

Agenda

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Licensing and Gambling Acts Committee

Date: **Tuesday 19 February 2013**

Time: **5.00 pm**

Place: **Oxford Town Hall**

For any further information please contact:

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Licensing and Gambling Acts Committee

Membership

Chair	Councillor Mary Clarkson	Marston;
Vice-Chair	Councillor Alan Armitage	North;
	Councillor Jim Campbell	St. Margaret's;
	Councillor Colin Cook	Jericho and Osney;
	Councillor Van Coulter	Barton and Sandhills;
	Councillor Steven Curran	Northfield Brook;
	Councillor John Goddard	Wolvercote;
	Councillor Sam Hollick	Holywell;
	Councillor Rae Humberstone	Blackbird Leys;
	Councillor Shah Khan	Cowley;
	Councillor Mark Lygo	Churchill;
	Councillor Gwynneth Royce	St. Margaret's;
	Councillor Scott Seamons	Northfield Brook;
	Councillor Dee Sinclair	Quarry and Risinghurst;
	Councillor David Williams	Iffley Fields;

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AGENDA

Pages

1 APOLOGIES FOR ABSENCE

No substitutes are allowed and the Quorum is 5 Members.

2 DECLARATIONS OF INTEREST

Councillors serving on the Committee are asked to declare any personal or prejudicial interests they may have in any of the following agenda items.

3 UPDATE ON LICENSING AUTHORITY ACTIVITY - SEPTEMBER 2012 - DECEMBER 2012

1 - 16

The Head of Environmental Development has submitted a report which informs the Committee of the progress made by the Licensing Authority under the Licensing Act 2003 and Gambling Act 2005 between September 2012 and December 2012.

The Committee is asked:

- (a) To not the report;
- (b) To make any comments and recommendations regarding the future work of the Licensing Function.

4 REVIEW OF THE STATEMENT OF GAMBLING LICENSING POLICY

17 - 64

The Head of Environmental Development has submitted a report which details a draft revised Statement of Licensing Policy.

The Committee is asked:

- (a) Consider and confirm the amendments to the Statement of Gambling Licensing Policy;
- (b) For the purpose of adopting a new policy confirm that the "No Casino" resolution remains;
- (c) Recommend any further changes;
- (d) Agree the Revised Statement of Gambling Licensing Policy for consultation (dates to be arranged);
- (e) Authorise the Head of Environmental Development to undertake the required consultation.

5 LICENCE FEES 2013-14

65 - 70

The Head of Environmental Development has submitted a report the purpose of which is to seek agreement of the licence fees for 2013/14 where the Council has discretion over the level of fee charged.

The Committee is asked:

- (a) To note the licence fees set by statute;
- (b) To agree the licence fees for 2013/14 as set out in this report.

6 MINUTES

71 - 74

Minutes of the meeting held on 17th October 2012

7 DATES OF FUTURE MEETINGS

DECLARING INTERESTS

General duty

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed “Declarations of Interest” or as soon as it becomes apparent to you.

What is a disclosable pecuniary interest?

Disclosable pecuniary interests relate to your employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council’s area; licences for land in the Council’s area; corporate tenancies; and securities. These declarations must be recorded in each councillor’s Register of Interests which is publicly available on the Council’s website.

Declaring an interest

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest.

If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

Members’ Code of Conduct and public perception

Even if you do not have a disclosable pecuniary interest in a matter, the Members’ Code of Conduct says that a member “must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself” and that “you must not place yourself in situations where your honesty and integrity may be questioned”. What this means is that the matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

¹ Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those of the member’s spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

To: Licensing and Gambling Acts Committee

Date: 19 February 2013

Item No:

Report of: Head of Environmental Development

Title of Report: Update on Licensing Authority Activity
September 2012 – December 2012

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 2012 and December 2012.

Report Approved by:

Finance: Paul Swaffield

Legal: Daniel Smith

Policy Framework: Statement of Licensing Policy

Recommendation(s):

The Committee is recommended to

(i) note the contents of the report; and

(ii) make any comments and recommendations regarding the future work of the Licensing Function.

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 September 2012 and December 2012. 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. There are no financial requirements for consideration contained within this report.

Applications Received by the Licensing Authority

4. The table below provides data on licence applications received and processed during the period September 2012 and December 2012, and the totals for this period; and the totals for the year end.

Applications Received	TOTAL
Gambling	1
New (Premises / Clubs)	10
Variations & Minor Variations (Premises / Clubs)	15
Personal Licences	24
Administrative Changes	74
TEN's	191

5. To date (since November 2005 when the Licensing Act 2003 came in to effect) the Licensing Authority has processed; 1,398 Personal Licences; 906 New Premises Licences and Club Premises Certificates; 313 Variations on Premises Licences and Club Premises Certificates; 975 Premises Transfer / Amendment to Premises Licence Applications.

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. 13 Premises Licences in this category were issued by the Head of Environmental Development under delegated authority, details of which are listed in **Appendix One**.

Temporary Event Notices

7. A 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. Only the Police can object to a TEN. If, as in most cases, there is no objection and the application does not exceed the maximum number of events in a year, the TEN is simply acknowledged and returned to the applicant. Should the Police object then the TEN will go to a hearing.
8. Temporary Event Notices relate to temporary events with less than 500 attendees where 'licensable activities' are planned to take place. Attached at **Appendix Two** is a list of the 191 TENs authorised by the Licensing Authority between September 2012 and December 2012.

Representations and Licensing Sub-Committee Hearings

9. When Relevant Representations are received from Interested Parties or Responsible Authorities then the application is determined at a Licensing Sub-Committee Hearing.
10. A total of 16 Relevant Representations were received for 2 Premises Licence applications processed between September 2012 and December 2012. This resulted in both of the applications being determined by hearings (details of which are attached as **Appendix Three**).
11. Representations were made as follows:

F & M General Store, Burdell Avenue: 11 x Interested Parties

Kumars @39, Crescent Road: 5 x Interested Parties

Reviews of Licensed Premises

12. 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. Reviews may only arise in connection with a failure or failures in the premises connected to the licensing objectives.
13. Between September 2012 and December 2012 no applications for a Premises Licence Review were received.

Appeals under the Licensing Act 2003

14. The Licensing Authority was subject to one appeal during the period reported on. The appeal was lodged by the Premises Licence holder of Milano Bar, Cowley Road, Oxford. The decision of the Licensing Sub-Committee was upheld by the Judge who agreed that the application would add to the cumulative impact of alcohol related crime and disorder in the area which is covered within the East Oxford Special Saturation Policy.

Enforcement Activity

Normal Working Hours

15. Between September 2012 and December 2012, the Licensing Team has carried out:
 - 120 Routine Compliance Check inspections of licensed premises.

Of these 120 compliance checks, 117 premises were found to be fully compliant with the conditions of their premises licences and the regulations of the Licensing Act 2003, however the following issues were found regarding those that were non-compliant:

- 2 premises failed to have the Premises Licence or Summary on the premises. Advice was provided at the venues, and the Premises Licence holders undertook the appropriate actions required to comply with the regulations.
- 1 premises was found to have not paid it's Annual Fee. A reminder letter was sent to the Premises Licence holder, allowing a period of 28 days for the matter to be rectified. The fee was not paid during this period and the Premises Licence was suspended. The fee was subsequently paid and the suspension lifted.

Non-Standard Hours

16. Between September 2012 and December 2012, the Licensing Team has instigated:

- 3 Multi-Agency Operations (targeted at premises within specific locations that may be of high-risk, have appeared on the Active Casework list, or where conditions have been approved to be on the Premises Licence as agreed by a Responsible Authority): 19 premises inspected, 4 premises found to be non-compliant with the requirement of the Licensing Act 2003. Issues found at the premises that were non-compliant related to failures to have the Premises Licence or Summary at the premises, or minor breaches of licence conditions. Follow-up actions have rectified these matters.
- 3 Alcohol Test Purchase Operations: 17 premises visited, 3 failed to not sell alcohol to a minor. The offences were all committed by the Designated Premises Supervisor of the relevant establishments. PACE interviews with the offenders have been arranged by Thames Valley Police for early 2013.
- 9 Enforcement Operations (targeting high-risk premises (i.e. nightclubs, large capacity bars, etc)). 135 premises inspected, 7 premises found to be non-compliant with the requirement of the Licensing Act 2003. Issues found at the premises that were non-compliant related to failures to prevent noise outbreaks, CCTV cameras being inoperative, obstructions to fire exits and poor lighting on stairwells. All of the highlighted issues were rectified during the inspection.
- 7 Targeted Operations (specifically carried out at premises which have caused concern to NightSafe partners): 17 premises visited, 3 premises have required extensive advice from both the Licensing Authority and Thames Valley Police in order to ensure that the activities at the venues do not give rise to crime and disorder related problems within the immediate vicinity of the premises. This partnership is still continuing, but to date there has been a considerable improvement at all 3 establishments.

In summary, a total of 188 premises (from an overall number of 775 licensed premises throughout the City) were visited during the above

Operations. In total 17 premises were found to be non-compliant with the requirements of the Licensing Act 2003.

17. Further to the pro-active compliance checks, and the late night enforcement inspections, Warnings were issued to each of the premises found to be non-compliant, in order to record the actions of the Authority and to place on record that enforcement actions had been undertaken
18. In total 20 Warnings were issued to the premises who failed to comply with the necessary regulations during either the normal working hours or non-standard hours operations. All of the premises issued with Warnings have complied with the requirements of the Licensing Act 2003. Should further failures to comply with the necessary requirements occur, further enforcement action may be taken by both the Licensing Authority and Responsible Authorities that may include applying for a Review of the licence and / or prosecution of the licence holder.

Service Requests

19. In addition to the pro-active enforcement, service requests were received by the Licensing Authority from members of the public, or referred to the Authority by the Responsible Authorities. These related to complaints about noise disturbances or failures to uphold the licensing objective of the prevention of crime and disorder. The reactive work resulted in a further 30 Warnings being issued.

Prosecutions

20. PACE (Police and Criminal Evidence Act) interviews are conducted when investigating failures by the Premises Licence holder or Designated Premises Supervisor to adequately uphold conditions of the Premises Licence. They are also held when any offence is witnessed by a Licensing Officer that warrants such an intervention.
21. The Licensing Authority had no reason to initiate any PACE interviews between September 2012 and December 2012.

Future Work & Notable Achievements

22. Discussions are to commence shortly with Thames Valley Police as to whether they believe that the licensing objectives relating to licensed premises within Oxford would be better served through the introduction of a Late Night Levy and / or Early Morning Restriction Orders.,
23. Members will already be aware that information relating to both the Late Night Levy (including a "Income Profiling Exercise") and the Early Morning Restrictions Orders were provided at the meeting held on 17th October 2012.
24. It may be felt by Members of this Committee that the current Special Saturation Policies provide a useful tool to ensure that the licensing objectives are upheld, and that the Late Night Levy and Early Morning Restriction Orders be given further consideration following discussions

with Thames Valley Police. Members may also feel that it may be prudent to keep a watching brief on other Licensing Authorities to ascertain how keen they are on introducing a Levy and / or Early Morning Restriction Orders, in order to ensure that any potential obstacles or challenges can be noted.

25. The Institute of Licensing will be providing this years Bespoke Member Training. The event will take place at Oxford Town Hall on 22nd May 2013.

Legal Implications

26. There are no legal implications contained within this report.

Financial Implications

27. There are no financial implications contained within this report.

Recommendations

28. The Committee is recommended to:
- (i) note the contents of the report; and
 - (ii) make any comments and recommendations regarding the future work of the Licensing function.

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Background papers:

Appendix One: Application granted under delegated authority

Appendix Two: Temporary Event Notifications

Appendix Three: Decisions of Sub-Committee Hearings

Version: 1.0

APPENDIX ONE

Premises Licenses Granted Under Delegated Authority

1. **Ladbrokes, 107 St Aldate's, Oxford, OX1 1BU**

Application for a New Gambling Premises Licence: A new Gambling Premises Licence (Betting Other) for the bookmaker Ladbrokes.

2. **Oxford Union Society, Frewin Court, Oxford, OX1 3JB**

Application for a Variation of a Club Premises Certificate: To vary the qualifying club activities authorised by the certificate, by extending the hours for the sale/supply of alcohol in the main bar only to midnight on Monday-Wednesday.

3. **Bills, North Gate Hall, St Michael's Street, Oxford, OX1 2DU**

Application for a New Premises Licence: For recorded music and supply of alcohol 08.00 hrs to 00.00 hrs Sunday to Saturday, late night refreshment 23.00 hrs to 00.00 hrs Sunday to Saturday. Licensable activities on New Years Eve until start of permitted hours on New Years Day.

4. **Camera, 28-31 St Ebbes Street, Oxford, OX1 1PU**

Application for a Minor Variation of a Premises Licence: To amend the internal layout of the premises following minor building works.

5. **Marks and Spencer, 13-18 Queen Street, Oxford, OX1 1AB**

Application for a Minor Variation of a Premises Licence: To amend the plans of the premises following and internal layout change.

6. **O2 Academy Oxford, 190-194 Cowley Road, Oxford, OX4 1UE**

Application for a Minor variation of a Premises Licence: Addition of added fixed seating therefore submission of new plans.

7. **Frederick Tranter, 37 High Street, Oxford, OX1 4AN**

Application for a New Premises Licence: Off-sales of alcohol on Monday to Saturday 09.30 hrs to 23.00 hrs".

8. **The Red Lion, 14 Gloucester Street, Oxford, OX1 2BN**

Application for a Minor Variation of a Premises Licence: For changes to the internal layout of the premises.

9. **Kassam Stadium, Grenoble Road, Oxford, OX4 4XP**

Application for a Minor Variation of a Premises Licence: To remove and amend and add a variety of conditions to the Premises Licence following discussions and agreement with Thames Valley Police and Oxford City Council Licensing Authority.

10. **Vanburgh House Hotel, 20-24 St Michael's Street, Oxford, OX1 2EB**

Application for a New Premises Licence: For live music, recorded music, sale of alcohol (on sales only) and late night refreshment 24 hrs a day 7 days a week for residents. Non-residents restricted between 00.00 hrs and 07.00 hrs (23.30 hrs on Sundays)

11. **Pembroke College, Pembroke Square, Oxford, OX1 1BU**

Application for a New Premises Licence: For the sale of alcohol Sunday to Saturday from 08.00 hours to 02.00 hours. Plays, Films, Live Music, Recorded Music, Performance of Dance, Facilities for making music and facilities for dancing from 00.00 hours to 00.00 hours Sunday to Saturday.

12. **St Giles, Oxford**

Application for a New Premises Licence: for the annual Xmas Light Festival to permit live music, recorded music and performance of dance from 16.00 hours to 23.00 hours on a Friday.

13. **St Cross College, St Giles, Oxford, OX1 3LZ**

Application for a Variation of a Premises Licence: To extend the current licensed hours for the Supply of Alcohol to Club Members and their Guests on Fridays, Saturdays and Sundays from 18.00 hours to 01.00 hours to 12.00 hours to 01.00 hours. Additionally to extend Recorded Music, Provision of facilities for making music and for dancing also to 12.00 hours to 01.00 hours Friday, Saturday and Sunday

14. **Café Tarifa, 56-60 Cowley Road, Oxford, OX4 1JB**

Application for a Minor Variation of a Premises Licence: To add conditions to the Premises Licence following discussions with the Environmental Health Responsible Authority.

15. **Coco Noir, 77A London Road, Headington, Oxford, OX3 9AA**

Application for a New Premises Licence: For the sale of alcohol for consumption off the premises Monday to Saturday from 10.00 hours to 20.00 hours and Sundays 10.00 hours to 19.00 hours.

16. **Odeon Cinema, Magdalen Street, Oxford, OX1 3AE**

Application for a Variation of a Premises Licence: to add the Sale of Alcohol as a licensable activity to the existing licence.

17. Odeon Cinema, George Street, Oxford, OX1 2AQ

Application for a Variation of a Premises Licence: to add the Sale of Alcohol as a licensable activity to the existing licence.

18. The Oxfork Café, 39 Magdalen Road, Oxford, OX4 1RB

Application for a Minor Variation of a Premises Licence: to add off-sales of alcohol to the existing licence.

19. The Co-operative Food, 123-125 Walton Street, Oxford, OX2 6AH

Application for a New Premises Licence: to add off-sales of alcohol Monday to Sunday 06.00 hours to 23.00 hours

20. St Aldates Tavern, 108 St Aldates, Oxford, OX1 1BU

Application for a Variation of a Premises Licence: to vary the licence to include part of the upstairs on the licence.

21. Bullnose Morris, Watlington Road, Oxford, OX4 6SS

Application for a Minor Variation of a Premises Licence: To amend the internal layout of the premises.

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Applicant	Premises	Date rec'd	Event dates
SEVEN APPLICATIONS PER PREMISES			
Mr Luis Carrera	Clementines, 15 St Clement's Street, Oxford, OX4 1AB	19/10/12	01/11/2012+02/11/2012
Mr Luis Carrera	Clementines, 15 St Clement's Street, Oxford, OX4 1AB	19/10/12	17/11/2012+18/11/2012
Mr Luis Carrera	Clementines, 15 St Clement's Street, Oxford, OX4 1AB	16/11/12	01/12/2012-02/12/2012
Mr Luis Carrera	Clementines, 15 St Clement's Street, Oxford, OX4 1AB	23/11/12	08/12/2012-09/12/2012
Mr Luis Carrera	Clementines, 15 St Clement's Street, Oxford, OX4 1AB	30/11/12	15/12/2012-16/12/2012
Mr Luis Carrera	Clementines, 15 St Clement's Street, Oxford, OX4 1AB	30/11/12	22/12/2012-23/12/2012
Mr Luis Carrera	Clementines, 15 St Clement's Street, Oxford, OX4 1AB	21/12/12	13/01/13

Applicant	Premises	Date rec'd	Event dates
SIX APPLICATIONS PER PREMISES			
Mr Martin Forde	Baby Love Bar, 3 King Edward Street, Oxford, OX1 4HS	26/09/12	14/10/12
Mr Martin Forde	Baby Love Bar, 3 King Edward Street, Oxford, OX1 4HS	22/10/12	31/10/12
Mr Martin Forde	Baby Love Bar, 3 King Edward Street, Oxford, OX1 4HS	01/11/12	11/11/12
Mr Martin Forde	Baby Love Bar, 3 King Edward Street, Oxford, OX1 4HS	12/11/12	02/12/12
Mr Martin Forde	Baby Love Bar, 3 King Edward Street, Oxford, OX1 4HS	14/12/12	31/12/12
Mr Martin Forde	Baby Love Bar, 3 King Edward Street, Oxford, OX1 4HS	14/12/12	22/12/12
Mr Ian Joseph Nolan	St Giles' Oxford OX1 3LU	08/11/12	23/11/12
Mr Ian Joseph Nolan	St Giles' Oxford OX1 3LU	08/11/12	23/11/12
Mr Ian Joseph Nolan	St Giles' Oxford OX1 3LU	08/11/12	23/11/12
Mr Ian Joseph Nolan	St Giles' Oxford OX1 3LU	08/11/12	23/11/12
Mr Ian Joseph Nolan	St Giles' Oxford OX1 3LU	08/11/12	23/11/12
Mr Ian Joseph Nolan	St Giles' Oxford OX1 3LU	08/11/12	23/11/12
Mr Ian Joseph Nolan	St Giles' Oxford OX1 3LU	08/11/12	23/11/12
Mr Patrick Joseph Fox	The Original Swan, Oxford Road, Cowley, Oxford, OX4 2LF	18/09/12	29/09/2012-30/09/2012
Mr Patrick Joseph Fox	The Original Swan, Oxford Road, Cowley, Oxford, OX4 2LF	17/10/12	27/10/2012-28/10/2012
Mr Patrick Joseph Fox	The Original Swan, Oxford Road, Cowley, Oxford, OX4 2LF	26/10/12	18/11/12
Mr Patrick Joseph Fox	The Original Swan, Oxford Road, Cowley, Oxford, OX4 2LF	26/10/12	25/11/12
Mr Patrick Joseph Fox	The Original Swan, Oxford Road, Cowley, Oxford, OX4 2LF	26/10/12	02/12/12
Mr Patrick Joseph Fox	The Original Swan, Oxford Road, Cowley, Oxford, OX4 2LF	26/10/12	16/12/12

Applicant	Premises	Date rec'd	Event dates
FIVE APPLICATIONS PER PREMISES			
Mr Martin Forde	Baby Simple, 213 Cowley Road, Oxford	26/09/12	14/10/12
Mr Martin Forde	Baby Simple, 213 Cowley Road, Oxford	12/10/12	28/10/12
Mr Martin Forde	Baby Simple, 213 Cowley Road, Oxford	12/11/12	25/11/12
Mr Martin Forde	Baby Simple, 213 Cowley Road, Oxford	12/11/12	14/12/12
Mr Martin Forde	Baby Simple, 213 Cowley Road, Oxford	14/12/12	22/12/12
Mr Thomas Reynolds	The Library, 182 Cowley Road, Oxford	27/09/12	05/10/2012-06/10/2012
Mr Thomas Reynolds	The Library, 182 Cowley Road, Oxford	25/10/12	03/11/2012-04/11/2012
Mr Thomas Reynolds	The Library, 182 Cowley Road, Oxford	13/12/12	22/12/2012-23/12/2012
Mr Thomas Reynolds	The Library, 182 Cowley Road, Oxford	13/12/12	24/12/2012-25/12/2012
Mr Thomas Reynolds	The Library, 182 Cowley Road, Oxford	13/12/12	31/12/2012-01/01/2013
Mr William Henry Seligman	William Osler House, Osler Road, Headington, Oxford, OX3 9BL	13/09/12	21/09/2012-22/09/2012
Mr William Henry Seligman	William Osler House, Osler Road, Headington, Oxford, OX3 9BL	13/09/12	13/10/2012-14/10/2012
Mr William Henry Seligman	William Osler House, Osler Road, Headington, Oxford, OX3 9BL	09/10/12	26/10/2012-27/10/2012
Mr William Henry Seligman	William Osler House, Osler Road, Headington, Oxford, OX3 9BL	09/10/12	30/11/2012-01/12/2012
Mr William Henry Seligman	William Osler House, Osler Road, Headington, Oxford, OX3 9BL	13/12/12	11/01/2013-12/01/2013

Applicant	Premises	Date rec'd	Event dates
FOUR APPLICATIONS PER PREMISES			
Mr Mathew Tompkins	Lava/Ignite Cantay House Park End Street Oxford OX11 1JD	29/11/12	18/12/12
Mr Mathew Tompkins	Lava/Ignite Cantay House Park End Street Oxford OX11 1JD	29/11/12	24/12/12
Mr Mathew Tompkins	Lava/Ignite Cantay House Park End Street Oxford OX11 1JD	29/11/12	18/12/12
Mr Mathew Tompkins	Lava/Ignite Cantay House Park End Street Oxford OX11 1JD	29/11/12	24/12/12
Miss Aisling Smyth	Nicholas Tingewick Hall, John Radcliffe Hospital, Headington, Oxford, OX3 9DU	31/10/12	28/11/2012-01/12/2012
Mrs Belinda Boulton	Nicholas Tingewick Hall, John Radcliffe Hospital, Headington, Oxford, OX3 9DU	21/11/12	15/12/12
Mrs Kim Suellen Griffiths	Nicholas Tingewick Hall, John Radcliffe Hospital, Headington, Oxford, OX3 9DU	01/11/12	08/12/12
Professor John Stradling	Nicholas Tingewick Hall, John Radcliffe Hospital, Headington, Oxford, OX3 9DU	12/10/12	10/11/12
Ms Daryl Back	Oxford High School, Belbroughton Road, Oxford, OX2 6XA	15/10/12	05/11/12
Ms Daryl Back	Oxford High School, Belbroughton Road, Oxford, OX2 6XA	15/10/12	01/12/12
Ms Joy Lee	Oxford High School, Belbroughton Road, Oxford, OX2 6XA	22/10/12	14/11/12
Ms Joy Lee	Oxford High School, Belbroughton Road, Oxford, OX2 6XA	22/10/12	28/11/2012-30/11/2012

Applicant	Premises	Date rec'd	Event dates
THREE APPLICATIONS PER PREMISES			
Mr Jan Zarecky	Carbon, Pennyfaring Place, St Ebbes, Oxford, OX1 1QF	26/10/12	03/11/12
Mr Peter Frank Zarecky	Carbon, Pennyfaring Place, St Ebbes, Oxford, OX1 1QF	27/11/12	15/12/2012-16/12/2012
Mr Peter Frank Zarecky	Carbon, Pennyfaring Place, St Ebbes, Oxford, OX1 1QF	04/12/12	21/12/2012-22/12/2012
Ms Polly Jess McLean	Grove House, Rotunda, 44 Iffley Turn, Iffley, Oxford, OX4 4DU	13/11/12	08/12/12
Ms Polly Jess McLean	Grove House, Rotunda, 44 Iffley Turn, Iffley, Oxford, OX4 4DU	13/11/12	16/12/2012+17/12/2012
Ms Polly Jess McLean	Grove House, Rotunda, 44 Iffley Turn, Iffley, Oxford, OX4 4DU	13/11/12	30/11/12
Mr Edward Kiggins	Lola Lo, Oxenford House, 13-15 Magdalen Street, Oxford, OX1 3AE	17/09/12	27/09/12
Mr Edward Kiggins	Lola Lo, Oxenford House, 13-15 Magdalen Street, Oxford, OX1 3AE	21/11/12	29/11/12
Mr Edward Kiggins	Lola Lo, Oxenford House, 13-15 Magdalen Street, Oxford, OX1 3AE	07/12/12	21/12/2012-22/12/2012
Mr Alexander Robertson	Oxford Ice Rink, Oxpens Road, Oxford, OX1 1RX	12/11/12	08/12/2012+09/12/2012
Mr Andrew Michael Lund-Yates	Oxford Ice Rink, Oxpens Road, Oxford, OX1 1RX	23/11/12	15/12/2012-16/12/2012
Mr Andrew Michael Lund-Yates	Oxford Ice Rink, Oxpens Road, Oxford, OX1 1RX	24/12/12	05/01/2013+06/01/2013
Mr Stewart Stebbings	Rileys Snooker and Pool Hall, Between Towns Road, Cowley, Oxford, OX4 3LZ	24/09/12	02/10/2012-03/10/2012
Mr Stewart Stebbings	Rileys Snooker and Pool Hall, Between Towns Road, Cowley, Oxford, OX4 3LZ	07/12/12	21/12/2012-24/12/2012
Mr Stewart Stebbings	Rileys Snooker and Pool Hall, Between Towns Road, Cowley, Oxford, OX4 3LZ	11/12/12	28/12/2012-31/12/2012
Mrs Letitia Julia Batten	South Oxford Bowls Club, Sunningwell Road, Oxford, OX1 4SY	16/10/12	28/10/12
Mrs Letitia Julia Batten	South Oxford Bowls Club, Sunningwell Road, Oxford, OX1 4SY	31/10/12	24/11/12
Mrs Gillian Margaret Garratt	South Oxford Community Centre, Lake Street, Oxford, OX1 4RP	23/11/12	08/12/12
Mrs Sally Iannacci	St Aloysius Primary School, 143 Woodstock Road, Oxford, OX2 7PH	01/10/12	20/10/12
Mrs Sally Iannacci	St Aloysius Primary School, 143 Woodstock Road, Oxford, OX2 7PH	22/10/12	17/11/12
Mrs Sally Iannacci	St Aloysius Primary School, 143 Woodstock Road, Oxford, OX2 7PH	21/12/12	26/01/13
Mrs Lucy Pritchard	St Barnabas Church of England Aided Primary School, Hart Street, Oxford, OX2 1	12/11/12	01/12/12
Mrs Stephanie Johanne Pirrie	St Barnabas Church, Cardigan Street, Oxford	18/10/12	23/11/12
Mrs Bryony Leighton	St Barnabas Primary School, Hart Street, Oxford, OX2 6BN	04/12/12	18/12/12
Mr Harry George Brittain	The Cellar, Frewin Court, Oxford, OX1 3HZ	19/11/12	21/12/12
Mr Harry George Brittain	The Cellar, Frewin Court, Oxford, OX1 3HZ	26/11/12	16/12/12
Mr Harry George Brittain	The Cellar, Frewin Court, Oxford, OX1 3HZ	26/11/12	01/01/13
Mr Stuart Scott	The Head of The River, Folly Bridge, St Aldates, Oxford OX1 4LB	16/11/12	30/11/2012-01/12/2012
Mr Stuart Scott	The Head of The River, Folly Bridge, St Aldates, Oxford OX1 4LB	16/11/12	20/12/2012-21/12/2012
Mr Stuart Scott	The Head of The River, Folly Bridge, St Aldates, Oxford OX1 4LB	16/11/12	31/12/2012-01/01/2013

Applicant	Premises	Date rec'd	Event dates
TWO APPLICATIONS PER PREMISES			
Mr Matthew Jak Nazer	Britannia Inn, 1 Lime Walk, Headington, Oxford, OX3 7AA	21/09/12	06/10/12
Mr Matthew Jak Nazer	Britannia Inn, 1 Lime Walk, Headington, Oxford, OX3 7AA	10/10/12	27/10/12
Ms Priscilla Helen Goldby	Cheney School, Cheney Lane, Oxford, OX3 7QH	30/10/12	20/11/2012-22/11/2012
Priscilla Goldby	Cheney School, Cheney Lane, Oxford, OX3 7QH	28/11/12	12/12/12
Mr Paul Jenner	Deli-Licious (Oxford) Ltd, 12 Cherwell Drive, Oxford, OX3 0LY	23/10/12	10/12/2012-15/12/2012
Mr Paul Jenner	Deli-Licious (Oxford) Ltd, 12 Cherwell Drive, Oxford, OX3 0LY	23/10/12	17/12/2012-22/12/2012
Mr John Andrew Glasgow	East Oxford Community Centre, 44 Prince's Street, Oxford, OX4 1DD	28/09/12	27/10/12
Mr John Andrew Glasgow	East Oxford Community Centre, 44 Prince's Street, Oxford, OX4 1DD	26/11/12	29/12/12
Mr Eric Pierre Tondine	Folly Bridge Brasserie, 1 Folly Bridge, OX1 4JU	06/09/12	22/09/2012-23/09/2012
Mr Giles Dobson	Folly Bridge Brasserie, 1 Folly Bridge, OX1 4JU	17/10/12	26/10/2012-27/10/2012
Miss Elizabeth Mary McBain	Fusion Arts, Block A, East Oxford Community Centre, Oxford, OX4 1DD	17/12/12	05/01/13
Miss Elizabeth Mary McBain	Fusion Arts, Block A, East Oxford Community Centre, Oxford, OX4 1DD	24/10/12	10/11/12
Ms Elisabete Gomes	Gee's Restaurant, 61 Banbury Road, Oxford, OX2 6PE	09/11/12	24/11/12
Ms Elisabete Gomes	Gee's Restaurant, 61 Banbury Road, Oxford, OX2 6PE	09/11/12	30/11/12
Mr Felix Richter	Purple Turtle, Frewin Court, Oxford, OX1 3JB	18/09/12	30/09/2012-01/10/2012
Mrs. Briony Resek	Purple Turtle, Frewin Court, Oxford, OX1 3JB	10/12/12	26/12/2012-27/12/2012
Mrs Janet Curl	Rye St Anthony School, Pullens Lane, Headington, Oxford, OX3 0BY	19/11/12	14/12/12
Mrs Teresa Hudson	Rye St Anthony School, Pullens Lane, Headington, Oxford, OX3 0BY	29/10/12	16/11/12
Mr Mohammed Javaid Kharal	Sanaa Store, 194 Abingdon Road, Oxford, OX1 4RA	07/12/12	21/12/2012-26/12/2012
Mr Mohammed Javaid Kharal	Sanaa Store, 194 Abingdon Road, Oxford, OX1 4RA	07/12/12	28/12/2012-03/01/2013
Melane Trinder	St Gregory the Great Catholic School, Cricket Road, Oxford	26/10/12	16/11/12
Melane Trinder	St Gregory the Great Catholic School, Cricket Road, Oxford	26/10/12	23/11/12
Mr Guillaume Berdeaux	The Bridge, 6/9 Hythe Bridge Street, Oxford, OX1 2EW	05/10/12	16/10/12
Mr Guillaume Berdeaux	The Bridge, 6/9 Hythe Bridge Street, Oxford, OX1 2EW	22/10/12	01/11/12
Mr Derek Aidan Sheerin	The Corridor, 119 Cowley Road, Oxford, OX4 1HU	10/10/12	28/10/12
Mr Derek Aidan Sheerin	The Corridor, 119 Cowley Road, Oxford, OX4 1HU	06/12/12	31/12/2012-01/01/2013
Mr David Johns	The King's Centre, Osney Mead, Oxford, OX2 0ES	16/11/12	14/12/12
Mrs Susan Teresa Edridge	The King's Centre, Osney Mead, Oxford, OX2 0ES	08/10/12	20/10/2012-21/10/2012
Mr Marc Abercrombie	The Plush Lounge, 27 Park End Street, Oxford, OX1 1HU	14/12/12	24/12/12
Mr Marc Abercrombie	The Plush Lounge, 27 Park End Street, Oxford, OX1 1HU	14/12/12	31/12/12
Miss Karen Starr	West Oxford Community Centre, Botley Road, Oxford, OX2 0BT	07/12/12	17/01/2013-19/01/2013
Mrs Lorna Patricia Edwards	West Oxford Community Centre, Botley Road, Oxford, OX2 0BT	05/10/12	20/10/12
Mr Edward William Butler	West Oxford Democrats Club, 1 North Street, Oxford, OX2 0AY	19/11/12	13/12/12
Mr Edward William Butler	West Oxford Democrats Club, 1 North Street, Oxford, OX2 0AY	09/10/12	10/11/12
Mrs Jennifer Claire Crouch	West Oxford Primary School, Ferry Hinksey Road, Oxford, OX2 0BY	02/10/12	19/10/12
Ms Jennifer Claire Crouch	West Oxford Primay School, Ferry Hinksey Road, Oxford, OX2 0BY	25/10/12	09/11/12
Mr Alp Eren Akyuz	Wolfson College, Linton Road, Oxford, OX2 6UD	17/09/12	06/10/2012-07/10/2012
Mr Alp Eren Akyuz	Wolfson College, Linton Road, Oxford, OX2 6UD	31/10/12	10/11/2012-11/11/2012

Applicant	Premises	Date rec'd	Event dates
ONE APPLICATION PER PREMISES			
Miss Lucy G Phillips	14A Osney Lane, Oxford, OX1 1NJ	29/10/12	10/11/12
Mr Paul Julian Crowther	22nd Oxford Sea Scouts HQ, Meadow Lane, Donnington Bridge Road, Oxford, OX2 4JL	07/12/12	
Mr Aldonio Gois	Akiport Café and Shop, 192 Abingdon Road, Oxford, OX1 4RA	04/12/12	22/12/2012-23/12/2012
Mr Dennis Mark Harrison	Albion Beatnik Book Store, 34 Walton Street, Oxford, OX2 6AA	09/11/12	23/11/12
Mrs Catherine Elizabeth Hodgkinson	All Saints Church Housel, New High Street, Headington, Oxford, OX3 7AL	10/09/12	13/10/12
Mr Paul Gardner	All Souls College, High Street, Oxford, OX1 4AL	26/11/12	12/12/2012-14/12/2012
Mr Greg Richard Butler	Balliol College Back Quad, Broad Street, Oxford, OX1 3BJ	17/10/12	21/06/2013-22/06/2013
Mr Greg Richard Butler	Balliol College Front Quad, Broad Street, Oxford, OX1 3BJ	17/10/12	21/06/2013-22/06/2013
Mr Xhetan Bushi	Bar Aroma, 234 Cowley Road, Oxford, OX4 1UH	17/10/12	01/11/12
Mr Jayson Paul Lyons	Blackbird Leys Leisure Centre, Pegasus Road, Blackbird Leys, Oxford, OX4 6JL	16/11/12	30/11/12
Mr Willaim Pinkerton	Bonn Squar Queen Street Oxford	12/11/12	23/11/12
Ms Susan Pueschel	Brookes Restaurant, Gypsy Lane Site, Oxford, OX3 0BP	31/10/12	08/12/12
Mr Michael John Ponting	Bury Knowle Club, Windmill Road, Headington, Oxford, OX3 7BX	09/11/12	25/12/2012+26/12/2012
Ms Elizabeth Shand	Cherwell School North Site Hall, Marston Ferry Road, Oxford, OX2 7EE	06/11/12	30/11/12
Mr Peter Frank Zarecky	Christian Life Centre, The Regal, 300 Cowley Road, Oxford, OX4 2AS	04/10/12	13/10/2012-14/10/2012
Mr Stephen Mark Dean	Cricketers Arms, 102 Temple Road, Cowley, Oxford, OX4 2EZ	19/12/12	31/12/2012-01/01/2013
Ms Magdalena Tabakova	Crooked Pot, 200 Abingdon Road, Oxford, OX1 4RA	13/09/12	22/09/2012-23/09/2012
Mr Mark Damon Watson	East Oxford Primary School, Union Street, Oxford, OX4 1JP	06/12/12	22/12/12
Mrs Chiaki Buckley	Grandpont Nursery School, 47 Whitehouse Road, Oxford, OX1 4QH	07/11/12	30/11/12
Mr Stuart Scott	Head of the River PH, Folly Bridge, St Aldates, Oxford, OX1 4LB	28/09/12	14/10/12
Mr Jagat Singh Tal	Headington News, 2 The Roundway, Oxford, OX3 8DH	13/12/12	24/12/2012-28/12/2012
Ms Rebecca Bolam	Lake Street Playgroup, Hinksey Park, Lake Street, Oxford, OX1 4RP	19/10/12	04/11/12
Nicholas Mark Olliff	Lincoln College Sports Ground, Bartlemas Close, Oxford	24/09/12	04/10/12
Ms Amanda Stratford	M&S, Banbury Road, Oxford, OX2 7DE	04/12/12	21/12/2012-24/12/2012
Mrs Emma Nicola Bellenie	Magdalen College School, Cowley Place, Oxford, OX4 1DZ	21/11/12	07/12/2012-08/12/2012
Mr Stephen O'Driscoll	Main College Quad, Somerville College, Woodstock Road, Oxford, OX2 6HD	25/09/12	06/10/2012-07/10/2012
Mrs Andrea Jones	Marston Village Hall, Oxford Road, Oxford, OX3 0PH	09/11/12	23/11/12
Mr Skender Drizi	Milano Bar, 92 Cowley Road, Oxford, OX4 1JE	20/11/12	01/12/2012-02/12/2012
Mr Jan Rasmussen	Mission Burrito, 2 King Edward Street, Oxford, OX1 4HS	12/06/12	30/04/2013-01/05/2013
Miss Patricia Helen Ruth Shilton	Modern Art Oxford, Pembroke Street, Oxford, OX1 1BP	24/10/12	28/11/12
Professor Peter John Heather	Oxford Centre for Mission Studies, St Philip and St James Church, Woodstock Road, Oxford, OX4 1JF	04/12/12	21/12/12
Mr Vivien Nivesse	Oxford Deaf & Hard of Hearing Centre, 10 Little Gate Street, St. Ebbe's, Oxford, OX4 1JF	25/10/12	08/12/2012-09/12/2012
Mr Dominic Alastair Roche	Oxford Hawks Hockey Club (North Oxford Sports Club), Banbury Road North, Oxford, OX2 6HD	08/12/2012-09/12/2012	
Miss Dulcie Rae Dennis	Oxford University Club, 11 Mansfield Road, Oxford, OX1 3SZ	12/11/12	24/11/2012-25/11/2012
Mr Andrew Brammer	Oxford, 39 Magdalen Road, Oxford, OX4 1RB	10/09/12	23/09/12
Ms Donna Waterer	Pegasus Theatre, Magdalen Road, Oxford, OX4 1RE	07/10/12	13/10/12
Mr Huw Edmunds	Pembroke College, Oxford, OX1 1DW	13/09/12	26/09/12
Mr Paul Nisbeth	Roppongi, 29 George Street, Oxford, OX1 2AY	12/10/12	01/11/12
Miss Francesca Teresa Gardner	Rose Hill Community Centre, The Oval, Rose Hill, OX4 4UY	30/11/12	08/12/12
Mr John David Hancock	Sainsbury's, Unit 21, Westgate Shopping Centre, Oxford, OX1 1NX	13/12/12	24/12/12
Mrs Juliet Elizabeth Strother	SS Mary & John CE Primary School, Meadow Lane, Oxford, OX4 1TJ	19/09/12	01/12/12
Mr Graham Douglas Russell	SS Mary & John Church, 271 Cowley Road, Oxford.	27/11/12	08/12/12
Mr Andrew Brammer	St Albans Church, Charles Street, Oxford, OX4 3AH	10/09/12	04/10/12
Mr John Robert Shuckburgh	St Aldates Church, St Aldates, Oxford	08/11/12	22/11/12
Miss Diana Di Paolo	St Columbas Church, Alfred Street, Oxford, OX1 4EH	14/11/12	28/11/12
Mr David Thomas North	St Columba's United Reformed Church, Alfred Street, Oxford, OX1 4EH	11/12/12	26/01/13
Mr Mattias Sjöberg	St Ebbs Church Hall, Lime Walk, Headington, Oxford, OX3 7AE	31/12/12	18/01/13
Mrs Julia Wilkinson	St Ebbe's Parish Church and Church Centre, Pennyfarthing Place, Oxford, OX1 1JF	22/10/12	09/11/2012+10/11/2012
Mr Glen Leslie Williams	St Mary & St John Church, Cowley Road, Oxford, OX4 1UR	16/11/12	18/12/12
Mr Andrew Brammer	St Albans Church, Charles Street, Oxford, OX4 3AH	25/10/12	20/12/2012-22/12/12
Mr Derek Mark Jones	Stall South Park (Fireworks), Morrell Avenue, Oxford	12/10/12	03/11/12
Mr Arron John Whan	The Bullingdon Arms 162b Cowley Rd Oxford OX4 1UE	12/12/12	21/12/12
Mrs Anne Louise Blackman	The Coach House, Quarry Road, Oxford, OX3 8NU	08/11/12	07/12/12
Mr Anthony Munsey	The Frewen Club, 98 St Aldates, Oxford, OX1 1BT	28/11/12	15/12/12
Mrs Kate Abigail Stratford	The Harlow Centre Raymond Road Old Marston Oxford OX3 0PJ	26/09/12	11/10/12
Mr Arthur Samuel Hawkes	The Jericho Tavern, 56 Walton Street, Oxford, OX2 6AE	06/09/12	14/09/2012-20/09/2012
Mr Stuart David Hayles	The Jolly Farmers, 20 Paradise Street, Oxford, OX1 1LD	04/12/12	01/01/13
Mr Peter James Mortimore	The Junction, 42-43 Park End Street, Oxford, OX1 1JD	05/11/12	28/11/12
Mr David John Brewerton	The Nelson, Between Towns Road, Oxford, OX4 3LR	17/12/12	25/12/12
Mr Karl Mattias Sjöberg	The Pavilion, Hogacre Common Eco Park, off Whitehouse Road, Oxford, OX1 4F	28/09/12	14/10/12
Mr Samuel James Knox	The Red Lion, 130 Godstow Road, Oxford, OX2 8PG	12/10/12	28/10/12
Mr Robert Fletcher	The Regal, 300 Cowley Road, Oxford, OX4 2AF	07/11/12	24/11/12
Mr Andrew Brammer	The Rotunda Grove House 44 Iffley Turn OX4 4DU	25/10/12	23/11/12
Miss Anastasia Elizabeth Wogel	The University Club (Marquee), 11 Mansfield Road, Oxford, OX1 3SZ	23/10/12	09/02/2013-10/02/2013
Miss Anastasia Elizabeth Wogel	The University Club(Grounds of Club), 11 Mansfield Road, Oxford, OX1 3SZ	23/10/12	09/02/2013-10/02/2013
Miss Anastasia Elizabeth Wogel	The University Club(Inside club), 11 Mansfield Road, Oxford, OX1 3SZ	23/10/12	09/02/2013-10/02/2013
Mrs Pauline Ann Masterson	Viking Sports Club, 65 Old High Street, Headington, Oxford	17/09/12	14/10/12
Mr Peter James Mortimore	Wahoo, 3-5 Hythe Bridge Street, Oxford, OX1 2EW	13/12/12	01/01/13
Mrs Kate King	Windmill Primary School, Margaret Road, Oxford	26/11/12	07/12/12
Mr Alexander John Towler	Wolvercote Primary School, First Turn, Oxford, OX2 8AQ	03/10/12	14/10/12
Mr Mark John Green	Xmas Light Night, Stall No 3, Broad Street, Oxford	19/10/12	23/11/12

Sub-Committee Hearings

11th October 2012: Chair Councillor Hollick

Premises: F & M's General Store

Premises address: 2 Burdell Avenue, Headington, Oxford OX3 8ED

Application for a New Premises Licence: Application for the off-sale of alcohol Sunday to Saturday from 08.00 hours to 21.00 hours.

Decisions and reasons of the Licensing Sub-Committee:

The Sub-Committee considered all submissions, both written and oral. It took into account the relevant Home Office Guidance and the Council's Statement of Licensing Policy, in particular policy LH8 (Hours for Off-Sales of Alcohol). The Sub Committee noted there were no representations from any of the responsible authorities.

The Sub Committee noted the concerns of the Interested Parties, as well as the measures set out by the applicant in the operating schedule of his application. The Sub Committee welcomed the applicant's willingness to negotiate over the hours sought for licensable activity and, as otherwise satisfied that the application met the licensing objectives, decided to **GRANT** the application with the following amendments to the licensable hours:

Sale of Alcohol:

Monday to Sunday 08.00 hours to 20.00 hours.

1st November 2012: Chair Councillor Cook

Premises: Kumars@39

Premises address: 39 Crescent Road, Oxford, OX4 2NZ

Application for a New Premises Licence: Application for off-sale of alcohol: Monday to Saturday 07.00 hours to 21.00 hours and Sunday 08.00 hours to 21.00 hours.

Decisions and reasons of the Licensing Sub-Committee:

The Sub-Committee considered all submissions, both written and oral. It took into account the relevant Home Office Guidance and the Council's Statement of Licensing Policy, in particular policy LH8 (Hours for Off-Sales of Alcohol) and PP12 (Supply of Alcohol - 'Off Sales'). The Sub Committee noted there were no representations from any of the responsible authorities.

The Sub-Committee found that Policy LH8 provided that unless there was evidence to show that the premises are likely to become a focus for disturbance or nuisance, the application should be granted. The Sub-Committee noted the written submissions of the Interested Parties but found the concerns expressed were largely speculative and with the measures set out by the applicant the risk of nuisance or disturbance was

very low. The Sub-Committee welcomed the Applicant's stance on preventing under age sales, restricting high strength alcohol and close working with Thames Valley Police.

The Sub-Committee decided to **GRANT** the application as applied for

Whilst not imposing any non mandatory conditions, the Sub-Committee encouraged Mr SureshKumar to enter into a voluntary agreement with Thames Valley Police and the Licensing Authority not to sell high strength alcohol products of the sort attractive to street drinkers. The wording of the agreement to be negotiated with Licensing Officers.

To: Licensing and Gambling Acts Committee

Date: 19 February 2013 **Item No:**

Report of: Head of Environmental Development

Title of Report: Review of the Statement of Gambling Licensing Policy

Summary and Recommendations

To agree a Draft Revised Statement of Gambling Licensing Policy for public consultation.

Report Approved by:

Finance: Emma Burson
Legal: Jeremy Franklin

Policy Framework: Statement of Gambling Licensing Policy

The Committee is recommended to:

- a) Consider and confirm the amendments to the Statement of Gambling Licensing Policy;
- b) For the purpose of adopting a new policy confirm that the “No Casino” resolution remains
- c) recommend any further changes;
- d) agree the Revised Statement of Gambling Licensing Policy for consultation (dates to be arranged);
- e) authorise the Head of Environmental Development to undertake the required consultation.

Introduction

1. The Committee is reminded that all Licensing Authorities have adopted a Statement of Gambling Licensing Policy. This Statement must promote the three licensing objectives of the Gambling Act 2005 (the 2005 Act), which are:
 - Preventing gambling from being a source of crime and disorder
 - Ensuring that gambling is conducted in a fair and open way
 - Protecting children and vulnerable persons from being harmed or exploited by gambling

2. The Council is obliged to determine and publish the "Statement of Gambling Licensing Policy" and to keep it under review, and to renew the Policy at least every three years. In preparing the Statement, Licensing Authorities must follow the procedure set out in the 2005 Act, including who should be consulted. The current policy is due to expire shortly and therefore the Committee is requested to review the proposed new Policy.
3. The Statement of Gambling Licensing Policy sets out how the Licensing Authority intends to exercise its functions under the 2005 Act.

Gambling Commission: Guidance issued to Licensing Authorities

4. In carrying out its functions the Licensing Authority must also have regard to the "Guidance issued to Licensing Authorities" by the Gambling Commission (being the unified regulator for gambling in Great Britain). Revised guidance came into force in September 2012, and this has led to the amendments and addition of the Policy appendices.
5. Government Guidance prescribes what must be included in its content in the interest of national consistency. The Council therefore has limited scope to make significant changes to the Statement of Gambling Licensing Policy. However where there are good reasons, the policy can depart from the Guidance in order to reflect local circumstances.
6. In drafting the original Statement of Gambling Licensing Policy considerable work was done by a team of officers from Oxfordshire districts on drafting a common 'core' Statement of Gambling Licensing Policy that each district adapted for its own use.
7. The Council has continued to work with other Licensing Authorities in Oxfordshire in reviewing this Statement of Gambling Licensing Policy to ensure, as far as possible, that a consistent approach is taken to assist applicants for licences and those who may wish to make representations under the provisions of the 2005 Act.

Functions of the Licensing Authority

8. The Act gives Licensing Authorities a number of important regulatory functions in relation to gambling. Their main functions are to:
 - licence premises for gambling activities
 - consider notices given for the temporary use of premises for gambling
 - grant permits for gaming and gaming machines in clubs and miners' welfare institutes
 - regulate gaming and gaming machines in alcohol-licensed premises
 - grant permits to family entertainment centres (FECs) for the use of certain lower stake gaming machines
 - grant permits for prize gaming
 - consider occasional use notices for betting at tracks
 - register small societies' lotteries.

9. Licensing Authorities also have an obligation to provide information to the Gambling Commission, including details of licences, permits and registrations issued by way of the submission to the Gambling Commission of an “annual return”.
10. Licensing Authorities also carry out inspection of licensed premises in order to ensure they are run in accordance with the three licensing objectives and the conditions applied to the licences. During the period of the last Statement of Gambling Licensing Policy all 33 licensed premises were visited annually and no issues of non-compliance were found, and no complaints about these premises were received.
11. These figures highlight that the previous Policy provided a transparent platform from which Operators of licensed premises could manage their businesses, and clear guidance as to how these Operators would meet with the licensing objectives, and how the work of the Officers contributes to the effective control of such establishments.

No Casino Resolution

12. When the Independent Casinos Advisory Panel sought applications for proposed casinos from Licensing Authorities in 2006, this Authority chose not to submit a proposal for such an establishment, and therefore Oxford was not chosen as a location for one of the first 17 new casinos permitted under the 2005 Act.
13. On 20th November 2006 following a recommendation by the Licensing and Gambling Acts Committee, Full Council passed a ‘No Casino’ resolution (in accordance with S.166 of the 2005 Act). This has the effect that the Licensing Authority will not consider any application for a casino premises licence. Any application received will be returned with a notification that a ‘no-casino’ resolution is in place.
14. On each occasion that the Statement of Gambling Licensing Policy is renewed, and approved by Full Council, the ‘No Casino’ Resolution remains in force. Members of this Committee are asked as a matter of good process to consider whether such a Resolution should be retained, and if so, to recommend such to Full Council.

Consultation on the Draft Revised Statement of Gambling Licensing Policy

15. A new Statement of Gambling Licensing Policy is required to be approved by the Committee prior to its publication. A list of amendments within the Draft Statement of Gambling Licensing Policy currently before Members is attached as **Appendix One**. A copy of the Draft Statement of Gambling Licensing Policy is attached as **Appendix Two**.
16. Before determining the revised Statement of Gambling Licensing Policy, the Licensing Authority must consult with persons as listed below:
 - Members of the public;

- Responsible Authorities (Police, Fire and Rescue, Trading Standards, Planning, Environmental Protection, Child Protection, Health & Safety); and
- Current licence holders and representatives of current licence holders.

17. The proposed consultation timetable is as follows:

- 19th February 2013, consultation draft Statement of Gambling Licensing Policy approved by Committee,
- agreed draft Statement of Gambling Licensing Policy to go for consultation between XXXX and XXXX to Area Forums (as representative of businesses and residents in the area), and with “Responsible Authorities” (Police, Fire and Rescue, Trading Standards, Planning, Environmental Protection, Child Protection, Health & Safety), representatives of current licence holders and registered clubs, and others including Community Safety, Building Control and the local Accident and Emergency Department, and the general public via the Council’s website.
- agreed draft Statement of Gambling Licensing Policy to be posted on the Councils website and made available at libraries and public buildings,
- XXXX: report to Licensing and Gambling Acts Committee to consider consultation responses and approve the final Statement of Gambling Licensing Policy, in light of the consultation responses received,
- XXXX: report to City Executive Board to consider the decision of the Licensing and Gambling Acts Committee approval of the final Statement of Gambling Licensing Policy.
- XXXX: Licensing and Gambling Acts Committee’s and Chief Executive Board’s recommendations to Full Council for adoption of the final Statement of Gambling Licensing Policy.

Financial Implications

18. Any financial implications regarding this matter are covered within existing budgets.

Legal Implications

19. Any legal implications regarding this matter are covered within the 2005 Act.

Name and contact details of report author: Julian Alison
Licensing Team Leader
Telephone (01865) 252381
Email: jalison@oxford.gov.uk

Background Papers:

Appendix One: Recommended amendments and additions to the existing Statement of Gambling Licensing Policy

Appendix Two: Revised draft Statement of Gambling Licensing Policy

Version 1.0

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Appendix One

Proposed Changes	Page(s)	Comments
Contents	i	Amendments to Appendices
Consultation Period	2	To be updated following consultation
Effective period	3	Amended to reflect the period the revised policy will be in force for
Appendix 3 – 3.1	29	Amendment - Change to Maximum Stakes permitted for B3 machines
Appendix 3 – 3.2	30	Addition – Gaming Machines Permitted Numbers – update of information following release of update Guidance
Appendix 4	31	Addition – Gaming Entitlements for Clubs and Alcohol Licensed Premises - amended Guidance information
Appendix 5	32	Amendment – Update of addresses of Responsible Authorities

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Statement of Gambling Licensing Policy

Gambling Act 2005

This Statement of Gambling Licensing Policy has been drafted at a time when a number of regulations, Operating Licence conditions, Personal Licence conditions, Codes of Practice and guidance are not yet published.

It will need to be borne in mind that the need to take account of such later publications might have a bearing upon the application of the content of this document

This statement will apply from February 2013
until February 2016



Contact details for licensing under the Gambling Act 2005 ...
(in the Oxford City Council area)

Write to: The Licensing Authority
Oxford City Council
St. Aldates Chambers
109 St. Aldates
OXFORD
OX1 1DS

email: licensing@oxford.gov.uk

phone: 01865 252565

fax: 01865 252344

You can also find much information and links to other sources of information on Oxford City Council's website: <http://www.oxford.gov.uk>

This document remains valid for three years, during which the Council is likely to amend its website. So, rather than providing a direct link to "gambling", we suggest either looking for links for "licensing" then "gambling", or using the website's "A-Z" search function.

	Date	Areas of revision
First published:	02 Jan 2007	-----
Corrections:	26 Mar 2007	p.14 Textual amendments p. 27 Update to Gaming machine table p. 30 Update HMCE contact details
Revised:	17 Nov 2009	Update on legislation
Revised:	TBA	Update on legislation
Revised:		
Revised:		
Revised:		

Acknowledgements...

... to LACORS and colleagues in other licensing authorities for template documents.

CONTENTS**PART A: GENERAL MATTERS**

1.	The licensing objectives	1
2.	The Licensing Authority.....	1
3.	The Oxford City Council area	1
4.	Glossary of terms	1
5.	This Statement of Gambling Licensing Policy	2
6.	Effective period	3
7.	Functions of the Licensing Authority.....	3
	7.1 Functions	3
	7.2 Delegation of functions	3
8.	Functions of others	4
9.	General principles	4
10.	Responsible Authorities	4
11.	Interested parties	5
	11.1 Proximity to premises	5
	11.2 'Business interests'	5
	11.3 Representatives of interested parties	6
12.	Exchange of Information	6
13.	Enforcement	6
	13.1 Risk methodology	7

PART B: PREMISES LICENCES

14.	General Principles.....	8
15.	Definition of "premises"	8
16.	Location	10
17.	Duplication with other regulatory regimes.....	10
18.	Licensing objectives	10
19.	Representations.....	11
20.	Conditions.....	12
21.	Door Supervisors	13
22.	Specific types of premises	14
	22.1 Adult Gaming Centres	14
	22.2 Licensed Family Entertainment Centres	14
	22.3 Casinos	15
	22.4 Bingo premises	15
	22.5 Betting premises	16
	22.6 Tracks	16
	22.7 Travelling Fairs	18
23.	Provisional Statements	18
24.	Reviews	19

PART C: PERMITS, TEMPORARY & OCCASIONAL USE NOTICES

25.	Unlicensed Family Entertainment Centre gaming machine permits.....	21
	25.1 Statement of Principles	21
26.	Alcohol-licensed premises gaming machine permits	22
	26.1 Notification for up to two gaming machines	22
	26.2 Permit for more than two gaming machines	22
27.	Prize Gaming Permits	23
28.	Club Gaming and Club Machines Permits.....	23
29.	Temporary Use Notices	25
30.	Occasional Use Notices:	25

Appendix 1 – Map of Oxford	27
Appendix 2 – Licensing Authority delegations	28
Appendix 3 – Gaming Machines	29
Appendix 4 – Summary of Entitlements	31
Appendix 5 – Responsible Authorities	322

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PART A: GENERAL MATTERS

1. The licensing objectives

The licensing objectives of the Gambling Act 2005 are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

The Licensing Authority must have regard to these licensing objectives in exercising most of its functions under the 2005 Act.

2. The Licensing Authority

The Gambling Act 2005 has made Oxford City Council the Licensing Authority for its district. From 31 January 2007 the Council is responsible for granting premises licences for:

- Betting premises, including tracks;
- Adult Gaming Centres;
- Family Entertainment Centres;
- Bingo premises; and
- Casino premises.

3. The Oxford City Council area

Oxford City Council is one of the five district councils of Oxfordshire. The City of Oxford has a population of 149,800 (2008 mid-year estimate) in an area of 4,566 ha (17.6 square miles). A significant proportion of the land area within the city boundary is rural, with the population concentrated in the urban parts. The district is shown on the map in Appendix 1.

Oxford is one of the principal entertainment centres for Oxfordshire, however local road, bus and rail links foster a wider catchment area than this and also enable Oxford residents to use centres outside the county boundary, such as Aylesbury, Reading, Swindon and Newbury. Oxford residents also have reasonable access to the facilities offered by Bristol, London, Birmingham or Southampton.

Although Oxford is generally affluent, some of its wards are ranked amongst those of highest multiple-deprivation in the country.

4. Glossary of terms

Within this Statement of Gambling Licensing Policy, the following words and terms are defined as stated:

Council	Oxford City Council
GC Guidance	The Gambling Commission's "Guidance to Licensing Authorities" under section 252(2)
Licensing Authority	Oxford City Council

The 2005 Act	The Gambling Act 2005
The 2003 Act	The Licensing Act 2003
LACORS	Local Authorities Co-ordinators of Regulatory Services

5. This Statement of Gambling Licensing Policy

The 2005 Act requires the Council to prepare and publish a statement of the principles that the Licensing Authority proposes to apply in exercising their functions under the 2005 Act before each successive period of three years.

In preparing this Statement of Gambling Licensing Policy, the Council has had regard to the licensing objectives and the Guidance issued by the Gambling Commission.

In determining the Statement of Gambling Licensing Policy, the Council had regard to the licensing objectives and the Guidance issued by the Gambling Commission up to September 2012 and had due regard to comments received as a result of the consultation process.

This statement must be reviewed from “time to time” and any revisions must be published before they take effect. The 2005 Act requires each Licensing Authority to consult the following parties when preparing a new statement or revision...

- The Chief Officer of Police.
- One or more persons who appear to the Licensing Authority to represent the interests of persons carrying on gambling businesses in the Licensing Authority’s area.
- One or more persons who appear to the Licensing Authority to represent the interests of persons who are likely to be affected by the exercise of the Licensing Authority’s functions under the 2005 Act.

Before finalising and publishing this policy statement, the Council consulted the following ...

- Thames Valley Police
- The Oxfordshire Safeguarding Children Board
- The management of all premises in Oxford with Gambling Premises Licences
- Gaming & Betting Organisations

The list of comments made and the consideration by the Council of those comments is available from the Licensing Authority or from the Council’s website (see inside front cover for contact details).

Consultation took place from TBA

The Licensing Authority followed the Revised Code of Practice (which came into effect in April 2004) and the Cabinet Office Guidance on consultations by the public sector.

The policy was approved at the meeting of Oxford City Council on 12 October 2009 .

If you have any comments about this Statement of Gambling Licensing Policy, please write to the Licensing Authority (details inside front cover).

6. Effective period

This Statement of Gambling Licensing Policy becomes effective on 1st February 2013.

It will remain effective for three years (or any longer period in accordance with the 2005 Act) although the Council may adopt revisions within that period.

At the date of publication, this licensing policy is expected to last until 31st January 2016.

7. Functions of the Licensing Authority

7.1 Functions

The 2005 Act gives Licensing Authorities the following functions...

- Licensing premises where gambling activities are to take place by issuing Premises Licences
- Issuing Provisional Statements
- Regulating members' clubs and miners' welfare institutes who wish to undertake certain gaming activities, by issuing Club Gaming Permits and/or Club Machine Permits
- Issuing Club Machine Permits to Commercial Clubs
- Granting permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receiving notifications of the use of two or fewer gaming machines, from premises licensed (under the 2003 Act) to sell/supply of alcohol (for consumption on the premises other than with a meal).
- Issuing Licensed Premises Gaming Machine Permits where more than two machines are required for premises licensed (under the 2003 Act) to sell/supply alcohol (for consumption on the premises other than with a meal).
- Issuing Prize Gaming Permits
- Receiving and endorsing Temporary Use Notices
- Receiving Occasional Use Notices
- Providing information to the Gambling Commission on details of licences issued (see section above on 'information exchange')
- Maintaining registers of permits and licences issued under these functions.

7.2 Delegation of functions

The 2005 Act (s154) delegates most licensing functions to the licensing committee, which can then further delegate to its sub-committees or to officers. Appendix 2 lists the lowest level to which decisions can be delegated.

From time-to-time the Licensing Authority may change the levels to which its decisions are actually delegated.

8. Functions of others

Under the 2005 Act, the role of the Gambling Commission includes the following matters, which are therefore not the responsibility of the Licensing Authority...

- Issuing and enforcing Operating Licences.
Operating Licences are required by organisations providing casinos, remote gambling, bingo, lotteries, facilities for betting and providing gaming machines etc. (There are exceptions within some of these categories.)
- Issuing and enforcing Personal Licences.
For each Operating Licence there must be at least one person who both occupies a specified management office in connection with that licence and holds a Personal Licence. Conditions may require more than one such person to hold a Personal Licence.

Conditions may also require persons performing specified operational functions to each hold a Personal Licence.
- Ensuring compliance by manufacturers, suppliers and repairers of gaming machines.

The Financial Services Authority regulates spread betting and the National Lottery Commission regulates the National Lottery under separate legislation.

9. General principles

This Statement of Gambling Licensing Policy will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each matter will be considered on its own merits and according to the statutory requirements of the 2005 Act.

10. Responsible Authorities

Appendix 3 lists provides details for all the Responsible Authorities under the 2005 Act that have a role in the Licensing Authority's area.

The latest version of those details can be found on the Council's website, and the Licensing Authority will also provide this information in printed form on request. (see details inside front cover)

The Licensing Authority designates the Oxfordshire Safeguarding Children Board as the body that is competent to advise the authority about the protection of children from harm.

The principles on which it based this decision are the need for the body to:

- have broad experience of children's issues;
- be responsible for an area covering the whole of the Licensing Authority's area; and
- be answerable to democratically elected persons, rather than to any particular vested interest group. (The Licensing Authority notes that that body reserves the right to hold those persons to account on children's issues.)

11. Interested parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. However, the Licensing Authority has powers under the 2005 Act to determine whether a person is an interested party.

In doing so, the Licensing Authority will decide each case on its merits, based upon the following principles:

“a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person-
(a) *lives sufficiently close to the premises to be likely to be affected by the authorised activities,*
(b) *has business interests that might be affected by the authorised activities,*
or
(c) *represents persons who satisfy paragraph (a) or (b)” (2005 Act s.158)*

11.1 Proximity to premises

In accordance with GC Guidance, when determining what “sufficiently close to the premises” means the Licensing Authority may include consideration of:

- *“the size of the premises;*
- *the nature of the premises;*
- *the distance of the premises from the location of the person making the representation;*
- *the potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment); and*
- *the circumstances of the complainant. This is not the personal characteristics of the complainant, but the interests of the complainant which may be relevant to the distance from the premises. For example, it could be reasonable for an authority to conclude that “sufficiently close to be likely to be affected” could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) a residential hostel for vulnerable adults.” {GCG 8.14}*

The Licensing Authority will not generally view trade associations and trade unions, and residents’ and tenants’ associations as interested parties unless they have a member who lives sufficiently close to the premises to be classed as one.

11.2 ‘Business interests’

The Licensing Authority will also consider the GC Guidance that “has business interests” should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

However, the Licensing Authority considers that “has business interests” should not entitle an operator to make representations on an application for premises anywhere. The *“factors that are likely to be relevant include:*

- *the size of the premises;*
- *the ‘catchment’ area of the premises (i.e. how far people travel to visit); and whether the person making the representation has*

business interests in that catchment area, that might be affected.”
{GCG 8.15}

11.3 Representatives of interested parties

Interested parties can be persons who are democratically elected such as councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Likewise, any parish councils that are likely to be affected will also be considered to be interested parties. Other than these however, the Licensing Authority will generally require written evidence that the representative has been appointed by the person likely to be affected. A letter from one of these persons, requesting the representation is sufficient.

The Licensing Authority does not permit councillors who either are, or represent, an interested party in a case to participate as a member of the Licensing Committee (or sub-committee) that considers that case.

If individuals wish to approach councillors to ask them to represent their views then care should be taken that the Councillors are not part of the licensing sub-committee dealing with that application. Licensing authority staff will help with this (contact details inside front cover).

12. Exchange of Information

In fulfilling its functions under the 2005 Act, the Licensing Authority will exchange relevant information with other regulatory bodies and will establish protocols in this respect. In exchanging such information, the Licensing Authority will conform to the requirements of data protection and freedom of information legislation in accordance with the Council's existing policies.

13. Enforcement

The Licensing Authority will apply the following principles in accordance with GC Guidance {GCG 5.25} in exercising its functions about the inspection of premises (2005 Act, Part 15) and powers to institute criminal proceedings in respect of the offences specified (2005 Act, s.346).

The Licensing Authority will endeavour to be...

- Proportionate: regulators should only intervene when necessary; remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

The Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

The main enforcement and compliance role for the Licensing Authority under the 2005 Act will be to ensure compliance with the premises licences and other

permissions that it authorises. The Gambling Commission is the enforcement body for other matters under the 2005 Act, as noted above.

The Licensing Authority will also keep aware of advice from the Better Regulation Executive on the regulatory functions of local authorities.

13.1 Risk methodology

The Licensing Authority will adopt a risk-based inspection programme and in order to comply with the principle of transparency, the Licensing Authority will make available, on request, details of its risk methodology, and its protocols or written agreements for enforcement and compliance. (For contact details, see inside front cover).

The general approach of risk-based inspection is to avoid routine inspections of all premises. Instead, high-risk premises are inspected more frequently than low risk ones.

Amongst other things, this approach considers risks related to the size of the premises, the range of activities that take place there, and the time that those activities take place. Larger, more active premises are likely to be classed as higher risk and are therefore likely to be inspected more frequently.

At the time of writing LACORS is working with the Gambling Commission to produce a risk model for premises licences. The Licensing Authority will consider that model once it is made available.

PART B: PREMISES LICENCES

14. General Principles

Premises Licences will be subject to the requirements set-out in the 2005 Act and regulations, and specific mandatory and default conditions detailed in regulations.

Where the Licensing Authority considers it appropriate, it may exclude default conditions, attach other conditions, or both.

In making decisions about premises licences, the 2005 Act (s.153) requires the Licensing Authority to aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with the authority's Statement of Gambling Licensing Policy.

The Licensing Authority is also aware that that unmet demand (for gambling facilities) is not a criterion for a licensing authority and that GC Guidance states "moral objections to gambling are not a valid reason to reject applications for premises licences". However, such reasons may be taken into account in considering any 'no casino resolution' (see the section on casinos below).

15. Definition of "premises"

Definition of "premises" – In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. A single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place.

The Gambling Commission states in its Guidance to Licensing Authorities that: "In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. The Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises."

The licensing authority will take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence.

The Gambling Commission’s relevant access provisions for each premises type are reproduced below:

Adult Gaming Centre

- Customers must not be able to access the premises directly from any other licensed gambling premises

Betting Shops

- Access must be from a street or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

Tracks

- Customers must not be able to access the premises directly from:
 - a casino
 - an adult gaming centre

Bingo Premises

- Customers must not be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Family Entertainment Centre

- Customers must not be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Part 7 of the Gambling Commission’s Guidance contains further guidance on this issue, which this authority will also take into account in its decision-making.

(iii) Premises “ready for gambling”

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

16. Location

The Licensing Authority cannot consider the issue of demand for gambling facilities in any location, but will address considerations in terms of the licensing objectives that relate to the location of premises. The Licensing Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as to issues of crime and disorder that may relate to location.

This Statement of Gambling Licensing Policy will be amended if the Council requires any specific policy about areas where gambling premises should not be located.

Such policies do not prevent submission of any application and each application will be decided on its merits. However, the Licensing Authority expects applicants to show how potential concerns would be overcome where location is an issue.

17. Duplication with other regulatory regimes

The Licensing Authority will seek to avoid any duplication with other statutory / regulatory systems where possible.

In considering a premises licence application the Licensing Authority will take no account of whether the premises is likely to be awarded planning consent or building regulations approval. However, the Licensing Authority will consider carefully any concerns about conditions that licensees would be unable to meet due to planning restrictions.

18. Licensing objectives

Premises licences granted must be reasonably consistent with the licensing objectives. The Licensing Authority has considered the GC Guidance on these objectives, and comments as follows...

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime:

The Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The GC Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, if an area has known high levels of organised crime this

authority will consider carefully whether gambling premises should be located there and whether conditions, such as the provision of door supervisors, may be necessary.

The Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required at incidents and how threatening the behaviour was to those who could see it, so as to make that distinction.

Ensuring that gambling is conducted in a fair and open way:

The Licensing Authority notes that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. {GCG 5.16}

However, tracks are different from other premises, as track operators will not necessarily have an operating licence, and the Premises Licence may then need to contain conditions to ensure that the environment in which betting takes place is suitable.” {GCG 5.17}

Protecting children and other vulnerable persons from being harmed or exploited by gambling

The Licensing Authority notes the GC Guidance that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to them. {GCG 5.18}

The Licensing Authority will consider, as suggested in the GC Guidance and in any Gambling Commission Code of Practice, whether specific measures are required at particular premises to further to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

The Licensing Authority notes that the Gambling Commission is not seeking to offer a definition for the term “vulnerable persons” but states that ...

“it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” {GCG 5.21}

The Licensing Authority will consider this licensing objective as it applies to each case on its merits. If a “vulnerable person” is adequately defined in future then the Licensing Authority will revise this Statement of Gambling Licensing Policy accordingly.

19. Representations

The Licensing Authority may determine an application for a Premises Licence without a hearing, if it considers that the representations made are:

- vexatious
- frivolous, or
- will certainly not influence the authority’s determination of the application.

If the Licensing Authority proposes to determine an application in this way, it will notify anyone who made a representation. (2005 Act s.162)

The Licensing Authority notes that the GC Guidance states that...

"Local authorities should be aware that moral objections to gambling are not a valid reason to reject applications for premises licences. This is because such objections do not relate to the licensing objectives. An authority's decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with the exception of the casino resolution powers). In deciding to reject an application, a licensing authority should rely on reasons that demonstrate that the licensing objectives are not being, or are unlikely to be, met." {GCG 5.27}

The Licensing Authority also notes that the GC Guidance states that...

"unlike the Licensing Act, the Gambling Act does not include as a specific licensing objective the prevention of public nuisance. There is however other relevant legislation which deals with public nuisance. It would be helpful if licensing authorities could explain that objections to new premises or requests for a review should be based on the licensing objectives of the Gambling Act." {GCG 6.45}

20. Conditions

There are three classes of conditions that attach to premises licences:

- **Mandatory conditions under s167 of the Act**, which must be attached to premises licences.
- **Default conditions under s168 of the Act**, which will apply unless the Licensing Authority decides to exclude them or substitute conditions with others that are more or less restrictive.

The Licensing Authority is aware that the Gambling Commission considers that these mandatory and default conditions will normally be sufficient to regulate gambling premises.

- **Individual conditions under s169 of the Act**: In exceptional cases, the Licensing Authority may consider attaching individual conditions related to the licensing objectives in order to deal with specific risks or problems associated with a particular locality, specific premises or class of premises.

Any conditions attached to licences will be proportionate and will be...

- Relevant to the need to make the proposed building suitable as a gambling facility;
- Directly related to the premises and the type of licence applied for;
- Fairly and reasonably related to the scale and type of premises; and
- Reasonable in all other respects.

The Licensing Authority will decide each application on its merits. Where appropriate it will consider using a number of control measures, such as the use of door supervisors or appropriate signage for 'adult only' areas etc.

The Licensing Authority expects the premises licence applicant to offer his/her own proposals to effectively meet the licensing objectives.

This policy includes specific comments on such issues under some of the licence types covered further below.

The Licensing Authority will also consider specific measures that may be required for buildings that are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with GC Guidance.

This authority will also ensure that where machines of category C or above offer in any premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

This licensing authority is aware that tracks may be subject to more than one premises licence, provided each licence relates to a specified area of the track. In such cases, the licensing authority will consider the impact upon the third licensing objective in accordance with GC Guidance and the need to ensure that entrances to each type of premises are distinct and that children are excluded from those gambling areas that they are not permitted to enter.

The Licensing Authority cannot attach certain conditions to premises licences. Those conditions are...

- Any condition on the premises licence that makes it impossible to comply with a condition on an operating licence;
- Conditions relating to gaming machine categories, numbers, or method of operation;
- Conditions that require membership of a particular club or body (the 2005 Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- Conditions about stakes, fees, winning or prizes.

21. Door Supervisors

The GC Guidance advises that licensing authorities may consider whether door supervisors are needed in order to further the licensing objectives of *“protection of children and vulnerable persons from being harmed or exploited by gambling”* {GCG 5.19} and *“preventing premises becoming a source of crime”*. {GCG 5.8}

Where supervision of entrances / machines is required for premises, the Licensing Authority will decide with operators whether door supervisors need to be licensed by the Security Industry Authority.

At premises such as betting offices, the Licensing Authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised

from the counter, and that door supervision is both necessary and proportionate.

22. Specific types of premises

22.1 Adult Gaming Centres

For these premises, the Licensing Authority will have specific regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and expects the applicant to satisfy the Licensing Authority of the adequacy of measures to ensure, for example, that no-one under 18 years old has access to the premises.

The Licensing Authority may consider measures to meet the licensing objectives, such as ...

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

22.2 Licensed Family Entertainment Centres

For these premises, the Licensing Authority will have specific regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and expects the applicant to satisfy the Licensing Authority of the adequacy of measures to ensure, for example, that no-one under 18 years old has access to adult-only gaming machine areas.

The Licensing Authority may consider measures to meet the licensing objectives, such as ...

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

In accordance with GC Guidance, the Licensing Authority will check the Gambling Commission's website for any potential conditions on operating licences that cover delineation of areas containing category C machines.

22.3 Casinos

a) Casino proposals

The Licensing Authority did not submit any proposal for a casino to the Independent Casinos Advisory Panel in early 2006, so Oxford will not be chosen as a location for one of the first 17 new casinos permitted under the 2005 Act.

b) 'No casino' resolution

The Council passed a 'no casino' resolution (2005 Act, s.166) at its meeting on 20 November 2006 on the basis of a recommendation of the Licensing and Gambling Acts Committee, on a 26 : 1 vote.

Potential licence applicants should note that, because the Council has passed a 'no-casino' resolution, the Licensing Authority will not consider any application for a casino premises licence. Any application received will be returned with a notification that a 'no-casino' resolution is in place.

The following paragraphs c), d) and e) appear in this Statement of Gambling Licensing Policy for consistency with other licensing authorities. They have no role while a 'no casino' resolution remains in effect.

c) Casinos and competitive bidding

If circumstances arise where a number of operators want to run a casino in the area, the Council will run a 'competition' as required under the 2005 Act, Schedule 9 in line with any regulations issued under the 2005 Act.

d) Betting machines in casinos

The Licensing Authority notes that the section 181 of the 2005 Act contains an express power for licensing authorities to restrict the number of betting machines in casinos. {GCG 16.33} If the Licensing Authority receives an application for a casino premises licence it will take account of GC Guidance on this matter.

e) Credit

The Licensing Authority notes that section 177 of the 2005 Act does not prevent a casino licensee from permitting the installation of cash dispensers (ATMs) on the premises. {GCG 9.11} If the Licensing Authority receives an application for a casino premises licence it will take account of GC Guidance on this matter.

22.4 Bingo premises

The Licensing Authority notes that the GC Guidance states that...

It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted licensing authorities should ensure that:

- *all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;*
- *only adults are admitted to the area where the machines are located;*

- *access to the area where the machines are located is supervised;*
- *the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and*
- *at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.*

The Licensing Authority will similarly note any further GC Guidance on the issues of suitability and layout of bingo premises.

22.5 Betting premises

a) Betting machines

When considering the number/nature/circumstances of betting machines an operator wants to offer, the Licensing Authority will follow the GC Guidance and take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by vulnerable people or by children or young persons. {GCG 19.10}

This authority will consider limiting the number of machines only where there is evidence that such machines have been or are likely to be used in breach of the licensing objectives.

22.6 Tracks

The Licensing Authority notes that tracks are different from other premises in that:

- there may be more than one premises licence in effect provided each licence relates to a specified area of the track, and
 - track operator may not be required to hold an operating licence as there may be several premises licence holders at the track which will need to hold their own operating licences.

The Licensing Authority will especially consider measures to ensure that children do not have access to 'adult only' gaming facilities.

The Licensing Authority notes that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, although not permitted to enter areas where gaming machines (other than category D machines) are provided. It will especially consider the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter, in furtherance of the licensing objective to ensure the protection of children and vulnerable persons from being harmed or exploited by gambling.

The Licensing Authority will consider measures to meet the licensing objectives, such as ...

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas

- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

a) Gaming machines at tracks

The Licensing Authority notes the GC Guidance that licensing authorities need to consider the location of gaming machines at tracks. An applicant for a track premises licence who plans to use any entitlement to four gaming machines (due to holding a pool betting operating licence) will need to demonstrate that machines (other than category D gaming machines) are located in areas from which children are excluded.

The Licensing Authority will similarly note any further GC Guidance on the location and supervision of gaming machines at tracks.

b) Betting machines at tracks

Licensing authorities have a power under the 2005 Act, to restrict the number of betting machines, their nature and the circumstances in which they are made available, by attaching a licence condition to a betting premises licence. The Licensing Authority notes that the GC Guidance states that...

“In relation to betting premises away from tracks, the Commission is proposing that licensing authorities should take into account the size of the premises and the ability of staff to monitor the use of the machines by vulnerable people when determining the number of machines permitted. Similar considerations apply in relation to tracks, where the potential space for such machines may be considerable, bringing with it significant problems in relation to the proliferation of such machines, the ability of track staff to supervise them if they are scattered around the track and the ability of the track operator to comply with the law and prevent children betting on the machine. Licensing authorities will want to consider restricting the number and location of betting machines, in the light of the circumstances of each application for a track betting premises licence.” {GCG 20.15}

c) Condition on rules being displayed

The Licensing Authority notes GC Guidance, which states that...

“...licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.” {GCG 20.29}

d) Applications and plans –

The Licensing Authority notes the Gambling Commission's suggestion "... that licensing authorities gain a proper understanding of what they are being asked to license..."

Subject to regulations, which will set-out any specific requirements for applications for premises licences the Licensing Authority requires an application for a track betting premises licence to include detailed plans of:

- the racetrack itself;
- the area that will be used for temporary "on-course" betting facilities (often known as the "betting ring");
- any area that will be used for fixed and mobile pool betting facilities operated by the Tote or track operator in the case of dog tracks and horse racecourses);
- areas proposed for any other gambling facilities.

Those plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.

The Licensing Authority notes that,

"In the Commission's view, it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences. This would ensure that there was clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises" {GCG 20.22}

22.7 Travelling Fairs

The 2005 Act allows travelling fairs to make available category D gaming machines and / or equal chance prize gaming without a permit, provided that they comply with the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair. The Licensing Authority has the power to decide whether travelling fairs comply.

The Licensing Authority may also consider whether the applicant falls within the statutory definition of a travelling fair.

Regardless of which travelling fairs occupy a site, if a site is used by fairs for more than the 27-day statutory maximum in a calendar year a permit is required for use of gaming machines and / or equal chance prize gaming. The Licensing Authority will liaise with adjoining authorities to ensure that statutory limits are not exceeded for land that straddles its area boundaries.

23. Provisional Statements

Developers may wish to apply to the authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a

premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or

where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

24. Reviews

Interested parties or responsible authorities can request a review of a Premises Licence. However, it is for the Licensing Authority to decide whether to review the licence. The Licensing Authority will consider whether the request is...

- Frivolous;
- Vexatious;
- Certain not to cause the Licensing Authority to wish to alter, revoke or suspend the licence; or
- Substantially the same as previous representations or requests for review.

The Licensing Authority will also consider whether the request is relevant to the following matters...

- In accordance with any relevant Code of Practice issued by the Gambling Commission;
- In accordance with any relevant guidance issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with this Statement of Gambling Licensing Policy.

The Licensing Authority can also initiate a review of a licence on the basis of any reason that it considers appropriate that is relevant to the same four matters.

PART C: PERMITS, TEMPORARY & OCCASIONAL USE NOTICES

25. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits (2005 Act, Schedule 10, para.7))

Where a premises has no Premises Licence but the user wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (2005 Act, s238).

The 2005 Act states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit; and that it shall have regard to the GC Guidance and may (but need not) have regard to the licensing objectives in preparing this statement or considering applications, or both.

The Licensing Authority notes that the GC Guidance states that...

"In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits ... licensing authorities will want to give weight to child protection issues. " {GCG 24.6}

The GC Guidance also states:

"An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application ... Licensing authorities might wish to consider asking applicants to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;*
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and*
- that staff are trained to have a full understanding of the maximum stakes and prizes." {GCG 24.7}*

The Licensing Authority cannot attach conditions to this type of permit.

Statement of Principles

The Licensing Authority expects each applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

The Licensing Authority will consider on their individual merits the efficiency of such policies and procedures, which may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with any unsupervised very young children on the premises, or children causing perceived problems on or around the premises.

In accordance with GC Guidance, the Licensing Authority will also expect applicants to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed Family Entertainment Centres; that the applicant has no relevant convictions (as set out in Schedule 7

of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

**26. Alcohol-licensed premises gaming machine permits
(2005 Act, Schedule 13 para 4(1))**

26.1 Notification for up to two gaming machines

The 2005 Act provides for premises licensed to sell alcohol for consumption on the premises (other than as part of a meal), to have up to 2 gaming machines of either category C or D or one of each. Authorisation is automatic if the person responsible for the premises notifies the Licensing Authority.

The Licensing Authority can remove the automatic authorisation for any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of s. 282 of the 2005 Act. (This requires a fee and written notice to be provided to the Licensing Authority, and compliance with any relevant code of practice issued by the Gambling Commission about the location and operation of the machine);
- the premises are mainly used for gaming; or
- an offence under the 2005 Act has been committed on the premises.

26.2 Permit for more than two gaming machines

A premises manager wanting more than 2 machines on the premises must apply for a permit and the Licensing Authority must base its consideration of that application based upon the licensing objectives, any GC Guidance, and “such matters as they think relevant.”

The Licensing Authority considers that “such matters” will be decided on the merits of each case. However, it will have general regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. It will expect the applicant to demonstrate use of adequate measures to ensure that persons under 18 years old do not have access to ‘adult only’ gaming machines.

For this purpose, the Licensing Authority may be satisfied of the adequacy of measures that may include...

- Siting all ‘adult’ machines in sight of bar staff, or of other staff who will prevent use of those machines by those under 18.
- Appropriate notices and signage

The Licensing Authority expects applicants to consider providing information leaflets or helpline numbers for organisations such as GamCare for the benefit of vulnerable persons.

A Licensing Authority can decide to grant a permit with fewer machines or a different category of machines than stated in the application. It can attach no conditions other than these.

The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machines.

The Licensing Authority will distinguish between those parts of premises that are licensed for the consumption of alcohol on the premises (other than as part of a meal) and other parts. Gaming machines may not be provided in those other parts of the premises without a premises licence for an Adult Gaming Centre.

27. Prize Gaming Permits

(Statement of Principles on Permits - Schedule 14 para 8 (3))

The 2005 Act states that a licensing authority may
“prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the applicant for a permit”. {2005 Act Schedule 14 8 (1)}

The Licensing Authority has prepared a Statement of Principles, which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- and that the gaming offered is within the law.

In making its decision on an application for this permit the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any GC Guidance.

It should be noted that there are conditions in the 2005 Act by which the permit holder must comply, but that the Licensing Authority cannot attach further conditions.

The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

28. Club Gaming and Club Machines Permits

Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for either...

- a Club Gaming Permit, which will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in regulations; or
- a Club Gaming Machine Permit, which will enable the premises to provide gaming machines (3 machines of categories B, C or D) without other gaming.

The Licensing Authority notes GC Guidance that ...

"Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations." {GCG 25.6}

And that ...

"Before granting the permit the authority will need to satisfy itself that the premises meet the requirements of a members' club and may grant the permit if the majority of members are over 18." {GCG 25.17}

The Licensing Authority notes that:

"Licensing authorities may only refuse an application on the grounds that:

- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;*
 - the applicant's premises are used wholly or mainly by children and/or young persons;*
 - an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;*
 - a permit held by the applicant has been cancelled in the previous ten years; or*
 - an objection has been lodged by the Commission or the police*
- {GCG 25.21}*

There is a 'fast-track' procedure available, under the 2005 Act, for premises that hold a Club Premises Certificate under the 2003 Act. The GC Guidance states...

"Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced" {GCG 25.23}

and

"The grounds on which an application under the process may be refused are:

- that the club is established primarily for gaming, other than gaming prescribed under schedule 12;*
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or*
- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled." {GCG 25.24}*

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

29. Temporary Use Notices

Temporary Use Notices are subject to a number of statutory limits.

The Licensing Authority is responsible for deciding what constitutes the extent of a 'set of premises' to which a Temporary Use Notice applies, where separate notices are received for different parts of the same building or site.

The Licensing Authority notes GC Guidance that...

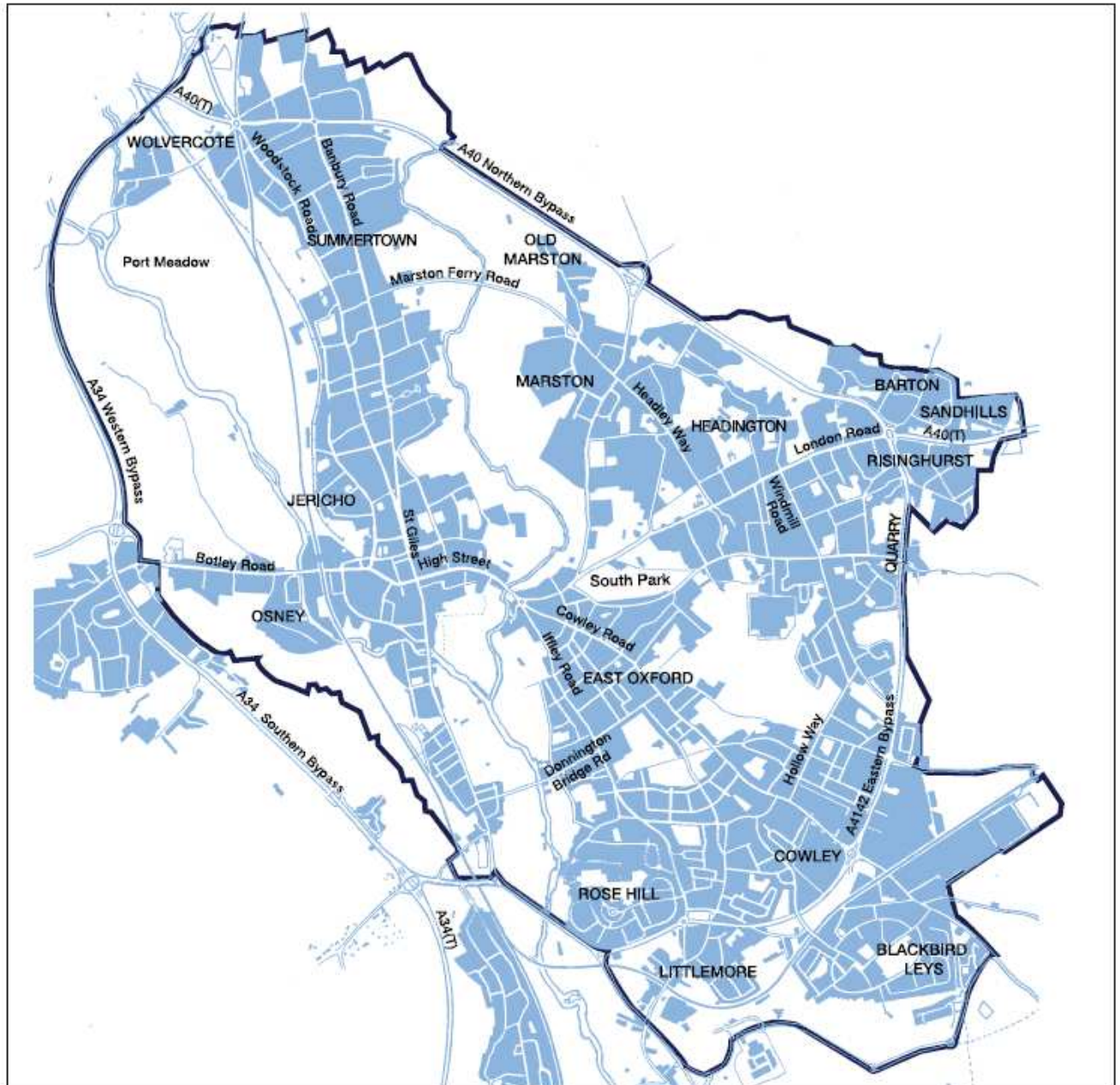
"... the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises. A large exhibition centre, for example, would be likely to come within the definition as it is properly one premises, and should not be granted a temporary use notice for 21 days in respect of each of its exhibition halls. But in relation to other covered areas, such as shopping centres, the licensing authority will need to consider whether different units are in fact different "sets of premises", given that they may be occupied and controlled by different people. This is a new permission and licensing authorities should be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises." {GCG 14.5}

30. Occasional Use Notices:

The Licensing Authority has very little discretion in determining Occasional Use Notices, other than ensuring that the statutory limit of 8 days in a calendar year is not exceeded.

However, the Licensing Authority will need to consider the definition of a 'track' and whether the applicant is permitted to use such a notice.

Appendix 1 – Map of Oxford



Appendix 2 – Licensing Authority delegations

The 2005 Act (s154) delegates most licensing functions to the licensing committee, which can then further delegate to its sub-committees or to officers. The table lists the lowest level to which decisions can be delegated.

The Licensing Authority will determine the levels to which its decisions are delegated and may change that delegation from time to time.

Matter to be dealt with	Full Council	Sub-committee of licensing committee	Officers
Final approval of three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)			X
Application for premises licence		Where representations have been received and not withdrawn	Where no representations received or all have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received or all have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received or all have been withdrawn
Review of a premises licence		X	
Application for club gaming/ club machine permits		Where objections have been made (and not withdrawn)	Where no representations received or all have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

Appendix 3 – Gaming machines

3.1 Gaming machine categories

This table is included for general guidance. However, the details may become outdated as a result of Government Regulations.

Category of Machine	Maximum Stake	Maximum Prize
A	Unlimited – no Category A gaming machines are currently permitted	
B1	£2	£4,000
B2	£100 (in multiples of £10)	£500
B3A	£1	£500
B3	£2	£500
B4	£1	£250
C	£1	£70
D- non money prize (other than a crane grab machine)	30p	£8
D- non money prize (crane grab machine)	£1	£50
D (money prize)	10p	£5
D – combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be a money prize)
D – combined money and non-money prize (coin pusher or penny falls machine)	10p	£15 (of which no more than £8 may be a money prize)

The next page lists the numbers of machines in each category permitted in particular types of premises

3.2 Gaming machines – permitted numbers

The information in this table is subject to confirmation, and may become outdated as a result of Government Regulations.

Premises type	Machine category						
	A	B1	B2	B3	B4	C	D
Betting premises and tracks occupied by pool betting			Maximum of 4 machines categories B2 to D (except B3A machines)				
Bingo premises				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4**		No limit on category C or D machines	
Adult gaming centre				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4**		No limit on category C or D machines	
Family entertainment centre (with premises licence)						No limit on category C or D machines	
Family entertainment centre (with permit)							No limit on category D machines
Clubs or miners' welfare institute (with permits)					Maximum of 3 machines in categories B3A or B4 to D*		
Qualifying alcohol-licensed premises						1 or 2 machines of category C or D automatic upon notification	
Qualifying alcohol-licensed premises (with gaming machine permit)						Number of category C-D machines as specified on permit	
Travelling fair							No limit on category D machines

* On a day when no other facilities for gaming are provided

Appendix 4 – Summary of Gaming Entitlements for Clubs and Alcohol-Licensed Premises

This table is included for general guidance. However, the details may become outdated as a result of Government Regulations.

	Members' club or MW institute with club gaming permit	Bridge or whist club	Members' club or commercial club with club machine permit	Members' club, commercial club or MW institute without a club gaming permit or club machine permit	Pubs and other alcohol-licensed premises
Equal chance gaming	Yes	Bridge and/or Whist only	Yes	Yes	Yes
Limits on stakes	No limit	No limit	Poker £1000 per week £250 per day £10 per person per game Other gaming No limit	Poker £1000 per week £250 per day £10 per person per game Other gaming No limit	Poker £100 per premises per day Other gaming £5 per person per game Cribbage & dominoes No limit
Limits on prizes	No limit	No limit	Poker £250 per game Other gaming No limit	Poker £250 per game Other gaming No limit	Poker £100 per game Other gaming No limit
Maximum participation fees – per person per day	Bridge and/or whist* £20 Other gaming £3	£18 (without club gaming permit) £20 (with club gaming permit)	Bridge and/or whist* £18 Other gaming £3 (commercial club) £1 (members' club)	Bridge and/or whist* £18 Other gaming £1	None permitted
Bankers or unequal chance gaming	Pontoon <i>Chemin de Fer</i>	None permitted	None permitted	None permitted	None permitted
Limits on bingo	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	No bingo permitted	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.

* On a day when no other facilities for gaming are provided

Appendix 5 – Responsible Authorities

The Responsible Authorities for the Oxford City Council area under the 2005 Act, and their contact details are as follows.

Contact details may change, and other responsible authorities may be designated by regulations by the Secretary of State. For latest information, please check with the Licensing Authority (contact details below).

		Contact details for preliminary discussions or follow-up enquiries
Responsible Authority	Address	Phone, email and website
The Licensing Authority	The Licensing Authority Oxford City Council 109 St Aldate's Chambers St Aldate's OXFORD OX1 1DS	Tel: 01865 252565 licensing@oxford.gov.uk http://www.oxford.gov.uk/licensing
The Planning Authority	The Planning Authority Oxford City Council 109 St Aldate's Chambers St Aldate's OXFORD OX1 1DS	Tel: 01865 249811 planning@oxford.gov.uk www.oxford.gov.uk
Environmental Health	Environmental Protection Oxford City Council 109 St Aldate's Chambers St Aldate's OXFORD OX1 1DS	Tel: 01865 252296 www.oxford.gov.uk
Gambling Commission	Gambling Commission Victoria Square House Victoria Square BIRMINGHAM B2 4BP	Tel: 0121 230 6500 Fax: 0121 237 2236 info@gamblingcommission.gov.uk www.gamblingcommission.gov.uk
Thames Valley Police	Thames Valley Police Licensing Office Headquarters (South), Kidlington, OX5 2NX	Tel: 01865 266109 licensing@thamesvalley.pnn.police.uk
Fire and Rescue Service	Fire and Rescue Service Oxfordshire County Council Rewley Road Fire Station OXFORD OX1 2EH	Tel: 01865 242223
Oxfordshire Safeguarding Children Board	Oxfordshire Safeguarding Children Board (OSCB) 3rd Floor, County Hall New Road OXFORD OX1 1ND	

		Contact details for preliminary discussions or follow-up enquiries
Responsible Authority	Address	Phone, email and website
Her Majesty's Commissioners of Customs and Excise	HM Revenues and Customs National Registration Unit Portcullis House 21 India Street Glasgow G2 4 PZ	Tel: 0141 555 3633 nru.betting&gaming@hmrc.gsi.gov.uk www.hmrc.gov.uk
Navigation Authority (Only applicable to vessels on the canal or a river)	Check with the Licensing Authority	
Any other person prescribed for the purpose by regulations made by the Secretary of State.	Check with the Licensing Authority	

Adjacent licensing authorities

Where premises straddle an area boundary, a licensing authority for the area in which the premises are partly situated is also a Responsible Authority.		
		Contact details for preliminary discussions or follow-up enquiries
Responsible Authority	Address	Phone, email and website
(The licensing authority)	The Licensing Authority Cherwell District Council Bodicote House Bodicote BANBURY OX15 4AA	Tel: 01295 252535 www.cherwell-dc.gov.uk
(The licensing authority)	The Licensing Authority South Oxfordshire DC Benson Lane Crowmarsh Gifford WALLINGFORD OX10 8HQ	Tel: 01491 823000 www.southoxon.gov.uk
(The licensing authority)	The Licensing Authority Vale of White Horse DC Abbey House ABINGDON OX14 3JE	Tel: 01235 520202 www.whitehorsedc.gov.uk

Draft

Statement of Gambling Licensing Policy

Gambling Act 2005

The Licensing Authority
Oxford City Council 109, St Aldate's, OXFORD OX1 1DS
email: licensing@oxford.gov.uk
phone: 01865 252565
fax: 01865 252344



To: Licensing and Gambling Acts Committee

Date: 19 February 2013 **Item No:**

Report of: Head of Environmental Development

Title of Report: Licence Fees 2013/14

Summary and Recommendations

Purpose of report: To seek agreement of the licence fees for 2013/14 where the Council has discretion over the level of fee charged.

Report Approved by:

Finance: Paul Swaffield

Legal: Daniel Smith

Policy Framework:

Recommendation(s):

Committee is requested to:

- (a) note the licence fees set by statute; and**
- (b) agree the licence fees for 2013/14 as set out in this report.**

1. The purpose of this report is to agree licence fees for 2013/14 where the Council has discretion over the level of fee charged. The proposed fees are set out in the Appendix.
2. This Committee is responsible for fees under the Licensing Act 2003 and Gambling Act 2005. Fees for other types of licence will be the subject of a separate report to General Purposes Licensing Committee. All fees under the Licensing Act are set by statute.
3. The authority has discretion under the Gambling Act to set Gambling Premises Licence fees up to the statutory maximum. Fees for Gaming Machine Permits and Temporary Use Notices are set by statute.
4. The general principles when setting fees are that they must be reasonable and relate to the cost of performing the function. Costs include staffing, administration, testing, inspections, hearings and appeals.

5. Any increase in fees are purely inflationary rises to assist with the full cost recovery of the services provided including the increased costs faced the Authority in delivering it's services, details of which can be found at **Appendix One**.

Financial Implications

6. The Council is responsible for collecting licence fees for these functions. Predicted income from licence fees is included in the Council's budget.

Legal Implications

7. The Committee's responsibilities are set out in the Council's Constitution and include setting and reviewing licence fees under the Licensing Act 2003 and Gambling Act 2005.

Name and contact details of author:

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Background papers:

Appendix One: Licensing & Gambling Acts Fees & Charges 2013/14

Version number: 1.0

Fees & Charges 2013/14
Licensing & Gambling Acts Committee

	2012/13 Charge	2013/14 Charge	Increase/ (Decrease)	Increase/ (Decrease)
Licensing Act 2003				
Application fee				
Application and Variation Fees - Premises Licenses and Club Premises Certificates - Minimum	100.00	100.00	0.00	0
Application and Variation Fees - Premises Licenses and Club Premises Certificates - Maximum	635.00	635.00	0.00	0
Enhanced fee for some premises with rateable value above £87,001 - Minimum	900.00	900.00	0.00	0
Enhanced fee for some premises with rateable value above £87,001 - Maximum	1905.00	1905.00	0.00	0
Additional fee for capacity of more than 5,000 people - Minimum	1000.00	1000.00	0.00	0
Additional fee for capacity of more than 5,000 people - Maximum	64000.00	64000.00	0.00	0
Annual fee				
Premises Licenses and Club Premises Certificates - Minimum	70.00	70.00	0.00	0
Premises Licenses and Club Premises Certificates - Maximum	350.00	350.00	0.00	0
Enhanced fee for some premises with rateable value above £87,001 - Minimum	640.00	640.00	0.00	0
Enhanced fee for some premises with rateable value above £87,001 - Maximum	1050.00	1050.00	0.00	0
Additional fee for capacity of more than 5,000 people - Minimum	500.00	500.00	0.00	0
Additional fee for capacity of more than 5,000 people - Maximum	32000.00	32000.00	0.00	0
Personal License	37.00	37.00	0.00	0
Transfer of Premises Licence	23.00	23.00	0.00	0
Change of address	10.50	10.50	0.00	0
Copy of licence	10.50	10.50	0.00	0
Temporary Event Notice	21.00	21.00	0.00	0
Provisional Statement	315.00	315.00	0.00	0
Gambling Act 2005 - Premises				
Bingo Premises				
Application (3500 max permitted)	870.00	910.00	40.00	4.5%
Annual fee (1000 max permitted)	572.00	600.00	28.00	4.5%
Variation application (1750 max permitted)	1248.00	1305.00	57.00	4.5%
Transfer application (1200 max permitted)	404.00	425.00	21.00	4.5%
Reinstatement application (1200 max permitted)	520.00	545.00	25.00	4.5%
Provisional statement application (3500 max permitted)	756.00	790.00	34.00	4.5%
Copy of licence	25.00	25.00	0.00	0
Notification of a change	50.00	50.00	0.00	0
Family Entertainment Centre				
Application (2000 max permitted)	704.00	735.00	31.00	4.5%
Annual fee (750 max permitted)	634.00	665.00	31.00	4.5%
Variation application (1000 max permitted)	972.00	1000.00	28.00	4.5%
Transfer application (950 max permitted)	370.00	390.00	20.00	4.5%
Reinstatement application (950 max permitted)	450.00	475.00	25.00	4.5%

	2012/13 Charge	2013/14 Charge	Increase/ (Decrease)	Increase/ (Decrease)
Provisional statement application (2000 max permitted)	617.00	645.00	28.00	4.5%
Copy of licence	25.00	25.00	0.00	0
Notification of a change	50.00	50.00	0.00	0
Adult Gaming Centre				
Application (2000 max permitted)	704.00	735.00	31.00	4.5%
Annual fee (1000 max permitted)	634.00	665.00	31.00	4.5%
Variation application (2000 max permitted)	972.00	1015.00	43.00	4.5%
Transfer application (1200 max permitted)	370.00	390.00	20.00	4.5%
Reinstatement application (1200 max permitted)	450.00	475.00	25.00	4.5%
Provisional statement application (2000 max permitted)	617.00	645.00	28.00	4.5%
Copy of licence	25.00	25.00	0.00	0
Notification of a change	50.00	50.00	0.00	0
Betting Premises (Track)				
Application (2500 max permitted)	832.00	870.00	38.00	4.5%
Annual fee (1000 max permitted)	756.00	790.00	34.00	4.5%
Variation application (1250 max permitted)	1250.00	1250.00	0.00	0.0%
Transfer application (950 max permitted)	398.00	415.00	17.00	4.5%
Reinstatement application (950 max permitted)	489.00	515.00	26.00	4.5%
Provisional statement application (2500 max permitted)	686.00	720.00	34.00	4.5%
Copy of licence	25.00	25.00	0.00	0
Notification of a change	50.00	50.00	0.00	0
Betting Premises (Other)				
Application (3000 max permitted)	785.00	820.00	35.00	4.5%
Annual fee (600 max permitted)	600.00	600.00	0.00	0.0%
Variation application (1500 max permitted)	1082.00	1130.00	48.00	4.5%
Transfer application (1200 max permitted)	384.00	405.00	21.00	4.5%
Reinstatement application (1200 max permitted)	478.00	500.00	22.00	4.5%
Provisional statement application (3000 max permitted)	676.00	710.00	34.00	4.5%
Copy of licence	25.00	25.00	0.00	0
Notification of a change	50.00	50.00	0.00	0
Gambling Act 2005 - Permits				
Alcohol Premises Gaming Machine Permits				
Application	150.00	150.00	0.00	0
Existing operator application	100.00	100.00	0.00	0
Annual fee	50.00	50.00	0.00	0
Permit variation fee	100.00	100.00	0.00	0
Transfer of permit	25.00	25.00	0.00	0
Change of name on permit	25.00	25.00	0.00	0
Copy of permit	15.00	15.00	0.00	0
Notification of 2 machines	50.00	50.00	0.00	0
Club Gaming Permits and Club Gaming Machine Permits				
Application	200.00	200.00	0.00	0
Application (Club Premises Certificate holder)	100.00	100.00	0.00	0
Annual fee	50.00	50.00	0.00	0
Permit variation fee	100.00	100.00	0.00	0
Renewal	200.00	200.00	0.00	0

	2012/13 Charge	2013/14 Charge	Increase/ (Decrease)	Increase/ (Decrease)
Renewal (Club Premises Certificate holder)	100.00	100.00	0.00	0
Permit variation fee	100.00	100.00	0.00	0
Copy of permit	15.00	15.00	0.00	0
Family Entertainment Centre Gaming Machine Permits				
Application	300.00	300.00	0.00	0
Existing operator application	100.00	100.00	0.00	0
Renewal	300.00	300.00	0.00	0
Change of name on permit	25.00	25.00	0.00	0
Copy of permit	15.00	15.00	0.00	0
Gambling Act 2005 Temporary Use Notice				
Submission of Notice	500.00	500.00	0.00	0
Copy of Notice	25.00	25.00	0.00	0

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LICENSING AND GAMBLING ACTS COMMITTEE

Wednesday 17 October 2012

COUNCILLORS PRESENT: Councillors Clarkson (Chair), Armitage (Vice-Chair), Campbell, Cook, Goddard, Khan, Lygo, Seamons, Sinclair and Williams.

OFFICERS PRESENT: Julian Alison (Licensing Team Leader), Jill Cramer (Environmental Development), Lois Stock (Democratic and Electoral Services Officer) and Daniel Smith (Law and Governance)

11. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Coulter, Humberstone and Royce.

12. DECLARATIONS OF INTEREST

None

13. UPDATE ON LICENSING AUTHORITY ACTIVITY APRIL 2012 - AUGUST 2012

The Head of Environmental Development submitted a report (previously circulated, now appended) that provided an update on the progress made by the Licensing Authority under the Licensing Act 2003 and Gambling Act 2005 between April 2012 and August 2012. Julian Alison (Licensing Team Leader) presented the report to the Committee and expanded on the work completed to date. He informed the Committee that all Licensing Officers were now qualified licensing practitioners. He also explained further the proposed Late Night Levy and EMROs (early morning alcohol restriction orders).

The Committee discussed further the late night levy. It seems that 70% of any income raised by the levy would go to the Police. The Committee felt that, in that case, the Council would expect more “bang for its buck” – that is, extra Police on the street during peak periods for the night-time economy. A service level agreement with the Police would be helpful. Although Oxford City Council was more progressive than many other licensing authorities, it would still be useful to see what others (for example, Wycombe District Council) did about the levy. It was important to understand how much the levy might raise, taking into account discounts and other subtractions from the final total. It was also noted that some premises might reduce their operating hours in order to avoid falling foul of the late night levy. This too would affect the likely amount raised.

Julian Alison indicated that he would try to bring a report showing the possible income in more detail to the February meeting, but this depended on the progress of the regulations and guidance issued in the meantime.

Daniel Smith (Legal Advisor) pointed out that, although the Council was being pro-active, it was important to remember powers to raise this late night levy did

not yet exist, nor had official guidance been published, so it was important not to go too far too fast.

Resolved to:-

- (1) Consider a report on the late night levy at the next meeting;
- (2) Congratulate licensing officers upon becoming qualified licensing practitioners;
- (3) Thank Julian and his team for the helpful licensing course that they arranged in July.

14. EAST OXFORD SPECIAL SATURATION POLICY (SSP)

The Chair, Councillor Clarkson, explained that this item appeared on the agenda in response to some public concern that the Special Saturation Policy (SSP) was not always reflected in decisions made at licensing hearings.

Julian Allison introduced Alex Bloomfield (Licensing Officer, Thames Valley Police) and Sergeant Nathan Budd (Thames Valley Police) to the Committee. Julian Allison explained the meaning of the SSP – it did not mean that any licensing application within the SSP area would automatically refused, as many people believed. A case had to be made that an application would add to the cumulative impact before the presumption for refusal was engaged. If an application (for a new license or a variation to an existing license), would not add significantly to the cumulative impact, it was possible for it to be approved.

Sergeant Budd explained that the rate of assaults within the City between April and June 2012 showed a downwards trend compared with the same period in 2011. There was an overall decrease in crime. He felt that the SSP, Nightsafe, CCTV and other crime reduction bodies and initiatives had had a positive impact on crime in Oxford. The SSP in East Oxford was used effectively, and the Police would continue to raise concerns about applications that they believed would add to the cumulative impact.

The Committee expressed the view that the improved crime figures were encouraging, and that they deserved more publicity. The Police should be congratulated for their achievements. The success of the SSP should also receive greater publicity.

The Committee resolved that the SSP was effective and should be retained.

15. MINUTES

Resolved to confirm as a correct record the minutes of the meeting held on 28th May 2012, with the following observations:-

- (1) It was confirmed that Councillor Hollick is a member of this Committee, although his name had not appeared on the agenda. This has now been corrected.

- (2) Minute 5 – Powers and Duties of the Committee – Councillor Cook, as a Board Member, confirmed that City Executive Board (CEB) was happy for licensing policies to come before the Licensing and Gambling Acts (LGA) Committee to allow members of the Committee to comment before the policies were considered by CEB. The comments of the LGA Committee would be considered by CEB when making recommendations to Council.
- (3) Councillor Williams thanked Councillor Cook for standing in (at short notice) at a licensing hearing last week.

16. DATES OF FUTURE MEETINGS

Resolved to note that the date of the next meeting is Tuesday 19th February 2013.

The meeting started at 5.00 pm and ended at 5.50 pm

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