

LICENSING AND GAMBLING ACTS COMMITTEE

Monday 8th February 2010
at 5.00 pm in the Town Hall, Oxford.

Members of the Licensing and Gambling Acts Committee:-

Councillors Cook (Chair), Sareva (Vice-Chair), Baxter, Brundin, Campbell, Goddard, Hazell, Humberstone, Keen, Morton, Sinclair, Royce, Turner, Williams and Young.

A G E N D A

PUBLIC BUSINESS

1. **APOLOGIES FOR ABSENCE**

2. **DECLARATIONS OF INTEREST**

A guidance note is circulated at page C of this agenda

3. **MINUTES**

Minutes of the meeting held on 12th October 2009

4. **LICENSING AUTHORITY ACTIVITY UPDATE – SEPTEMBER – DECEMBER 2009**

Contact officer: Tony Payne Tel: 01865 252062, E-mail: tpayne@oxford.gov.k

The Head of Environmental Development has submitted a report (**attached at page 5**), which informs the Committee of the progress made by the licensing authority under the Licensing Act 2003 and Gambling Act 2005 between September and December 2009 in accordance with Policy GN10 of the Statement of Licensing Policy.

The Committee is asked to note the report.

5. FEES AND CHARGES 2010/11

Contact officer: Tony Payne Tel: 01865 25062, E-mail: tpayne@oxford.gov.uk

The Head of Environmental Development has submitted a report, which seeks agreement of the licence fees for 2010/11 where the Council has discretion over the level of fee charged.

The Committee is asked to:

- (a) Note the licence fees set out by statute;
- (b) Agree the licence fees for 2010/11 as set out in the report.

6. MINOR VARIATIONS – SCHEME OF DELEGATION

Contact officer: Tony Payne Tel: 01865 25062, E-mail: tpayne@oxford.gov.uk

The Head of Environmental Development has submitted a report, which details the introduction of the Legislative Reform (Minor Variations to Premises Licences and Club Premises Certificates) Order 2009.

The Committee is asked to:

- (a) Consider the information contained in the report in respect of the Legislative Reform Order and agree and confirm the necessary consequential changes to the Scheme of Delegations;
- (b) Recommend Council to formally adopt the amended Scheme of Delegations;
- (c) Request the Head of Law and Governance to make any consequential amendments to the Constitution.

7. THE POLICING AND CRIME ACT – AMENDMENTS TO LICENSING LEGISLATION

Contact officer: Tony Payne Tel: 01865 25062, E-mail: tpayne@oxford.gov.uk

The Head of Environmental Development has submitted a report, which updates the Committee on the amendments to the Licensing Legislation brought in by the Policing and Crime Act 2009.

The Committee is asked to:

- (a) Note the report;
- (b) Ask the Head of Law and Governance to draft a briefing for all Members on their role as “Interested Parties”;

- (c) Receive a further report on the Mandatory Conditions when the relevant secondary legislation has been made;
- (d) Receive a further report in the Council's powers relating to the licensing of "Sexual Entertainment Venues" when the Home Office Statutory Guidance has been published.

8. PROPOSAL TO AMEND THE LICENSING ACT 2003 (PERSONAL LICENCE: RELEVANT OFFENCES)

Contact officer: Tony Payne Tel: 01865 25062, E-mail: tpayne@oxford.gov.uk

The Head of Environmental Development has submitted a report , which details the proposal by the DCMS to amend the Licensing Act 2003 (Personal Licence: relevant offences) to update the list of offences that are treated as relevant offences for the purposes of obtaining and holding a personal licence.

The Committee is asked to consider the information contained in this report and the appendix and delegate authority to the Head of Environmental Development to reply in support of the consultation or as otherwise directed by the Committee.

9. PROPOSAL TO AMEND THE LICENSING ACT 2003 TO SIMPLIFY THE PROCEDURES FOR LICENSING STATEMENTS; INTERIM AUTHORITY NOTICES AND REINSTATEMENTS ON TRANSFER; AND TEMPORARY EVENT NOTICES

Contact officer: Tony Payne Tel: 01865 25062, E-mail: tpayne@oxford.gov.uk

The Head of Environmental Development has submitted a report, which details the proposals by the DCMS to simplify the procedures for Licensing Statements; Interim Authority Notices and Reinstatements on Transfer; and Temporary Event Notices.

The Committee is asked to consider the information on the report and the appendix and to delegate authority to the Head of Environmental Development to reply in support of the consultation or as otherwise directed by the Committee.

10. PROPOSAL TO EXEMPT SMALL LIVE MUSIC EVENTS FROM THE REQUIREMENTS OF THE LICENSING ACT 2003

Contact officer: Tony Payne Tel: 01865 25062, E-mail: tpayne@oxford.gov.uk

The Head of Environmental Development has submitted a report, which details the proposals by the DCMS to exempt small live music events from the Licensing Act 2003.

The Committee is asked to consider the information contained in the report and the appendix and to delegate authority to the Head of Environmental Development to reply to the consultation as directed by the Committee.

11. DATE OF NEXT MEETING

Thursday 20th May 2010

Any enquiries on this agenda should be addressed to:-

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How to obtain agenda for the Licensing and Gambling Acts Committee

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DECLARING INTERESTS

What is a personal interest?

You have a personal interest in a matter if that matter affects the well-being or financial position of you, your relatives or people with whom you have a close association more than it would affect the majority of other people in the ward(s) to which the matter relates.

A personal interest can affect you, your relatives or people with whom you have a close personal association positively or negatively. If you or they would stand to gain or lose by the decision, you should also declare it.

You also have a personal interest in a matter if it relates to any interest, which you must register.

What do I need to do if I have a personal interest?

You must declare it when you get to the item on the agenda headed “Declarations of Interest” or as soon as it becomes apparent to you. You may still speak and vote unless it is a prejudicial interest.

If a matter affects a body to which you have been appointed by the authority, or a body exercising functions of a public nature, you only need declare the interest if you are going to speak on the matter.

What is a prejudicial interest?

You have a prejudicial interest in a matter if;

- a) a member of the public, who knows the relevant facts, would reasonably think your personal interest is so significant that it is likely to prejudice your judgment of the public interest; and
- b) the matter affects your financial interests or relates to a licensing or regulatory matter; and
- c) the interest does not fall within one of the exempt categories at paragraph 10(2)(c) of the Code of Conduct.

What do I need to do if I have a prejudicial interest?

You must withdraw from the meeting. However, under paragraph 12(2) of the Code of Conduct, if members of the public are allowed to make representations, give evidence or answer questions about that matter, you may also make representations as if you were a member of the public. However, you must withdraw from the meeting once you have made your representations and before any debate starts.