

Report of: Head of Environmental Development

To: Licensing and Gambling Acts Committee

Date: 28th October 2008

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

Summary and Recommendations

Purpose of report: To inform the Committee of progress made by the Licensing Authority under the Licensing Act 2003 between April 2008 – September 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 (“the Authority) under the duties of the Licensing Act 2003 and Gambling Act 2005 between April 2008 and September 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; decisions made by Officers with delegated powers; information on Temporary Event Notices (“TENs”) and enforcement activity.
3. The table below provides data on licence applications received during the period April 2008 – September 2008.

Applications Received	Apr 08	May 08	Jun 08	Jul 08	Aug 08	Sep 08	Total
Gambling	6	1	3	1	1	4	16
Club/ Premises	7	2	4	1	3	2	19
Variations	6	1	11	3	2	1	24
Personal Licences	16	4	11	9	10	4	54
Administrative Changes	20	14	11	45	34	44	168
TEN's	56	18	49	11	12	21	167

4. To date the Licensing Authority have processed; 975 Personal Licences; 620 New Premises Licences; 149 Variations on Premises Licences; 98 Premises Transfer Applications and 73 New and Variations of Club Certificates.

New Member List of Licensing Applications

5. The Licensing Authority distributes (by email) a new list of Premises and Club License applications to the members every 2 weeks. The new format provides details at which stage each application is during the consultation period, the hearing date if applicable and the decision once it has been made. Future plans are to publish this document on the Council website.

Applications Granted by the Licensing Authority

6. A hearing is not required where an application has been lawfully made and no Responsible Authority or Interested Party has made a representation. There were 25 licences issued by the Licensing Officers under delegated authority, details are listed in Appendix 1.

Representations and Licensing Sub-Committee Hearings

7. When Relevant Representations are received from Interested Parties or Responsible Authorities then the application is determined at a Licensing Sub-Committee Hearing.

8. Relevant Representations were received for 5 applications for Premises Licenses and Club Certifications, resulting in hearings.

Representations were made as follows:

Interested Parties	54
Thames Valley Police	3
Environmental Protection	2

9. The details of these applications and decisions of the hearings are attached in Appendix 2.

Reviews of Licensed Premises

10. Under the 2003 Act it is possible for the Authority to review a Premises Licence at any time if a representation is received from a Responsible Authority or an Interested Party. 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.

11. Between April 2008 and September 2008 there were two applications for Premises Licences Reviews that were determined by the Licensing Committee. The details of these reviews can be found in Appendix 3.

Appeals under the Licensing Act 2003

12. The Licensing Authority received an application for appeal from The Bridge Nightclub, which was held at the Magistrates Court on August 5th 2008.

The club appealed the decision of The Licensing Casework Sub-Committee as a result of its review hearing on the 29th of April. The review, which was initiated by Thames Valley Police, related to issues of crime and disorder at the premises.

The Court agreed to accept the varied conditions and allowed the appeal. In allowing the appeal the Court also concluded that the varied conditions were necessary, proportionate and promote the licensing objectives.

Enforcement Activity

13. Between April 2008 and September 2008, the two Licensing Officers have made:

- 106 Inspections on Premises
- Issued 45 warning letters to premises (predominantly for licences not displayed on the premises)

Several test-purchasing operations have been carried out jointly with Trading Standards and Thames Valley Police.

The tables set out below list the licensed premises visited during these operations;

OCC Licensing Officers & Thames Valley Police - April 25th

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

OCC Licensing Officers & Thames Valley Police – 3rd July

The Dancing Dragon	Banbury Road	On Licensed Restaurant	Pass
Leys Spar	Dunnock Way	Off Licensed	Fail
Park Stores	Florence Park	Off Licensed	Fail
The Blue Room	Cowley Road	On Licensed PH	Fail

OCC Licensing Officers, Thames Valley Police & Trading Standards – 12th Aug

Bridge Stores	Meadow Lane	Off Licensed	Pass
Balfour News	Cherwell Drive	Off Licensed	Pass
General Stores	Barns Road	Off Licensed	Pass
Londis	The Slade, Headington	Off Licensed	Pass

New Marston Store	Marston Road	Off Licensed	Pass
Oxford Supermarket	Pegasus Road	Off Licensed	Fail
Park Stores	Florence Park	Off Licensed	Pass
Wine Palace	Northway Oxford	Off Licensed	Pass

OCC Licensing Officers, Thames Valley Police & Trading Standards – 13th August

Grog Shop	Jericho	Off Licensed	Pass
Co – op	Summertown	Off Licensed	Pass
Co – op	Walton Street	Off Licensed	Pass
Co – op	Cowley Road	Off Licensed	Fail
Hassins Newsagent	Cowley Road	Off Licensed	Fail
Londis	Walton Street	Off Licensed	Pass
Odd Bins	Summertown	Off Licensed	Pass
Sainsburys	Westgate Centre	Off Licensed	Pass
Somerfield	Summertown	Off Licensed	Pass
Supa Sava	Botley Road	Off Licensed	Fail
Westgate Stores	Botley Road	Off Licensed	Fail
Wine Rack	Summertown	Off Licensed	Fail

14. The overall fail rate for these Operations was 39%. Two teenagers were used in each 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.

15. The Licensing Authority interviewed the Designated Premises Supervisors for outlets that failed the test purchasing operations to investigate why the alcohol was served/supplied. The Thames Valley Police and Trading Standards interviewed the remainder. The Licensing Authority will continue to work jointly with these agencies on further test purchase operations throughout the year.

Nightsafe

16. Licensing Authority fully supports and participates in Nightsafe activities. This includes intelligence sharing and 2 monthly joint inspections with the Police, Fire Authority and Trading Standards. Approximately 6 premises are visited during an operation alternating between Oxford City Centre and East Oxford.

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Background papers: Appendices 1 – 3