

To: Licensing and Gambling Acts Committee

Date: 8 February 2010

Item No:

Report of: Head of Environmental Development

**Title of Report: Update on Licensing Authority Activity
September 2009 – December 2009**

Summary and Recommendations

Purpose of report: To inform Committee of the progress made by the Licensing Authority under the Licensing Act 2003 and Gambling Act 2005 between September 2009 and December 2009.

Report Approved by:

Finance: Gillian Chandler

Legal: Daniel Smith

Policy Framework: Statement of Licensing Policy

Recommendation(s):

The Committee is asked to note the contents of the report.

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 September 2009 – December 2009. Under Policy GN10 of the Statement of Licensing Policy, the Licensing Authority should report to the Committee on matters determined by the Head of Environmental Development with delegated authority.
2. The report covers data on service volumes; details of Licensing hearing decisions; decisions made under delegated powers; information on Temporary Event Notices ("TENS") and enforcement activity.
3. The table below provides data on licence applications received during the period September 2009 – December 2009.

Applications Received	Sep 2009	Oct 2009	Nov 2009	Dec 2009	Total
Gambling	1	4	2	4	11
Club/ Premises	4	2	4	1	11
Variations	2	1	4	2	9
Personal Licences	8	11	4	3	26
Administrative Changes	39	35	34	18	126
TEN's	31	42	47	18	138

4. To date the Licensing Authority has processed; 1,127 Personal Licences; 811 New Premises Licences; 203 Variations on Premises Licences; 269 Premises Transfer Applications and 88 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. There were 13 licences issued by the Head of Environmental Development under delegated authority, details are listed in Appendix 1.

Temporary Event Notices

6. Temporary Event Notice (TEN) is a notification given by an individual to Oxford City Council giving notice of an event that is to take place.
7. Temporary Event Notices relate to temporary events with less than 500 attendees where 'licensable activities' are planned to take place. Attached in Appendix 2 is a list of the 140 TENs applied for between September 2009 – December 2009.

Representations and Licensing Sub-Committee Hearings

8. When Relevant Representations are received from Interested Parties or Responsible Authorities then the application is determined at a Licensing Sub-Committee Hearing.
9. Relevant Representations were received for 13 applications received during September 2009 – December 2009 for Premises Licences and Club Certifications, resulting in 2 of the applications being determined by hearings.

10. Representations were made as follows:

Interested Parties	2
Thames Valley Police	2
Health & Safety	1

The details of these applications and decisions of the hearings are attached in Appendix 3. It should be noted that a number of applications received during this period will be heard at Sub-Committee Hearings during January 2010.

Reviews of Licensed Premises

11. 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.
12. Between September 2009 and December 2009 there were no applications for Premises Licence Reviews.

Appeals under the Licensing Act 2003

13. The Licensing Authority received applications for appeal from Kukui (Park End Street), Westgate Stores (Botley Road) and Baby Simple (Cowley Road).
14. The applicants are appealing against the decisions made by The Licensing and Gambling Acts Committee.
15. **Kukui:** The Sub-Committee rejected the application to vary the Premises Licence due to evidence supplied by Thames Valley Police and the implications of additional persons dispersing from the premises that would have a negative impact on the area and as such be at odds with the Special Saturation Policy adopted by this Authority. The appeal was heard on the 18th of December 2009 at Oxford Magistrates Court and the decision of the Sub-Committee was upheld.
16. **Westgate Stores:** The Sub-Committee revoked the Premises Licence based on evidence supplied by Thames Valley Police supported by the results of test purchases from the venue. The appeal was heard on 9th October 2009 at Oxford Magistrates Court, and the decision of the Sub-Committee was overturned, and additional conditions were imposed (Challenge 25 policy to be implemented) upon the licence holder.
17. **Baby Simple:** The Sub-Committee refused to grant the requested variation of the Premises Licence due to evidence supplied by Thames Valley Police and also that the granting of additional hours would be at odds with the Special Saturation Policy adopted by this Authority.

The Applicant amended his application and a decision was reached at the pre-trial review resulting in the Magistrates' Court substituting its decision for that of the Licensing authority as follows:

On Thursday, Friday and Saturday the sale of alcohol and provision of regulated entertainment is permitted between 10.00 and 01.30 and on the following special occasions:

Valentines Day	-	1 additional hour
May Day	-	until 05.00 hrs
Boxing Day	-	1 additional hour
Bank Holiday Mondays	-	1 additional hour
Sundays preceding a Bank Holiday Monday		1 additional hour

The premises licence remains otherwise unchanged.

Enforcement Activity

18. Between September 2009 and December 2009, the Licensing Team members have made:
 - 68 Inspections of premises
 - Issued 14 warning letters to businesses or licence holders for breaches of premises licence conditions (predominantly for licences not displayed on the premises and noise complaints)
 - On 11th December 2009, the Licensing Team carried out enforcement of late night venues. A total of 20 premises were visited. No problems were found during these late night visits. These operations will be carried out monthly, covering the various areas of the District. Premises visited are determined on historical data and present intelligence.
19. A joint test-purchasing operation with Thames Valley Police and the Licensing Authority will be taking place on 22nd January 2010. No joint test purchases were carried out during the period September 2009 – December 2009.

Nightsafe

20. The NightSafe initiative contributes to the licensing objectives. This includes intelligence sharing and quarterly joint inspections with the Police, Fire Authority and Trading Standards. 6 premises were visited during an operation alternating between Oxford City Centre and East Oxford, and on 26th November 2009 7 premises were visited. No problems were found during these inspections.

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Background papers:
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