council.

No fee is charged for a Hypnotism permit, so again the administration is borne by the Licensing Authority.

Fees charged under the Gambling Act 2005 are slightly different in that the council can set the fees up to maximum statutory amount; these do cover the costs involved to a cost neutral basis.

Implications for Corporate Priorities

High quality cost effective services are provided where possible subject to the financial implications as detailed above and through negotiation especially with partners, most authorisations do not require a hearing, hence this cost is saved.

Health and Communities – we work with partners to keep our communities safe and ensure that licensable activities take place in accordance with legislation, statutory guidance and relevant codes of practice

Carbon Emissions & Climate Change Implications

None

Equality and Diversity Implications

None
