

Report of: Environmental Health Business Manager

To: Licensing and Gambling Acts Committee

Date: 17th July 2007

Title of Report: Review of the Statement of Licensing Policy

Summary and Recommendations



Purpose of report: To agree a Draft Revised Statement of Licensing Policy public consultation.



Committee is recommended:

- a) to comment on the proposed amendments to the Statement of Licensing Policy as set out in Appendices 1 and 2;
- b) to authorise the Environmental Health and Legal and Democratic Services Business Managers to carry out textual alterations to the consultation draft to accord with the revised guidance issued by the Department Culture Media and Sport (28th June 2007);
- c) to authorise the Environmental Health and Legal and Democratic Services Business Managers, in consultation with the Chair of the Committee, to finalise the consultation draft;
- d) endorse the consultation programme as laid out in the report; and in particular to consult on (i) the Draft Revised Statement of Licensing Policy, (ii) a Special Saturation Policy for the Cowley Road area and (iii) whether to retain or revise the existing Special Saturation Policy for the City Centre.
- e) to ask the Crime and Disorder Reduction Partnership (Oxford Safer Communities Partnership) for their views on whether there is sufficient supporting evidence for (i) a Special Saturation Policy for the Cowley Road area and (ii) to retain or revise the existing Special Saturation Policy for the City Centre.




Key decision: N/A

Scrutiny Responsibility: Environment

Ward(s) affected: All



 ion number: 1.1
Date 28/06/2007



Report Approved by

Legal: Daniel Smith, Lawyer

Finance: Emma Burson, Chief Management Accountant

Introduction

1. The Committee is reminded that all licensing authorities have adopted a Licensing Policy Statement (LPS). This statement must promote the four licensing objectives of the Licensing Act 2003 (the 2003 Act), which are: -



- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The prevention of children from harm
2. The Council is obliged to publish a "statement of licensing policy" and review it at least every three years. The LPS sets out how the Licensing Authority intends to exercise its functions under the 2003 Act. In carrying out our functions we must also have regard to the "Guidance issued under section 182 of the Licensing Act 2003" by the Secretary of State for Culture, Media and Sport. These measures ensure clarity and consistency across all authorities in England and Wales. Revised guidance came into force on 28 June 2007.
 3. In drafting the previous policy considerable work was done by a team of officers from Oxfordshire districts on drafting a common 'core' LPS that each district adapted for its own use. The Council has continued to work with other Licensing Authorities in Oxfordshire in reviewing this LPS to ensure, as far as possible, that a consistent approach is taken to assist applicants for licences and those who may wish to make representations under the provisions of the 2003 Act.
 4. In the process of reviewing the LPS meetings have been held with the Police, Fire and Rescue Service, Community Safety, Planning, Environmental Protection, Health & Safety. Trading Standards and Child Protection have also been consulted.

Special Saturation Policies

5. A motion concerning the need for a Special Saturation Policy (SSP) which covers the Cowley Road Area as well as the existing policy for the City Centre was adopted by Council on the 30th of April.

"This Council believes that there is a strong and urgent case for adding a section of Cowley Road to the Special Saturation Zone for licensing purposes. Council therefore requests the Crime and Disorder Reduction Partnership to consider this issue, and report to the

Licensing and Gambling Acts Committee on the issue, with evidence, if appropriate, to support the introduction of A Special Saturation Zone”.

6. We have received communication from Thames Valley Police regarding the current SSP and consideration of a further SSP in the Cowley Road area (Appendix 3). A representative of Thames Valley Police will be present at the meeting to address committee and answer questions.
7. The DCMS Guidance outlines the steps to be followed in considering whether to adopt a SSP for inclusion in the LPS. There must be a strong evidential basis for the decision to adopt a SSP. For example, Crime and Disorder Reduction Partnerships will often have collated information which demonstrates cumulative impact as part of their general role on anti-social behavior; and crime prevention strategies may have already identified cumulative impact as a local problem.
8. The steps to be followed by the Council in considering whether to adopt a special policy within the LPS are:
 - a) identification of concern about crime and disorder or public nuisance;
 - b) consideration of whether it can be demonstrated that crime and disorder and nuisance are arising and are caused by customers of licensed premises, and if so identifying the area from which the problems are arising and the boundaries of that area; or that the risk factors are such that the area is reaching a point when cumulative impact is imminent; and
 - c) consultation with those specified in section 5(3) of the 2003 Act.
9. The current SSP Policy remains unchanged at present in this policy.

Consultation on the Draft Revised Statement of Licensing Policy

10. The draft revised LPS requires approval from the Committee prior to commencing formal consultation. Proposed amendments are included in the appendices to this report. In addition, textual changes might be necessary to take on board the recent revision of the “Guidance issued under section 182 of the Licensing Act 2003” by the Secretary of State for Culture, Media and Sport.
11. The proposed consultation timetable is as follows:
 - 17th July 2007, consultation draft LPS approved by Committee
 - agreed draft LPS to go out to consultation between 13th August and 22nd September

- to consult with Area Committees (as representative of businesses and residents in the area) on the following dates

East Area Parliament	15 August
North East Area Committee	21 August
Cowley Area Committee	5 September
North Area Committee	6 September
South East Area Committee	10 September
Central, South and West Area Committee	11 September

- to consult with “Responsible Authorities” (Police, Fire and Rescue, Trading Standards, Planning, Environmental Protection, Child Protection, Health & Safety), representatives of current licence holders and registered clubs, and others including Community Safety, Building Control, the local Accident and Emergency Department, and OX1
- the agreed draft LPS to be posted on the Councils website and made available at libraries and public buildings
- 24th October 2007, report to Licensing and Gambling Acts Committee to consider consultation responses and approve the final LPS, in light of the consultation responses received
- 19th November 2007, Licensing and Gambling Acts Committee’s recommendations to Full Council for adoption of the final LPS

Appendixes:-

1. Recommended amendments to the existing Statement of Licensing Policy
2. Revised draft Statement of Licensing Policy
3. Evidence for the need of an SSP for the City Centre and Cowley Road submitted by Thames Valley Police

Background Papers:-

There are no background papers.

Name and contact details of report author:-

Selina Steel
 Senior Licensing Officer
 Telephone 01865 252067
 Email ssteel@oxford.gov.uk

Proposed Changes	Page(s)	Comments
Forward	i	Removed references to new legislation and reference to SSP evidence for Cowley Road.
Glossary	ix	Include Trading Standards as a Responsible Authority
Glossary	x	Change of legislation - Fire Service
Fundamental Principals	3	Addition of 4 Acts
Fundamental Principals	4	Change of legislation – Fire Service
Fundamental Principals	5	Removed references to implementation
Delegation	7	Reference to planning matters
Determination of Applications	9	Reference to 'grandfather rights' removed
Restrictions on access by children to Licensed Premises	17	Removal of physical, moral or psychological harm because it may be too restrictive
Entertainment for and by children	18	Addition - include a risk assessment of including details of how to ensure access and egress of children
Licence Applications	20	Removal of referral to transitional period
Personal Licences	21	Removal of referral to transitional period
Premises Licences	21	Addition – applicants should consider measures to prevent noise nuisance
Premises Licenses	22	Addition - prevention of public nuisance, congregation of patrons outside licensed premises (impact from smoking ban)
Rave style dance events	23	Removed and reworded under large outdoor events.
Premises Licence	23	Removed rave style and replaced with safer clubbing.
Hypnotism	24	Addition as could be considered as entertainment. Referral to the Hypnotism Act 1952
Internet sales, Mail Order & Home Deliveries	27	Addition as change in technology/culture
Casinos and Bingo Clubs	27	Removed
Vessels	28	Clarification of licensable activity
Late night refreshment	29	Removal of referral to transitional period
Large Scale and Outdoor Events	31	Not previously included. Oxford facilitates a number of large events.
Large Scale and Outdoor Events	32	Advice on preparation of such events, operating schedule and guidance to regulations.
TEN(s)	34	Removal of referral to transitional period
Operating schedule (OS) – Occupancy limits	37	Change of legislation - Fire Service

Smoke free Premises	37	Details of how to comply with Health Act 2006
Door Supervisors	39	Addition – Details of the new SIA Approved Contractor Scheme
OS – Door Supervisors	39	Removal of reference to ‘Thames Valley Door Safe’
OS – Discounting and sales promotions	40	Addition – Promoting sensible drinking
OS – Public Nuisance Noise	40	Addition – Prevention of public nuisance, restriction of use in certain areas
OS – Public Nuisance Fly Posting	41	Addition – Provisions for prevention of fly posting and flyers
Enforcement	43	Addition – Introduction to new police powers for closure orders.
Appendix 1	47	Change of factual information of Authority’s area
Appendix 2	49	Addition – Pubwatch and Nightsafe Schemes
Appendix 6	54	Addition – Regulatory Reform (Fire Safety) Order 2005 and Health Act 2006 legislation
Appendix 6	55	Addition – Gambling Act legislation
Appendix 7	57	Removal of referral to transitional period
Appendix 7	59	Change of addresses

