

Agenda

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Licensing and Gambling Acts Committee

Date: **Tuesday 10 June 2014**

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

Vice-Chair

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AGENDA

Pages

1 ELECTION OF CHAIR FOR THE COUNCIL YEAR 2014/15

2 ELECTION OF VICE-CHAIR FOR THE COUNCIL YEAR 2014/15

3 APOLOGIES FOR ABSENCE

No substitutes are allowed and the Quorum is 5 Members.

4 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.

5 LICENSING AND GAMBLING ACTS COMMITTEE - APPOINTMENT OF SUB-COMMITTEES

7 - 10

The Head of Law and Governance has submitted a report, the purpose of which is to establish licensing casework sub-committees for the 2014-15 Council Year to deal with casework flowing from the Council's responsibilities under the Licensing Act 2003 and the Gambling Act 2005.

The Committee is asked to:

- (a) Appoint as many Licensing Casework Sub-Committees of three members as there are combinations of three members in the total number of members of the Committee;
- (b) Note that the Sub-Committees' powers and duties are as set out in the Annex to this report.

6 UPDATE ON LICENSING AUTHORITY ACTIVITY FOR THE COUNCIL YEAR 2013/14

11 - 18

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 during the Council Year 2013-2014.

The Committee is asked to:

- (a) Note the contents of the report; and
- (b) Make any comments and recommendations regarding the future work of the Licensing Function.

7 MINUTES

19 - 20

Minutes of the meeting held on 21st January 2014.

8 DATES OF FUTURE MEETINGS

The Committee is asked to note the following dates on which it is scheduled to meet and to confirm the start time of its meetings for the remainder of the Council Year 2014/15.

Tuesday 23rd September 2014

Tuesday 27th January 2015

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: 10th June 2014

Report of: Head of Law and Governance

Title of Report: LICENSING AND GAMBLING ACTS COMMITTEE – APPOINTMENT OF SUB-COMMITTEES

Summary and Recommendations

Purpose of report: To establish licensing casework sub-committees for the 2014-15 Council Year to deal with casework flowing from the Council's responsibilities under the Licensing Act 2003 and the Gambling Act 2005.

Report approved by:

Legal: Daniel Smith

Policy Framework: Not applicable

Recommendation(s): The Committee is RECOMMENDED to:-

- (1) appoint as many licensing casework sub-committees of three members as there are combinations of three members in the total number of members of the Committee;
- (2) note that the Sub-Committees' powers and duties are as set out in the Annex to this report.

1. All licensing authorities must establish a Licensing Committee under the Licensing Act 2003. The Licensing Committee may appoint one or more sub-committees, for example to deal with licensing casework, (i.e. applications for licences of one sort or another under the Act). The sub-committees are also responsible for any casework that might arise under the Gambling Act 2005. The sub-committees must consist of no more and no less than 3 members. The sub-committees do not need to be politically balanced. Last year the Committee appointed licensing and gambling casework sub-committees to discharge licensing casework under the two Acts.
2. In order to spread the casework across members of the Licensing and Gambling Acts Committee, the Committee is recommended to appoint as many sub-committees as there are combinations of three members in the total number of members of the Committee. In that way any three members of the Committee will constitute a sub-committee.

3. The powers and duties of the Sub-Committees (as contained in the Council's Constitution) are as set out in the Annex to this report.
4. Hearings of the Sub-Committee have been programmed (as and if required) for approximately every three/ four weeks. All the meetings are programmed to start at 5.00 pm.

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Background papers: None

Version number: 1

LICENSING AND GAMBLING ACTS CASEWORK SUB-COMMITTEES

Powers and duties – Licensing

- decide whether to give, change or transfer premises licences or club registration certificates when there are objections
- decide whether to give a temporary premises licence to a replacement licence holder when there are objections
- review premises licences and club registration certificates after a closure order
- decide valid applications for a review of a premises licence or club registration certificate
- deal, when there are objections, with applications for a statement saying the council expects to give a licence to premises that are yet to be built or converted
- decide whether to prevent one-off events or to impose conditions when there are objections from the police or the Responsible Authority for Environmental Health
- decide applications to change the premises supervisor or appoint a temporary supervisor when there are objections from the police
- decide applications for personal licences when there are objections from the police
- decide whether to withdraw a personal licence on hearing of a conviction
- respond to consultation on an application by another body that gives licences.

Powers and duties – Gambling

- deal, when there are objections, with premises licence applications, changes and transfers
- review premises licences
- deal, when there are objections, with applications for a statement stating the council expects to give a licence to premises that are yet to be built, converted or occupied
- decide whether to prevent temporary events or uses when there are objections
- deal, when there are objections, with applications for club gaming, or club machine permits and cancellation of such permits
- deal, when there are police objections or officers would want to refuse them, with applications for prize gaming permits
- deal with anything else that needs a hearing or that cannot legally be delegated to officers

To: Licensing and Gambling Acts Committee

Date: 10 June 2014

Item No:

Report of: Head of Environmental Development

Title of Report: Update on Licensing Authority Activity
Council Year 2013 - 2014

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 during the Council Year 2013 - 2014.

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 during the Council year 2013 - 2014. 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 Council year.

Applications Received	TOTAL
Gambling	13
New(Premises / Clubs)	28
Variations & Minor Variations (Premises / Clubs)	39
Personal Licences	125
Administrative Changes	283
TEN's	601

5. To date (since November 2005 when the Licensing Act 2003 came in to effect) the Licensing Authority has processed; 1,605 Personal Licences; 951 New Premises Licences and Club Premises Certificates; 377 Variations on Premises Licences and Club Premises Certificates; 1396 Premises Transfer / Amendment to Premises Licence Applications.

Temporary Event Notices

6. 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 for an adhoc event or an extension to an existing licence.
7. Only the Police or Environmental Health 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 permitted by the 2003 Act, the TEN is simply acknowledged and returned to the applicant. Should the Police or Environmental Health object then the TEN will go to a hearing or be refused and a Counter Notice issued.

Applications Granted or Refused by the Licensing Authority

8. A hearing is not required where an application has been lawfully made and no Responsible Authority or Interested Party has made a representation, or if the application made is a Minor Variation. 57 Premises Licences in this category were issued by the Head of Environmental Development under delegated authority.
9. If a relevant objection is received in relation to a Minor Variation application, the Licensing Authority delegates the determination of the application to Officers. Two such applications met with relevant representations, and were therefore refused. Both applicants may submit Full Variation applications in order to address the concerns of the representations.

10. Eight applications were the subject of relevant representations, and required determination by the Licensing Sub-Committee. Details of the work of the Sub-Committee can be found later in this report.

Representations and Licensing Sub-Committee Hearings

11. When Relevant Representations are received from Interested Parties or Responsible Authorities then the application is determined at a Licensing Sub-Committee Hearing (save for those received in relation to a Minor Variation application as detailed at Paragraph 9 above).
12. Representations were received in respect to eight applications. These representations led to Sub-Committee Hearings being required.
13. Representations relating to applications made during the reporting period were made as follows and led to the following decisions:

Londis, London Road (Variation of a Premises Licence):

7 x Interested Parties. Application granted but with a variety of conditions on the licence in order to further uphold the licensing objectives as outlined on the representations

Morrisons, London Road (New Premises Licence):

2 x Interested Parties. Application granted as applied for.

Bullington, Cowley Road (Variation of a Premises Licence):

5 x Interested Parties and Thames Valley Police. Application refused due to Special Saturation Policy.

Demijohn, Little Clarendon Street (New Premises Licence):

3 x Interested Parties. Application granted as applied for.

Oxford City Council, St Giles & Beaumont Street (New Premises Licence):

5 x Interested Parties. Application granted following reduction of hours and concessions made by applicant.

Oxford Brookes University, John Henry Brookes Building (New Premises Licence):

1 x Interested Party. Application granted as applied for.

Roosters, Gloucester Green (New Premises Licence):

2 x Interested Parties and Thames Valley Police. Application refused due to applicant not agreeing to implement necessary measures to uphold the licensing objectives.

Café Baba, Cowley Road (New Premises Licence):

6 x Interested Parties and Thames Valley Police. Application granted following reduction of hours and imposition of conditions as agreed with Thames Valley Police and those deemed appropriate by the Sub-Committee.

Reviews of Licensed Premises

14. 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.
15. No applications for a Premises Licence Review were received during this reporting period.

Appeals under the Licensing Act 2003

16. The Licensing Authority was not subject to any appeal during the period reported on.

Enforcement Activity

17. During the Council year, the Licensing Team has carried out:
 - 203 Routine (day-time and early evening) Compliance Check inspections of licensed premises during standard working hours. 26 Premises were found to be non-compliant. All issues of non-compliance related to a failure to display the Premises Licence Summary on site, and / or not having the Premises Licence on site. Warnings were issued to each Premises Licence holder and all matters have been rectified.
 - 11 Multi-Agency Operations (during the night) visiting 84 licensed premises (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 venues were found to be non-compliant and issued with Warnings by the Licensing Officer. Non-compliance issues related to: evidence of drug use on the premises, noise limiter not connected, unsecured dangerous fittings, inoperable CCTV cameras, poor dispersal of customers, inactive door staff, blocked fire escapes, failure to hold Premises Licence on site, and a variety of health and safety matters.
 - 9 Alcohol Test Purchase Operations (during evening time) visiting 55 licensed premises. 10 venues failed the Operations. 9 were issued with Fixed Penalty Notices by the Police, 1 has been forwarded for prosecution as the DPS refused to accept the offer of a Fixed Penalty Notice. In all cases the Licensing Authority followed up the Operation by sending a Warning letter to each of the Premises Licence holders.
 - 23 "Hi-Viz" Enforcement Operations (late at night) visiting 145 licensed premises (targeting high-risk premises (i.e. nightclubs, large capacity bars, etc.)). Some premises were visited more than once due to the nature of their business and the need for the Licensing Authority to ensure a visible yet proportionate compliance approach. 10 venues were found to be non-compliant with the conditions of their

Premises Licences, all received Warnings for such matters as leaving doors and windows open during amplified entertainments and failing to adequately resolve matters that had previously been brought to their attention.

- 25 Targeted Operations (late at night) making 68 visits to licensed premises (specifically carried out at premises which have caused concern to NightSafe partners or intelligence has led to a need to monitor the premises). 6 venues in particular have required multiple visits in order to establish a better level of management control at them, and 1 premises is currently the subject of on-going Partnership enforcement. With all of these specific venues a great deal of verbal and written communication has taken place, as well as liaison with Partnership Agencies.
18. The objectives of the pro-active compliance checks, and the late night enforcement inspections, is to ensure that the Authority has a keen eye on how the licensed trade upholds the licensing objectives, to record the actions of the Authority in a transparent manner, to place on record that enforcement actions had been undertaken and advice given to resolve any issues of non-compliance, and to build and maintain a productive relationship with licence holders.
 19. In total 69 Warnings and 9 Fixed Penalty Notices were issued to the premises who failed to comply with the necessary regulations during either the normal working hours or non-standard hours operations.
 20. All of the premises issued with advice or Warnings have since 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.
 21. The Weekend Night-time Operation recently implemented by the Environmental Development Service continues to operate between 11.00 p.m. and 4.00 a.m. on both Friday and Saturday nights and proactively checks for noise related problems at venues holding Temporary Event Notices and other events such as College Balls.
 22. The Operation also monitors how licensed premises manage the dispersal of the public from their venues and provides feedback to the Licensing Authority in order that the appropriate actions are undertaken.

Service Requests

23. 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 101 additional Warnings being issued (in the cases where the premises that were of specific concern multiple letters were issued

including to their legal representatives), and 68 letters of advice to members of the public, recognised organisations, and Andrew Smith MP providing relevant information regarding the Licensing Act 2003 and Gambling Act 2005.

Prosecutions

23. 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.
24. The Licensing Authority had no reason to initiate any PACE interviews during the Council year.

Future Work & Notable Achievements

25. The relationship enjoyed by the Authority with the Institute of Licensing (IOL) continues, and training courses have been implemented both in Oxford and further afield for staff to continue their learning and development.
26. The Licensing Authority is also a Member of the National Association of Licensing Enforcement Officers (NALEO) which assists licensing staff undertake further development courses and obtain further licensing qualifications.
27. The Licensing Authority enjoys a very fruitful relationship with the Home Office and Local Government Association, and will continue to be involved in the strategic debates and consultations regarding the work carried out by Authorities nationally.
28. The working practices of this Licensing Authority continue to be seen as the benchmark for other Authorities to attain. We have, and continue to liaise with among others Northampton, Reading, Canterbury and our neighbouring Authorities, as well as international cities and countries in their aim to provide transparent, efficient, effective and accountable licensing functions that serve the best interests of their customers, licence holders, residents, businesses and visitors.
29. The Committee may be interested to know that during the last Council Year, that the Licensing Team responded to over 12000 licensing enquiries from the general public, new applicants, licence holders, representatives of licence holders, Responsible Authorities, Councillors, Members of Parliament, Home Office colleagues, and other Licensing Authorities.
30. These enquiries include all of the licensing functions undertaken by the Team (Licensing Act 2003, Gambling Act 2005, Sex Establishments, Scrap Metal Dealers, Taxi & Private Hire Licensing and Road Closures) but do not include an estimated 4000 telephone calls per annum, which when included, lead to a total figure of over 16000 service actions.

Legal Implications

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

Financial Implications

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

Recommendations

33. 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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Agenda Item 7

LICENSING AND GAMBLING ACTS COMMITTEE

Tuesday 21 January 2014

COUNCILLORS PRESENT: Councillors Brett (Chair), Clarkson (Vice-Chair), Cook, Coulter, Curran, Goddard and Lygo.

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

15. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Canning, Campbell, Gotch, Hollick, Smith and Williams.

16. DECLARATIONS OF INTEREST

None made

17. LICENSING ACTIVITY UPDATE - AUGUST - DECEMBER 2013

The Head of Environmental Development submitted a report (previously circulated, now appended) concerning licensing activity from August to December 2013. Julian Alison (Licensing Team Leader) presented the report to the Committee and provided some background and context. He explained how officers dealt with issues of non-compliance, and that their methods had proved effective as the officers had not had to deal with the same premises twice.

Julian Alison informed the Committee that the Licensing Authority will now be setting up a "Night-time Economy Business Partnership" in the various areas of Oxford with contributions from Thames Valley Police, in order to modernise the existing "PubWatch" scheme in order to better address the objectives of the Trade and the NightSafe Partners.

The Chair and Committee thanked the General Licensing Team for all their hard work, especially in the field of enforcement. The Committee noted that the Licensing Authority had now joined the National Association of Licensing Enforcement Officers (NALEO) which would further progress the career development of the staff working in the General Licensing Team.

Resolved to note the report.

18. LICENSING ACT 2003 & GAMBLING ACT 2005: LICENCE FEES & CHARGES FOR THE 2014/15 FINANCIAL YEAR

The Head of Environmental Development submitted a report (previously circulated, now appended) concerning licence fees for 2014/15. Julian Alison (Licensing Team Leader) presented the report to the Committee. He explained that no changes were proposed to the current level of fees and charges on the

ground that there had been no significant increase in costs, and that costs were not expected to rise in the coming year.

Resolved to:

- (1) Note the licence fees set by statute;
- (2) Agree to licence fees for 2014/15 as set out in the report.

19. MINUTES

Resolved to confirm as a correct record the minutes of the meeting held on 5th September 2013.

20. DATES OF FUTURE MEETINGS

Resolved to note the dates of future meetings:-

Tuesday 10th June 2014;
Tuesday 23rd September 2014;
Tuesday 27th January 2015
Tuesday 19th May 2015.

The meeting started at 5.05 pm and ended at 5.15 pm