

LICENSING AND GAMBLING ACTS COMMITTEE

Monday 8th February 2010

COUNCILLORS PRESENT FOR THE WHOLE OF THE MEETING: The Chair (Councillor Colin Cook), The Vice-Chair (Councillor Mary-Jane Sareva), Councillors Clark Brundin, Jim Campbell, John Goddard, Bryan Keen, David Williams and Nuala Young.

OFFICERS PRESENT FOR THE WHOLE OF THE MEETING: Mathew Metcalfe and Daniel Smith (Law and Governance) and Tony Payne and Julian Alison (Environmental Development).

24. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Rae Humberstone, Matthew Morton and Gwynneth Royce.

25. DECLARATIONS OF INTEREST

The Vice-Chair (Councillor Mary-Jane Sareva) declared the following personal interests that, depending upon the circumstances, might also be prejudicial interests in respect of the work of the Committee:

- (i) Holder of a Security Industry Authority licence;
- (ii) Holder of a personal licence issued by the Oxford City Council under the provisions of the Licensing Act 2003.

26. MINUTES

The Committee agreed to approve the minutes (previously circulated) of the meeting held on 12th October 2009.

27. LICENSING AUTHORITY UPDATE – SEPTEMBER-DECEMBER 2009

The Head of Environmental Development submitted a report (previously circulated, now appended), which informed the Committee of the progress made by the Licensing Authority under the Licensing Act 2003 and the Gambling Act 2005 between September and December 2009 in accordance with Policy GN10 of the Statement of Licensing Policy.

Julian Alison (Environmental Development) attended the meeting and introduced the report.

The Committee agreed:

- (a) To note the report;
- (b) To request that in cases where an applicant significantly amends their application on appeal, the Head of Law and Governance will, where

possible, ask the Appeal Court to remit the matter back to the Licensing Authority for re-determination;

- (c) To request the Head of Environmental Development to write to Baby Simple informing it that planning conditions and licensing conditions applied equally to the premises and must equally be adhered to.

28. FEES AND CHARGES 2010/11

The Head of Environmental Development submitted a report (previously circulated, now appended), which sought the Committee agreement of the license fees for 2010/11 where the Council had the discretion over the level of fee charged.

Tony Payne (Environmental Development) attended the meeting and introduced the report and informed the Committee of an amendment to the proposed fees in that the fee for a Notification of Change under the Adult Gaming Section should be £44 not £42 for 2010/11.

The Committee agreed:

- (a) To note the licence fees set by statute;
- (b) To approve the licence fees for 2010/11 as set out in the report subject to the further amendment to the Notification of Change fee under the Adult Gaming Section.

29. MINOR VARIATIONS – SCHEME OF DELEGATION

The Head of Environmental Development submitted a report (previously circulated, now appended), which detailed the introduction of the Legislative Framework (Minor Variations to Premises Licences and Club Premises Certificates) Order 2009.

Julian Alison (Environmental Development) introduced the report.

The Committee agreed:

- (a) To note the information contained in the report in respect of the Legislative Reform Order and agreed the necessary consequential changes to the Scheme of Delegation;
- (b) To recommend Council to formally adopt the amended Scheme of Delegations;
- (c) To request the Head of Law and Governance to make any consequential amendments to the Constitution should the Scheme of Delegations be adopted by Council.

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

The Head of Environmental Development submitted a report (previously circulated, now appended) which updated the Committee on the amendments to the Licensing legislation brought in by the Policing and Crime Act 2009.

Tony Payne (Environmental Development) introduced the report.

- (a) To note the report;
- (b) To request the Head of Law and Governance to draft a briefing for all Members on their role as “Interested Parties”;
- (c) To receive a further report on the Mandatory Conditions when the relevant secondary legislation has been made;
- (d) To receive a further report on the Council’s powers relating to the licensing of “Sexual Entertainment Venues” when the Home Office Statutory Guidance has been published.

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

The Head of Environmental Development submitted a report (previously circulated, now appended), which detailed the proposals 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.

Tony Payne (Environmental Development) introduced the report.

The Committee agreed to delegate authority to the Head of Environmental Development to reply in support of the consultation on behalf of the Licensing and Gambling Acts Committee.

32. 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

The Head of Environmental Development submitted a report (previously circulated, now appended), which detailed the proposals by the DCMS to simplify the procedure for Licensing Statements; Interim Authority Notices and Reinstatements on Transfer and Temporary Event Notices.

Julian Alison (Environmental Development) introduced the report.

The Committee agreed to delegate authority to the Head of Environmental Development to reply in support of the proposals on behalf of the Licensing and Gambling Acts Committee.

33. PROPOSAL TO EXEMPT SMALL LIVE MUSIC EVENTS FROM THE REQUIREMENTS OF THE LICENING ACT 2003

The Head of Environmental Development submitted a report (previously circulated, now appended), which detailed proposal by the DCMS to exempt small live music events from the Licensing Act 2003.

Julian Alison (Environmental Development) introduced the report.

The Committee agreed to delegate authority to the Head of Environmental Development to reply in support of the proposals on behalf of the Licensing and Gambling Acts Committee.

34. DATE OF NEXT MEETING

The Committee noted that the next meeting of the Committee would be on Thursday 20th May 2010.

The meeting started at 5.00pm and finished at 5.50pm