

Report of: Head of Environmental Development

To: Licensing and Gambling Acts Committee

Date: 3rd June 2008

Title of Report : Update on Licensing Authority Activity November 2007 – April 2008

Summary and Recommendations

Purpose of report: To inform the Committee of progress made by the Licensing Authority under the Licensing Act 2003 between November 2007 – April 2008 in accordance with Policy GN10 of the Statement of Licensing Policy.

Key decision: No

Risk: None

Portfolio Holder: Not applicable

Scrutiny Responsibility: Not applicable

Ward(s) affected: All

Report Approved by: Jeremy Franklin (Legal & Democratic Services)
Andy Collett (Finance)

Policy Framework: Statement of Licensing Policy

Recommendation(s): The Committee is asked to note the contents of the report.

Introduction

1. This report informs Committee of progress made by the Licensing Authority under the duties of the Licensing Act 2003 and Gambling Act 2005 between November 2007 – April 2008. Under Policy GN10 of the Statement of Licensing Policy, the Licensing Authority should report to the Committee on matters determined by Licensing Officers with delegated authority.

2. The report covers data on service volumes; details of Licensing hearing decisions and decisions made by Officers with delegated powers; information on TENs; latest closing times of premises; and enforcement activity.
3. The table below provides data on licence applications received during the period April 2007 – March 2008.

Applications Received	Apr 07	May 07	June 07	July 07	Aug07	Sep 07	Oct 07	Nov 07	Dec 07	Jan 08	Feb 08	Mar 08	Total
Gambling	1	0	8	26	9	3	7	14	5	3	0	6	82
Club/ Premises	3	3	7	2	8	8	1	1	0	3	2	3	41
Variations	4	9	0	3	8	5	5	1	2	1	3	2	52
Personal Licences	8	10	6	5	9	12	10	11	8	11	10	17	117
Administrative Changes	7	15	20	15	15	12	16	19	12	15	3	5	154
TEN's	47	48	57	16	35	36	33	53	21	44	32	23	445

4. To date the Licensing Authority have processed; 921 Personal Licences; 602 New Premises Licences; 101 Variations on Premises Licences; 58 Premises Transfer Applications and 72 New and Variations of Club Certificates.

Applications Granted by the Licensing Authority

5. A hearing is not required where an application has been lawfully made and no Responsible Authority or Interested Party has made a representation. In these cases, the Licensing Authority must grant the application in the terms sought, subject only to conditions which are consistent with the operating schedule and relevant mandatory conditions in the Act. There were 24 licences issued by the Licensing Officers under delegated authority, details are listed in Appendix 1.

Representations and Licensing Sub-Committee Hearings

6. When Relevant Representations are received from Interested Parties or Responsible Authorities then the application is determined at a Licensing Sub-Committee Hearing. If the applicant decides to agree additional conditions with the Responsible Authority the representation can be withdrawn and a hearing may no longer be required.
7. Relevant Representations were received for 6 applications for Premises Licences and Club Certifications, resulting in hearings.

Representations were made as follows:

Interested Parties	16
Thames Valley Police	6
Environmental Protection	2
Planning	None
Health and Safety	None
Oxfordshire Fire and Rescue Service	None

8. The details of these applications and decisions of the Licensing and Gambling Acts Committee are attached in Appendix 2.

Reviews of Licensed Premises

9. Under the Act it is possible for the Authority to review a Premises Licence at any time if a Representation from a Responsible Authority or a Relevant Representation from an Interested Party is received. The Authority has no powers to initiate its own review. Reviews may only arise in connection with a failure or failures in the premises connected to the licensing objectives.

10. During November 2007 and April 2008 there were three applications for Premises Licences Reviews that were determined by the Licensing Committee. The details of these reviews can be found in Appendix 3.

Service Volume

11. The table below represents the service volume dealt with by the Licensing Authority from April 2007 – March 2008.

Service Volume	Apr 07	Mar 07	June 07	July 07	Aug0 7	Sep 07	Oct 07	Nov 07	Dec 07	Jan 08	Feb 08	Mar 08	Total
Incoming Tel Calls	410	418	415	408	349	353	387	355	182	233	169	334	4013
Outgoing Tel Calls	588	505	506	536	539	463	780	476	322	243	269	476	5703
General Enquiries	110	124	196	256	301	276	311	297	255	231	271	183	2577

Enforcement Activity

12. Between November 2007 and April 2008, the two Licensing Officers have made:

- 64 Inspections on Premises
- Issued 62 warning letters to premises (predominantly for licences not displayed on the premises)

13. Most inspections are carried out as a result of a complaint, following intelligence, or in connection with an application. A risk based inspection programme is being developed for all licenced premises and will be the subject of a future report to Committee.

Risk	Category	Frequency of Inspections
High	A	Every 6 months
Medium	B	Every 12 months
Low	C	Every 24 months

14. The Licensing Authority in partnership with Thames Valley Police have agreed an Enforcement Ladder for Licensed Premises. If a licensed premises fails to be managed in a responsible manner it will be introduced to the Enforcement Ladder. The Licensing Authority and Thames Valley Police will do everything possible to assist and work with the licensee to remove the premises from the ladder. This document can be found in Appendix 4.

Temporary Event Notices (TEN's)

15. An action arising from the last Licensing and Gambling Acts Committee on the 16th of January 2008, was for the Licensing Authority to provide the Committee with details of TEN's held by ward for the period of April 2007 – March 2008. The document can be found in Appendix 5.

Test Purchasing

16. A joint test purchasing operation was carried out with Licensing Officers and Thames Valley Police on Friday 25th April.

The table below is a list of the licensed premises visited during the evening;

The Folly Bridge Stores	Abingdon Road	Off Licensed	Fail
The Crown	Cornmarket Street	On Licensed PH	Pass
The Turl Bar	Turl Street	On Licensed PH	Fail
The Dancing Dragon	Banbury Road	On Licensed Restaurant	Pass
The Dew Drop	Banbury Road	On Licensed PH	Pass
The Grogg Shop	Walton Street	Off Licensed	Pass
Londis	Walton Street	Off Licensed	Fail
Co-op	Walton Street	Off Licensed	Pass
Supa-Sava	Botley Road	Off Licensed	Fail

17. The fail rate for this Operation was particularly high at 44%. Two teenagers were used in the operation and attempted to purchase alcohol from the premises. The persons who sold the alcohol to the teenagers were instantly issued a fixed penalty notice for £80.
18. The Licensing Authority will hold formal interviews with the Designated Premises Supervisors for each of the outlets that failed the test purchasing operation to investigate why the alcohol was served/supplied. The Authority will also give advice on how to take measures to prevent under-age sales. Coverage of the test purchase operation was reported in the Oxford Mail and published on Oxford City Council's website, a copy is attached in Appendix 6.

Matters Arising from Licensing and Gambling Acts Committee – 16th January 2008

19. The Committee requested the Authority to provide details of latest closing times for Licensed Premises . These details can be found in Appendix 7.
20. At the request of the Committee under the Licensing Act 2003, the Authority have produced a guidance leaflet for local residents in Oxford. The leaflet includes how to object to a premises licence application and how to initiate a review of an existing licence. The leaflet was launched with a press release and distributed to Area Committee meetings. Copies of the press release and the guidance leaflet can be found in Appendices 8 and 9.

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Background papers: Appendices 1- 9