

SUBJECT: LICENSING SECTION PROGRESS REPORT

LEAD OFFICER: Head of Planning & Public Protection – Steve Clark

LEAD MEMBER: Councillor Martin Whelton

KEY DECISION REFERENCE NUMBER: N/A

RECOMMENDATIONS:

- 1) **The Licensing Committee is requested to note the Licensing Section's progress to date.**

1. EXECUTIVE SUMMARY AND PURPOSE OF REPORT

1.1 The report provides information for Members regarding the Licensing Section's structure and staffing levels; working arrangements and outturn; achievements and performance in respect of the Licensing Act 2003; financial status; an outline and timetable for the pending responsibilities under the Gambling Act 2005.

2. DETAILS

Structure

2.1 Before the introduction of the Licensing Act 2003, the Council's licensing functions were carried out by one Officer who was attached to the Housing and Pollution Section.

2.2 The new Licensing Section's structure is now fully established with 6 staff, consisting of a Section Head, Principal Licensing Officer, Licensing Officer, Licensing/Specialist Gambling Officer, Senior Administrative and Finance Officer and an Administrative Assistant.

General

2.3 The Section continues to undertake all the traditional licensing public control functions (e.g. Special Treatments, Poisons, Animal Boarding Establishments, Lotteries etc) and the monitoring of same.

Enforcement Action

2.4 The Section has undertaken one successful prosecution and is currently investigating the following premises:

- Bar Sia, The Broadway, Wimbledon – In February 2006, the Manager and Licensee were convicted of several breaches of the conditions of their licence, notably the locking of a fire exit door. The Licensee was fined £2,000, the Manager £150 and costs were awarded to the Council.
- La Sporta, Church Road, Mitcham – In conjunction with the Safer Merton Joint Tasking Group, evidence is currently being compiled with a view to prosecuting the venue Freeholder, Manager and the Organiser of an unlicensed event that took place in May 2005.
- Piano Lounge, Merton High Street – Under investigation for operating in breach of the licence conditions relating to sound attenuation controls.
- O'Neill's Public House, The Broadway, Wimbledon – following a noise nuisance complaint from a local resident, an investigation is being conducted regarding non-compliance with a licence condition giving rise to sound escape from the premises.

Licensing Act 2003

2.5 The following provides an overview of the Section's progress in respect of the Licensing Act 2003:

- The **Licensing Register** has been compiled and became available on 07 February 2006.
- There have been very few complaints about licensed premises and no requests for a review of a Premises Licence or Club Certificate.
- Work on the first review of Merton's Licensing Policy Statement will commence in March and will be reported to Members in June 2006.

2.6 To date (03.03.2006), under this legislation, the Section has received and processed **1,026** Personal Licence applications.

2.7 The perceived number of Licensable Premises in Merton is **614** and the current position is summarised below:

Premises Licence Applications Received To Date (03.03.2006)	549
Applications Still Subject To Consultation or Awaiting a Licensing Sub-Committee Hearing	17
Premises Not Requiring A Licence	7
Known Premises Yet To Apply	12
Unlicensed Premises Not Previously Known To Regulatory Authorities (estimate)	57

2.8 Since the Second Appointed Day (24.11.2005), Licensing Field Officers have detected 33 unlicensed premises and advised of the need to obtain a licence. Applications have since been received from 21 (64%) of said premises.

2.9 The Section has a 95% target for the determination of Personal Licences within 3 months and Premises Licences within 2 months which continues to be exceeded, the achievement being **100%**.

2.10 A Customer Satisfaction Survey is being conducted. 1500 enquiries were sent out in January. The analysis of the responses should be available by the end of March 2006

Gambling Act 2005

2.11 During 2006 and the early part of 2007, Merton Council will take on this new statutory responsibility for the licensing of premises where gambling/gaming takes place. The following outlines the timetable for the implementation of the this Act:

- In the early part of 2006 - Merton Council will initially be asked to indicate whether or not it wishes to have Casinos in the Borough.
- May 2006 – Gambling Commission to publish guidance for local authorities.
- June 2006 – Gambling Commission to publish licence conditions and codes of practice.
- June/July 2006 – Local Authority to agree Draft Licensing Policy Statement on Gambling, publish and consult upon same.
- Late 2006 – Authority adopts the Licensing Policy Statement.
- January 2007 – Licensing Authorities will accept applications for all licences and permits.

3. ALTERNATIVE OPTIONS

N/A

4. FINANCIAL IMPLICATIONS

4.1 The Licensing Section is expected to cover its costs during 2005/06, providing the required services within budget.

5. LEGAL IMPLICATIONS AND STATUTORY PROVISION

5.1 There are no Legal Implications regarding this report.

5.2 Licensing Act 2003
Gambling Act 2005.

6. CONSULTATION UNDERTAKEN

6.1 Customer Satisfaction Survey referred to in “2.10” above.

7. APPENDICES – None

BACKGROUND PAPERS – None

OFFICER CONTACTS:

Report Author – Richard Nash (Licensing Manager) - Telephone 0208 545 3929
Email address richard.nash@merton.gov.uk

Further information about Merton Council can be obtained from its web site
www.merton.gov.uk)