

LICENSING ACT 2003 COMMITTEE

Friday 20th January 2006 at 9.30am.

COUNCILLORS PRESENT: The Chair (Councillor Brett), Councillors Armitage, Brundin (substituting for Councillor Campbell), Hollander (substituting for Councillor Goddard), Royce and Sareva.

OFFICERS PRESENT: Lois Stock (Democratic Services), Lee Carter and Tony Payne (Environmental Health Business Unit), and Phil Pirouet (Transport and Parking Business Unit).

12 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillors Baker, Campbell (Councillor Brundin substituted), Christian, Goddard (Councillor Hollander substituted), and Muir.

13 DECLARATIONS OF INTEREST

Councillor Sareva declared a personal interest in all the items on the agenda as the holder of a Security Industry Association badge.

14 URGENT BUSINESS

There was no urgent business.

15 MINUTES.

Resolved that the minutes (previously circulated) of the Committee's meeting held on 15th July 2005 be confirmed as a correct record.

16 LICENSING ACT 2003 – COUNCIL POSITION ON DISCHARGE OF DUTIES.

The Environmental Health Business Manager and the Head of Legal and Democratic Services submitted a report (previously circulated, now appended), informing the Committee of progress made on the discharge of duties under the Licensing Act 2003.

Tony Payne (Environmental Health Business Unit) presented the report to the Committee. He informed the Committee that the licensing team had processed 575 applications for Personal Licences, most of which had been dealt with under "grandfather rights". The number of Personal Licence applications had been far fewer than had been estimated, but this had not

been a major issue. 99 hearings had been arranged, up to 10th January 2006. The Special Saturation Policy had been tested by the Walkabout Bar application, which had been refused at the hearing. The applicants had not appealed against this decision. The main priority had been to hold hearings and issue licenses within the statutory deadlines, and this had been fully achieved.

Of the five appeals launched, only Clementine's had been upheld. In answer to a question, Jeremy Franklin (Legal and Democratic Services Business Unit), indicated that this appeal had succeeded largely owing to the following factors:

- The Court had been satisfied that there was no reason why the hours for the serving of alcohol should not match the hours of opening, rather than there being a one hour disparity between the two.
- The Court had also been satisfied that the Police had agreed the door keeping arrangements with the applicant before the original hearing, even if the hearing subsequently agreed to different timings.

Mr Franklin informed the Committee that two appeals had resulted in their being remitted back to the Council for determination, rather than taking up court time. The Council had now determined both applications.

In answer to a question, Mr Payne agreed that some premises were using Temporary Event Notices (TENS) as a means by which their activities could be extended, but this was a perfectly legitimate action.

Resolved:-

- (1) To note the report, and in particular the significantly small number of appeals that had been lodged;
- (2) To note that the forecast net cost to the end of the financial year, £26,676, was approximately half the sum of £52,818 originally agreed by the Council. In view of the small number of appeals, it was therefore unlikely that a contingency from General Fund balances would be called upon in any significant way;
- (3) To note the Committee's view that the arrangements for the licensing hearings had worked well, and that it was felt this method should be carried on in the future;
- (4) To thank the licensing team for all their hard work and dedication.

17 OXFORDSHIRE MEMORANDUM OF UNDERSTANDING AND JOINT ENFORCEMENT PROTOCOL

The Environmental Health Business Manager submitted a copy of the Oxfordshire Memorandum of Understanding and Joint Enforcement Protocol (previously circulated, now appended)

Tony Payne explained that the Oxfordshire Memorandum of Understanding and Joint Enforcement Protocol had been drawn up by the Oxfordshire licensing authorities and the responsible authorities (i.e., Police, Fire, Trading Standards, Environmental Health, Planning, Social and Health Care). This was in accordance with Policy EN1 of the City Council's Statement of Licensing Policy. The purpose was to ensure efficient co-operation between the parties dealing with items of mutual interest, so that enforcement was effectively concentrated on problem premises, while providing a lighter touch in respect of low risk premises that were well run.

The intention was to have monthly meetings at which issues could be shared. Since each local authority had its own prosecution policy, no attempt had been made to duplicate this in the Joint Enforcement Protocol. This document needed to be signed off by the end of February 2006.

Paragraph 6.2 in the Joint Enforcement Protocol had been recently updated, and Tony Payne tabled a replacement page (now appended), which detailed this change. The Committee felt that further clarification was needed, and this was discussed.

Resolved:-

- (1) To recommend an amendment to paragraph 6.2 of the Oxfordshire Memorandum of Understanding and Joint Enforcement Protocol (amendment shown in italics below), to read:

"Where it is thought necessary, details of inspections carried out by any appropriate responsible authority will be communicated in writing to the licensing authority within 10 working days. Details of the inspection shall include the information as required in section 6.1"

- (2) To approve the Oxfordshire Memorandum of Understanding and Joint Enforcement Protocol with the recommended amendment as shown above.

18 LICENSING ACT 2003 JOINT ENFORCEMENT STATEMENT.

The Environmental Health Business Manager submitted a copy of the Licensing Act 2004 Joint Enforcement Statement between the Local Authorities Coordinators of Regulatory Services (LACORS), the Local Government Association (LGA) and the Association of Chief Police Officers (ACPO).

Resolved to note the document.

The meeting started at 9.30am and ended at 10am.