

# Agenda

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## Licensing and Gambling Acts Committee

Date: **Tuesday 19 May 2015**

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Time: **5.00 pm**

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Place: **St Aldate's Room, Town Hall**

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For any further information please contact:

**Sarah Claridge, Committee Services Officer**

Telephone: 01865 252402

Email: [sclaridge@oxford.gov.uk](mailto:sclaridge@oxford.gov.uk)

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As a matter of courtesy, if you intend to record the meeting please let the Contact Officer know how you wish to do this before the start of the meeting.

# Licensing and Gambling Acts Committee

## Membership

### Chair

The quorum for this meeting is three, substitutes are not allowed.

Future items to be discussed by the City Executive Board can be found on the Forward Plan which is available on the Council's [website](#)

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# AGENDA

## PART ONE PUBLIC BUSINESS

### Pages

#### 1 ELECTION OF CHAIR FOR THE COUNCIL YEAR 2015/16

The Licensing and Gambling Acts Committee elects Councillor .... to be the Chair for the Council Year 2015/16.

#### 2 ELECTION OF VICE-CHAIR FOR THE COUNCIL YEAR 2015/16

The Licensing and Gambling Acts Committee elects Councillor .... to be the Vice Chair for the Council Year 2015/16.

#### 3 APOLOGIES FOR ABSENCE

#### 4 DECLARATIONS OF INTEREST

#### 5 APPOINTMENT OF SUB-COMMITTEES

7 - 10

The Head of Law and Governance has submitted a report which establish licensing casework sub-committees for the 2015-16 Council Year to deal with casework flowing from the Council's responsibilities under the Licensing Act 2003 and the Gambling Act 2005.

**Officer recommendations:** That the Committee:

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;
3. agrees dates on which the Sub-Committees will meet if required.

#### 6 MINUTES

11 - 12

Minutes from 27 January 2015

**Recommendation:** That the minutes of the meeting held on 27 January 2015 be APPROVED as a true and accurate record.

#### 7 DATES OF FUTURE MEETINGS

14 September 2015  
26 January 2016  
19 May 2016



## **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.

\*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.

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**To:** Licensing and Gambling Acts Committee

**Date:** 19 May 2015

**Report of:** Head of Law and Governance

**Title of Report:** Appointment of Sub-Committees

### Summary and Recommendations

**Purpose of report:** To establish licensing casework sub-committees for the 2015-16 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

**Recommendations:** 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;
3. agrees dates on which the Sub-Committees will meet if required.

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 and 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 **Appendix** 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.

The Committee is asked to agree that the sub-committees will meet on

14 Jul 2015  
3 Aug 2015  
24 Aug 2015  
14 Sep 2015  
5 Oct 2015  
27 Oct 2015  
16 Nov 2015  
30 Nov 2015  
15 Dec 2015  
11 Jan 2016  
26 Jan 2016  
22 Feb 2016  
14 Mar 2016  
4 Apr 2016  
26 Apr 2016

And on other dates as are required.

**Name and contact details of author:-**

Jennifer Thompson  
Committee and Members Services Officer  
St. Aldate's Chambers St. Aldate's Oxford, OX1 1DS  
Tel: 01865 252275  
e-mail: [jthompson@oxford.gov.uk](mailto:jthompson@oxford.gov.uk)



**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

## LICENSING AND GAMBLING ACTS COMMITTEE

**Tuesday 27 January 2015**

**COUNCILLORS PRESENT:** Councillors Sinclair (in the Chair), Cook, Clarkson, Coulter, Goddard, Gotch, Henwood, Lygo, Munkonge and Wolff.

**OFFICERS PRESENT:** Julian Alison (Licensing Team Leader), Jill Cramer (Senior Licensing Officer), Daniel Smith (Law and Governance) and Sarah Claridge (Committee Services Officer)

### **9. NOMINATION OF THE CHAIR**

The Committee nominated Councillor Sinclair as the chair in the chair's absence.

### **10. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllr Brandt.

### **11. DECLARATIONS OF INTEREST**

There were no declarations of interest received

### **12. LICENSING AUTHORITY ACTIVITY REPORT APRIL TO DECEMBER 2014**

The Head of Environmental Development submitted a report (previously circulated, now appended) which detailed the progress made by the Licensing Authority under the Licensing Act 2003 and Gambling Act 2005 during the period: 1st April 2014 to 31st December 2014.

The Licensing Team Leader presented the report.

Cllr Cook arrived 6.05pm

The following comments were made:

- There has been a slight increase in activity from last year but only because of changes to the Licensing Act 2003 that allow the Authority to suspend licences when payment of the annual fee has not been made, which has led to a pro-active approach by the Team to visit venues that have debts outstanding and retrieve payments.
- Late night enforcement focuses solely on whether licensed premises are complying with the terms of their licences. Enforcement doesn't cover anti-social behaviour or other environmental issues in the wider community.
- There are no premises of serious concern at this present time within the city, though there are venues that are being monitored and improvements as to how those venues operate have been discussed by the Authority and Police with the owners of those businesses.

- A couple of premises have reached the maximum number of TENS allowed under the Licensing Act 2003 and therefore are not permitted any more this calendar year.

The Committee resolved to NOTE the contents of the report.

### **13. LICENSING FEES AND CHARGES FOR 2015/16**

The Head of Environmental Development has submitted a report which details the licensing fees for 2015/16.

The Licensing Team Leader presented the report. He explained that where the Council has discretion over the level of fee charged, fees have increased by 1.9% in line with inflation.

The Committee resolved to note the report and APPROVE the licensing fees and charges for 2015/16.

### **14. MINUTES**

The Committee welcomed Cllrs Henwood and Munkonge onto the Committee.

The Committee resolved to AGREE the minutes held on 10 June 2015 as a true and accurate record.

### **15. DATES OF FUTURE MEETINGS**

The Committee noted the next meeting would be held on 19 May 2015.

**The meeting started at 6.00 pm and ended at 6.15 pm**