

# Agenda

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## Council

Date: **Monday 8 February 2016**

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Time: **5.00 pm**

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Place: **Council Chamber, Town Hall**

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For any further information please contact:

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Officer**

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# Council

## Membership

<b>Lord Mayor</b>	<b>Councillor Rae Humberstone</b>	
<b>Deputy Lord Mayor</b>	<b>Councillor Colin Cook</b>	
<b>Sheriff</b>	<b>Councillor Sajjad Malik</b>	
<b>Members</b>	<b>Councillor Mohammed Abbasi</b>	<b>Councillor Chewe Munkonge</b>
	<b>Councillor Mohammed Altaf-Khan</b>	<b>Councillor Michele Paule</b>
	<b>Councillor Farida Anwar</b>	<b>Councillor Susanna Pressel</b>
	<b>Councillor Elise Benjamin</b>	<b>Councillor Jennifer Pegg</b>
	<b>Councillor Ruthi Brandt</b>	<b>Councillor Bob Price</b>
	<b>Councillor Susan Brown</b>	<b>Councillor Mike Rowley</b>
	<b>Councillor Bev Clack</b>	<b>Councillor Gwynneth Royce</b>
	<b>Councillor Mary Clarkson</b>	<b>Councillor Gill Sanders</b>
	<b>Councillor Van Coulter</b>	<b>Councillor Christine Simm</b>
	<b>Councillor Roy Darke</b>	<b>Councillor Craig Simmons</b>
	<b>Councillor Jean Fooks</b>	<b>Councillor Dee Sinclair</b>
	<b>Councillor James Fry</b>	<b>Councillor Linda Smith</b>
	<b>Councillor Andrew Gant</b>	<b>Councillor John Tanner</b>
	<b>Councillor Stephen Goddard</b>	<b>Councillor Richard Tarver</b>
	<b>Councillor Michael Gotch</b>	<b>Councillor Sian Taylor</b>
	<b>Councillor Mick Haines</b>	<b>Councillor David Thomas</b>
	<b>Councillor Tom Hayes</b>	<b>Councillor Ed Turner</b>
	<b>Councillor David Henwood</b>	<b>Councillor Louise Upton</b>
	<b>Councillor Sam Hollick</b>	<b>Councillor Oscar Van Nooijen</b>
	<b>Councillor Alex Hollingsworth</b>	<b>Councillor Elizabeth Wade</b>
	<b>Councillor Pat Kennedy</b>	<b>Councillor Ruth Wilkinson</b>
	<b>Councillor Ben Lloyd-Shogbesan</b>	<b>Councillor Dick Wolff</b>
	<b>Councillor Mark Lygo</b>	

The quorum for this meeting is 12 members.

### **HOW TO OBTAIN A COPY OF THE AGENDA**

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## SUMMONS

A meeting of the City Council will be held in the Council Chamber, Town Hall, on Monday 8 February 2016 at 5.00 pm to transact the business set out below.

*Peter Sloman*

Proper Officer

## AGENDA

	Pages
<b>PART 1 - PUBLIC BUSINESS</b>	
<b>1 APOLOGIES FOR ABSENCE</b>	
<b>2 MINUTES</b>	17 - 30
Minutes of the ordinary meeting of Council held on 7 December 2015. Council is asked to approve the minutes as a correct record.	
<b>3 DECLARATIONS OF INTEREST</b>	
<b>4 APPOINTMENT TO COMMITTEES</b>	
Any proposed changes will be circulated with the briefing note.	
<b>5 ANNOUNCEMENTS</b>	
Announcements by: (1) The Lord Mayor (2) The Sheriff (3) The Leader of the Council (4) The Chief Executive, Chief Finance Officer, Monitoring Officer	
<b>6 PUBLIC ADDRESSES AND QUESTIONS THAT RELATE TO MATTERS FOR DECISION AT THIS MEETING</b>	
Public addresses and questions to the Leader or other Board member received in accordance with Council Procedure Rule 11.11 and 11.12 relating	

to matters for decision on this agenda.

The request to speak accompanied by the full text of the address or question must be received by the Head of Law and Governance by 5.00pm on 2 February.

The briefing note will contain the text of addresses and questions submitted by the deadline, and written responses where available.

A total of 45 minutes is available for both public speaking items. Responses are included in this time. Up to five minutes is available for each public address or question.

## CITY EXECUTIVE BOARD RECOMMENDATIONS

### 7 PROPOSED FREEHOLD PURCHASE OF THE OLD SCHOOL, GLOUCESTER GREEN

31 - 36

The Executive Director of Regeneration and Housing submitted a report to the City Executive Board on 17 December 2015 requesting approval for the principle of acquiring the long leasehold interest in The Old School, Gloucester Green.

The proposed acquisition price and the positive impact on the return profile of the investment portfolio is set out in the confidential Appendix 1 circulated with the City Executive Board papers.

The relevant draft minute of the City Executive Board meeting is attached later in the agenda.

The Board Member will move the recommendations.

#### **Recommendation**

The City Executive Board recommends Council to increase the budget within the Council's capital programme by the requisite amount in 2015/16.

## COMMITTEE RECOMMENDATIONS

### 8 REVIEW OF THE STATEMENT OF LICENSING POLICY 2016 - 2021

37 - 132

The Head of Community Services submitted a report presenting the revised Statement of Licensing Policy, to the Licensing and Gambling Acts Committee on 26 January 2016.

The minutes (Minute 18) of that meeting state

*The Licensing Manager presented the report. He informed the Committee that approximately 1000 licensed premises or associations had been contacted about the consultation. The Licensing Authority had received just 4 consultation responses and no changes had been requested. He said that Thames Valley Police had confirmed that they wished the Special Saturation Policies to be continued without any changes to boundaries or scope.*

*The Committee resolved to:*

- 1. NOTE the comments received on the revised draft Licensing Policy Statement; and*
- 2. RECOMMEND COUNCIL to resolve to adopt the revised Licensing Policy Statement at its meeting on 8 February 2016.*

The Committee Chair will move the recommendation.

### **Recommendation**

Council is recommended to adopt the revised Licensing Policy Statement attached to this agenda.

## **OFFICER REPORTS**

### **9 OXFORD FLOOD ALLEVIATION SCHEME – DELEGATION OF PLANNING POWERS TO OXFORDSHIRE COUNTY COUNCIL**

133 - 136

The Head of Law and Governance has submitted a report outlining the proposed Oxford Flood Alleviation Scheme (“the Scheme”) and seeking approval for the delegation to the Oxfordshire County Council of any planning responsibilities that would otherwise be exercised by the Oxford City Council in relation to the Scheme.

The Board Member for Planning, Transport and Regulatory Service will move the recommendations and the Head of Law and Governance will be available to answer questions.

**Recommendations:** Council is recommended to:

1. delegate the discharge of the District Planning Authority functions of the Oxford City Council to the Oxfordshire County Council, in connection with the processing and determination of the expected planning application for the Oxford Flood Alleviation Scheme, under section 101 of the Local Government Act 1972;
2. authorise the Head of Planning and Regulatory Services, in consultation with the Head of Law of Governance, to negotiate and agree a Memorandum of Understanding with the Oxfordshire County Council to determine the operational arrangements of the delegation of the Oxford City Council’s planning functions in relation to the Scheme;
3. agree that a long stop date be placed on the delegation such that the delegation will be revoked if any Scheme application is not determined by the 18th February 2019.

### **10 COUNCIL AND COMMITTEE PROGRAMME MAY 2016 TO MAY 2017**

137 - 144

The Head of Law and Governance has submitted a report which sets out a programme of Council, Committee and other meetings for the 2016/17 council year (May 2016 to May 2017 inclusive) following a review agreed by

Council in December.

The Leader of the Council will move the recommendations and the Head of Law and Governance will be available to answer questions.

### **Recommendations**

That Council resolves to:

1. approve the programme of Council, Committee and other meetings attached at Appendix 1 for the council year 2016/17; and
2. delegate the setting of dates for the Standards Committee to the Head of Law and Governance.

## **QUESTIONS**

### **11 CITY EXECUTIVE BOARD MINUTES**

This item has a time limit of 15 minutes.

Councillors may ask the Board Members questions about matters in these minutes.

- |          |   |           |
|----------|---|-----------|
| <b>a</b> | <b>Minutes of meeting Thursday 17 December 2015</b> | 145 - 156 |
| <b>b</b> | <b>Minutes of meeting Thursday 14 January 2016</b>  | 157 - 160 |
| <b>c</b> | <b>Minutes of meeting Thursday 21 January 2016</b>  | 161 - 164 |

### **12 QUESTIONS ON NOTICE FROM MEMBERS OF COUNCIL**

Questions on notice from councillors received in accordance with Council Procedure Rule 11.10(b).

Questions on notice may be asked of the Lord Mayor, a Member of the City Executive Board or a Chair of a Committee. One supplementary question may be asked at the meeting.

The full text of questions must be received by the Head of Law and Governance by no later than 1.00pm on 1 February.

The briefing note will contain all questions submitted by the deadline, and written responses where available.

## PART 2 - PUBLIC INVOLVEMENT AND SCRUTINY

### 13 PUBLIC ADDRESSES AND QUESTIONS THAT DO NOT RELATE TO MATTERS FOR DECISION AT THIS COUNCIL MEETING

Public addresses and questions to the Leader or other Board member received in accordance with Council Procedure Rule 11.11 and 11.12 and not related to matters for decision on this agenda.

The request to speak accompanied by the full text of the address or question must be received by the Head of Law and Governance by 5.00pm on 2 February.

The briefing note will contain the text of addresses and questions submitted by the deadline, and written responses where available.

A total of 45 minutes is available for both public speaking items. Responses are included in this time. Up to five minutes is available for each public address or question.

### 14 OUTSIDE ORGANISATION/COMMITTEE CHAIR REPORTS AND QUESTIONS

165 - 168

1. On behalf of Councillor Price the Economic Development Manager has submitted a report on the work of the Oxfordshire Local Enterprise Partnership including its changing role, recent strategic developments, and impact on funding attraction and delivery.

**Council is invited to comment on and note the submitted report.**

2. Each ordinary meeting of Council shall normally receive a written report concerning the work of one of the partnerships on which the Council is represented.

The programme of reporting at future meetings will be:

- April 2016: Oxfordshire Growth Board
- July 2016: Community Safety
- September 2016: Environmental and Waste

3. Members who are Council representatives on external bodies or Chairs of Council Committees who consider that a significant decision or event has taken place, will give notice to the Head of Law and Governance **by 1.00 pm on Thursday 4 February** that they wish present a written or oral report on the event or the significant decision and how it may influence future events.

### 15 SCRUTINY COMMITTEE UPDATE REPORT

169 - 196

The Chair of the Scrutiny Committee has submitted a report which updates Council on the activities of scrutiny and other non-executive Councillors and the implementation of recommendations since the last meeting of Council.

Council is invited to comment on and note the report.

## PART 3 - MOTIONS REPRESENTING THE CITY

### 16 MOTIONS ON NOTICE

This item has a time limit of 60 minutes.

The full text of motions received by the Head of Law and Governance in accordance with Council Procedure Rule 11.17 by the deadline of 1.00pm on 1.00pm on 27 January is below. Motions will be taken in turn from the Liberal Democrat, Green, and Labour groups in that order.

Substantive amendments to these motions must be sent by councillors to the Head of Law and Governance by no later than 1.00pm on 4 February. The briefing note will list amendments submitted before its publication.

#### **Council is asked to consider the following motions:**

The first motion is a formal all-party motion. The Leader will propose suspending standing orders for the first motion only in order to formally adopt this and then move onto the 60 minutes allotted for the debate of the remaining motions.

#### **1. Fairtrade Mark (proposed by Councillor Price, seconded by Councillors Fooks and Simmons)**

All-party Labour, Liberal Democrat and Green member motion

Oxford City Council, as an important consumer and opinion leader, should continue to support and facilitate the promotion and purchase of foods with the FAIRTRADE Mark as part of its commitment to the pursuit of sustainable development and to give marginalised producers a fair deal.

Oxford City Council resolves to continue to contribute to the campaign to increase sales of products with the FAIRTRADE Mark by supporting the campaign to achieve the recertification of FAIRTRADE status for Oxford.

#### **To this end, Oxford City Council resolves to ask the Executive to:**

1. Continue to offer FAIRTRADE Marked food and drink options internally and make them available for internal meetings.
2. Promote the FAIRTRADE Mark using Fairtrade Foundation materials in refreshment areas and promoting the Fairtrade Towns initiative in internal communications and external newsletters.
3. Use its influence to urge local retailers to provide Fairtrade options for residents.
4. Engage in a media campaign to publicise the recertification of Oxford as a Fairtrade Towns initiative.
5. Nominate a Council representative to sit on the Fairtrade Steering Group.
6. Support on-going work to promote Fairtrade.
7. Continue to support organised events and publicity during national Fairtrade Fortnight – the annual national campaign to promote sales of products with the FAIRTRADE Mark



## **2. Affordable private housing (proposed by Councillor Gant, seconded by Councillor Wade)**

### Liberal Democrat member motion

#### Council notes

- the increasing inability of people on low and middle incomes to be able to afford to buy or rent in or near the city, and that this is hampering the efforts to attract or keep key workers such as nurses, teachers, social workers, junior university staff and other essential employees
- that there are examples of innovative approaches and solutions to this problem in other parts of the country. Examples include the partnership between Pocket Homes and the Mayor of London and the creative policy of Cambridge City Council to assist the university to house employees in housing they can afford as the 'affordable housing' element of a development
- the work in hand to consider setting up a Local Housing Company and welcomes the work being done to encourage Oxford University and the Hospital Trust to plan to provide housing for their staff.

Nevertheless, Council considers the need to be so great that, despite uncertainties in future Government policy which may prevent some desirable measures, it is urgent to explore all possible means of addressing the shortfall of essential affordable housing to rent or buy. I

**Council therefore asks the Executive Board to** ask officers to investigate with the utmost urgency what changes are needed in the city's policies to enable new models of housing and tenure to be allowed in new developments to help to meet this need. Council requests a report back to the April Council on the progress made.

## **3. Tackling Oxford's unaffordable private rented sector (proposed by Councillor Hollick, seconded by Councillor Thomas)**

### Green member motion

This Council notes that:

- Oxford's housing is the most unaffordable in the country
- the Private Rented Sector is a significant (>25%) and growing part of the market
- the high turnover of tenants in the City contributes to the higher rents
- the current Government's housing policies are only likely to make the housing situation in Oxford worse

This Council further notes that:

- Letting agencies contribute to the high cost of renting by charging up-front fees, and benefit from short-term tenancies which maximise revenue.
- neither landlords nor tenants are best served by this arrangement
- there is overwhelming popular support for rent control measures (59% for, 7% against)

- rent control is common in many cities and the benefits of certain types of rent control are well-researched (for example, see the recent study commissioned by Camden Council in 2014)

**This Council therefore asks the City Executive Board to** do what it can, using its influence and existing powers, to tackle unaffordability in the private rented sector in Oxford. Measures to include:

1. Setting up a new letting agency, either as part of the proposed housing company or separately, owned and operated by the Council
2. Operate this letting agency according to best practice by:
  - (a) charging no fees
  - (b) offering longer tenancies
  - (c) publishing and promoting fair rent levels

This letting agency should adhere to ‘third generation’ rent controls coupled with strong contractual rights (including first refusal rights on the next tenancy and flexibility for landlords wishing to occupy/sell and so on)

3. The Council should also offer accreditation to other agencies wishing to operate under this standard.

#### **4. LHA and Supported Housing (proposed by Councillor Hollingsworth, seconded by Councillor Rowley)**

##### Labour member motion

This Council notes that the provision of services to homeless and vulnerable adults in Oxford is already threatened by Oxfordshire County Council’s proposed cuts to budgets that support those services, at a time when the number of people either sleeping on the streets or at risk of sleeping on the streets is increasing sharply.

This Council therefore opposes absolutely proposals put forward by the Government in the 2015 Autumn Statement to cap Housing Benefit at the Local Housing Allowance (LHA) level on all tenancies, including supported accommodation, from 2018. The effect of this cap will be to make supported social housing such as homeless hostels, housing for vulnerable adults, the sick and the elderly, immediately financially unviable.

Housing Associations and charities have described the impact of this proposal as catastrophic. Even though the scheme does not come into effect for two years, already new sheltered and supported housing schemes are being put on hold or cancelled because it is not clear that the organisations running them will be able to afford to do so after 2018.

This Council believes that this Government, through this and other legislative and regulatory changes announced since the 2015 General Election, is committed to the wholesale destruction of all forms of social housing.

It further believes that this latest proposal, which will leave the most vulnerable people in our society – those with longstanding physical and

mental health problems, often stemming from service in our armed forces or from childhood trauma and abuse – literally on the streets without support, to be completely incompatible with the basic tenets of a civilised society.

**This Council therefore** supports the campaign led by the National Housing Federation and others against the proposed changes to the Housing Benefit cap, and asks the Leader of the Council to write urgently to both of Oxford's MPs asking them to oppose these proposals in the strongest possible terms and to instead support the properly funded provision of support for sheltered and supported accommodation for all vulnerable people in Oxford.

## **5. The Counter Terrorism and Security Act 2015 (proposed by Councillor Benjamin, seconded by Councillor Wolff)**

### Green member motion

This Council notes potential impact of implementing the 'Counter Terrorism and Security Act 2015', the Counter Extremism Strategy and the Investigatory Powers Bill on local authorities delivering frontline services, as well as those in the local community, such as landlords and religious leaders.

For example, a recent LGiU briefing highlighted, with reference to the Investigatory Powers Bill that:

“Advances in data capture, storage and analysis mean that local authorities now keep more bulk personal datasets, matching up data from a range of local services. This has enabled them to better understand customers need and target resources. Local Authorities will need to be mindful that such information could be used for security purposes and of the implications of this for their communities.”

There is a challenge for specified authorities, including local authorities, schools, the police, health and others, to implement new legal obligations in the exercise of their functions, in order to have 'due regard to the need to prevent people from being drawn into terrorism' and, especially for schools to promote 'British values', in order to ensure the protection of vulnerable adults and young people at risk of radicalisation.

The legislation, like all laws based on 'suspicion' could breach free speech and professional confidentiality and with its legal obligations places responsibilities on officers of the Council that may be deemed unfair. There is also the fear that a network of false accusations could arise wasting precious police time and stigmatising specific young people. However, these fears and challenges need to be balanced with ensuring that vulnerable people are safeguarded from exploitation by extremists.

**This Council therefore asks the Executive Board to** work collaboratively and sensitively with officer, professional groups, schools, trade unions, local faith groups and others to ensure that implementation of the new duty is done constructively and in consultation with local communities as appropriate

## **6. Scrapping of student grants and curbing of access to higher education for disadvantaged young people (proposed by Councillor Hayes, seconded by Councillor Hollingsworth)**

### Labour member motion

This Council supports fair access and widening participation in higher education, and believes that these are important for making society more equal, in Oxford and across the country.

Accordingly, this Council notes with concern the Government's plan to scrap maintenance grants for up to 500,000 of the poorest university students, including those attending our city's universities.

This Council further notes that the poorest 40% of university students in England will graduate with an extra £12,500 of debt for a three-year course, according to research by the Institute of Fiscal Studies.

This Council is concerned that scrapping grants risks putting many young people off applying to university, including many from disadvantaged backgrounds. A 2014 study by the Institute of Education has shown that a £1,000 rise in grants created a nearly 4% increase in participation.

**This Council asks the Council Leader to write to Oxford's Members of Parliament to express our dissatisfaction with the abolition of grants and make representations to the Prime Minister and Secretary of State for Education about the impact of the loss of grants on students at our city's universities, particularly those from poorer backgrounds.**

## **7. Climate Change and Government Policy (proposed by Councillor Brandt, seconded by Councillor Simmons)**

### Green member motion

In the light of the recent COP 21 Paris Summit which included, for the first time, a global agreement on stabilising and reducing damaging greenhouse gas emissions, this Council calls upon the government to reconsider policy changes which have made it more difficult for the Council and other local authorities to take action to help tackle climate change.

For example:

- Reductions in government subsidies for solar panels and other green energy sources;
- The discontinuation of Green Deal funding for loans to homeowners and private landlords to install insulation and other energy efficiency measures;
- Recent changes to planning policy, which make it more difficult for Councils to require developers to build new homes to high environmental standards.

This council is committed to playing its part in global efforts to limit the extent of future climate change, and local efforts to respond to the impacts of climate change on residents, businesses and the local environment. It recognises that, in cities like Oxford which it is predicted will suffer from

increased flooding due to climate change, inaction carries a real human and economic cost.

**This Council therefore calls upon the Council Leader, in collaboration with other Group Leaders, to write to Oxford's MPs asking them to lobby the Government to live up to the commitments it made at COP 21 and invest more in tackling climate change.**

**8. Community Involvement in Community Centres (proposed by Councillor Wolff, seconded by Councillor Simmons)**

1. This Council believes that the essence of community work is not so much the delivery of services but the building of stronger, more cohesive and more resilient neighbourhood communities.

2. Recognising that the Council's proposed Tier 1 'community hubs' may also be places where a wide range of services are delivered, Council recognises the danger that the community work objectives may be sidelined or even undermined.

3. Council therefore welcomes the statement in the Community Centres Strategy (currently out for public consultation) "The Council's preferred position is that robust, sustainable community organisations manage the centres".

4. Council believes that independent and locally accountable Community Associations should have a key role in ensuring that all the Council centres deliver on the key community work objective described in para 1.

**17 MATTERS EXEMPT FROM PUBLICATION AND EXCLUSION OF THE PUBLIC**

If Council wishes to exclude the press and the public from the meeting during consideration of any aspects of the preceding agenda items it will be necessary for Council to pass a resolution in accordance with the provisions of Section 100A(4) of the Local Government Act 1972 specifying the grounds on which their presence could involve the likely disclosure of exempt information as described in specific paragraphs of Part 1 of Schedule 12A of the Act if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

(The Access to Information Procedure Rules – Section 15 of the Council's Constitution – sets out the conditions under which the public can be excluded from meetings of the Council)

**UPDATES AND ADDITIONAL INFORMATION TO SUPPLEMENT THIS AGENDA ARE PUBLISHED IN THE COUNCIL BRIEFING NOTE.**

Additional information, councillors' questions, public addresses and amendments to motions are published in a supplementary briefing note. The agenda and briefing note should be read together.

The Briefing Note is published as a supplement to the agenda. It is available on the Friday before the meeting and can be accessed along with the agenda on the council's website.

## **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.

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<sup>1</sup>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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## MINUTES OF THE COUNCIL

Monday 7 December 2015



**COUNCILLORS PRESENT:** Councillors Humberstone (Lord Mayor), Cook (Deputy Lord Mayor), Abbasi, Altaf-Khan, Anwar, Benjamin, Brandt, Brown, Clarkson, Coulter, Darke, Fooks, Fry, Gant, Goddard, Gotch, Haines, Hayes, Henwood, Hollick, Hollingsworth, Kennedy, Lygo, Munkonge, Paule, Pegg, Pressel, Price, Rowley, Royce, Sanders, Simm, Simmons, Sinclair, Smith, Tanner, Tarver, Taylor, Thomas, Turner, Upton, Van Nooijen, Wade, Wilkinson and Wolff.

Council heard tributes and observed a minute's silence in memory of former Councillor and Lord Mayor Betty Standingford and former Chair of the Bonn Link Harold Williams.

Council heard tributes and observed a minute's silence in memory of former Councillor and Lord Mayor Betty Standingford and former Chair of the Bonn Link Harold Williams.

### **53. APOLOGIES FOR ABSENCE**

Councillors Clack, Lloyd-Shogbesan and Malik submitted apologies.

### **54. MINUTES**

Council agreed to approve the minutes of the ordinary meeting held on 23 September 2015 as a true and correct record.

### **55. DECLARATIONS OF INTEREST**

Councillors Clack, Lloyd-Shogbesan and Malik submitted apologies.

### **56. APPOINTMENT TO COMMITTEES**

Council agreed to appoint with immediate effect:

- Scrutiny Committee - Councillor Pegg to replace Councillor Upton with immediate effect.

### **57. ANNOUNCEMENTS**

The Lord Mayor informed Council of 17

- His official visit to Perm
- An official visit from representatives from Leiden
- The lighting of the Menorah in Bonn Square
- The death of John Thompson, former tree officer of the Council and responsible for planting 10,000 trees.

Councillor Fooks spoke about his work.

The Leader of the Council:

- announced the Civic Office holders for the 2016 municipal year would be:
  - o Lord Mayor – Councillor Altaf Khan
  - o Deputy Lord Mayor – Councillor Humberstone
  - o Sheriff – Councillor Brown
- and gave an update on the devolution bid.

The Lord Mayor welcomed newly elected councillor Jennifer Pegg to the Council.

## **58. PUBLIC ADDRESSES AND QUESTIONS THAT RELATE TO MATTERS FOR DECISION AT THIS MEETING**

There were no addresses or questions in this section.

## **59. NORTHWAY AND MARSTON FLOOD ALLEVIATION SCHEME PROJECT**

Council considered a report to the City Executive Board on 12 November seeking project approval for the Northway and Marston Flood Alleviation Scheme.

**Council resolved to:**

**include the additional budget of £928,000 for the Northway and Marston Flood Alleviation Scheme in the Capital Programme (£2,196,000 financed from external funding, £400,000 financed from Council capital).**

## **60. OXPENS DELIVERY STRATEGY**

Council considered a report to the City Executive Board on 15 October which provides an update and seeks approval for an amendment to the Oxpens Delivery Strategy and budgetary adjustments.

The Board Member undertook to build in time to allow full scrutiny of the joint venture company plans.

**Council resolved to:**

**approve the establishment of a capital budget of £8.4m to progress the project through the next stages.**

## **61. REVIEW OF THE STATEMENT OF GAMBLING LICENSING POLICY**

The Lord Mayor certified this as an urgent item under S100B (4) of the Local Government Act 1972.

The reason for urgency is that the consultation closed on 26 November and the report was not added to the agenda until the Chair and Vice-Chair had reviewed the comments. This was after the publication date of 27 November.

Council considered a report which detailed the revised Statement of Gambling Licensing Policy. The Statement was unchanged from that approved by the Licensing and Gambling Acts Committee for consultation at its meeting on 14 September.

**Council resolved to:**

**adopt the Statement of Gambling Licensing Policy as attached to the agenda effective from 31 January 2016.**

## **62. LOCAL GOVERNMENT PENSION SCHEME - REVIEW OF FLEXIBLE RETIREMENT DISCRETIONS**

Council considered a report presenting for approval two revisions to the Council's Flexible Retirement Policy.

**Council resolved to:**

**1. approve two revisions to the Flexible Retirement Policy (incorporated within the existing Pension & Retirement Options Statement attached at Appendix 1) with effect from 8th January 2016, namely:**

- a) to permit employees to choose a 'partial draw-down' of benefits; and**
- b) reduce the minimum level of salary/hours reduction from 40% to 20%**

**2. authorise the Corporate Lead for HR & Organisational Development in conjunction with the Head of Law and Governance and Director for Organisational Development and Corporate Services to amend the policy from time to time in order to correct any factual or legal errors.**

## **63. CONSTITUTION AMENDMENTS - CONTRACT RULES**

Council considered a report recommending changes to the contract rules in Section 19 of the Council's constitution.

Council noted that the rules included the requirements for contractors to fit sidebars where practicable, in accordance with the motion adopted on 1 December 2014.

**Council resolved to:  
approve, with immediate effect, the amendments to the Constitution as set out outlined in the report and in Appendix 1.**

#### **64. COUNCIL AND COMMITTEE PROGRAMME MAY 2016 TO MAY 2017**

Council considered a report proposing the programme of Council and committee meetings for the 2016/17 council year (May 2016 to May 2017 inclusive).

The Leader proposed adopting this as a working document for subsequent amendment to avoid where possible school holidays and religious festivals; and produce a final draft when all comments had been absorbed.

**Council resolved to:  
adopt the draft programme of meetings as a working document for subsequent amendment to avoid where possible school holidays and religious festivals; and produce a final draft when all comments had been absorbed .**

#### **65. CITY EXECUTIVE BOARD MINUTES**

Council had before it the minutes of the City Executive Board meetings of 15<sup>th</sup> October and 12<sup>th</sup> November 2015

On Minute 93, Councillor Fooks asked if the guidance on planning rules for conservation areas was published and if the impact of pre-application advice charges could be monitored to check for any adverse effects of charging for householder applications

The Board Member said he would check if the advice was published; and there would be monitoring.

On Minute 113 Councillor Fooks asked when the meeting for members and officers to discuss further matters relating to Indicator 22 would take place.

The Board Member replied this would be held as soon as practicable.

#### **66. QUESTIONS ON NOTICE FROM MEMBERS OF COUNCIL**

Members of Council submitted 37 written questions to Board Members and the Leader of the Council. Written answers and summaries of supplementary questions and responses are in the supplement to these minutes.

## **67. PUBLIC ADDRESSES AND QUESTIONS THAT DO NOT RELATE TO MATTERS FOR DECISION AT THIS COUNCIL MEETING**

Council heard addresses from members of the public. The full text of the addresses where these were delivered as submitted; and questions and responses are in the supplement to these minutes.

1. Judith Harley, on behalf of herself, Nigel Gibson and Sarah Lazenby who had submitted addresses on the same topic, addressed Council about Save Temple Cowley Pools Campaign's request to stop demolition of the building.

The Chief Executive and Councillor Turner reiterated the Council's role as freeholder of the site and referred to the response set out in the supplement.

2. Dr Judy Webb, of the Friends of Lye Valley, addressed Council about a petition to ask Councillors, should they decide not to develop the space at Warren Crescent Site 60, to preserve it as Local or Public Access Green Space.

Councillor Hollingsworth responded that the planning committee would determine the extant planning application its merits and he appreciated the important points about the Lye Valley regardless of the outcome of the application.

3. Colin Aldridge, of East Oxford Community Centre, addressed Council asking them to put the management of EOCC back in the hands of the community and help them improve the centre.

Councillor Simm responded that community centres must meet the community's needs and be well used, and be well maintained and improved to good standards, and outlined the plans for the East Oxford centre. She said that consultation on the draft community centre strategy would start shortly.

4. Benny Wenda, of the Free West Papua campaign, addressed Council thanking members for the ongoing support shown for the campaign.

Councillor Price thanked Benny Wenda for his speech and conveyed the good wishes of the Rt Hon Andrew Smith MP.

5. Nigel Gibson, Save Temple Cowley Pools campaign, asked the Board Member 'Will you recognise your core strategy policy obligations under CS21 and tell Catalyst to defer demolition until after a successful planning application for their proposed new development?'

Councillor Turner responded that a written answer was available in the published supplement.

6. Rosemary Harris asked the Board Member 'Will the Council ensure that Network Rail removes this requirement from its noise insulation package and provide extra acoustic glazing to all affected houses if the operational noise is higher than predicted for non-statutory insulation?'

Councillor Hollingsworth responded that the planning permission includes provisions for noise levels to be predicted in an approved way, then for noise mitigation to be offered where appropriate. They include a requirement to check the performance of noise mitigation measures (including noise insulation) and correct them if found to be defective in construction or performance. Once these provisions are met the conditions of the permission are discharged and the Council could not, therefore, require Network Rail to offer further insulation packages to cover a change in the circumstances of buildings. And since it has approved the noise predictions, as contained within the relevant Noise Scheme of Assessment, it could not require further measures if these proved to be under-estimates. However, our officers see no reason for this situation to occur, given the robustness of those predictions and the adequacy of mitigation measures.

The Lord Mayor thanked those speaking.

#### **68. PETITIONS SCHEME - PETITION ASKING FOR SUPPORT FOR REFUGEES AND ASYLUM SEEKERS**

Council considered a petition meeting the criteria for debate under the Council's petitions scheme.

The text of the petition reads: *To Oxfordshire County Council, Cherwell District Council, Oxford City Council, South Oxfordshire District Council, Vale of White Horse District Council & West Oxfordshire District Council: Give shelter, support and a fair hearing to refugees and asylum seekers in our community. Work with existing organisations like Oxford City of Sanctuary, Refugee Resource & Asylum Welcome to help those who are already here and to take in more who are desperately in need.*

The head petitioner, Ms Emma Jones, addressed the meeting in support of the petition.

After debate, the recommendations below were moved, seconded, and agreed on being put to the vote.

#### **Council resolved to:**

- 1. ask the City Executive to continue to work with the coordination group and organisations and do as much as possible to help refugees who come through any route;**
- 2. ask officers to look at the interpretation of 'no local connection' in terms of refugees and not apply transient status to them when considering applications for housing support;**

3. **look at helping Asylum Welcome and other related organisations with their core staffing and funding to increase capacity**
4. **follow through on the commitment to be a City of Sanctuary and consider the status as a City of Sanctuary in law and reality.**

#### **69. PETITIONS SCHEME - EAST OXFORD COMMUNITY CENTRE**

Council considered a petition meeting the criteria for debate under the Council's petitions scheme.

The text of the petition reads: *Help Stop Labour controlled Oxford City Council takeover of East Oxford Community Centre. We the undersigned hereby demonstrate our support for keeping the management of EOCC under the control of the people of East Oxford.*

The head petitioner, Mr Artwell, addressed the meeting in support of the petition.

Councillor Simmons circulated in writing a proposed recommendation: that Council instructs officers to work with members of the East Oxford Community Association on a plan to bring the Community Centre back under community governance with the necessary officer support.

Councillors Simm and Tanner proposed an amended recommendation: to ask the City Executive Board to instruct officers to maintain ongoing communications with members of the East Oxford Community Association and provide necessary officer support

After debate, the amended recommendation was moved, seconded, and agreed on being put to the vote.

**Council resolved to:**

**ask the City Executive Board to instruct officers to maintain ongoing communications with members of the East Oxford Community Association and provide necessary officer support.**

#### **70. OUTSIDE ORGANISATION/COMMITTEE CHAIR REPORTS AND QUESTIONS**

Council had before it the report of the Leader of the Council outlining the work of the Oxfordshire Strategic Partnership.

Councillor Price moved the report.

Council noted the report without comment

Council had before it the report of Councillor Turner outlining the work of the Oxfordshire Health Improvement Board.

Councillor Turner moved the report, highlighting health inequalities, transparency in contracts, and public health funding.

In response to questions he said:

through the Health Improvement Board we have had useful discussions about how GPs can make referrals to us where we have enforcement powers or people can access homelessness services or energy efficiency help, but there is limit to what the board can do. The board was looking at commissioning and funding for homelessness hostels and involving the CCGs and county council in these discussions.

Council noted the report.

## **71. SCRUTINY COMMITTEE UPDATE REPORT**

Council had before it the report of the Scrutiny Committee Chair.

Councillor Simmons moved the report and highlighted the work of the committee and the review panels.

Council noted the report.

## **72. MOTIONS ON NOTICE**

Council had before it six motions on notice and amendments submitted in accordance with Council procedure rule 11.17, and reached decisions as set out below.

### **1. Housing and Planning Bill**

Councillor Rowley proposed his submitted motion, seconded by Councillor Price.

After debate and on being put to the vote the motion was declared carried.

**Council resolved to adopt the motion set out below:**

***This Council notes:***

- ***that the Housing and Planning Bill is currently being debated in Parliament, and if passed would threaten the provision of affordable homes for rent and buy through forcing "high-value" council homes to be sold on the open market, extending the "right to buy" to housing association tenants, and undermining section 106 requirements on private developers to provide affordable homes;***
- ***that there is no commitment in the Bill that affordable homes will be replaced like-for-like in the local area - indeed, in Oxford it is very difficult to see how this could work financially;***
- ***that whilst measures to help first-time buyers are welcome, the "starter homes" proposals in the Bill will be unaffordable to families***



- and young people on ordinary incomes in most parts of the country, will not preserve the taxpayer investment, and will be built at the expense of genuinely affordable homes to rent and buy;*
- that the Bill undermines localism by taking yet more new wide and open-ended powers for the Whitehall over councils and local communities - including the ability to override local plans, to mandate rents for social tenants, and to impose a levy on stock-holding councils, violating the terms of the housing revenue account self-financing deal; and*
  - that the Bill, whilst introducing some welcome measures to get to grips with rogue landlords, does not help with the high rents, poor conditions and insecurity affecting many private renters, in an expanding sector which now houses more than one in four households in Oxford, and does nothing to help arrest the recent rise in homelessness.*

***This Council:***

- congratulates those involved in the Council's statistical research, which presents a clear picture of Oxford to the public and greatly helps us as Members to argue the case for Oxford; and*
- thanks officers for the work they have done in preparing a robust response to the Government's consultation on the Bill.*

***This Council therefore resolves to ask the Executive Board:***

- 1. to analyse and report on the likely impact of the forced sale of council homes, the extension of right-to-buy and the "starter homes" requirement on the local availability of affordable homes, and any further impacts of the Bill on our City;*
- 2. to support the Leader of the Council in writing to the Secretary of State with our concerns about the Bill;*
- 3. to ask for urgent meetings for the Leader of the Council, the Chief Executive and relevant Board Members and Officers, with our two local MPs, and with the relevant Minister in the DCLG; and*
- 4. to make public our concerns by publishing this Motion prominently on the Council's website, and by promoting our concerns through the local and, if possible, national press;*
- 5. to set up an urgent meeting between the Leader of the Council , Board Member for Housing and the Chief Executive with the local Members of Parliament to raise our concerns;*
- 6. to make public our concerns, including by publishing the above information on the council's website and promoting through the local press.*

## 2. Procurement and tax

Councillor Fooks proposed her submitted motion, seconded by Councillor Wilkinson:

*Council notes that*

- *Corporate tax evasion and avoidance are having a damaging impact on the world's poorest countries, to such a level that it is costing them far more than they receive in aid*
- *this is costing the UK as much as £30bn a year*
- *this practice also has a negative effect on small and medium-sized companies who pay more tax proportionately*

*Council further notes*

- *that the UK Government has taken steps to tackle the issue of tax avoidance and evasion by issuing Procurement Policy Note 03/14, applying to all central government contracts worth more than £5m*
- *the availability of independent means of verifying tax compliance, such as the Fair Tax Mark*

*In early 2015 new regulations required public bodies, including councils, to ask procurement qualification questions of all companies for tenders over £173,000 for service contracts and £4m for works contracts. However, these questions are not as detailed as the PPN 03/14.*

*Oxford City Council currently requires companies to have ethical and social policies. Council believes that it should also require bidders for Council contracts to account for their past tax record, using the standards in PPN 03/14, rather than the lower standards in the recent regulations.*

*Council therefore calls for the new procurement procedures, currently being drawn up, to be amended to require all companies bidding for council contracts to self-certify that they are fully tax-compliant in line with central government practice, this to apply to all contracts worth over £173,000 for service contracts and above £4m for works contracts.*

*Council asks the Executive Board to publicise this policy and requests a report on its implementation to be presented to Council annually for the next three years.*

Councillor Price proposed an amendment, seconded by Councillor Hollingsworth. This was accepted by Councillor Fooks:

Delete the penultimate paragraph; and amend the final paragraph to read;  
*Council asks the City Executive Board to commission officers to investigate whether and how this policy could be effectively included in the Council's Procurement Procedures.*

Councillor Simmons proposed a minor amendment to the original motion, submitted in writing and then amended in the light of the above.

insert '*Taking into account the need not to unfairly prejudice small businesses*' after '*...included in the Council's Procurement Procedures*'

Councillor Fooks and Councillor Price accepted this amendment.

After debate and on being put to the vote the motion as amended was declared carried.

**Council resolved to adopt the motion set out below:**

**Council notes that**

- **Corporate tax evasion and avoidance are having a damaging impact on the world's poorest countries, to such a level that it is costing them far more than they receive in aid**
- **this is costing the UK as much as £30bn a year**
- **this practice also has a negative effect on small and medium-sized companies who pay more tax proportionately**

**Council further notes**

- **that the UK Government has taken steps to tackle the issue of tax avoidance and evasion by issuing Procurement Policy Note 03/14, applying to all central government contracts worth more than £5m**
- **the availability of independent means of verifying tax compliance, such as the Fair Tax Mark**

**In early 2015 new regulations required public bodies, including councils, to ask procurement qualification questions of all companies for tenders over £173,000 for service contracts and £4m for works contracts. However, these questions are not as detailed as the PPN 03/14.**

**Oxford City Council currently requires companies to have ethical and social policies. Council believes that it should also require bidders for Council contracts to account for their past tax record, using the standards in PPN 03/14, rather than the lower standards in the recent regulations.**

***Council asks the City Executive Board to commission officers to investigate whether and how this policy could be effectively included in the Council's Procurement Procedures, taking into account the need not to unfairly prejudice small businesses***

### 3. Reforming Local Government Finance

Councillor Simmons proposed his submitted motion, seconded by Councillor Hollick:

*This Council notes the recent exchange of correspondence between the Leader of the County Council and the MP for Witney. This Council regrets the damaging social effects of the Government's austerity measures. In particular, it is concerned about the cuts to local Government finance which are affecting Oxford City and Oxfordshire County Council's at a time when local Government is facing increasing demands on its services.*

*This Council therefore asks the Leader to write to Oxfordshire's MPs asking them to lobby for the following changes to local Government financing for the City and County:*

- *Remove the 2% Council Tax cap.*
- *Give the Council the freedom to extend Council Tax bands.*
- *Remove the ring-fencing restrictions on some Council budgets.*
- *Re-direct some funding from the various economic development quangos to the Council.*
- *Give Councils the freedom to set their own Council house rent levels.*
- *Allow for higher levels of prudential borrowing.*
- *Reverse the cuts to the local Government funding and instead invest in a better, brighter future for the people of Oxfordshire.*

Councillor Turner proposed an amendment:

*To delete the third, fourth and fifth bullet points.*

On being put to the vote the amendment was declared carried.

On being put to the vote, the amended motion was declared carried.

**Council resolved to adopt the motion set out below:**

***This Council notes the recent exchange of correspondence between the Leader of the County Council and the MP for Witney. This Council regrets the damaging social effects of the Government's austerity measures. In particular, it is concerned about the cuts to local Government finance which are affecting Oxford City and Oxfordshire County Council's at a time when local Government is facing increasing demands on its services.***

***This Council therefore asks the Leader to write to Oxfordshire's MPs asking them to lobby for the following changes to local Government financing for the City and County:***

- ***Remove the 2% Council Tax cap.***
- ***Give the Council the freedom to extend Council Tax bands.***

- ***Allow for higher levels of prudential borrowing***
- ***Reverse the cuts to the local Government funding and instead invest in a better, brighter future for the people of Oxfordshire.***

#### **4. Network Rail**

Council agreed to suspend standing orders to permit the conclusion of debate on this item.

Councillor Gotch proposed his submitted motion, seconded by Councillor Goddard.

After debate and on being put to the vote the motion was declared carried.

***Council resolved to adopt the motion set out below:***

***Residents of Upper Wolvercote have been frequent complainants, for 6 months or so, to Oxford City Council and Network Rail during construction of the new east/west rail link. Reasons include excessive noise, fumes , and vibrations causing damage to nearby houses, and by the felling of nearly all mature trees on embankments – in spite of Network Rail’s claim to be an environmentally conscious and sensitive organisation .***

***Network Rail has exercised its statutory right to carry out engineering operations on railway land without external sanction.***

***The Public Inquiry Inspector recommended conditions, endorsed by the Secretary of State, that are mainly concerned with rail service operations, not construction, and the City has not found them useful in monitoring or preventing poor practice during construction.***

***Council, therefore, calls on central government to pass legislation removing all permitted development rights for projects on railway land, and requiring railway operators to apply to the local planning authority for detailed planning permission for engineering operations on railway land – as with any other landowner. Landscaping issues would need to be included in any application, as well as good construction practice details. Administration costs and costs of officers’ time and consultants’ services would be paid by applicants, and exemptions would be safety related projects.***

#### **5. Disastrous changes to housing policy (proposed by Councillor Hollick)**

This motion was not considered due to a lack of time. (as set out in Procedure Rule 11.17(d) )

**6. Implementing the Counter Terrorism and Security Act 2015 (proposed by Councillor Benjamin)**

This motion was not considered due to a lack of time. (as set out in Procedure Rule 11.17(d) )

**The meeting started at 5.00 pm and ended at 9.45 pm**

**To:** City Executive Board  
**Date:** 17 December 2015  
**Report of:** Director of Regeneration & Housing  
**Title of Report:** The Old School, Gloucester Green

## Summary and Recommendations

**Purpose of report:** Approve the principle of acquiring the long leasehold interest in The Old School, Gloucester Green.

**Key decision:** Yes

**Executive lead member:** Councillor Ed Turner

**Policy Framework:** Efficient and effective Council

**Recommendation(s): That the City Executive Board resolves to:**

1. **Approve** the acquisition of the long leasehold interest in The Old School, Gloucester Green providing the Council's investment portfolio with additional income of £58,000 per annum, and make a recommendation to Council to increase the budget within the Council's capital programme by the requisite amount in 2015/16.

## Appendices

Appendix 1 – Not for publication (Acquisition price and impact on return profile of investment portfolio)

Appendix 2 - Risk Register

## Background

1. The Council has an opportunity to acquire the long leasehold interest in The Old School, Gloucester Green.

2. The City Council owns the freehold interest in the whole property comprising a total of 7,091 ft<sup>2</sup>. The property is occupied by a restaurant (My Sichuan Restaurant) on two separate leases. The majority (i.e. 5,796 ft<sup>2</sup> being 81.7%) is subject to a long lease to a private investor for a peppercorn only, meaning the City Council receives no economic benefit from the majority of the building. The long lease expires in 2122. The private investor has a lease with the restaurant which occupies the property. The proposal is for the Council to acquire the long leasehold interest, and benefit from the income from the occupational lease.
3. The remaining 1,295 ft<sup>2</sup> (18.3% by area) which is not subject to a long lease is let by the Council on an occupational lease to My Sichuan Restaurant Limited at a rent of £35,000 per annum, which equates to £27.03 per ft<sup>2</sup>. This lease runs until September 2031.
4. The long leasehold part of the property - i.e. the target acquisition – is also let to My Sichuan Restaurant Limited on an occupational lease expiring in 2025 at a current rent of £58,000 per annum (equating to £10.01 per ft<sup>2</sup>). There are two further rent reviews in 2018 and 2022.
5. The City Council believes an offer would be taken seriously by the Vendor.
6. In summary, the acquisition:-
  - Would fit with the City Council's strategic plans for Gloucester Green in terms of ownership and control.
  - Is priced attractively for a City Centre retail property with good income potential in the medium-term.
  - May present the City Council with some valuation uplift as a direct result of the financial covenant of My Sichuan Restaurant improving in the medium to long-term; the restaurant has an improving national profile.
7. The proposed acquisition price and the positive impact on the return profile of the investment portfolio is set in Appendix 1 (confidential).

## **Legal Issues**

8. The property, and its Title, is well known to the City Council. By acquiring the long leasehold interest, the City Council will be creating an unencumbered freehold interest across the whole property in effect



because the long lease (currently in favour of the Vendor) can be dissolved at the City Council's discretion.

9. The required legal due diligence can be readily managed in-house.

### **Financial Issues**

10. The acquisition would be funded through prudential borrowing the revenue cost for which, including the repayment of borrowing, would be around £42k per annum. The additional rent would be £58k per annum i.e. a net increase in income of around £16k per annum (post the cost of borrowing).

### **Environmental Impact**

11. There is no environmental impact.

### **Risk Register**

12. The Risk Register is included as Appendix 2.

### **Equalities Impact**

13. There is no equalities impact.

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

Name: Jane Winfield  
Job title: Service Manger  
Regeneration & Major Projects  
Tel: 01865 252551 E-mail: [jwinfield@oxford.gov.uk](mailto:jwinfield@oxford.gov.uk)

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## Appendix 2 - Risk Register – Acquisition of Long Leasehold interest in The Old School, Gloucester Green

No.	Risk Description	Gross Risk		Cause of Risk	Mitigation	Current Risk	Further Management of Risk: Transfer/Accept/Reduce/Avoid		Monitoring Effectiveness	Residual Risk		
Risk Score Certain		Impact Score: 1 = Insignificant; 2 = Minor; 3 = Moderate; 4 = Major; 5 = Catastrophic						Probability Score: 1 = Rare; 2 = Unlikely; 3 = Possible; 4 = Likely; 5 = Almost				
		I	P			I	P			I	P	
1	My Sichuan Restaurant defaults on rent.	3	1	Poor trading as a restaurant.	Either (i) agree a re-gear with My Sichuan Restaurant, or (ii) accept a lease surrender back to back with a more favourable letting.	2	1	Monitor My Sichuan Restaurant's trading performance with regular dialogue.	Strong.	2	1	
2	Abject market failure in the capital markets in the short-term.	4	2	Economic and political imbalances.	Hold the investment until capital markets (i.e. pricing) improves.	3	2	Accept, and avoid by holding the investment into improved market fundamentals.	Limited.	3	2	

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**To:** Licensing and Gambling Acts Committee

**Date:** 26 January 2016

**Report of:** Head of Community Services

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

## Summary and Recommendations

**Purpose of report:** To report back to the Licensing and Gambling Acts Committee so that the Committee can recommend a Revised Statement of Licensing Policy for adoption by Council.

**Report Approved by:**

Finance: Paul Swaffield

Legal: Daniel Smith

**Recommendation:** That the Licensing and Gambling Acts Committee resolves to:

- a) consider the comments received on the revised draft Licensing Policy Statement;
- b) resolve whether any amendments to the revised draft Licensing Policy Statement are necessary in the light of the comments received, and permit the Head of Law & Governance and the Head of Community Services to make any appropriate amendments; and
- c) subject to any amendments to the draft, recommend Council to adopt the revised Licensing Policy Statement at its meeting on 8 February 2016.

## Additional Papers

**Appendix 1: Responses to consultation**

**Appendix 2: Index of amendments to draft Policy**

**Appendix 3: Draft Statement of Licensing Policy**

## Introduction

1. The Committee is reminded that all licensing authorities must adopt a Statement of Licensing Policy. This statement must promote the four licensing objectives of the Licensing Act 2003 (the 2003 Act), which are:
  - The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm

2. The Council is obliged to determine and publish a "Statement of Licensing Policy" (SLP) and to keep it under review and to republish it at least every five years. The SLP sets out how the Licensing Authority intends to exercise its functions under the 2003 Act. In carrying out our functions we must also have regard to the "Guidance issued under section 182 of the Licensing Act 2003" by the Home Secretary. These measures ensure clarity and consistency across all authorities in England and Wales. Revised guidance came into force in March 2015.
3. The Committee agreed a revised draft SLP at its meeting on 14 September 2015. The Committee also agreed a 6 week consultation period following the meeting.

### **Purpose of the Statement of Licensing Policy**

4. The SLP has four main purposes, these are:
  - To highlight for elected Members on the Licensing and Gambling Acts Committee, the boundaries and powers of the Authority and to provide parameters within which to make decisions. The Authority will be able to test applications against the criteria set out in the SLP and if necessary and where relevant representations have been made, add conditions to those set out in the Operation Schedule submitted.
  - To inform all licence applicants of the parameters within which the Authority will make licensing decisions and how a licensed premises is likely to be able to operate. There will still be a requirement for each case to be examined on an individual basis.
  - To inform residents and businesses of the parameters within which the Authority will make licensing decisions and therefore how their needs will be addressed.
  - To help inform a court of law how the Authority arrived at its decisions when these are challenged in a Court and to support these decisions.

### **Special Saturation Policies**

5. There are currently two SSP Policies which cover the City Centre and East Oxford.
6. The Licensing Authority asked for the views of Thames Valley Police and Community Safety Partnership organisations and supporting evidence to continue with the SSP's.
7. Evidence from Thames Valley Police was received supporting their decision to request that the SSP policies be continued without any amendments to their boundaries or scope. This evidence was noted by the Committee at its last meeting and approved for consultation.

## Consultation on the Draft Revised Statement of Licensing Policy

8. The consultation timetable is as follows:
- 14 September 2015, consultation draft Statement of Licensing Policy approved by Committee.
  - agreed draft SLP to go for consultation for a 6 week period to “Responsible Authorities” (Police, Fire and Rescue, Trading Standards, Planning, Environmental Protection, Child Protection, Local Health Body, Health & Safety, etc), representatives of current licence holders and registered clubs, and others including Community Safety teams, Building Control and the local Accident and Emergency Department, and the general public via the Council’s website.
  - agreed draft SLP to be posted on the Councils website and made available at libraries and public buildings.
  - 26 January 2016: report to Licensing and Gambling Acts Committee to consider consultation responses and approve the final SLP, in light of the consultation responses received.
  - 8 February 2016: Licensing and Gambling Acts Committee’s recommendations to Full Council for adoption of the final SLP.

## Responses to Consultation

9. 730 licensed premises and 37 Authorities/Associations were informed of the consultation process. Copies of the revised draft SLP were made available in libraries, and on the City Council Website.
10. In response to the consultation, 4 responses were received from the licensed trade, and their responses are attached as **Appendix 1**. The response from Mr Singh has been forwarded to Thames Valley Police as it relates to matters directly dealt with by that organisation, and the other 3 comments either support the draft SLP or the maintaining of the Special Saturation Policies.
11. As the resolution of this Committee will be put to Council for adoption, in order to ensure clarity to Council, an index of the amendments to the draft SLP is attached at **Appendix 2**, and copy of the draft SLP is attached at **Appendix 2**.

## Recommendations

12. The Committee is recommended to:
- a) consider the comments received on the revised draft Licensing Policy Statement;

- b) resolve whether any amendments to the revised draft Licensing Policy Statement are necessary in the light of the comments received, and permit the Head of Law & Governance and the Head of Community Services to make any appropriate amendments; and
- c) subject to any amendments to the draft, recommend Council to adopt the revised Licensing Policy Statement at its meeting on 8 February 2016.

**Name and contact details of report author: Julian Alison**  
**Licensing Manager**  
**Community Services**  
**Telephone (01865) 252381**  
**Email:**  
**jalison@oxford.gov.uk**



21 OCT 2015

**Comments sheet**  
Oxford City Council's "Statement of Licensing Policy"

Please help us by completing these two columns if you can.

The four licensing objectives are:

- CD – Prevention of Crime and disorder
- PS – Public safety
- PN – Prevention of public nuisance
- CH – Protection of children from harm

From Name:

Allan Dodd

Contact details:

Barrow Marshfield - ox.ac.uk

Organisation / business: (if applicable)

Marshfield College

Paragraph, page or policy reference	Briefly, what's the issue?	Please mark the objective(s) which apply:				Your comments
		CD	PS	PN	CH	
(Blank for general points)	(e.g. Drugs, Children in pubs, Longer hours etc.)					
SN19 City Centre	Longer hours Noise Disturbance Crime	✓	✓	✓		There are serious issues of excessive drinking of alcohol and public nuisance. Whether the incidence of crime is related is hard to prove but there appears to be a relationship.
SN19 Cowley Road	As above	✓	✓	✓		As above.

continued overleaf ... (use a blank sheet if necessary)



The Licensing Authority  
Oxford City Council

22 OCT 2015

Mr Julian Alison  
Licensing Manager  
3<sup>rd</sup> Floor, St. Aldate's House  
109 St. Aldate's  
Oxford  
OX1 1DS

Wednesday 21<sup>st</sup> October 2015

Dear Mr Alison,

Further to your letter dated 15<sup>th</sup> October 2015, I can confirm that the College has no specific comments with regard to Oxford City Council's revised draft Statement of Licensing Policy.

Yours Sincerely,

*Paul Madden.*

# Comments sheet

Oxford City Council's "Statement of Licensing Policy"

10 NOV 2015

Please help us by completing these two columns if you can.

The four licensing objectives are:

- CD – Prevention of Crime and disorder
- PS – Public safety
- PN – Prevention of public nuisance
- CH – Protection of children from harm

From Name: HOWARD FINGER  
Secretary  
Contact details:  
Paganus Grange  
Uxbridge House Road  
OXFORD OX1 4QG  
Organisation / business: (if applicable)  
OXFORD PEGASUS  
RESIDENTS ASSOCIATION  
OPRA1

Paragraph, page or policy reference  (Blank for general points)	Briefly, what's the issue?  (e.g. Drugs, Children in pubs, Longer hours etc.)	Please mark the objective(s) which apply:				Your comments
		CD	PS	PN	CH	
Policy GN19	breaches the place etc	✓	✓	✓		OPRA (at a meeting this morning, 9/11/15) decided to support the continuation of SSP for the City Centre and the Carlsberg food area for Oxford.

# Comments sheet

## Oxford City Council's "Statement of Licensing Policy"

Please help us by completing these two columns if you can.

The four licensing objectives are:

- CD – Prevention of Crime and disorder
- PS – Public safety
- PN – Prevention of public nuisance
- CH – Protection of children from harm

From Name:

Torget Singh  
TAL

Contact details:

2 The Boundary  
Oxford  
OX3 8DH  
Organisation / business: (if applicable)  
Headington Sparshore

Paragraph, page or policy reference  (Blank for general points)	Briefly, what's the issue?  (e.g. Drugs, Children in pubs, Longer hours etc.)	Please mark the objective(s) which apply:				Your comments
		CD	PS	PN	CH	
	Cameras		X			Make cameras for safety.
	Drugs	X				<del>To make the</del> <del>Drugs free</del> To make the area Drug free zone

The Licensing Authority  
Oxford City Council

06 NOV 2015

continued overleaf ... (use a blank sheet if necessary)

# Comments sheet

## Oxford City Council's "Statement of Licensing Policy"

Please help us by completing these two columns if you can.

The four licensing objectives are:

- CD – Prevention of Crime and disorder
- PS – Public safety
- PN – Prevention of public nuisance
- CH – Protection of children from harm

Your comments

From Name: *Savender Singh*  
*Toni*

Contact details:  
*2 The Round way*  
*oxford*  
*OX3 8DH*  
 Organisation / business: (if applicable)  
*Headington Apostole*

Paragraph, page or policy reference	Briefly, what's the issue? <small>(e.g. Drugs, Children in pubs, Longer hours etc.)</small>	Please mark the objective(s) which apply:				Your comments
		CD	PS	PN	CH	
	<i>Drugs</i>	<i>X</i>				<i>They should do more to prevent the area from drugs.</i>
	<i>Cameras &amp; lights</i>		<i>X</i>			<i>Cameras should be installed for safety &amp; lights in dark roads.</i>

The Licensing Authority  
 Oxford City Council  
 06 NOV 2015

continued overleaf ... (use a blank sheet if necessary)

## APPENDIX TWO

<b>Proposed Changes</b>	<b>Page</b>	<b>Comments</b>
Forward	i	Inclusion of “Late Night Business Partnerships” Explanation as to why revisions made Changed names of Chair & Vice-Chair of Licensing & Gambling Committee
Guidance to applicants	iii	Changed web address link
Contents	iv	Addition of: 9.3 Non-Payment of Annual Fees – Licence Suspensions
Contents	v	10 Early Morning Restriction Orders & Late Night Levy Appendix 5 – Deregulation of Schedule 1
Glossary	vii	Revision of definitions for interested Parties following removal of “vicinity” test from 2003 Act Revision of definitions for Responsible Authorities to include the Licensing Authority and Local Health Body
Glossary	Viii	Revision of the definition of Objection to include Environmental Health (TENS)
Policy GN5	2	Revision of definition of Interested Parties
2.3.1	2	Amendment to list of regulated entertainment to include Entertainment of a Similar Description to Music & Dance, and to remove “facilities for” following revision to the 2003 Act
2.3.2	2	Provision of clarity as to exemptions and exclusions from the 2003 Act
2.4.3	2	Inclusion of how the policy details the enforcement arm of the Authority
2.5.2	3	Provision of clarity as to when a TEN may have conditions imposed
2.5.5	3	Inclusion of S11 Children’s Act 2004 (Safeguarding)
2.5.10	4	Clarification that the “vicinity” test has been removed from the 2003 Act
2.5.11	4	Inclusion of the word “relevant” in relation to representations from Interested Parties Revision of wording following removal of vicinity test from the 2003 Act
2.5.12	4	Addition of the words “if requested” in relation to the redaction of personal details – to ensure clarity within the Policy
2.6.3	5	Inclusion of the Environmental Health Service
2.6.5	5	Addition of the role of the Officer acting as the Responsible Authority on behalf of the Licensing Authority
2.7.2	5	Update of relevant strategic documents that replace previous versions

2.9.2	6	Revision of the nature of the Licensing Activity Reports provided to the Committee to ensure accuracy and clarity within the Policy
2.10.1	8	Clarification of “beyond the control” of the licence holder so as not to conflict with Policy LH6
4.2.3	11	Addition of Paragraph to provide clarity in relation to entertainments that fall outside of the licensing regime
LH6	13	To enhance existing policy statement
7.2.2 – 7.2.9	17	Overhaul and modernisation of Policy details on Personal Licences to ensure clarity and better information to the reader
PP7	23	Addition of PSPO’s
7.5.20	24	Addition of “high strength” types of alcohol
7.5.21	24	Addition of “high strength” types of alcohol
PP11	25	Addition of impact of “high strength” types of alcohol.
7.7.1 – 7.7.11	27	Overhaul and modernisation of Policy details on TENS to ensure clarity and better information to the reader
TEN 1	28	Inclusion of Environmental Health Service
8.6	33	Inclusion of Licensing Authority lead Late Night Business Partnership Scheme
8.6.1	33	Clarification of the aims of the Late Night Business Partnership Scheme
OS10	33	Inclusion of the Licensing Authority led Late Night Business Partnership Scheme
8.8	34	Inclusion of Distribution of Printed Matter
8.8.3	34	Firmer stance in relation to licence holder being accountable for fly postering and printed matter
9.2.3 – 9.2.5	35	Modernisation and addition of the Authority’s enforcement protocols and service level agreements
9.2.11	36	Addition of PSPO
9.3	37	Inclusion of Failure to Pay Annual Fee – Licence Suspensions
10	37	Inclusion of EMRO’s & Late Night Levy
Appendix 2	44	Amendments and updates to current Policies
Appendix 4	46	Addition of Environmental Health (TENS)
Appendix 5	47	Deregulation of Schedule 1 – explanation as to what and / or when entertainments now fall outside of the licensing regime
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Appendix 8	51	Removal of the figures of the maximum stakes and maximum prizes in order to future proof the Policy
Appendix 10	57	Modernisation of page
Appendix 13	61	Updated information from TVP

Licensing Authority

www.oxford.gov.uk



# Statement of Licensing Policy

Licensing Act 2003

February 2016 – February 2021

# DRAFT





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**DRAFT**

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## Statement of Licensing Policy

Licensing Act 2003

February 2016 to February 2021

DRAFT

Licensing applications and enquiries:

The Licensing Authority  
Oxford City Council  
St. Aldate's Chambers  
109 St. Aldate's  
Oxford City Council  
OX1 1DS  
Tel: 01865 252565  
Fax: 01865 252344  
Email: [licensing@oxford.gov.uk](mailto:licensing@oxford.gov.uk)

## Welcome to Oxford City Council's Statement of Licensing Policy.

The Council adopted its first Statement of Licensing Policy in January 2005 when the responsibility for licensing was transferred from the Magistrates' Court. We think our Licensing Policy has worked really well over the years and we have learned a lot from operating under it. We are legally obliged to review it every 4 years and carried out our review during 2015. The revised Statement has been adopted by the Council following wide public consultation much of the document has remained unchanged. Both the existing Central Oxford SSP and East Oxford SSP remain unchanged.

This document sets out our guiding principles for making licensing decisions under the Licensing Act 2003. The Statement of Licensing Policy addresses licensing of many venues and events - from nightclubs to the smallest pubs and off-licences, from "Fun in the Parks" to small-scale local events. We have a responsibility to balance the needs of residents, visitors, pub/club operators and businesses. Our aims are to promote the four licensing objectives enshrined in the Act:

- **The Prevention of Crime and Disorder**
- **Public Safety**
- **The Prevention of Public Nuisance**
- **The Protection of Children from Harm**

Oxford is a bustling cosmopolitan city which enjoys huge cultural diversity and our leisure and entertainment scene is important in enhancing that. It attracts thousands of visitors from across the UK and abroad. Oxford caters for a very broad range of people as a regional entertainment and cultural centre and currently has over 750 licensed premises and clubs offering a vibrant, varied, fun night time economy.

Late night activities tend to attract large numbers of a much narrower range of people, drawn mainly to the late night entertainment venues. We are extremely keen to work with **Late Night Business Partnerships**, Pubwatch, Nightsafe, Thames Valley Police, and other organisations in giving Oxford a safe night time economy.

The 'Special Saturation Policies' (SSP) covering much of the Central and East Oxford do not affect existing licences in these areas. However, it does mean that applications for new licences and for significant changes to existing licensed premises are likely to be declined if relevant representations are received. Even so, we may still grant licences to those who can successfully demonstrate that their proposals will not exacerbate problems of crime, disorder or public nuisance, because we must consider each application on its merits. The Authority continuously keeps all parts of Oxford under review and will consult on changes to SSP areas as necessary.

We believe that this Policy Statement represents as fair a way as possible of balancing needs and desires of everyone in this City. We hope it will help us to maintain Oxford's important role as a safe and pleasant centre of culture and entertainment for everybody.

The revisions to this Policy reflect the changes to the licensing regime that have been introduced by the Police reform and Social Responsibility Act 2011, the Live Music Act 2012, and the Deregulation of Schedule 1 of the Licensing Act 2003, and to ensure that the Policy accurately reflects the workings of the Licensing Authority.

Councillor Colin Cook  
Chair of Licensing & Gambling Acts  
Committee

Councillor Mary Clarkson  
Vice-Chair of Licensing & Gambling Acts  
Committee

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## **PURPOSE**

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This policy statement has four main purposes, which are:

- **To confirm to Elected Members** of the Licensing and Gambling Acts Committee, the boundaries and powers of the Authority and the parameters within which to make decisions.
  - **To inform licence applicants** of the parameters within which the Authority will make licensing decisions and therefore how licensed premises are likely to be able to operate within the area.
  - **To inform local residents and businesses** of the parameters within which the Authority will make licensing decisions and therefore how their needs will be addressed.
  - **To support a case in a court of law** if the Authority has to show how it arrived at its licensing decisions.
- 

## **Using this Statement of Licensing Policy**

- The policies are shown in text boxes, which are separately numbered and titled.
- The additional text gives examples, background and reasons for the policies.
- The Appendices give additional information.

Oxford City Council has different roles under the Licensing Act 2003, so:

- 'Authority' is used where it acts as the Licensing Authority under the 2003 Act.
- 'Council' is used where parts of the Council act in other capacities, for example:
  - to determine policy;
  - when the 'Council' applies to the 'Authority' for a licence for Council premises;
  - when Environmental Health or Planning Control officers act as a 'Responsible Authority' in making a Representation about an application received.

The 'Authority' must balance the interests of applicants (as stated in their applications for licences) and any interests stated by others (in Representations and Relevant Representations). When it grants a licence, the Authority must attach mandatory conditions if applicable. The Authority cannot attach other conditions unless they are proportional to the applications and any Representation or Relevant Representation received.

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## **Other information**

### **Pool of conditions**

The Authority has a 'pool of conditions' from which it draws the conditions that it will add to licences. This pool of conditions is subject to continuous development and is available on the Council website.

### **Guidance to applicants**

The Authority provides guidance to applicants to assist them with making their applications for licences. This guidance can be found on our website:

<http://www.oxford.gov.uk/PageRender/decB/AlcoholRegulatedEntertainmentandLateNightRefreshmentLicensing.htm>

### **Contact details**

Contact details are given on the back cover.

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**Glossary**

<b>Term</b>	<b>Description</b>	<b>Reference in the 2003 Act</b>
Authority	Oxford City Council in its capacity as Licensing Authority	
Council	Oxford City Council in its capacity as district council.	
Planning Authority	The Council in its capacity as planning authority.	
Police Authority	Thames Valley Police	
Fire Authority	The Fire and Rescue Service of Oxfordshire County Council	
Navigation Authority For rivers – For canals –	The Environment Agency The British Waterways Board	Section 13(4)(h)
Interested Party  <i>(An Interested Party may make a representation about an application and may request a review)</i>	Any of the following – (a) a person likely to be affected by the operation and impact of the premises, (b) a body representing persons likely to be affected by the operation and impact of the premises, (c) a person involved in a business likely to be affected by the operation and impact of the premises, (d) a body representing persons involved in such businesses likely to be affected by the operation and impact of the premises, (e) Elected Members of the Oxford City Council.	
Responsible Authority  <i>(A Responsible Authority may make a Representations about applications and may request reviews)</i>  <i>(Appendix 7 lists the contact details for these Responsible Authorities)</i>	Any of the following – (a) the Licensing Authority, (b) the chief officer of Police for the area, (c) the fire authority, (d) the enforcing authority under Section 18 of Health and Safety at Work etc. Act 1974, (e) the local planning authority (i.e. department of the Council), (f) the environmental health department of the Council, (g) the Oxfordshire Safeguarding Children Board, (h) the Trading Standards, (i) any other Licensing Authority in whose area part of the premises is situated, (j) in relation to a vessel – the navigation authority.	Section 13(4)

Objection	Representations made by the Police in relation to an application, on the grounds of the prevention of crime and disorder, or by the Environmental Health Service on the grounds of the prevention of public nuisance in relation of a Temporary Event Notification.	Schedule 8 para 25
Representations	Comments made by a Responsible Authority on an application.	
Relevant Representation	Comment made by an Interested Party, which is not rejected by the Authority as irrelevant, frivolous, vexatious, or repetitive.	
Authorised Person  <i>(Authorised Persons have roles in enforcement of the 2003 Act)</i>  <i>(Police officers are not listed as Authorised Persons, as they already have powers of enforcement under other legislation)</i>	Any of the following – (a) an officer of the Licensing Authority, authorised for the purposes of the 2003 Act, (b) an inspector appointed under article 26 of the Regulatory Reform (Fire Safety) Order 2005 (c) an inspector appointed under S.19 of the Health and Safety at Work etc. Act 1974, (d) an officer of the Council authorised to exercise statutory environmental health functions, (e) in relation to a vessel, an inspector, or surveyor of ships, appointed under S.256 of the Merchant Shipping Act 1995, (f) a person prescribed for the purposes of S.13(2) of the Licensing Act 2003.	Section 13(2)
Licensing & Gambling Acts Committee	The Committee of elected members of Oxford City Council that is responsible for the Council's licensing functions.	Section 6
SIA	Security Industry Authority	
2003 Act	The Licensing Act 2003	
LACORS	Local Authorities Co-ordinator of Regulatory Services	
TSI	Trading Standards Institute	
Statement of Licensing Policy	The current statement of licensing policy required under Section 5 of the 2003 Act, following publication and as amended by subsequent revisions.	Section 5
Designated Premises Supervisor	The person specified in a premises licence as the premises supervisor.	Section 15
Secretary of State's Guidance	Guidance issued by the Secretary of State under Section 182 of the 2003 Act	Section 182
Regulated Entertainment	Regulated entertainment as defined in Schedule 1 of the 2003 Act (see also Appendix 5)	Schedule 1

## 1 Introduction

### 1.1 Objectives

1.1.1 The Licensing Authority (the 'Authority') for Oxford is Oxford City Council (the 'Council').

#### **Policy GN 1: Objectives**

The Authority will carry out its licensing functions under the 2003 Act with a view to promoting the four licensing objectives in the 2003 Act, which are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

Each of the four licensing objectives is of equal importance and there are no other objectives, so that the four licensing objectives are paramount at all times.

### 1.2 The Authority's area and the licensable activities

1.2.1 Appendix 1 describes the Authority's area, its centres of population and its population profile. It also describes the mix of licensable activities, where they take place and their positive and negative impacts on the area.

1.2.2 The Authority has regard to matters of sustainability, equality, the local economy and tourism to the extent that they affect the Licensing Policy. The Authority will also have regard to minimising waste and litter in the interests of minimising public nuisance.

## 2 General matters

### 2.1 Precedence issues

2.1.1 A licensing policy must not ignore or be inconsistent with provisions in the 2003 Act. The Authority must have regard to the Secretary of State's Guidance when making and publishing its policy. When revisions on the Guidance are issued, there may be a period of time when this policy statement is inconsistent with the Guidance, for example, during any consultation by the Authority. If this occurs, the Authority will have regard, and give appropriate weight, to the Guidance and this policy statement.

#### **Policy GN 2: Precedence**

The meaning of the 2003 Act and any Regulations made under it take precedence over the meaning of this Statement of Licensing Policy.

### 2.2 Adoption and publication of the Statement of Licensing Policy

2.2.1 The Council adopted this Statement of Licensing Policy at its meeting on 8<sup>th</sup> February 2016 and it became effective from that date.

#### **Policy GN 3: Five yearly licensing policy review**

The Council will prepare and publish a statement of its licensing policy at intervals of no more than five years, to enable it to continue to undertake its licensing functions.

#### **Policy GN 4: Interim licensing policy reviews**

The Council will keep its licensing policy under review and will make such revisions to it, at such times, as it considers appropriate.

#### **Policy GN 5: Consultation on licensing policy**

Before determining any revision to its Statement of Licensing Policy, the Council will consult:

- (a) the chief officer of Police for the Oxford area;
- (b) the fire authority for the Oxford area;
- (c) the Trading Standards Officer for Oxfordshire County Council;
- (d) the Social & Health Care Department of Oxfordshire County Council, which the Authority

considers to be the competent and responsible authority for the purpose of advising on issues of protecting children from harm; and

(e) the Authority;

together with such persons as the Authority considers at the time to be representative of:

(f) holders of Premises Licences issued by the Authority;

(g) holders of Club Premises Certificates issued by the Authority;

(h) holders of Personal Licences issued by the Authority;

(i) businesses and residents who may be affected by the operation and impact of the premises;

(j) other interests in the licensing of premises in its area.

The Authority will give appropriate weight to the views of the persons listed above when it determines any revision to its Statement of Licensing Policy.

#### **Policy GN 6: Publication of licensing policy revisions**

When the Authority determines any revisions, it will publish either a statement of those revisions, or its revised Statement of Licensing Policy.

### **2.3 Scope of the Statement of Licensing Policy: Licensable activities**

2.3.1 This policy addresses licensing of the following activities:

- the sale of alcohol by retail;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- the provision of late night refreshment (supply of hot food or drink between 2300 and 0500 hours)(including “take aways” and “hot food vans”); and
- the provision of ‘regulated entertainment’ (defined in Schedule 1 of the 2003 Act) which includes:
  - a performance of a play;
  - an exhibition of a film;
  - an indoor sporting event;
  - a boxing or wrestling entertainment (indoors and outdoors);
  - a performance of live music;
  - the playing of recorded music;
  - a performance of dance;
  - entertainment similar in description to music and dance.

2.3.2 Activities that are not to be regarded as regulated entertainment and activities that are not to be regarded as late night refreshment are also listed in Schedules 1 and 2, respectively, of the 2003 Act, and a broad description of such entertainment activities that are exempt from the licensing regime following the Deregulation of Schedule 1 of the 2003 Act can be found at Appendix 5.

### **2.4 Scope of the policy: Applications and notices**

2.4.1 This policy addresses decisions on applications for:

- Premises Licences;
- Club Premises Certificates;
- Personal Licences;
- renewal or transfer of licences;
- variation of conditions attached to licences and associated matters.

2.4.2 This policy also addresses Temporary Event Notices (TENs) and the review of Premises Licences and Club Premises Certificates.

2.4.3 This policy also informs all parties as to how the Licensing Authority and Licensing Officers will carry out their enforcement and compliance operations and any actions arising from those operations.

## 2.5 Fundamental principles

- 2.5.1 The Authority recognises that its power to reject applications, or to apply conditions to Premises Licences and Club Premises Certificates is strictly constrained by the terms of the 2003 Act.
- 2.5.2 The Authority recognises that it has no power to:
- attach any condition, including mandatory conditions, to a Temporary Event Notice (save for when an objection is made by a relevant Responsible Authority and as such requires determination by the Licensing Casework Sub-Committee);
  - modify mandatory conditions;
  - attach conditions to a Premises Licence or Club Premises Certificate (other than appropriate mandatory conditions) unless those conditions are consistent with the operating schedule submitted with the application, or further to a Representation or Relevant Representation.
- 2.5.3 The Authority recognises that it has no power to:
- modify conditions attached to a Premises Licence or a Club Premises Certificate;
  - to exclude from the scope of a Premises Licence or a Club Premises Certificate any of the licensable or qualifying activities to which the application relates;
  - refuse to specify a person in a Premises Licence as the Designated Premise Supervisor;
  - reject the application,
  - unless it has received a Representation or a Relevant Representation about the application and then only to such extent as the Authority considers necessary for the promotion of the licensing objectives.
- 2.5.4 Throughout this document the Authority has outlined the standards which it expects to be addressed in applications. The policies within this statement have been developed in consultation with all of the Responsible Authorities.
- 2.5.5 In considering and determining applications the Authority will take into account:
- The Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000;
  - Section 17 of the Crime and Disorder Act 1998;<sup>1</sup>
  - The Human Rights Act 1998;
  - Noise Act 1996;
  - Fire and Safety Order 2005;
  - Violent Crime and Disorder Act 2006;
  - Health Act 2006;
  - Section 11 of the Children's Act 2004
  - any other relevant legislation or statutory guidance.
- 2.5.6 The Authority:
- will treat each application on its individual merits;
  - will not override the right of any person to apply under the terms of the 2003 Act for a variety of permissions;
  - will not override the right of any person to make Representations on an application or to seek a review of a licence or certificate where the 2003 Act makes provision for them to do so;
  - will, as far as possible, avoid duplication with other licensing and regulatory regimes that already place obligations on employers and operators, e.g. The Health & Safety at Work etc, Act 1974, the Environmental Protection Act 1990, Disability Discrimination legislation and the Regulatory Reform (Fire Safety) Order 2005;
  - will only apply to Premises Licences and Club Premises Certificates conditions that are necessary to underpin or promote the licensing objectives.

<sup>1</sup> Section 17 of the Crime and Disorder Act 1998 states: "Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on and the need to do all that it reasonably can to prevent, crime and disorder in its area."

- 2.5.7 The Authority recognises that the purpose of the 2003 Act is to allow appropriate levels of regulation for premises, temporary events, members' clubs and persons authorised to make alcohol available for sale.
- 2.5.8 In considering applications the Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of public living, working or engaged in normal activity in the vicinity of the licensed premises.
- 2.5.9 For each application for the grant, variation or review of a Premises Licence or a Club Premises Certificate, the 2003 Act requires the Authority to consider the Representations made by Responsible Authorities and those Representations made by Interested Parties, which the Authority accepts as relevant.
- 2.5.10 'Interested Parties' will be given its widest possible interpretation and, where it includes persons involved in business, will not be confined to those engaged in trade and commerce. It will include partnerships and the functions of charities, churches and medical practices. Amendments to the Licensing Act 2003 remove the requirement for interested parties to reside within the immediate vicinity.
- 2.5.11 The Authority will accept relevant representations from interested parties. The Authority will consider representations from those that can demonstrate that they are (or, in the case of new premises, are likely to be), affected by activities occurring on the premises or by the impact the activities at the premises or those engaged in activities at the premises may have on those persons making relevant representations.
- 2.5.12 Where a notice of a hearing is given to an applicant, the Authority is required to provide the applicant with copies of the relevant representations that have been made. In circumstances where the Authority considers that the interested party has a well-founded fear of intimidation and may be deterred from making a representation because of this, the Authority may withhold some or all of the interested parties personal details (if requested) giving only enough details (such as street name) which would allow an applicant to be satisfied that the interested party is within the vicinity of and would be affected by the premises.
- 2.5.13 A Responsible Authority or an Interested Party may seek a review of a Premises Licence or Club Premises Certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 2.5.14 In determining applications and reviews of licensed premises, the Authority will give appropriate weight to:
- Representations received from Responsible Authorities;
  - Relevant Representations made by Interested Parties;
  - the Secretary of State's Guidance;
  - this Statement of Licensing Policy;
  - the steps necessary to promote the licensing objectives.
- 2.5.15 Any terms and conditions that the Authority imposes will be focused on matters that are within the control of individual licensees. These matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places.

## 2.6 Reviewing the Statement of Licensing Policy with other authorities

- 2.6.1 The Authority will work with the other Licensing Authorities in Oxfordshire reviewing this Statement of 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 2003 Act. The Authority will also liaise with other neighbouring Licensing Authorities to ensure that there is consistency across District Council boundaries. Full regard will still be given to local issues and situations, which will take precedence.
- 2.6.2 The Authority will maintain partnership working with various enforcement agencies as it recognises that the licensing objectives can only be promoted through a range of actions, some of which are outside the scope of the licensing system.



- 2.6.3 The Authority will maintain protocols with the Police, **the Environmental Health Service**, the Fire Authority and Trading Standards Services, as it considers appropriate for enforcing the 2003 Act.
- 2.6.4 The Authority will maintain dialogue with the licensed trade, businesses, local people and relevant organisations in the entertainment and alcohol industry to ensure that the Statement of Licensing Policy remains relevant and secures promotion of the licensing objectives.
- 2.6.5 The Authority will have regard to the considerations of the relevant Officer of the Licensing Authority delegated with the power to make relevant representations to applications and instigate reviews of licences (in such a person's role as a Responsible Authority). Such considerations will be based on the evidential findings of that Officer, including (but not limited to) actions undertaken during and after enforcement and compliance operations carried out by the Licensing Officers under such persons control, multi-agency operations, test-purchase operations, and any best practices adopted by other Authority's that may be deemed to further uphold the four licensing objectives locally.

## 2.7 Integrating strategies

- 2.7.1 Licensing is about promoting the four licensing objectives by balancing different interests. The experience gained by the Authority can usefully inform the development and application of strategies by others for local crime prevention, planning, transport, tourism and culture. It is important that such strategies do not undermine promotion of the licensing objectives.
- 2.7.2 In preparing this Statement of Licensing Policy, the Authority has taken account of relevant national policies and action plans, which include the following:
- Safer Nightlife <sup>2</sup>;
  - The Governments "Alcohol Strategy" (Home Office);
  - Alcohol and Violence (Public Health Faculty);
  - Reform of Anti-Social Behaviour Powers (Home Office);
  - Safeguarding Children, Young People and Vulnerable Adults (Oxford City Council).
- 2.7.3 The Authority has taken account of the policies and programmes that the Council has already adopted. These are listed in Appendix 2, along with an explanation of how they integrate with the Statement of Licensing Policy.

### Policy GN 7: Integrating strategies

The Council will ensure any strategies it may have, or develop, for local crime prevention, planning, transport, waste management, sustainability, tourism and culture will be integrated with its licensing function but such strategies will not overrule the licensing objectives.

## 2.8 Planning and building control

- 2.8.1 The Council recognises that there is a need for proper separation of the planning, building control and licensing regimes to avoid duplication and inefficiency.
- 2.8.2 The Council recognises that the Planning Authority must be aware of the Authority's concerns as this will assist in promotion of the licensing objectives. The Authority will provide reports to enable the Planning Authority to have regard to such matters and have a role in promoting the four licensing objectives when the Planning Authority takes its decisions.
- 2.8.3 The Council recognises that the following three regimes have different purposes:
- **Planning:** ensuring the suitability of the location, use and design of the premises for the activities and the adequacy of the local infrastructure;
  - **Building Control:** ensuring the suitability of the construction of the premises; and
  - **Licensing:** ensuring the suitability of the proposed use and its operation at the proposed premises.

<sup>2</sup>

[https://www.cityoflondon.gov.uk/services/health-and-wellbeing/drugs-and-alcohol/london-drug-and-alcohol-policy-forum/Documents/SS\\_LDPF\\_safer\\_nightlife.pdf](https://www.cityoflondon.gov.uk/services/health-and-wellbeing/drugs-and-alcohol/london-drug-and-alcohol-policy-forum/Documents/SS_LDPF_safer_nightlife.pdf)

2.8.4 The grant of a Premises Licence or a Club Premises Certificate, or any variation to one of these, does not relieve the applicant of the need to obtain planning permission and building regulations consent as appropriate.

2.8.5 The applicant must observe the earlier closing time if planning conditions set a terminal hour for the use of the premises for commercial purposes.

#### **Policy GN 8: Planning permission and listed building consent**

The Authority will normally expect an application for a Premises Licence or a Club Premises Certificate to be made only in respect of premises that already have an appropriate established use or any planning permission and listed building consent necessary for the proposed range of licensable activities to take place.

The Authority will similarly expect an applicant to have obtained planning permission where necessary for the use proposed, before applying for a provisional statement under section 29 of the 2003 Act.

### **2.9 Administration, exercise and delegation of functions**

#### **Policy GN 9: Levels of decision-making**

The Authority will have the following levels of decision-making for undertaking its licensing functions:

- The Council;
- Licensing & Gambling Acts Committee;
- Licensing Casework Sub-Committees;
- Licensing Officers.

2.9.1 A Licensing Casework Sub-Committee will generally determine each application that attracts an Objection, Representation or Relevant Representation, unless:

- all Objections or Representations from Responsible Authorities are withdrawn and it is agreed by all parties that a hearing is not necessary; and
- all representations from Interested Parties are either:
  - determined by a designated officer to be irrelevant, vexatious or frivolous; or
  - withdrawn, and it is agreed by all parties that a hearing is not necessary; or
  - the Licensing & Gambling Acts Committee wish to consider the matter.

2.9.2 Licensing Officers will determine all other applications and the Licensing & Gambling Acts Committee will receive regular reports on the decisions made by Officers so that members maintain an overview of the general situation locally and nationally, and maintain an understanding as to the volume and nature of applications submitted to the Licensing Authority. Such reports shall also provide the Committee with details of all enforcement and compliance operations undertaken by the Licensing Officers, and any actions arising from those operations. Details of any proposed future developments related to or impacting upon the Licensing Act 2003, including proposed partnership working arrangements, and proposed changes to current legislation shall also be included in such reports.

2.9.3 For the convenience of applicants, the system of delegation is tabulated in Appendix 4.

#### **Policy GN 10: Delegation**

The Authority has delegated licensing decisions in accordance with the recommendations of the Secretary of State's Guidance and in the interests of speed, efficiency and cost effectiveness, as follows:

- (a) The Council determines:
- the Statement of Licensing Policy;
  - membership of the Licensing & Gambling Acts Committee;
  - the extent to which functions, other than functions under the 2003 Act, are delegated to the Licensing & Gambling Acts Committee.
- (b) The Licensing & Gambling Acts Committee will undertake all functions of the Authority under the 2003 Act that are not the responsibility of the Council, as follows:

- making recommendations to the Council on the Statement of Licensing Policy;
  - reviewing the Statement of Licensing Policy within five-year intervals, keeping the policy under review at other times and undertaking appropriate consultations;
  - arranging for training of members and officers to enable the Authority to discharge its duties under the 2003 Act;
  - agreeing which body is competent to advise the Authority in respect of matters relating to the protection of children from harm;
  - deciding the extent to which the Authority will recommend the classification of films;
  - monitoring the impact of licensing on regulated entertainment in general and live music and dancing in particular in connection with cultural strategies;
  - establishing and agreeing enforcement protocols (with the Police etc.);
  - reporting to the Planning Authority on the situation concerning licensed premises including the general impact of alcohol related crime and disorder; this enables the Planning Committee to have regard to such matters when taking its decisions and avoid any unnecessary overlap.
  - considering current licences or applications for licences where a Representation or a Relevant Representation has been made and not withdrawn.
  - Receiving reports on matters determined by Licensing Officers with delegated authority.
- (c) Licensing Sub-Committees will operate under authority delegated by the Licensing & Gambling Acts Committee and determine matters as set out in Policy GN 11.
- (d) Licensing Officers will operate under delegated authority and determine matters as set out in Policy GN 12.

#### **Policy GN 11: Licensing Casework Sub-Committee – delegated functions**

Licensing Casework Sub-Committees will determine any of the following where a Representation or a Relevant Representation has been made and not withdrawn:

- application for a Personal Licence;
- application for Personal Licence with unspent convictions;
- application for Premises Licence or a Club Premises Certificate;
- application for provisional statement;
- application to vary a Premises Licence or a Club Premises Certificate;
- application to vary Designated Premises Supervisor;
- application for transfer of Premises Licence;
- application for interim authorities;
- application to review a Premises Licence or a Club Premises Certificate;
- determination of a Police or Environmental Health Objection to a Temporary Event Notice;
- decision to object when the Authority is a consultee and not the relevant authority considering the application.

#### **Policy GN 12: Licensing Officer – delegated functions**

A Licensing Officer, delegated within the Council's Constitution, will determine every other licence application for which no Objection, Representation or Relevant Representation has been received, or when any Objection, Representation or Relevant Representation has been received but has been withdrawn and that it is agreed by all parties that a hearing is not necessary.

#### **Policy GN 13: Licensing & Gambling Acts Committee – procedure**

Subject to any statutory provisions, the Licensing & Gambling Acts Committee will regulate its own procedure and that of Licensing Casework Sub-committees.

#### **Policy GN 14: Licensing Casework Sub-Committee – procedure**

In considering any application subject to a Representation or a Relevant Representation, the Sub-Committee will follow the principles set out in the Hearings Regulations under the 2003 Act.

**Policy GN 15: Determination of applications – conditions**

The Authority will determine the type and extent of conditions to be affixed to Premises Licences and Club Premises Certificates as follows:

## (a) Matters determined by Licensing Officers:

- Licensing Officers will select from a pool of conditions, those conditions that appropriately deal with the issues addressed in the applicant's operating schedule, that match the conditions that apply to the original licence or permission;
- No other conditions, other than the mandatory conditions, will be added;
- If none of the pool conditions is appropriate, Licensing Officers will develop any condition that they consider necessary to appropriately translate the issues addressed in that applicant's operating schedule, Officers will add to the pool of conditions any conditions developed for this reason;
- Licensing Officers will report to the Licensing & Gambling Acts Committee from time to time on the matters that those officers have determined.

## (b) Matters determined by a Licensing Casework Sub-Committee:

- Sub-Committees will attach conditions from within the pool of conditions or developed to suit, as in (a) above;
- No conditions, other than mandatory conditions, will be added unless an appropriate Representation or Relevant Representation has been upheld;
- Sub-Committees may also attach special conditions that take account of a Representation made by a Responsible Authority or a Relevant Representation made by an Interested Party.

**2.10 Non-licensing issues: What this statement is not for**

## 2.10.1 The Authority recognises that:

- licensing is not about mechanisms for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual club or business holding the licence, certificate or permission concerned (subject to Policy LH6);
- licensing is not about matters contained in other legislation, which may well apply simultaneously to the activities of licensed individuals or premises. Appendix 8 includes references to some of this legislation.

**3 Cumulative impact****3.1 Cumulative impact**

- 3.1.1 The Authority wishes to take steps to prevent public nuisance, crime or disorder arising from the concentration of premises in one particular area.
- 3.1.2 Whilst need is primarily an issue for the market and the planning system, the cumulative impact of licensed premises on the promotion of the licensing objectives is a matter for consideration under the licensing provisions. Serious problems of public nuisance and disorder can arise in the vicinity of licensed premises where a number of them are grouped together and particularly where they may be situated near to residential areas. The numbers of premises selling alcohol and providing entertainment until the early hours of the morning have increased significantly over recent years and many special measures have been adopted to try to deal with the crime and anti-social behaviour that can result from the more intensive activities.
- 3.1.3 The distribution of late night premises may be such as to warrant special action from the Authority to combat exceptional problems of disorder and public nuisance over and above the impact from individual premises.

**Policy GN 16: "Need" for licensed premises**

The Authority will leave the assessment of the 'need' for licensed premises to the Planning Authority and to the market. It will not address this matter in undertaking its licensing functions.

**Policy GN 17: Need for an evidential base**

The Authority will consider Representations based on the impact of the grant of a particular application on the promotion of the licensing objectives in the Authority's area. However, there must be an evidential base for the assertion that the addition of the premises in question would produce the cumulative impact claimed. The impact can be expected to be different for premises with different styles and characteristics.

**Policy GN 18: Use of other mechanisms to address cumulative impact**

The Council will encourage the use of other mechanisms that are available for addressing problems caused by a minority of consumers behaving badly and unlawfully once away from licensed premises. For example:

- (a) planning controls;
- (b) positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the Council;
- (c) powers the Council has to designate parts of its area as places where alcohol may not be consumed publicly and take into account areas currently designated as Alcohol Free Zones;
- (d) Police enforcement of the normal law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- (e) the prosecution of any Personal Licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
- (f) the confiscation of alcohol from adults and children in designated areas;
- (g) Police powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder, or the likelihood of disorder or excessive noise emanating from the premises;
- (h) the power of the Police, other Responsible Authority or a local resident or business to seek a review of the licence or certificate in question.

**3.2 Special Saturation Policy**

- 3.2.1 It is possible that the impact of the behaviour of customers of separate premises taken together on surrounding areas is greater than the usual impact from customers of individual premises and so creates exceptional problems of crime, disorder or public nuisance. In these circumstances a Responsible Authority or Interested Party may consider that the cumulative effect is to saturate an area, making it a focal point for large groups of people to gather and circulate away from the licensed premises themselves.
- 3.2.2 Guidance sets out the steps to be followed when considering whether to adopt a special policy within the Statement of Licensing Policy. These include:
- identification of concern about crime and disorder or public nuisance;
  - consideration of whether there is good evidence that crime and disorder or nuisance are happening and are caused by the customers of licensed premises, or that the risk of cumulative impact is imminent;
  - identification of the boundaries of the area where problems are occurring;
  - consultation with those specified in section 5(3) of the 2003 Act, and subject to the outcome of the consultation;
  - including details of the special policy in the published Licensing Policy Statement.
- 3.2.3 The effect of adopting a Special Saturation Policy is to create a rebuttable presumption that applications for new Premises Licences or Club Premises Certificates or material variations to these will normally be refused, if Relevant Representations to that effect are received, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced. Applicants would need to address the Special Saturation Policy issues in their Operating Schedules in order to rebut such a presumption. However this presumption does not relieve Responsible Authorities or Interested Parties of the need to make a Relevant Representation before the Licensing Authority may lawfully consider giving effect to its Special Saturation Policy. Responsible Authorities, such as the Police, or Interested Parties can make written Relevant

Representations maintaining that it is necessary to refuse the application for the promotion of the prevention of public nuisance, or crime and disorder and referring to information which had been before the Authority when it developed a Special Saturation Policy for inclusion in its Statement of Licensing Policy.

- 3.2.4 Special Saturation Policies should never be used as a ground for revoking an existing licence or certificate when Relevant Representations are received about problems with those premises. In this context, the “cumulative impact” on the promotion of the licensing objectives of a concentration of multiple licensed premises should only give rise to a Relevant Representation when an application for the grant or variation of a licence or certificate is being considered. A review must relate specifically to individual premises, and by its nature, “cumulative impact” relates to the effect of a concentration of many premises
- 3.2.5 Having regard to Guidance, evidence from Thames Valley Police, Oxford Safer Communities partnership and representations received, the Authority has considered it necessary to adopt special policies to limit the cumulative impact of licensed premises in Oxford city centre and East Oxford. The areas covered by these policies are defined in Appendixes 11 and 12. Evidence to support these special policies can be found in Appendix 13.

#### **Policy GN 19: Special Saturation Policy**

It is the Authority’s policy, if Relevant Representations are made, to refuse applications for new or material variations to, Premises Licences or Club Premises Certificates in the Special Saturation Policy Areas. A material variation would be where modifications are directly relevant to the Special Saturation Policy, for example an application to vary a licence with a view to increasing the occupancy limit of a premises or to extending the operating hours where evidence demonstrates that the variation would add to the problems of cumulative impact.

If an application for a licence in either of these areas is made the Authority will expect the applicant to demonstrate in their Operating Schedule, the steps to be taken to prevent problems relating to nuisance and public safety and the steps to be taken to promote the reduction of crime and disorder. The Authority will consider the individual merits of any application, together with the Relevant Representations made, and where it feels that to grant the application would be unlikely to add significantly to the cumulative impact in light of the licensing objectives, the Authority will grant the application.

The Authority recognises that if no Relevant Representations are made regarding an application for a licence in an area where the Special Saturation Policy exists, the Authority must and will grant the licence.

The Special Saturation Policy will never be used as a ground for revoking an existing licence or certificate.

The Authority will regularly monitor the impact of this Special Saturation Policy. If it becomes evident that the criteria for such a policy are no longer met, the Authority will arrange for it to be discontinued or for the designated area to be redefined.

Other areas may also be considered in the future for the adoption of a Special Saturation Policy where the licensing objectives are likely to be undermined due to cumulative impact. These areas will be subject to public consultation.

## **4 Pool of conditions**

### **4.1 Pool of conditions**

- 4.1.1 The Secretary of State’s Guidance requires the Authority’s licensing policy to “make clear that a key concept underscoring the 2003 Act is that conditions attached to licences and certificates should be tailored to the individual style and characteristics of the premises and events concerned.” It also states that “This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions.” The Authority will therefore need access to a wide range of appropriate conditions from which it can draw.

- 4.1.2 Provided no Representation or Relevant Representation has been received, the type and extent of conditions to be affixed to a Premises Licence will be determined by officers acting under delegated authority, from within the pool of conditions and consistent with the operating schedule.
- 4.1.3 Where an Interested Party has made a Relevant Representation or a Responsible Authority has made a Representation, a Licensing Casework Sub-Committee will hear the case and may attach special conditions to a licence. Use of standard conditions on all licences will be avoided, as will conditions that are unnecessary because other legislation makes adequate and appropriate provision for applicants' compliance.

#### **Policy GN 20: Pool of conditions**

The Authority will maintain a pool of conditions from which appropriate and proportionate conditions can be drawn. The Authority will adapt such conditions as necessary for promoting licensing objectives to suit the individual circumstances of each application for a Premises Licence or a Club Premises Certificate.

#### **Policy GN 21: Pool of conditions: premises-specific**

The Authority will not apply standard conditions to every Premises Licence or Club Premises Certificate that it issues.

#### **Policy GN 22: Pool of conditions: additions**

The Authority will add to the pool of conditions each condition that is developed to suit the individual circumstances of each application, so that it may be used as the basis of development of other conditions. The Authority will develop such conditions with regard to:

- (a) the 2003 Act;
- (b) the Secretary of State's Guidance;
- (c) this Statement of Licensing Policy;
- (d) a condition attached to a permission, which requires conversion to a new Premises Licence or a Club Premises Certificate; and
- (e) a statement made in the operating schedule by an applicant for a Premises Licence or a Club Premises Certificate.

## **4.2 Live music, dancing and theatre**

- 4.2.1 It would be inappropriate to expect organisers of small-scale activities (200 people "permitted capacity limit") to incur the potentially substantial costs of complying with conditions that are more appropriate to larger events. Such small-scale activities will tend to be those that are arranged for small community groups or for children and have the potential for generating wider cultural benefits for communities generally.
- 4.2.2 The imposition of inappropriate conditions might entail substantial costs and so inadvertently deter live music, dancing and theatre in community centres, small venues or venues that are likely to be used only infrequently.
- 4.2.3 The Live Music Act 2012 and the Deregulation of Schedule 1 of the 2003 Act further reduces the burden placed upon those wishing to host entertainment events, and the Authority will be mindful of events that host entertainment deemed to no longer fall within the requirements of the 2003 Act. Details as to what activities are now exempt from the licensing regime can be found at Appendix 5.

#### **Policy GN 23: Live music, dancing and theatre**

The Authority will take proper account of the need to encourage and promote live music, dancing and theatre in balance with the potential for disturbance from these activities. In determining what conditions should be attached to Premises Licences and Club Premises Certificates, the Authority will take account of the need to avoid measures whose potential for imposing substantial costs could inadvertently deter live performances, especially at smaller venues.

## 5 Licensing hours

### 5.1 Licensing hours

- 5.1.1 With regard to licensing hours it is emphasised that each application will be considered on its individual merits. The Authority recognises that, in some circumstances, flexible licensing hours for the sale of alcohol can help to ensure that the concentrations of customers leaving premises simultaneously are avoided. This can help to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport, which can lead to disorder and disturbance. Providing customers with greater choice and flexibility is an important consideration, but will always be balanced against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet.

#### Policy LH 1: Zoning

The Authority will not generally restrict trading hours, but may restrict hours for particular premises if a Responsible Authority makes an appropriate Representation or an interested Party makes an appropriate Relevant Representation and this will promote the licensing objective.

#### Policy LH 2: Staggered closing times

The Authority will not seek to engineer any pattern of closing times ('staggered closing times') by setting quotas for particular closing times.

#### Policy LH 3: Licensing hours not limited

The Authority will not reduce the hours permitted for licensable activities to less than those stated in an application, unless a Representation or a Relevant Representation indicates that this is necessary and then only in the context of the individual merits of that application.

### 5.2 Display of operating hours

- 5.2.1 Licensing hours and the closing time of premises may be different. The cessation of licensable activities may take place at some time prior to actual closing time for the premises depending on the nature of the activities.
- 5.2.2 The Authority considers that it would be beneficial for potential customers and Interested Parties living or working nearby to be able easily to discover when licensed premises are likely to be operational.

#### Policy LH 4: Display of operating hours

Where appropriate the Authority normally expects to see a notice stating the actual operating hours of the premises displayed conspicuously outside every public entrance to a premise operating under a Premises Licence.

#### Policy LH 5: Closing times

In determining applications, the Authority will take into account the time that it is proposed to close the premises where patrons have been attracted to attend by a licensable activity. Regard will also be had to matters such as the nature of the locality and the availability of public transport at the time that the premises propose to close.

The Authority considers that licensable activities should normally cease not later than 30 minutes before final closure of the premises.

### 5.3 Dispersal procedures

- 5.3.1 Organised dispersal procedures can help to prevent crime, disorder and public nuisance where large numbers of persons leave licensed premises over a concentrated period of time. This applies whether customers leave in small numbers over an extended period, or in large numbers.
- 5.3.2 The Authority considers that dispersal procedures, on which all staff employed at the licensed premises are trained, are particularly necessary for premises at which regulated entertainment or the sale of alcohol for consumption on the premises will continue after midnight. Persons living in the vicinity may experience the effects of the dispersal of



customers from licensed premises as a public nuisance. Such problems can be minimised through orderly dispersal.

- 5.3.3 Staff trained in dispersal procedures could also play a key role in the event of emergency evacuation.

#### **Policy LH 6: Dispersal procedures**

Where appropriate, the Authority expects Premises Licence applicants for premises that will remain open beyond midnight and will be open primarily for public entertainment or the sale of alcohol for consumption on the premises, or both, to submit a written statement with their application covering procedures for orderly dispersal of patrons at closing time **to minimise any negative impact locally and to support the rights and needs of residents and businesses.**

Such a statement should show how all staff in the premises are trained in its implementation.

The Authority expects any dispersal procedure to state the time at which the licensable activities cease and the later, actual, closure time of the premises.

#### **5.4 Latest admission times**

- 5.4.1 It is undesirable that persons should seek to 'top up' their alcohol intake by 'club-hopping' and seeking out those premises that are admitting customers at the latest times as crime, disorder and public nuisance in urban centres can be increased by persons moving between venues late at night.
- 5.4.2 Establishing last entry times can reduce the tendency of customers to concentrate at those premises which remain open the latest, without restricting the hours of trading. This will encourage dispersal and reduce the pressure on late-night refreshment outlets and transport facilities that can lead to disorder problems. It will therefore assist with objectives to prevent public nuisance and crime and disorder in certain circumstances.

#### **Policy LH 7: Latest admission times**

The Authority expects latest admission times to apply, for example, in areas where there is a concentration of premises that continue to sell alcohol for consumption on the premises and provide Regulated Entertainment after midnight.

The Authority expects the latest admission time to be at least one hour before cessation of the licensable activity.

#### **5.5 Hours for 'off-sales' of alcohol**

- 5.5.1 The Government suggests that the norm will be for all shops, stores and supermarkets with Premises Licences that permit the sale of alcohol for consumption off the premises to be free to provide such sales of alcohol at any times when the retail outlet is open for shopping unless there are very good reasons for restricting those hours.
- 5.5.2 Where a licence permits the sale of alcohol in general terms such as 'during opening hours', the Authority, Responsible Authorities and Interested Parties would have no role in determining the availability of alcohol in any subsequent changes to shopping hours. So any conditions on the timing of alcohol sales should state specific times.

#### **Policy LH 8: Hours for 'Off-Sales' of Alcohol <sup>3</sup>**

The Authority will normally approve an application for licensing hours for retail premises that permit the sale of alcohol (for consumption off the premises) at any time that the retail premises are open for shopping.

Where there are good reasons for restricting those hours, the Authority will specify the particular hours during which the sale of alcohol for consumption off the premises is permitted. In such cases the Authority will not specify those hours in general terms, such as 'at any time that the retail premises are open for shopping'.

If a Representation or a Relevant Representation is made to the Authority, concerning premises

<sup>3</sup> 'Off sales' must only be of sealed vessels: 'On sales' must be only in open vessels and must be consumed within the curtilage of the premises. So 'premises' must be carefully defined for festivals, college balls and events in parks etc.

intended for the sale of alcohol for consumption off the premises, that those premises are likely to become a focus for disturbance or public nuisance, the Authority reserves the right to restrict trading hours as one mechanism of combating such problems.

## 6 Children and licensed premises

### 6.1 Access to premises

- 6.1.1 The 2003 Act does not prohibit children who are accompanied by an adult from having free access to licensed premises of all kinds, including those selling alcohol for consumption on the premises.
- 6.1.2 However, the 2003 Act makes it an offence for any child under the age of 16 who is not accompanied by an adult from being present:
- at any time on pub premises, or other premises being used exclusively or primarily for the supply of alcohol for consumption on those premises; or
  - between the hours of midnight and 5am on restaurant premises, or other premises that supply alcohol for consumption on the premises.
- 6.1.3 Apart from the above, the admission of children is a matter for the discretion of the individual licensee or club, unless conditions included in a Premises Licence or a Club Premises Certificate limit the access of children.
- 6.1.4 The fact that the new offence may effectively bar children under 16, who are not accompanied by an adult, from premises where the consumption of alcohol is the exclusive or primary activity does not mean that the 2003 Act automatically permits unaccompanied children under the age of 18 to have free access to other premises or to the same premises even if they are accompanied or to premises where the consumption of alcohol is not involved. The 2003 Act includes on the one hand, no presumption of giving children access or on the other hand, no presumption of preventing their access to licensed premises. Each application and the circumstances obtaining at each premises must be considered on its own merits.

**Policy CH 1: Access by children to Licensed Premises not a requirement**

The Authority will not apply conditions to Premises Licences that require that children must be given access.

**Policy CH 2: Restrictions on access by children to Licensed Premises (1)**

The Authority will not apply conditions to Premises Licences that limit the access of children except to the extent that:

- (a) it considers necessary for the prevention of harm to children (with regard to a Representation or Relevant Representation on the application); or
- (b) applicants have included such restrictions in their operating schedules as a result of risk assessments that determined that the presence of children would be undesirable or inappropriate.

- 6.1.5 The range of situations in policy CH 3, enables the Authority to restrict the access of children to any premises, by taking appropriate account of the 'reputation' of those premises in addition to the formal aspects of an application.

**Policy CH 3: Restrictions on access by children to Licensed Premises (2)**

In considering access by children to licensed premises, the Authority will address the individual merits of each application with regard to any Representation or Relevant Representation on the application and, in particular, will take account of situations:

- (a) where entertainment or services of an adult or sexual nature are commonly provided;
- (b) where current staff working at the premises have been convicted of serving alcohol to minors, or the premise have a reputation for underage drinking;
- (c) with a known association with drug taking or dealing;
- (d) where requirements for proof of age cards or other age identification to combat the purchase of alcohol by minors is not the norm;

- (e) where there is a strong element of gambling on the premises; or
- (f) where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

6.1.6 The range of options in policy CH 4, which can be applied singly or in combination, enables the Authority to apply conditions to a Premises Licence, or Club Premises Certificate, that are in proportion to the scale of a perceived problem.

#### **Policy CH 4: Restrictions on access by children to Licensed Premises (3)**

The Authority will rarely apply a complete ban on access by children to any individual licensed premises. However when, in response to a Representation or Relevant Representation, the Authority considers that access by children should be limited, it will apply one or more conditions (to the whole, or parts, of the premises) that include the following options (singly, or in combination):

- (a) limitations on the hours when children may be present;
- (b) age limitations (below specified ages younger than 18);
- (c) limitations or exclusions when certain activities are taking place;
- (d) requirements for accompanying adults (including requirements that apply only to children below specified ages);
- (e) checking proof of age;
- (f) full exclusion of people under 18 from the premises when any licensable activities are taking place.

## **6.2 Prevention of alcohol consumption by minors**

- 6.2.1 In most circumstances, the consumption of alcohol by minors would be illegal. The Authority considers that it would also contribute to harm to children, so systems should be put in place to ensure compliance with the law. The Authority encourages the development of a culture in which the checking of proof-of-age cards is accepted as the norm in circumstances where doubt might otherwise exist (e.g. Think 21).
- 6.2.2 The Authority will maintain close contact with the police, Young Offending Teams and with Trading Standards about the extent of unlawful sales and consumption of alcohol by minors and be involved in the development of strategies to control or prevent these unlawful activities and to pursue prosecutions.

#### **Policy CH 5: Prevention of under-age consumption of alcohol**

The Authority expects Personal Licence holders to ensure that alcohol is not supplied to persons under 18 except as permitted under the 2003 Act and expects every premises where alcohol is supplied to include, in its operating schedule, a management protocol for achieving this.

## **6.3 Entertainment for and by children**

- 6.3.1 Entertainment specifically for children (for example, pantomimes) can attract large numbers of unaccompanied children. The Authority expects the licence holder to undertake a risk assessment including details of how they will ensure the safe access and egress of children.
- 6.3.2 The Authority expects licensees to provide attendants, at all performances specially presented for children, in accordance with model national standard conditions.
- 6.3.3 The Authority expects teenage discos and similar events to be ticket-only. This is because there is a risk that when 'pay-at-the-door' events reach capacity, children will be left alone on the street.

#### **Policy CH 6: Regulated entertainment for children**

The Authority expects that, where regulated entertainment includes performances specially presented for children, applicants will include in their risk assessment details of the number of attendants that will be on duty to ensure the safety of children and to control the access and egress of children.

**Policy CH 7: Regulated entertainment with child performers**

For licences that include performances by children, the Authority will normally expect a nominated adult to be responsible for such child performers.

**Policy CH 8: Persons supervising children - CRB checks**

In premises where children's entertainment is provided and particularly where children participate in providing entertainment, the Authority would normally expect that any person who will be engaged in supervising children to have been subject to a check through the Enhanced Disclosure procedure of the Criminal Records Bureau.

**Policy CH 9: Regulated entertainment for children – ticket only policy**

The Authority expects that Regulated Entertainment organised for teenage children in the form of a disco or similar event will normally be managed as ticket-only events, with no tickets available at the door.

If pre-ticketing is not to be used, the Authority expects the applicant to demonstrate what alternative arrangements will be used to control admissions and prevent disorder.

**6.4 Film exhibitions**

- 6.4.1 In the case of premises giving film exhibitions the Authority expects applicants to describe in their operating schedules their arrangements for ensuring compliance with the film classification recommendations that apply.

**Policy CH 10: Film Classification (1)**

To every Premises Licence that authorises the exhibition of films, the Authority will attach a mandatory condition requiring the admission of children to the exhibition of any film to be restricted in accordance with:

- (a) the recommendations of the film classification body specified in the licence, (which will normally be the British Board of Film Classification (BBFC) see Appendix 3 ), or
- (b) the Authority's recommendation.

The Authority will attach a similar condition to every Club Premises Certificate that authorises the exhibition of films.

**Policy CH 11: Film Classification (2)**

The Authority will not apply its own system of classification for the majority of films. However, provided the operator submits the film for classification at least 28 days before the proposed date of showing, the Authority may classify a film:

- (a) that has no BBFC classification; or
- (b) that has a BBFC classification, but the operator has requested the Authority to consider reclassification and the Authority agrees to do so, or
- (c) where there has been a Relevant Representation from an Interested Party or a Representation from any Responsible Authority with an interest in the protection of children from harm.

The Authority will have regard to the BBFC classification system, the BBC Code for Producers and the Ofcom/Broadcasting Standards Commission Broadcasting Code when making any decision on the classification of films.

Any classification made by the Authority will have precedence over any other classification.

**Policy CH 12: Exhibition of film – display of notices**

The Authority will expect applications to ensure that appropriate notices are displayed about restrictions on admission and that performances do not take place in areas other than where they can be restricted to a particular audience when necessary.

## 7 Licence Applications

### 7.1 General

- 7.1.1 Applications that are incomplete, or fail to comply with the requirements of the 2003 Act will impose additional administrative burdens that hinder the Authority's ability to process the applications that do comply. The Authority will therefore return applications that it considers incomplete, as it considers that applicants should retain the responsibility for ensuring their applications comply with the requirements of the 2003 Act.
- 7.1.2 The 2003 Act requires some applications to be advertised for a set period, or to be copied to the Police or other Responsible Authorities. This gives Interested Parties and Responsible Authorities an opportunity to make Representations about the application to the licensing authority, i.e. those which are not frivolous or vexatious and which relate to the licensing objectives. The Authority considers that the failure of an applicant to comply with these requirements is appropriate grounds for rejecting an application.
- 7.1.3 Applications may be made in person on weekdays between the hours of 9:00 and 16:30, or by post to the address given in Appendix 7.
- 7.1.4 Once an application has been accepted, any amendments to the application, unless made in response to a Representation or Relevant Representation, must normally be made by way of an application for variation or a fresh application. The Authority therefore recommends that applicants discuss their proposals with the appropriate Responsible Authority before finalising their submission.
- 7.1.5 Where applications are silent on particular issues, such as the use of special effects or the type of events to be held, this will limit the range of activities permitted under the Premises Licence or Club Premises Certificate that is granted.

#### Policy LA 1: Licence applications – acceptance

The Authority requires applications to comply with the requirements of the 2003 Act before they are registered as being received.

The Authority will return to the applicant any application that it discovers to be incomplete because it does not comply with the 2003 Act, including any requirement to advertise or failure to provide a complete copy to a Responsible Authority.

If the Authority returns an application to an applicant for any of the above reasons, it will treat the application as not received. This Policy will apply regardless of any proof of delivery of the application to the Authority.

### 7.2 Personal Licences

- 7.2.1 The Authority seeks to ensure that it grants only those applications which satisfy the relevant licensing objectives and that the Police have the necessary information on which to base any Representation they may wish to make to the Authority. This is because the holder of a Personal Licence should be a person who is not only properly qualified but someone who will contribute to crime prevention.

7.2.2 An application for a personal licence is made by an individual to the Licensing Authority for the area in which the applicant is normally lives. Thereafter, this Licensing Authority becomes the "Relevant Licensing Authority" for that licence, even though the licence holder may move out of the area or gain employment elsewhere. Licence holders will need to return to their "Relevant Licensing Authority" to renew their personal licence after the 10 year period.

7.2.3 The Licensing Authority will grant a personal licence if it appears that:

- the applicant is over 18;
- the applicant possesses a relevant licensing qualification;
- the applicant has not forfeited a personal licence in the previous five years beginning with the day the application was made;
- the applicant has not been convicted of any relevant offence as defined in the Act;
- the appropriate fee has been paid.

- 7.2.4 Where you have relevant unspent convictions we will supply a copy of your application to the Thames Valley Police. The police can object to the application on crime prevention grounds, and they will serve you a notice if they want to object. You are entitled to a hearing before the Licensing Sub-Committee where you can bring with you evidence to support your application.
- 7.2.5 If your application is refused, you will be entitled to appeal to the Magistrates' Court against the decision. If your application is granted despite a police representation, the Chief Officer of Police is entitled to appeal against the Licensing Authority's determination. We will therefore record full reasons for any decision that they make.
- 7.2.6 Once you are a personal licence holder you have a duty to notify the Licensing Authority that granted your licence of any changes to your personal details i.e. change of address or name. If you are charged with any relevant offence you have a duty to inform the court that you hold a personal licence. You must notify us if you lose your licence or if it is stolen.
- 7.2.7 The Authority acknowledges that the Government has determined that any Personal Licence due to expire after 1<sup>st</sup> April 2015 will not require renewing.
- 7.2.8 An individual who wishes to be a designated premises supervisor (DPS) will need to obtain a personal licence. This gives the individual the ability to authorise the sale of alcohol in accordance with the terms of the premises licence.
- 7.2.9 The police may object to a DPS where, in exceptional circumstances, they believe that the appointment would undermine the "crime prevention" objective. Where the police object we must arrange for a hearing to consider the application. Either party then has a further right of appeal at the Magistrates' Court if they disagree with the determination of the Licensing Casework Sub-Committee.

### 7.3 Premises Licences

#### General Prevention of Public Nuisance

- 7.3.1 Frequent complaints can be received about noise from the operation of licensed premises. Responsible operators will wish to avoid enforcement action having to be taken under licensing or other legislation. Applicants for Premises Licences and Club Premises Certificates are advised to consider measures that prevent noise nuisance from occurring.
- 7.3.2 A Noise Abatement Notice under the Environmental Protection Act 1990 may be served on premises that cause a statutory nuisance through failure to meet appropriate standards for preventing the escape of noise, regardless of the conditions of any Premises Licence or Club Premises Certificate.
- 7.3.3 Powers also exist for the Police and the Council to deal with noise issues that may affect persons living in the vicinity of licensed premises selling alcohol and/or providing Regulated Entertainment.
- 7.3.4 However, it will normally be appropriate for applicants for Premises Licences and Club Premises Certificates to suggest measures that are adequate to deal with the potential for nuisance and/or anti-social behaviour having regard to all the circumstances of the application.
- 7.3.5 As noise could emanate not only from the playing of music but also from air handling equipment or the patrons, applicants may wish to consider undertaking sound tests to ensure that the level of noise leakage from the premises is acceptable given the location.
- 7.3.6 Night-time trading can increase noise and disturbance for local residents and result in damage to property in the vicinity of licensed premises. The Authority may consider that there are benefits to be achieved in minimising public nuisance by curtailing hours of operation, generally or on specific occasions, if a Representation or a Relevant Representation is made to that effect.
- 7.3.7 The Authority advises applicants to give special consideration to noise control measures if proposing to provide Regulated Entertainment or to sell alcohol for consumption on the premises beyond midnight.

7.3.8 Different approaches to prevention of public nuisance will apply to a Premises Licence application for Regulated Entertainment, given the nature of the activities, and special circumstances that can arise in relation to those activities, for example:

- longer hours of operation;
- noise pollution issues;
- public nuisance caused by people queuing to obtain admission;
- general safety for the public in a crowded and or dimly lit environment; and
- congregation of patrons outside licensed premises.

7.3.9 Section 177 of the 2003 Act provides that, at premises licensed for music and with a permitted capacity of not more than 200 persons, conditions relating to the provision of music entertainment do not have effect for unamplified music between 8.00am and midnight, unless they derive from the operating schedule, or are imposed due to a review.

#### **Policy LA 2: Premises Licence – Regulated Entertainment (General)**

Where appropriate, the Authority expects the applicant to address sources of noise leakage in practical ways such as (these measures may be employed singly or in combination):

- (a) providing adequate mechanical ventilation so that doors and windows can be kept closed;
- (b) ensuring that the mechanical ventilation is adequately sound-proofed;
- (c) installing a sound limiting device to prevent sound exceeding an appropriately defined level;
- (d) installing sound proofing measures to contain sound and vibration;
- (e) other organisational measures to ensure that potential sound leakage is contained, particularly from special events;
- (f) having a queue management policy.

Applicants should ensure that they carefully consider Approved Document F (Ventilation) in the Building Regulations 2000 when deciding on the levels and types of activities proposed.

#### **Policy LA 3: Premises Licence – Noise control to suit late night trading**

The Authority will, in response to a Representation or a Relevant Representation, and if considered necessary, apply conditions on noise control that suit the licensing hours for premises in areas that include residential accommodation.

#### **Addressing local concerns**

7.3.10 Noise nuisance can adversely affect residents living near to licensed premises or business premises in their vicinity if measures taken to deal with noise are inadequate.

Management logging of complaints and adoption of procedures for overcoming reported problems will assist with the prevention of public nuisance and the prevention of crime and disorder. Sight of a complaints log will also provide the Authority with information necessary to assess the effectiveness of the management of the premises with regard to the licensing objectives.

#### **Policy LA 4: Premises Licence – Addressing local concerns**

The Authority expects applicants to address how Interested Parties may raise matters of concern directly with those responsible for managing the premises and how those matters will be effectively addressed.

#### **Policy LA 5: Premises Licence – Safer Nightlife**

Special attention should be given to the organisation and risk assessments for such events, taking into account the advice and guidance in the 'Safer Nightlife' booklet<sup>4</sup> and the need for higher levels of vigilance than required for normal dance events. In particular the Authority will expect increased levels of supervision, medical/first aid provision, on-premises drug counseling/advisory services and other arrangements to ensure the safety of patrons attending the event and those supervising it. Additional measures to prevent public nuisance arising from loud music being played at such events must be considered.

<sup>4</sup> [https://www.cityoflondon.gov.uk/services/health-and-wellbeing/drugs-and-alcohol/london-drug-and-alcohol-policy-forum/Documents/SS\\_LDPF\\_safer\\_nightlife.pdf](https://www.cityoflondon.gov.uk/services/health-and-wellbeing/drugs-and-alcohol/london-drug-and-alcohol-policy-forum/Documents/SS_LDPF_safer_nightlife.pdf)

### Special Effects

7.3.11 The Authority expects those applicants who propose to provide Regulated Entertainment and to use special effects, to adequately address the implications of risk assessments in their operating schedules and so ensure that public safety is not adversely affected.

7.3.12 Regulated Entertainment can involve special effects such as:

- dry ice machines - cryogenic fog;
- smoke machines - fog generators;
- pyrotechnics including fireworks;
- real flame;
- firearms;
- motor vehicles;
- strobe lighting;
- lasers;
- explosives and highly inflammable substances.

#### Policy LA 6: Premises Licence – Special Effects

The Authority expects that a proper risk assessment<sup>5</sup> be undertaken where any regulated entertainment is proposed that potentially involves danger to the audience or performers.

The organiser should take appropriate measures that are designed to ensure that the risk is effectively removed.

### Sanitary Accommodation

7.3.13 The Authority expects licensed premises to provide sanitary accommodation for both male and female customers, commensurate with maximum occupancy levels. This is to promote public safety and to minimise public nuisance caused by departing customers urinating in public places, as convenient alternative facilities may not be available when customers leave.

7.3.14 BS 6465 states recommended levels of provision.

7.3.15 Local authorities can require provision of sanitary accommodation at premises providing entertainment, under S20 of the Local Government (Miscellaneous Provisions) Act 1976. However, it would be preferable for applicants to make the necessary arrangements voluntarily in accordance with the BSI Standard.

#### Policy LA 7: Premises Licence – Sanitary Accommodation

The Authority requires premises to provide adequate and convenient sanitary accommodation to suit the needs and numbers of its customers, including those with disabilities, and commensurate with the nature of the licensable activities proposed.

### 7.4 Club Premises Certificates

7.4.1 The Government has emphasised that non-profit making clubs have made an important and traditional contribution to the life of many communities in England and Wales and bring significant benefits. Their activities also take place on private premises and they operate under codes of discipline applying to members and their families. In determining what conditions should be included in certificates, the Authority will bear these matters in mind and conditions will not be attached unless they can be demonstrated to be strictly necessary.

### Qualifying Conditions

7.4.2 Section 61 of the 2003 Act sets out the conditions that a qualifying club must meet. Section 62 also sets out specified matters for licensing authorities to enable them to determine whether a club is established and conducted in good faith - the third qualifying condition. Section 63 sets out additional qualifying conditions that apply solely to clubs intending to supply alcohol to members and guests.

<sup>5</sup> See HSE booklet 'Five steps to risk assessment' ([www.hsebooks.co.uk](http://www.hsebooks.co.uk))



**Policy LA 8: Club Premises Certificates – Club qualifying conditions**

The Authority will require applicants to provide copies of the Club's Constitution and Rules for it to be able to determine whether the club is established and conducted in good faith as a club. This information must accompany the application.

**Operating schedule**

7.4.3 The range of issues that should be addressed in operating schedules will be premises-specific, but may include the issues listed in the 'OS' series of policies.

**Policy LA 9: Club Premises Certificates – Scope of the operating schedule**

Where an applicant is required to provide an operating schedule, the Authority expects this to address the four licensing objectives through a comprehensive range of issues applicable to the location and activities proposed at the club premises.

**Film and theatrical performances**

- 7.4.4 The Authority may require the display of appropriate notices and restrictions on the entry of children, if performances include material that is not suitable for minors.
- 7.4.5 Where there is to be an exhibition of a film or a theatrical performance is to take place on club premises, applicants should refer to the 'CH' series of policies set out in this policy statement.
- 7.4.6 Where a special theatrical performance for children takes place in Club Premises then the Authority will expect the presence of sufficient adults to control the access and egress of the children and ensure their safety. Such numbers of adults should be agreed with the Authority before the performance takes place.
- 7.4.7 The Authority expects that a restriction on admission is applied in any case where a theatrical performance contains material which can be regarded as suitable for an adult audience only.

**Policy LA 10: Club Premises Certificates – Film or Theatrical Performances**

The Authority will require clubs to display appropriate notices about any restrictions on admission to film or theatrical performances and ensure that these do not take place in areas other than where they can be restricted to a particular audience when necessary.

**Sex equality in clubs**

7.4.8 The Authority recognises that equal treatment for men and women is not a licensing objective.

**Policy LA 11: Club Premises Certificates – Sex Equality**

The Authority will not impose conditions that interfere with the arrangements for granting membership or voting within the club.

**7.5 Particular premises and activities****Pubs, Restaurants, Hotels, Guest Houses**

- 7.5.1 The licensable activities in pubs, restaurants, hotels and guest houses are likely to require minimal conditions, provided they only undertake the sale of alcohol, or sale of alcohol with a meal.
- 7.5.2 The Authority expects those responsible for managing licensed premises to prevent public nuisance by ensuring that licensable activities likely to affect third parties are contained and properly managed.

**Policy PP 1: Pubs, Restaurants, Hotels, Guest Houses**

In pursuing family friendly environments for such establishments, the Authority expects applicants to ensure that the use of outdoor areas will not cause a public nuisance to nearby residents and expects applicants to demonstrate that they will appropriately manage activities in such areas. The Authority may exclude licensable activities from outside areas at appropriate times or in appropriate circumstances in response to a Relevant Representation.

### High Volume Drinking Establishments

- 7.5.3 High Volume Drinking establishments (HVDs) are premises with exceptionally high capacities, used primarily or exclusively for the sale and consumption of alcohol with little or no seating for patrons. A comprehensive review of the research conducted in the last twenty-five years into alcohol and crime and its relationship to licensed premises<sup>6</sup> shows that the environment within such establishments can have a significant bearing on the likelihood of crime and disorder arising on the premises.
- 7.5.4 The Authority considers that this research shows that HVDs do not further the licensing objectives.
- 7.5.5 The research indicates that the key points on preventing crime and disorder include:
- controlling the capacity to prevent overcrowding and frustration to customers;
  - ensuring adequate seating for customers; and
  - ensuring the provision of door security teams at the premises to control capacity and ensure already drunk or disorderly individuals are not admitted.

#### Policy PP 2: High Volume Drinking Establishments (HVDs)

Where necessary and appropriate, the Authority will attach conditions to Premises Licences for HVDs and similar premises (if not volunteered by the venue operator and following an appropriate Representation or Relevant Representation) which require adherence to:

- (a) a prescribed capacity;
- (b) an appropriate ratio of tables and chairs to customers based on the capacity; and
- (c) the presence of Security Industry Authority (SIA) registered security teams to control entry for the purpose of compliance with the capacity, and to carry out security duties in other parts of the premises.

### Internet sales, Mail Order & Home Deliveries

- 7.5.6 A premises licence is not required if the contract for the sale of alcohol is made in a different place from that where the alcohol is assigned to the particular purchasers. With regard to internet & mail order sales, the sale of alcohol will not be regarded as having been made where the contact of sale has been made; this sale is treated as being made at the premises from which the alcohol is assigned to the purchaser. This may differ with Home deliveries if the alcohol is being stored where sales are taking place. However the Council will carefully consider the distance selling supply chain in deciding where the alcohol is appropriated to the contact.

### Designated sports grounds

- 7.5.7 The Authority expects organisers of sporting events to make appropriate arrangements to limit the possibility of crowd disturbance within sports stadiums and to take steps to minimise the incidence of public nuisance within the vicinity of stadiums in accordance with licensing objectives to prevent crime, disorder and public nuisance.
- 7.5.8 Issues of disorder among, or safety of, spectators can arise at sporting events and crowd control in and around grounds can be affected where licensable activities such as the sale of alcohol take place.

#### Policy PP 3: Designated Sports Grounds, Events and Outdoor Stadiums

If the Police make a Representation, the Authority may seek to restrict sales of alcohol at sporting events to specific areas of the venue, to times set relative to particular performances or events, or to set times and may require different arrangements for public and private areas.

### Garages and Service Areas

- 7.5.9 Section 176 of the 2003 Act provides for a general prohibition on the sale of alcohol at motorway service areas and garage forecourts. The Government may, by order, alter the description of premises from which alcohol may be sold.

<sup>6</sup> 'Alcohol and Crime: Taking Stock' by Ann Deehan, Home Office Crime Reduction Research Series No.3 (1999) can be viewed on <http://webarchive.nationalarchives.gov.uk/20110220105210/rds.homeoffice.gov.uk/rds/pdfs04/r214.pdf>

- 7.5.10 The 2003 Act largely maintains the situation in previous legislation which has allowed the sale of alcohol to develop in line with the range of goods available from garage shops as is now commonplace. Accordingly, where proper facilities are provided in the form of a shop at a garage, the Authority does not propose to preclude sales of alcohol within the range of goods available.

#### **Policy PP 4: Garages and Service Areas**

The Authority will apply no general restriction on the sale of alcohol from garage shops that also offer a substantial range of groceries for sale.

In order to establish that premises are not primarily used as a garage, which would prevent the sale of alcohol, an applicant will need to show the intensity of use by customers at the premises. This may be evidenced by lists of customers according to usage, or by sales figures classified according to purchases.

This policy does not amend the prohibition of alcohol sales at motorway service areas.

#### **Vessels (boats)**

- 7.5.11 When licensing vessels, the Authority will consider the conduct of the proposed licensable activities in the context of the licensing objectives. In particular it will address the need for adequate control of licensable activities to further the public safety objective and to prevent public nuisance to residents in the vicinity of the vessel's navigational route.
- 7.5.12 The Authority will not be concerned with the safety of the vessel for carriage of passengers, or issues concerning the safe navigation of the vessel. These are matters dealt with under other legislation.

#### **Policy PP 5: Vessels – Safety**

The Authority expects the normal safety measures for a vessel to be supplemented as appropriate to suit the scale, nature and timing of any licensable activities that occur. In considering such matters, the Authority may consult with the Environment Agency or any other authority with responsibility for the safety of vessels.

#### **Policy PP 6: Vessels – Noise**

Licensable activities taking place on board a vessel must not cause noise nuisance or other public nuisance to people in the vicinity of a vessel's berth or the route of its navigation. Furthermore, in response to a Representation or Relevant Representation, the Authority may require that specialist supervision in the form of Security Industry Authority (SIA) registered door staff or safety attendants is arranged in connection with any regulated entertainment which takes place on board.

#### **Vehicles and Moveable Structures**

- 7.5.13 Alcohol may not be sold on a moving vehicle but there may be a requirement for sale of alcohol and possibly other licensable activities to take place from a stationary vehicle or structure, for example one that is sited temporarily at an event.
- 7.5.14 Where a Premises Licence is required for the vehicle or structure, this will relate solely to the place where the vehicle is sited and the licensable activities are to take place. Premises Licences for vehicles and moveable structures are therefore required wherever they are sited when licensable activities take place and this may well mean applications to more than one Licensing Authority.

#### **Policy PP 7: Vehicles and Moveable Structures**

The Authority expects the operator of any vehicle or moveable structure to ensure that it is located in an area that is appropriate for the proposed licensable activities.

It may not be appropriate to site any such vehicle or structure near to other licensed premises, or in an area subject to an 'Alcohol Consumption' **Designated Public Place Order** and / or **Public Space Protection Order** or where it may cause noxious smells or litter problems if operating between 23.00 and 05.00 hours.

7.5.15 The operator of a vehicle trading in a 'consent street' will continue to require a street trading consent in addition to any Premises Licence and the conditions attached to the street trading consent will continue to apply. Such conditions will normally be equally relevant to vehicles trading in areas where street trading consents are not required.

**Policy PP 8: Late Night Refreshment Vehicles – outside consent streets**

The Authority will seek to apply the conditions that apply to vehicles under street trading consents to the Premises Licences for vehicles or structures that provide late night refreshment in areas that are not consent streets.

No Premises Licence is valid for a vehicle within an area prohibited to street trading.

**Late night refreshment**

7.5.16 The 2003 Act requires that premises selling hot food or drink for consumption by members of the public on or off the premises, between the hours of 23.00 and 05.00 must have a Premises Licence.

7.5.17 Such premises include those dedicated to providing this service, restaurants (not only those that offer take-away facilities) and vehicles trading during these hours.

7.5.18 Premises engaged in the late night provision of hot food and drink are covered by the 2003 Act to enable appropriate controls to be introduced to reduce the incidence of disorder, disturbance and public nuisance that can arise if these venues become the focus for gatherings of people that have come from other venues and may have been consuming alcohol.

7.5.19 Management of late night refreshment venues needs to be undertaken effectively to assist in preventing crime, disorder, anti-social behaviour and public nuisance.

**Policy PP 9: Late Night Refreshment**

The Authority will look carefully at the scope of operation intended for late night refreshment premises. The Authority particularly expects applicants to address issues such as:

- (a) Hours of operation, to prevent public nuisance to any nearby residents, or problems of noxious smells and anti-social behaviour;
- (b) Supervision of queues and the management of large numbers of clientele descending on the premises at certain times - this could include door supervision to control surges of customers where this may occur;
- (c) Layout of the premises to cope with patrons e.g. position of counters, entrances and exits;
- (d) Litter control and environmental activities, such as litter picking, provision of litter bins, street sweeping/washing;
- (e) CCTV; and
- (f) Public safety, including the type of power supply to be used where the application is for a trading vehicle or moveable structure.

The Authority expects premises licensed for late night refreshment to have regard to the 'Voluntary Code of Practice for the Fast Food Industry' (DEFRA Oct 2003).

**Policy PP 10: Take-away food outlets – presumption of no alcohol sales**

The Authority will have a presumption against the sale of alcohol from premises where the primary activity during the hours 23.00 to 05.00 is the provision of take-away food unless it can be clearly shown that there will be no contribution to crime or disorder.

**Supply of alcohol for consumption off the premises**

7.5.20 It is not the Authority's policy generally to seek to restrict the sale of alcohol for consumption off the premises. However, where premises are relatively isolated, with minimal levels of staffing, this can lead to problems of anti-social behaviour or disorder in the vicinity of the premises. Pressure can also be applied to staff to sell alcohol to persons who are under age **or to those seeking to purchase high strength beers, lagers, ciders, etc.**

7.5.21 Policy PP11 is intended to ensure that alcohol is sold only to those who are entitled to purchase it and that premises have proper checks in place to ensure that the restrictions are enforced, so that minors **and those seeking to purchase high strength beers, lagers,**

ciders, etc. do not obtain access to alcohol which can lead to the creation of public nuisance or disorder. If deemed appropriate in order to address evidenced local concerns, the responsible authorities may seek licence holders to consider the impact on the licensing objectives when selling high strength beers, lagers, ciders, etc.

#### **Policy PP 11: Supply of alcohol ('Off-sales')<sup>7</sup>**

For applications that include the sale of alcohol for consumption off the premises, the Authority will expect operating schedules to address how sales of alcohol will be confined to those entitled to purchase it and how the procedures will be consistently applied. The role of the Designated Premises Supervisor will be pivotal in this respect. The operating schedule should cover such practical issues as:

- (a) the display of prominent warning notices about the supply of alcohol to minors;
- (b) offences which adults can commit by buying alcohol for minors;
- (c) requirements for production of satisfactory proof of age;
- (d) Whether any high strength beers, lagers, ciders, etc will be made available for sale.

The Authority expects that staff involved in the sale of alcohol will have had appropriate training in order to put the operating schedule into effect.

Times during which alcohol may be sold will be restricted if it appears to the Authority, as a result of a Representation or Relevant Representation, that this would promote the licensing objectives of preventing public nuisance, crime and disorder.

The Authority will maintain close working relationships with both the Police and Trading Standards Officers who will conduct 'test purchasing' of alcohol under the 2003 Act in order to detect and prevent sales of alcohol to minors and to pursue prosecutions where appropriate.

#### **Safe drinking-vessels**

- 7.5.22 The Authority seeks to remove the risk of injury that could result from the use of particular types of drinks containers at particular venues, or in association with particular licensable activities.
- 7.5.23 The risk of injury can arise not only from the deliberate misuse of glass containers and bottles during disturbances, but also from accidental breakage in crowded or dark venues and from broken glass in parks, water features and swimming pools.
- 7.5.24 Where appropriate, such as where there are concerns about crime and disorder or public safety, the Authority will require all drinks to be supplied in containers that are safer than traditional glasses or bottles (e.g. polycarbonate or similar, paper, plastic or toughened glass). Where appropriate, bottled beverages should also be dispensed into safe containers.

#### **Policy PP 12: Safe drinking-vessels**

In appropriate circumstances, the Authority will require safe drinking-vessels (polycarbonate or similar) to be used wherever a material risk of injury might arise.

This policy applies not only to drinking vessels and containers for alcohol, but also to containers for soft drinks and water including any brought to the premises by customers.

#### **Other potential weapons**

#### **Policy PP 13: Other potential weapons**

In appropriate circumstances the Authority will require premises not to provide loose items that could be used as weapons, e.g. heavy or glass ashtrays, or unfixed furniture.

#### **Large Scale and Outdoor Events**

- 7.5.25 The Authority in partnership with the Safety Advisory Group (SAG) regularly meets to discuss proposed large scale and outdoor events. The Authority encourages organisers of such events to approach council officers at the earliest opportunity to discuss the arrangements for the licensed activities involved. This may include the production of an

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'On-sales' must be made in open vessels and are for consumption on the premises only.

'Off-sales' must be made in closed containers and are for consumption off the premises only.

Event Management Plan. It would normally be expected that reference should be made in the operating schedule to the Event Management Plan. The Authority will offer advice and assistance to organisers about this preparation through the Safety Advisory Group. In producing operating schedules and Event Management Plans for such events the organisers should have regard to the following documents:

- The Event Safety Guide – A Guide to Health, Safety and Welfare at Music and similar events (HSE 1999) (The Purple Book) ISBN 0 7176 2453 6
- Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X
- 5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 0 7176 1580
- The Guide to Safety at Sports Grounds (HMSO, 1997) (The Green Guide) ISBN 0 11 300095 2
- Safety Guidance for Street Arts, Carnival Procession and Large Scale Performances published by the Independent Street Arts Network, obtainable through:  
<http://www.streetartsnetwork.org.uk/cn/publications/index.php>
- Safer Clubbing Guide

7.5.26 However, in consulting these texts, which were prepared prior to the coming into force of the Licensing Act 2003, those creating operating schedules or club operating schedules, licensing authorities and responsible authorities should again note that under no circumstances should any conditions be regarded as standard for all premises.

7.5.27 Any individual preparing an operating schedule or club operating schedule should volunteer any measure, such as those described in Section 8 of this Policy document and in the Authorities adopted Pool of Conditions, as a step he or she intends to take. Such measures will become conditions of the licence/certificate, and as such, any breach of these conditions could give rise to prosecution.

#### **Policy PP 14: Large Scale and Outdoor events**

The Authority expects the organiser of a large scale or outdoor event, except those that may be covered by Temporary Event Notices, to identify an adequate management team at an early stage and to designate a lead person to liaise with the Authority.

The Authority also expects a representative of an open-air event's organisers to attend co-ordination meetings with Responsible Authorities and the Council's Safety Advisory Group.

#### **Sex-related entertainment**

7.5.28 The Authority is not able to control the content of adult entertainment involving activities such as striptease or lap-dancing through the Licensing Act 2003.

7.5.29 Such premises are controlled under the amendments to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 of the Policing and Crime Act 2009, which came in to force in this Authority on 10<sup>th</sup> June 2010.

#### **Community Centres and Village Halls**

7.5.30 The Authority encourages all Community Centres and Village Halls to apply for Premises Licences to cover all expected activities, as the managers of these venues are likely to find too restrictive the permitted annual number of Temporary Event Notices.

7.5.31 If alcohol is to be supplied, the Personal Licence Holder nominated as the Designated Premises Supervisor need not be a member of the management committee of the centre or hall.

#### **Public spaces and council-controlled premises**

7.5.32 In places for which the Council holds a Premises Licence entertainers will be able to give a performance, without the need to serve Temporary Event Notices or to apply for individual Premises Licences.

7.5.33 This approach will make it more possible for cultural diversity to thrive and will be a far simpler process for many types of entertainment that use numerous venues each year, such as circuses and street artists. However, entertainers will need to obtain the permission of the Council (as both landlord and Premises Licence holder) and comply with any conditions that might be imposed.

- 7.5.34 This approach may reduce the administrative burden on the Authority and ensure that licensable activities are encouraged in locations that the Authority considers appropriate and where the promotion of the licensing objectives has been previously considered and any potential noise nuisance can be properly managed.

#### **Policy PP 15: Public spaces and council-controlled premises**

The Authority encourages the Council and Oxfordshire County Council to seek Premises Licences for the purpose of particular types of public entertainment at premises under their control, such as community halls, parks and public open spaces.

The Authority expects the organisers of proposed large-scale events in parks and public open spaces to apply for Premises Licences, because the Premises Licences held by the Council for these locations are likely to be of limited scope.

### **7.6 Designated Premises Supervisors**

- 7.6.1 In order for alcohol to be sold under a Premises Licence, the licence must name a Designated Premises Supervisor who holds a Personal Licence. Even though the Police may not object to the grant of a Personal Licence to a particular person, they may object to that person being named as the Designated Premises Supervisor for particular premises on grounds that the crime prevention objective is likely to be undermined. The Police can only challenge in exceptional circumstances.
- 7.6.2 Although the Designated Premises Supervisor has a key role in the management of premises, the 2003 Act does not require the Designated Premises Supervisor to present at the premises.
- 7.6.3 In the event of any problems, Authorised Persons will need recourse to the Designated Premises Supervisor who is in a pivotal position within licensed premises. So, the Designated Premises Supervisor must be managerially able to mobilise resources at the premises as necessary to assist the promotion of the licensing objectives. In order to comply with the conditions of the licence, this must include the ability to manage the systems described in the applicant's operating schedule.
- 7.6.4 On occasions where the Designated Premises Supervisor is not available then a nominated competent person must be available to oversee the day-to-day running and control of the premises and where appropriate this person shall be a Personal Licence holder.

#### **Policy DPS 1: Designated Premises Supervisors**

The Authority expects that under normal circumstances the Designated Premises Supervisor will be the person who has day-to-day responsibility for running the premises.

### **7.7 Temporary Event Notices**

- 7.7.1 Under the 2003 Act, Temporary Event Notices enable licensable activities to take place outside the scope of a Premises Licence. These notices can be given for events that last no more than 168 hours and have less than 500 people present at any one time. There are annual restrictions on how many notices one person may give and on the number of times the same premises can be used.
- 7.7.2 By their nature, temporary events may not be as well-resourced as activities organised under a Premises Licence, so are potentially disruptive and can cause problems for residents and owners of property nearby. However, the legislative framework for temporary events envisages a 'light touch' by the Authority, the Police and the Environmental Health Service.
- 7.7.3 A private event is exempt from a TEN for invited guests which is held in a hired private room and no sale of alcohol occurs. There must be no charge for admission which is intended to make a profit.
- 7.7.4 A maximum number of twelve T.E.N.s (rising to fifteen from 1<sup>st</sup> January 2016) can be submitted each calendar year for any premises. A premises can operate its business under T.E.N.s for a maximum of 21 days in a calendar year.

- 7.7.5 The most important aspect of the system of permitted temporary activities is that no authorisation as such is required for these events from the Licensing Authority. The process involves notification of an event to the Licensing Authority, the police and the environmental health service. Only the police and environmental health may intervene to prevent such an event from taking place.
- 7.7.6 The Licensing Authority may only ever intervene itself, if the limit on numbers of events is exceeded. Otherwise, the Licensing Authority is only required to issue a timely acknowledgement.
- 7.7.7 There are two types of TENs – “**Standard**” and “**Late**” TENs.
- 7.7.8 A **Standard** TEN must be given to the Licensing Authority ten clear working days (being Monday - Friday) before the event, and a **Late** TEN must be given to the Licensing Authority no later than five clear working days (being Monday – Friday) before the event. Section 193 of the Act defines "working day" as any day other than a Saturday, a Sunday, Christmas Day, Good Friday, or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in England and Wales. "Ten working days" notice means ten working days exclusive of the day on which the event is to start, and exclusive of the day on which the notice is given.
- 7.7.9 For a ‘**Standard**’ TEN, the Police and/or Environmental Health may submit an objection notice if they consider that by allowing the event to take place at least one licensing objective would not be met. Where the Police or Environmental Health object they will serve an objection notice on you. You can then discuss the event and agree modifications to address their concerns. If no agreement is reached, the Licensing Authority will hold a hearing to consider the objection. If the Police or Environmental Health object to a Late TEN, the event will not be permitted to go ahead because there is no means to arrange a hearing or agree modifications to the proposed event.
- 7.7.10 If the TEN is in connection with a licensed premises, the Licensing Casework Sub-Committee may impose one or more of the existing licence conditions. Conditions can **only** be imposed on the T.E.N. where they already exist on the premises licence or the club premises certificate. The Act requires the conditions to be appropriate for the promotion of the licensing objectives **and** not inconsistent with the carrying out of the licensable activities.
- 7.7.11 Persons organising Temporary Events involving music should liaise with Environmental Protection to discuss provisions necessary to prevent noise nuisance.

#### **Policy TEN 1: Temporary Event Notices**

To be valid, Temporary Event Notices must be served on the Authority, with a copy to the Police Authority **and the Environmental Health Service.**

#### **7.8 Provisional Statements; New or Substantially Altered Premises**

- 7.8.1 Where premises are to be newly constructed, extended or substantially altered, an applicant who has an interest in the premises can apply for a ‘Provisional Statement’. This is in addition to any planning and building-control consents that may be required.
- 7.8.2 A Provisional Statement gives the applicant some assurance about the grant of a future application for a Premises Licence. This may be useful if the applicant has insufficient information to be able to complete the operating schedule that is necessary for a Premises Licence application or, if alcohol sales are proposed, is unable to name the proposed Designated Premises Supervisor. An applicant with adequate information could apply, instead, for a Premises Licence at a suitable stage in design and construction.

#### **Policy PR 1: Provisional Statements; new or substantially altered premises**

The Authority will consider issuing a Provisional Statement for new premises, provided the applicant already holds appropriate planning consent.



**Policy PR 2: Changes to provisional statements**

Where there are any changes to the proposals before a substantive licence is granted, these must be dealt with by way of an application for variation.

Once the Authority has issued a Provisional Statement, it will exclude from its consideration any Representation or Relevant Representation made about the subsequent application for a Premises Licence if, without reasonable excuse, a substantially similar Representation or Relevant Representation could have been made about the application for the Provisional Statement. However, the Authority recognises that genuine and material changes may arise in the intervening period and the Authority reserves the right to entertain Representations and Relevant Representations that reflect changed circumstances.

A Provisional Statement may not be sought for a vessel, a vehicle or a moveable structure.

**7.9 Minor Variations**

- 7.9.1 The minor variations process allows licensees to make application to the Licensing Authority to make certain minor changes to an existing licence, without the need for a full application to vary the existing authorisation. Minor variations do not have to be copied to the Responsible Authorities and are only advertised by way of a white notice displayed at the premises for a period of ten working days starting on the first working day after the application was given to the Licensing Authority.
- 7.9.2 Minor variations can only be used in cases where the variation sought shall not impact adversely on the licensing objectives. There is no right to a hearing to take place to consider minor variations. The decision as to whether or not a minor variation is appropriate will be made by the officers of the Licensing Authority, and this decision shall be final. In making such decision, officers must have regard to any relevant representations received from interested parties within the statutory time limit. Representations must be relevant where they relate to the likely effect of the grant of the application on one or more of the licensing objectives. Officers shall consult when and if necessary with the relevant Responsible Authorities.
- 7.9.3 If the Licensing Authority fails to respond to a request for a minor variation within fifteen working days, it is deemed refused.
- 7.9.4 A minor variation should only be used in the following circumstances:
- Reductions in the hours during which licensable activities may take place
  - Reduction in opening hours
  - Minor changes to the layout of premises that do not impact on the licensing objectives, such as moving the location display cabinets for alcohol within a supermarket or shop.
  - The removal of licensable activity
  - Variation to the times alcohol is sold, where those times are between 0700 hours and 2300 hours.
  - Adding conditions that will assist in promoting the licensing objectives
  - Amending conditions that are badly worded
  - Removing or amending conditions that are unenforceable
  - Removing conditions that are obsolete.
- 7.9.5 Relevant Considerations:
- Whether the application increases the capacity for consuming alcohol on the premises
  - Whether access to emergency exits or escape routes shall be blocked by the proposed changes
  - Whether the alterations might affect the operation of noise reduction measures such as an acoustic lobby
  - Whether the addition of a licensable activity might impact on the promotion of the licensing objectives, e.g. the addition of live or recorded music on the prevention of public nuisance objective. The proximity of the unlicensed premises to residential accommodation
  - Conditions volunteered by the applicant to mitigate the effects of any changes

- The previous history of the premises
- The likely effect on surrounding premises

7.9.6 Residents and businesses are able to raise representations (objections) to applications for, and variation to premises licences. These must relate to the four licensing objectives and the proposals made in the application. Representations will normally be made in writing to the Licensing Team Leader within the Enforcement Service.

7.9.7 Details of applications and variations to premise licences will be required to be displayed on or outside the premise concerned.

### **7.10 Members as Interested Parties**

7.10.1 The law has changed, giving elected members will be able to both make representations and potentially call for reviews of licences. There are some caveats, the foremost being evidence to support your case.

7.10.2 This is a significant change from the previous situation, where individual Members could only make such representations if they lived in or had a business in the vicinity of the premises, or had been specifically asked to represent a constituent at a hearing.

7.10.3 The statutory constraints on the reasons for representations or reviews still apply – they may only be made on the grounds of one or more of the licensing objectives, which are:

- the prevention of crime & disorder;
- the prevention of public nuisance;
- public safety;
- the protection of children from harm.

7.10.4 Representations or applications for review on other grounds cannot be considered. For instance, public health is not a statutory objective and cannot be considered.

7.10.5 All representations or reviews:

- must be in writing, showing the name and address of the writer (the representation/review application must be published as part of the process) – there is a prescribed form for reviews on the Licensing webpage;
- must clearly set out the likely effects the grant of the licence would have on the promotion of at least one of the licensing objectives;
- must present evidence in support of the representation or review.
- must clearly relate to the premises for which application is being made.
- For example, representations on the basis of general noise and disturbance, without evidence of a link to specific premises, will carry little or no weight with the Sub-Committee.

## **8 Operating schedules**

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### **8.1 General**

8.1.1 The operating schedule is a key document and, if prepared comprehensively, will form the basis on which premises can be licensed without the need for additional extensive conditions.

8.1.2 The Authority expects an operating schedule to indicate the steps that the applicant proposes to promote the licensing objectives. It is particularly important that the operating schedules for appropriate premises should be precise and clear about measures that the management proposes to take to meet the licensing objectives.

8.1.3 The 'OS' series of policies indicates some of the issues that the Authority encourages applicants to consider including in any operating schedule. They are intended to assist applicants in their consideration of how best to meet the licensing objectives and, in doing so, may help prevent Representations from Responsible Authorities that would otherwise result in a hearing.

## 8.2 Safety

- 8.2.1 Safety within premises to which the public are admitted is of fundamental concern and is therefore one of the licensing objectives. All these policies are designed to ensure that the objective is promoted as appropriate to the premises.
- 8.2.2 There are two aspects to safety to take into account, one being the form of construction of the premises, the other being the way in which the patrons are managed once in the premises.
- 8.2.3 The Authority will expect the premises to be constructed to the appropriate standards for the uses to which it is to be put. It expects applicants to have addressed the requirements of Health and Safety at Work and Fire Safety legislation. Where appropriate, applied standards set out in any technical guidance for construction of buildings for a particular purpose should also be met.

### Policy OS 1: Operating schedule – Safety

Those preparing operating schedules and Responsible Authorities should consider:

- (a) Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance ISBN 1 904031 11 0 (Entertainment Technology Press - ABTT Publications);
- (b) The Event Safety Guide - A guide to health, safety and welfare at music and similar events (HSE 199) ('The Purple Book') ISBN 0 7176 2453 6;
- (c) Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X;
- (d) 5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 07176 15804;
- (e) Guide to Fire Precautions in Existing Places of Entertainment and Like Premises (Yellow Guide) HMSO ISBN 0 11 340907 9; and
- (f) advice from the Fire Officer or Building Control Officer.

### Policy OS 2: Operating schedule – Premises management & maintenance

The Authority expects operating schedules to detail how premises will be properly managed and maintained at all times.

Where necessary the operating schedule must reflect the management structures necessary to deal with the variety of activities taking place on the licensed premises on different days, at different times and in different parts of the premises at the same time.

### Policy OS 3: Operating schedule – Log book

The Authority expects the managers of appropriate premises to maintain a log of activities for the premises that records the details of the manager and supervisory staff and the times that they are on duty, with details of incidents such as where people have been ejected from the premises.

### Policy OS 4: Operating schedule – Occupancy limits

The Authority expects the operating schedule for each of the following types of premises to state the occupancy limits:

- (a) cinemas;
- (b) theatres;
- (c) any premises where Regulated Entertainment is to be provided;
- (d) any other premises, on the advice of a Responsible Authority where there are particular reasons to do so.

The Authority expects the operating schedule to state the occupancy limits of each floor of such premises and, where appropriate, separate areas on each floor, or under different operating conditions.

### Policy OS 5: Operating schedule – Free drinking water

The Authority expects applicants to indicate how supplies of free drinking water will be made available and clearly advertised at appropriate events and venues, particularly those where Regulated Entertainment takes place over a lengthy period of time.

**Policy OS 6: Smoke free Premises**

The Authority expects operating schedules to detail how premises will be able to comply with the Health Act 2006 without compromising any of the four licensing objectives (e.g. re-entry policies, drinks supervision, litter management and noise control etc. Applicants may wish to include additional plans to highlight any smoking areas they propose to use

**8.3 CCTV**

8.3.1 The Authority seeks to further the licensing objective of prevention of crime and disorder through greater use of CCTV in licensed premises, as appropriate to the scale and type of licensable activities proposed. CCTV is in wide use in public areas and has been successful in bearing down on crime and disorder. CCTV has also been in use in nightclubs to complement the CCTV system in public areas and to record information for use in dealing with incidents in clubs.

**Policy OS 7: Operating schedule – CCTV**

For appropriate premises, the Authority expects the use of CCTV equipment to capture images of appropriate quality, location and frequency. The Authority expects applicants for licences for such premises to demonstrate in their operating schedules that the installation and operational procedures for the equipment at the premises comply with Thames Valley Police's 'Standard Minimum Closed Circuit Television Requirements'.

**8.4 Drug control**

- 8.4.1 The Authority seeks to minimise the availability of drugs in furtherance of the public safety and crime and disorder objectives. The Authority therefore expects venues to have a comprehensive management approach to eliminating drug use and possession.
- 8.4.2 There are many indications that an increasing number of people are taking illegal drugs and are using a wider range than ever before. This is particularly true of what are often referred to as 'recreational drugs'. Their use, sometimes in places where entertainment is taking place, has led to fatalities.
- 8.4.3 The Authority will actively seek ways in which it can assist in promotional initiatives to highlight the hazards of drug and alcohol abuse.
- 8.4.4 For those venues where drug misuse is an identified risk, measures need to be taken to combat supply, use and the effects of any use. There is advice available about how to control and mitigate the effect of drug-taking, which is relevant for entertainment venues in general and venues which provide intensive dancing, such as 'nightclubs', in particular.

**Policy OS 8: Operating schedule – Drugs**

The Authority expects licensees of venues where there is a risk of drug-taking, to take all appropriate steps to prevent drugs from being brought onto the premises and from being traded within the premises, in addition to implementing measures to prevent tragedies as a result of any drug misuse.

The Authority expects licensees of premises that hold 'rave-style' dance events, whether regularly, intermittently or as single events, to produce a drug policy statement. That statement may incorporate the guidance and recommendations in the 'Safer Clubbing' booklet (see paragraph 5.1).

The Authority expects the operating schedule to show how the whole management structure of the venue is trained and organised to follow the measures agreed for the venue to minimise use of drugs.

Premises that hold outdoor events are likely to be required to have Security Industry Association (SIA) registered door staff on duty, so the drugs policy statement for the premises should be explicit about how the door staff will participate in systems to minimise drug use. In particular, the Authority expects such policies to include clear statements of the procedures for searching customers as a condition of entry.

In appropriate cases the Authority will consider attaching, to the Premises Licence, conditions that are based upon recommendations detailed in approved guidance on drugs.

## 8.5 Door supervisors

- 8.5.1 The Authority supports the pro-active use of trained and registered door staff as part of the operational management of some types of premises, because this can reduce the risk of crime, disorder and anti-social behaviour occurring.
- 8.5.2 A Premises Licence that provides for the presence of door supervisors will include a mandatory condition that such door supervisors must be either registered by the Security Industry Authority (SIA) or part of the Approved Contractor Scheme (ACS).
- 8.5.3 The ACS is the mechanism by which the SIA implements the requirements of the Security Industry Act 2001 as it applies to companies. The purpose of the ACS is to “raise performance standards and to assist the private security industry in developing new opportunities “. It aims to achieve this by putting in place a system of inspection for providers of security services. Certification Bodies, like Security Systems Alarms Inspection Board, will undertake the inspection activities on behalf of the SIA to ensure that companies who achieve the required standard can be registered as approved.

### Policy OS 9: Operating schedule – Door Supervisors

The Authority generally expects Premises holding regulated entertainment that continues beyond midnight to employ door supervisors in furtherance of the licensing objectives.

Where appropriate, the Authority will attach conditions to Premises Licences about the minimum numbers of male and female door supervisors on duty and their roles, which will reflect the layout of the premises, the location, the type of entertainment or function provided and the periods when regulated entertainment normally takes place.

Where a Representation or Relevant Representation has been made, the Authority may require premises to use door supervisors for particular types of regulated entertainment, which might potentially provoke disorder (e.g. broadcasts of sporting tournaments in pubs) and special promotional events in which the sale of alcohol is significant.

At premises that have regular entertainment, or where special events are taking place, other attendants who do not engage in security activities may be required to supervise areas within the premises.

The Authority expects door supervisors and other staff undertaking security or supervisory duties to be readily identifiable by members of the public and where appropriate to wear high visibility clothing.

## 8.6 Pub-watch & Late Night Business Partnership Schemes

- 8.6.1 Pub-watch & Late Night Business Partnership Schemes are a pro-active means of promoting the licensing objectives. They support the exchange of information and collective agreement on persons being excluded from premises because of anti-social or disruptive behaviour. They also assist in helping to establish and grow strong and mutually beneficial relations between licensees and Responsible Authorities.
- 8.6.2 Responsible managers of appropriate licensed premises will wish to actively participate in such schemes, which are in operation in the Authority’s area.
- 8.6.3 The Authority fully supports the “Nightsafe” partnership initiative to combat crime and disorder associated with the night-time economy.

### Policy OS 10: Operating schedule – ‘Pub-Watch & Late Night Business Partnership’ Schemes

The Authority expects that all premises licensed to sell alcohol will participate in a pub-watch scheme, where there is one in place, and to become part of the system(s) that Pubwatch, Late Night Business Partnership, and Nightsafe schemes may implement to alert members about potential troublemakers.

The Authority encourages such premises to join the Licensing Authority led Late Night Business Partnership Scheme, in order to promote closer working relations with the Licensing Officers, and other Responsible Authorities in a manner designed to address the needs of business and the promotion of the licensing objectives.

## 8.7 Drinks promotions

- 8.7.1 The Authority has concern about the potential for crime and disorder and public nuisance that might arise from sale of alcohol for consumption on the premises through discounts or special sales promotions. The Authority does not wish to deny consumers the opportunity to participate in responsible promotions, but in response to a Representation or Relevant Representation, will restrict activities where it appears that such sales are inadequately supervised, or the discounts encourage excessive consumption by individuals, or the period of the promotion too long.
- 8.7.2 Policy OS 11 enables the Authority to consider circumstances where drinks promotions are a regular feature for particular premises and to enable the Police and Authority to consider whether adequate controls are in place to limit or prevent disorder that may result.

### Policy OS 11: Operating schedule – Discounting and sales promotions

The Authority expects any discounted drinks and sales promotions to be properly managed and take into account the 'Good Practice Guide on Point of Sale Promotions' issued by the British Beer and Pub Association.

The Authority supports measures to promote sensible drinking including a commitment not to participate in drink promotions / happy hours etc, which encourage binge drinking. Premises licences are likely to be subject to review where they have led to any of the licensing objectives being undermined. Licence holders should not only consider the price of the alcohol sold on the premises but also in the manner in which it is promoted.

The Authority expects applicants to include in their operating schedules any proposals for discounting or sales promotions of alcohol and to provide the Authority with written procedures detailing how such promotions will be managed in order to further the licensing objectives, giving particular attention to any increased supervision that may be required.

### Policy OS 12: Operating schedule – Public Nuisance Noise

In considering applications, the Responsible Authority would recommend evidence that the likelihood of public nuisance has been addressed for the premises. The use of outside areas can potentially cause public nuisance particularly during quieter periods of the day when background noise has diminished. It is anticipated that the Responsible Authority may on occasions request that the operating schedule address measures such as restricting the use of certain areas of the premises e.g. garden area.

## 8.8 Fly Posting & Distribution of Printed Matter

- 8.8.1 Problems can be caused by fly-posting. Some licence holders and / or promoters use fly-posting as a cheap way of advertising their venue(s). This is not only an eyesore but it creates a public nuisance and is illegal.
- 8.8.2 The Council can tackle fly-posting in many ways including use of the Town & Country Planning Act 1990, the Highways Act 1980 and the Anti-Social Behaviour Act 2003. Licence holders should also be aware that the new Cleaner Neighbourhoods and Environment Act 2005 give further powers to the Council to tackle this problem.
- 8.8.3 Licence Holders must be aware that the Authority considers that fly posting is a public nuisance and that they will be held accountable for any matter found promoting their venue.
- 8.8.4 The Authority strongly advises premises that wish to advertise their venue use one on the seven poster boards that have been supplied by the Council in partnership with Oxford Brookes and various local nightclubs. These boards are situated throughout the City and the full list is available on the City Council's website.

### Policy OS 13: Operating schedule – Public Nuisance Fly Posting

The Authority would normally expect provisions to be made to prevent fly posting and distribution of flyers in the street. We would expect within your operating schedule details of how promotions and special events will be publicised.

## 9 Reviews and Enforcement Issues for Premises

### 9.1 Reviews

- 9.1.1 Under the 2003 Act it is possible for the Authority to review a Premises Licence at any time, if it receives a Representation from a Responsible Authority or a Relevant Representation from an Interested Party. The Authority may not initiate its own review without having received a Representation or Relevant Representation. Reviews may only arise in connection with a failure or failures in the premises connected to the licensing objectives.
- 9.1.2 Successful promotion of the licensing objectives relies on a partnership approach between the Authority, licence holders, Interested Parties and Responsible Authorities. Reviews should not therefore be used as a commonplace way of securing adherence to licence conditions or of redressing perceived failures in management of licensed premises.
- 9.1.3 Reviews in connection with crime, could lead to revocation of the licence - even in the first instance.
- 9.1.4 The 2003 Act, as amended by Violent Crime Reduction Act 2006, enables the Authority, on the application of a senior police officer in serious cases of crime and disorder, to attach interim conditions to licences pending a full review.

#### Policy RE 1: Reviews (1)

Generally, unless the Authority regards the issue as serious, a review will only be conducted where there has been a failure to address matters previously raised.

#### Policy RE 2: Reviews (2)

Where a request for a review is made, the Authority will expect the person making the Representation or Relevant Representation to declare the nature of their interest and provide specific evidence to demonstrate why a review is necessary.

#### Policy RE 3: Reviews (3)

The Authority will not review licences simply because a Representation or Relevant Representation may have failed on previous occasions or under other legislation.

#### Policy RE 4: Reviews (4)

If a request for a review is received from an Interested Party or Responsible Authority, the Authority will decide whether a reasonable interval has elapsed since a previous review, if any, has taken place. It will generally not expect to hold a review into a licence in response to a Relevant Representation from a particular interested person more often than annually, unless there are exceptional circumstances.

### 9.2 Enforcement

- 9.2.1 The 2003 Act does not require inspections to take place, save at the discretion of those charged with this role.
- 9.2.2 The Council will adopt the enforcement principles of risk assessment and targeting, taking into account the nature of the licensed activities, the extent to which the licensing objectives are met and the confidence in the management of the premises. This approach will ensure that enforcement is effectively concentrated on problem premises whilst monitoring the situation in other premises, and provide for efficient deployment of the Council's staff and Police officers.
- 9.2.3 The Licensing Authority will establish and maintain both proactive and reactive enforcement protocols / service level agreements with the local police and other enforcement agencies. Protocols will provide for the proportionate targeting of agreed problem and high-risk licensed activities needing greater attention and a corresponding lighter touch for well run, lower risk premises in the area.
- 9.2.4 The Licensing Authority believes that proportionate but vigorous enforcement will be a key element in ensuring the successful implementation of the licensing regime and that the

four licensing objectives are met. We intend to use our powers under the Licensing Act 2003 and other relevant legislation to ensure a proper balance is struck between the interests of the licensed trade and of the wider community.

9.2.5 Licensing Officers will use a graduated form of response in adherence to the Council's enforcement policy expected to assist in resolving issues of non-compliance, including drawing up action plans; although we recognise that in serious cases a prosecution or a review application will be the appropriate action.

9.2.6 The Council will also undertake pre-event inspections in appropriate locations.

**Policy EN 1: Enforcement**

The Council will establish and maintain protocols with the local Police and other enforcement agencies as appropriate for the management of both the day and night-time economy. Central to this would be the enforcement of the law relating to sales of alcohol to drunk and underage people and drunkenness or disorder on, or in the immediate vicinity of the licensed premises. The Council will seek to ensure that these protocols concentrate on targeting of mutually agreed problems and high-risk premises, while providing a lighter touch in respect of low-risk premises that are well run.

9.2.7 The following sets out how the inspection regime will work:

Type of Premises	Frequency of planned inspections
High risk (e.g. night-clubs/pubs with regulated entertainment, open after midnight, cinemas, theatres, indoor sports entertainments)	According to risk rating to be determined at first inspection
Medium risk (e.g. pubs, pubs with regulated entertainment not open after midnight, registered members' clubs, 'off-licences' not part of a shop, late night refreshment premises)	According to risk rating to be determined at first inspection
Low risk (e.g. off-licences that are part of a shop) restaurants, Village/community halls	According to risk rating to be determined at first inspection
Temporary event notices (which last for a maximum of 96 hours)	Prior to event starting
Outdoor Concerts/Events involving Regulated Entertainment and/or sale of alcohol	Prior to event starting

9.2.8 There may be occasions when additional inspections will be required, for example following premises alterations, complaints made by Interested Parties or requests by Responsible Authorities.

9.2.9 This inspection routine recognises that Premises Licences, unless issued for a specific period of time, have no end date once they have been granted.

9.2.10 The Authority has signed the Central and Local Government Concordat on Good Enforcement. Further details of the way in which the Authority will approach enforcement issues are available from the Council.

9.2.11 The Authority is empowered under section 13 of the Criminal Justice and Police Act 2001 to make 'Designated Public Place Orders' and to make 'Public Space Protection Orders' under the Anti-Social Behaviour, Crime and Policing Act 2014 to control the consumption of alcohol in a public place outside licensed premises.



9.2.12 The 2003 Act empowers a police officer to ask a magistrates' court to make an order for all premises holding premises licences or a temporary event notice which are situated at or near the place of the disorder or anticipated disorder to be closed for a period up to 24 hours. The court cannot make such an order unless it is satisfied that it is necessary to prevent disorder. A police officer may use necessary force to close any premises covered by such an order.

### **9.3 Failure to pay Annual Fees – Licence Suspensions**

9.3.1 The Police Reform and Social Responsibility Act 2011 amended the Licensing Act 2003 to allow us to suspend licences and certificates. We must suspend premises licences or club premises certificates when the annual fee is not paid.

9.3.2 Where an annual fee is not paid we will write to tell you that you have a period of 21 days from the date the fee became due to pay the outstanding fees. The period of 21 days exists so as to allow for resolution as to a dispute, or as a result of an error. After this period the licence or certificate will be suspended. We will not send any further warning letters.

9.3.3 We will write to the licence holder advising you of the suspension and tell you the date on which the suspension will take effect. This will be 2 days after the day the notice is given.

9.3.4 We will notify Thames Valley Police and the relevant responsible authorities as defined under the Act.

9.3.5 The lifting of a suspension will only take place from the day on which we receive the payment of the outstanding fee/fees. In all instances, we shall confirm that the suspension has been lifted in writing the following working day after the payment has been received. Notification will also be provided to Thames Valley Police, and the relevant responsible authorities as notified at the time the suspension notice was given.

## **10. Early Morning Restriction Orders and Late Night Levy**

### **10.1 Early Morning Restriction Orders (EMRO)**

10.1.1 The power for licensing authorities to introduce an EMRO is specified in sections 172A to 172E of the 2003 Act which was amended by Section 119 of the Police Reform and Social Responsibility Act 2011. These provisions came into force on 31<sup>st</sup> October 2012.

10.1.2 Regulations prescribing the requirements in relation to the process for making an early morning restriction orders (EMRO) were brought in force on 31<sup>st</sup> October 2012.

10.1.3 Guidance has been introduced by the Home Office in relation to:

- the EMRO process
- the evidence base
- introducing an EMRO
- advertising an EMRO
- dealing with representations
- hearings
- implementation
- limitations
- enforcement

10.1.4 The legislation gives licensing authorities discretion to restrict sales of alcohol by introducing an EMRO to restrict the sale or supply of alcohol to tackle high levels of alcohol related crime and disorder, nuisance and anti-social behaviour. The order may be applied to the whole or part of the licensing authority area and if relevant on specific days and at specific times. We must be satisfied that such an order would be appropriate to promote the licensing objectives.

10.1.5 The only exemptions relating to EMROs are New Year's Eve and the provision of alcohol to residents in premises with overnight accommodation by means of mini bars and room service. The decision to implement an EMRO should be evidence based and we may

wish to outline the grounds which we will take into consideration when considering implementation of an EMRO. This should include consideration of the potential burden imposed as well as the potential benefits.

10.1.6 The function of making, varying or revoking an EMRO is specifically excluded from the delegation of functions and may not be delegated to the Licensing & Gambling Acts Committee. The Committee makes a recommendation to Council for the actioning of the recommendation.

## 10.2 Late Night Levy

10.2.1 The late night levy does not fall within the Licensing Act. However, in the future we may consider a levy and therefore we have set out some details about late night levies.

10.2.1 The legislative provisions relating to the late night levy are not part of the Licensing Act 2003 but are contained in sections 125 to 139 of the Police Reform and Social Responsibility Act 2011. The provisions came into force on 31<sup>st</sup> October 2012.

10.2.3 There are also Regulations in force setting out the way in which the levy must be applied; the way it will be administered, as well as arrangements for expenses, exemptions and reductions. There is also Guidance which sets out:

- implementing the levy and the consultation process
- the design of the levy
- exemptions from the levy
- reductions in levy charges
- how revenue raised from the levy may be spent
- the levy charges
- the levy collection process

10.2.4 We will have discretion as to whether we exempt certain premises but these can only be the types of premises set out in paragraphs 1.24 to 1.31 of the Guidance on the Late Night Levy. We also have discretion whether to reduce the amount of the levy by 30% for premises which participate in business-led best practice schemes [Guidance on the Late Night Levy, paragraphs 1.33 to 1.37].

10.2.5 Any revenue from the levy must be split between us, as the licensing authority, and the Police, with at least 70% of the 'net' levy (after expenses) paid to the Police. The Late Night Levy Guidance suggests at paragraph 1.40 that we may wish to use existing partnership arrangements with the Police to ensure that the police intentions for the share of the levy revenue paid to them are genuine.

10.2.6 These new powers enable us to charge a levy in relation to persons who are licensed to sell or supply alcohol late at night as a means of raising a contribution towards the costs of policing the night-time economy. It is a 'local' power that we can choose whether or not to exercise. Any decision to introduce, vary or cease the requirement for a levy has to be made by the full council. Other decisions in relation to how the levy is administered may be subject to delegation.

10.2.7 The Licensing Authority intends to continue to maintain a watching brief as to the feasibility of such a levy in Oxford, and in doing so we will look to work with the businesses involved in the night time economy and those impacted by those businesses in order to further assess whether a levy may be deemed appropriate and necessary in order to promote the licensing objectives.

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# Appendices

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## **Appendix 1 – The Authority’s area and licensable activities**

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Oxford is a major centre for education, tourism, business, culture, leisure activities and healthcare, and plays an important role in the southeast region of England. It is internationally renowned for its unique heritage and as a centre of learning and innovation. Alongside this, it is seen as an icon of excellence and a source of inspiration in both industry and the arts, providing jobs for almost 100,000 people and welcoming over 7.78 million visitors each year.

We are fortunate in our diversity and have a broad spectrum of communities and cultural influences that have become part of the vibrant, everyday life of the city. Our rich heritage and cultural life, which includes the festivals held in its parks and open spaces, has been recognised by the awarding of Centre of Culture status for 2008.

With a population of around 149,800 living in high density at nearly 30 people per hectare, the pressures of success continue to challenge the city and its communities today. There are 33,000 students, boosting our 16-29 year old group to 32% of the population - over twice the national average. This affects the demand for entertainment facilities, which in turn must be balanced with the needs of other those living in the vicinity of those facilities.

There are ambitious plans for promoting a renaissance in Oxford by developing the unrealised potential of the city's West End, with significant opportunities to add housing, leisure, cultural, and retail capacity to this part of the town centre. The importance of enhancing the celebrated quality of Oxford's historical built environment is paramount, along with the need to complement existing architecture with challenging design and public art.

Incorporating improvements to the transport infrastructure will also be a key ingredient of any major urban development. The city is at the centre of important national and regional road and rail networks so that managing transport pressures is a challenge as it is to all historic towns. Local bus services are a vital means of transport for many in the city, with 33% of households not owning a car, compared with 20% in the region. The first Park and Ride scheme in the country was established here in 1973 and has expanded to play a major part in managing travel within the city. The adequacy of late night bus, train and taxi services is a key consideration in developing an evening and late-night economy in which alcohol is consumed.

Oxford is prosperous but there remain challenging pockets of deprivation. It has the highest percentage of people claiming low income and unemployment benefits in Oxfordshire which is above average in the South East and, in terms of multiple-deprivation; one of its 24 political wards is among the 10% most deprived in England and Wales.

Oxford has a wide variety of venues for licensed activities, ranging from relatively isolated public houses in the countryside to open spaces that are used for large-scale public events and including night clubs, cinemas theatres and large late-night supermarkets. In parts of the city centre and the Cowley Road there are significant concentrations of licensed premises.

We recognise that many of the challenges that face us in bringing together a successful city and its citizens are interlinked - housing to mental health, education to the economy, employment and leisure activities to the needs of local residents and so on - and we will work to respond to those connections more effectively in future.

There are increasing pressures on the urban environment and on the balance between providing buildings and enhancing open public spaces. Demands for growth and expansion have, however, always been a feature of life in Oxford and the city has, perhaps uniquely, managed to balance this with a preservation of its conservation areas and the natural environment.

We have distinctive areas of natural beauty such as the River Thames, Port Meadow, Wolvercote Common, and Shotover Park, all with an outstanding range of wildlife and biodiversity. The city is surrounded by a green belt and has 12 SSSIs (Sites of Special Scientific Interest) protected through designation by English Nature.

Our waterways and flood meadows are especially important for wildlife, with parks, domestic gardens, and cemeteries providing other valuable habitats. Access to these green spaces and the

biodiversity they support significantly improves the quality of life for those who live in, work in, and visit the city.

We need to ensure that the success of Oxford as a globally recognised city is translated into tackling inequalities on our own doorstep and that we are responding to the diverse needs of local individuals and communities.

Further information on Oxford's demography, housing, economic activity, and education - primarily based on data from the 2001 Census - has been compiled in a city profile, available online at [www.oxford.gov.uk/cityprofile](http://www.oxford.gov.uk/cityprofile).

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## Appendix 2 – Other Council policies and programmes

The Council has adopted the following local policies and programmes that will have a role in the promotion of regulated entertainment and other licensable activities:

- Oxford City Council Corporate Plan 2015 – 2019
- Oxford Strategic Partnership
- Oxford Core Strategy
- Oxford Local Plan 2001-2016
- Oxford City Council's Vision – Oxfordshire 2030
- Oxford Transport Strategy
- Statement of Gambling Licensing Policy
- Street Trading Policy
- Community Safety Plan 2015 – 2018
- Safeguarding Children, Young People and Vulnerable Adults Policy
- Culture Strategy
- Green Spaces Strategy
- Environmental Development Enforcement Policy
- Late Night Business Partnerships, Pubwatch and Nightsafe Schemes

Commerce is one of the most important activities in Oxford. The characteristic clusters of commercial uses, such as shops, restaurants, banks and offices are found in a variety of locations throughout the City, from the City centre down to parades of a few shops within and just beyond the City boundary.

Shopping is the key activity in the centres. The City Council strategy aims to provide for it in a variety of locations and forms. Within the larger centres especially, the aim is also to maintain a varied mix of commercial uses to complement the main shopping function. Proposals for new developments, whether within or outside existing centres, are looked at carefully to ensure that they will support these aims in a neighbourly way and also be in accordance with Government policies to maintain the vitality and viability of existing centres and encourage use of public transport.

Adopted and emerging local plan policies seek to ensure an appropriate balanced mix of uses is promoted within the City centre and four District centres. The District centres include Cowley Road, Cowley centre, Headington and Summertown. These policies recognise the important role that Class A3 (food and drink) uses such as restaurants and public houses make to the vitality and viability of existing centres. However this should not generally result in a high proportion of Class A3 uses within these defined frontages at the expense of the retailing importance of the existing centres.

The service sector has grown considerably in Oxford in recent years, particularly in Class A3 (food and drink) uses. The emerging policies propose Class A3 uses for some allocated development sites and within defined shopping frontages, subject to the appropriate mix of uses being maintained. Whilst these uses make an important contribution to the vitality of the existing centres they can have an impact (both during the day and evening), particularly when outlets are clustered, leading to environmental problems, transport problems and loss of residential amenity. Policies therefore seek to direct Class A3 uses to designated centres, ensure that there is an appropriate mix of uses and do not result in unacceptable environmental problems that cannot be reasonably controlled by planning conditions.



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## Appendix 3 – BBFC Film Classification

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Films would normally be classified by the British Board of Film Classification or the local authority in the following way:

- U**            **Universal - suitable for all**
- PG**           **Parental Guidance - some scenes may be unsuitable for young children.**
- 12A (PG12)** **Passed only for viewing by persons aged 12 years or older or younger persons accompanied by an adult.**
- 12**            **Passed only for viewing by persons aged 12 years or older.**
- 15**            **Passed only for viewing by persons aged 15 years and over.**
- 18**            **Passed only for viewing by persons aged 18 years and over.**

In some cases, the PG rating may carry a recommended viewing age – e.g. PG8 would only be suitable for children over the age of 8, if accompanied by an adult.

## Appendix 4 – Delegation of functions under the 2003 Act

The following functions have been delegated by the Licensing & Gambling Acts Committee to Licensing Casework Sub-Committees and to Officers:

Matter to be dealt with	Sub-Committee	Authorised Officers
Application for Personal Licence	Police objection (See Note 1)	All other cases
Application for Premises Licence or Club Premises Certificate	Relevant Representation (See Note 2)	All other cases
Application for Provisional Statement	Relevant Representation (See Note 2)	All other cases
Application to vary Premises Licence/Club Premises Certificate	Relevant Representation (See Note 2)	All other cases
Application for a Minor Variation to Premises Licence / Club Premises Certificate		All cases
Application to vary Designated Premises Supervisor	Police objection (See Note 1)	All other cases
Request to be removed as Designated Premises Supervisor		All cases
Application for transfer of Premises Licence	Police objection (See Note 1)	All other cases
Applications for interim authorities	Police objection (See Note 1)	All other cases
Application to review Premises Licence or Club Premises Certificate	All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, repetitious etc.		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of a Police and / or Environmental Health Representation to a Temporary Event Notice.	All cases	

Note 1 – ‘Police objection’ = If a Police objection has been made and not withdrawn.

Note 2 – For the purposes of this table ‘Relevant Representation’ above = If a Representation has been determined by a delegated officer as a Relevant Representation from an Interested Party or a Representation has been made by a Responsible Authority and at least one of those Representations or Relevant Representations has not been withdrawn with the agreement of all parties that a hearing is not necessary.

## Appendix 5 – Deregulation of Schedule 1

The Live Music Act came into force on 1<sup>st</sup> October 2012 and is designed to encourage more performances of 'live' music. On 1<sup>st</sup> April 2015, elements of Schedule 1 of the Licensing Act 2003 (Regulated Entertainment) were deregulated in order to promote further the holding of events whilst reducing the burden placed on those seeking to host such events.

### When is regulated entertainment not licensable?

Below is a brief guide as to when certain regulated entertainment is exempt from the need for a licence or temporary event notice.

Type of entertainment	When is it not licensable
Plays / Theatrical Performances	<ul style="list-style-type: none"> <li>it takes place between 8am and 11pm; and</li> <li>the audience is no more than 500 people</li> </ul>
Films (in Community Premises)	<ul style="list-style-type: none"> <li>it takes place between 8am and 11pm; and</li> <li>is "not-for-profit"; and</li> <li>takes place to audiences of 500 or less; and</li> <li>is held in accordance with any age classification recommendations set by the BBFC, or where different, any age rating set by the Licensing Authority in whose area that exhibition takes place.</li> </ul>
Indoor Sporting Events	<ul style="list-style-type: none"> <li>it takes place between 8am and 11pm; and</li> <li>the audience is no more than 1000 people</li> </ul>
Boxing / Wrestling (includes Mixed Martial Arts and Cage Fighting)	<ul style="list-style-type: none"> <li>only if Olympic style Greco-Roman and Freestyle wrestling</li> <li>the audience is no more than 1000</li> </ul>
Live Music (Amplified)	<ul style="list-style-type: none"> <li>it takes place between 8am and 11pm; and</li> <li>it takes place at a licensed premises or workplace; and/or an unlicensed community premises; and/or non-residential premises</li> <li>the audience is no more than 500 people</li> </ul>
Live music (Acoustic)	<ul style="list-style-type: none"> <li>it takes place between 8am and 11pm anywhere</li> </ul>
Recorded Music	<ul style="list-style-type: none"> <li>it takes place between 8am and 11pm; and</li> <li>it takes place at a licensed premises; and/or an unlicensed community premises; and/or non-residential premises</li> <li>the audience is no more than 500 people</li> </ul>
Dance	<ul style="list-style-type: none"> <li>it takes place between 8am and 11pm; and</li> <li>the audience is no more than 500 people</li> </ul>
Similar to Music and Dance	<ul style="list-style-type: none"> <li>Karaoke</li> <li>Busking</li> <li>Incidental music or dancing as part of a wider event</li> </ul>

Cross-activity Exemptions hosted by local authorities, hospitals, nurseries and schools on own premises	<ul style="list-style-type: none"> <li>All regulated entertainments between 0800-2300 with no audience limitations</li> </ul>
Activities held on local authority, hospital, nursery and school premises by others with their permission	<ul style="list-style-type: none"> <li>Live and Recorded Music between 0800-2300 for audiences up to 500</li> </ul>
Community premises (e.g.: church and village halls, community halls, etc.)	<ul style="list-style-type: none"> <li>Live and Recorded Music between 0800-2300 for audiences up to 500</li> </ul>
Circuses	<ul style="list-style-type: none"> <li>Live and Recorded Music, Plays, Dance and Indoor Sports between 0800-2300 with no audience limitations</li> </ul>

#### Other Exceptions:

No licence or temporary event notice is needed for:

- Films which are solely or mainly to demonstrate a product, advertise goods or services, or provide information, education or instruction
- Films as part of an exhibition in a museum or gallery
- TV and radio broadcasts, providing they are shown live and not recorded
- Religious meetings or services
- Entertainment in places of public religious worship
- Garden fetes (unless held for private gain)
- Entertainment provided in a moving vehicle
- Morris dancing
- 'Incidental entertainment' (i.e. background entertainment such as):
  - a supermarket playing background music (people go there to shop, not to listen to music)
  - music during keep-fit classes (people are there to exercise)
  - salsa dance classes (people are there to learn to dance)
  - a pub jukebox playing in the background (people are there to drink).

## **Appendix 6 – Proof of Age documents**

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The Licensing Authority also expects Designated Premises Supervisors/Personal Licence holders to ensure that unless it is permitted to do so, serving of alcohol to those under 18 shall not be permitted and that there will therefore be in place in the operating schedule a management protocol to check the age of persons seeking to be served with alcohol.

Similar proof of age should be required as appropriate in other circumstances.

Such checking may be carried out by requiring production of:

- (i) a valid passport;**
- (ii) a proof of age card approved by the ‘Proof of Age Standards Scheme’ (PASS);**
- (iii) a photocard driving licence issued by a country in the European Union;**
- (iv) a citizencard supported by the Home Office (details from [www.citizencard.net](http://www.citizencard.net));**
- (v) an official identity card issued by HM Forces or by a country in the European Union bearing a photograph and the date of birth of the bearer.**

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## Appendix 7 – The role of local Councillors and Interested Parties

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### Local Councillors

Local councillors play an important role in their local communities. They can make representations in writing and at a hearing on behalf of an interested party such as a resident or local business if specifically requested to do so. They can also make representations as an Interested Party in their own right as an elected Ward Councillor or live in the vicinity of the premises in question.

Local councillors are subject to the Local Authorities (Model Code of Conduct) Order 2007 which restricts their involvement in matters, in which they have a 'prejudicial' interest (i.e. an interest that a member of the public would reasonably regard as so significant that it is likely to prejudice the member's judgement of the public interest). The latest version of the Code, which came into force on 3 May 2007, has relaxed the rules on prejudicial interest.

In terms of licensing, this has the effect of allowing councillors with prejudicial interest in an application to attend relevant meetings, to make representations, answer questions or give evidence, provided the public are also allowed to attend for the same purpose, whether under the licensing legislation or otherwise and as long as they withdraw from the meeting immediately afterwards. Councillors have a duty to act in the interests of all their constituents. Their role as a community advocate must therefore be balanced with their ability to represent specific interests.

### Interested Parties

Interested Parties are the bodies or individuals who are entitled to make representations to the Authority on new or variations to premises licences. In addition to this, interested parties may seek a review of a premises licence. Interested parties include:

- a person likely to be affected by the operation and impact of the premises,
- a body representing persons likely to be affected by the operation and impact of the premises,
- a person involved in a business likely to be affected by the operation and impact of the premises,
- a body representing persons involved in such businesses likely to be affected by the operation and impact of the premises,
- Elected Members of the Oxford City Council.

A representation would only be "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. A representation that fails to do this is not "relevant" for the purposes of the 2003 Act and cannot be accepted.

It is for the licensing authority to determine on its merits whether any representation by an interested party is frivolous or vexatious.

Representations must be received in writing at the licensing authority office by the last date for representations. Representations must be signed, dated, provide the grounds of representation in full and include the name and address of the person / body making the representation.

Any individual or group of people may specifically request a representative to make a representation on their behalf. For example, a legal representative, a friend, a Member of Parliament or a local ward councillor could all act in such capacity.

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## Appendix 8 – Other legislation and controls

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The Secretary of State's Guidance proposes that policy statements should provide information on other relevant legislation and controls that apply to licensed premises. This is because the regulatory framework of the 2003 Act will not control all matters that are likely to arouse concern in connection with the operation of licensed premises, including the behaviour of persons away from the immediate vicinity of licensed premises. Other legislation relevant to licensed premises is as follows:

### Planning

1. Planning controls are covered above in paragraph 2.8 and Policy GN 8.

### Anti-Social Behaviour Act 2003

2. Section 40 of the Anti-Social Behaviour Act 2003 allows the Council's Chief Executive to make a Closure Order against a premises if he or she reasonably believes that a public nuisance is being caused by noise coming from the premises and it is necessary to close the premises to prevent it. This applies to any premises where there is a Premises Licence, a Temporary Event Notice, or no permission.

### Regulatory Reform (Fire Safety) Order 2005

3. This Order reforms the law relating to fire safety in non-domestic premises. It replaces fire certification under the Fire Precautions Act 1971 with a general duty to ensure, so far as is reasonably practicable, the safety of employees, a general duty, in relation to non-employees to take such fire precautions as may reasonably be required in the circumstances to ensure that premises are safe and a duty to carry out a risk assessment. The Order imposes a number of specific duties in relation to the fire precautions to be taken.

### Smoke Free Premises as defined under the Health Act 2006.

4. Smoke Free Premises came into effect on 1 July 2007 under the Health Act 2006. The legislation is aimed at ensuring a healthy environment, so everyone can socialise, relax, travel, shop and work free from second-hand smoke.

### Violent Crime Reduction Act 2006

5. This Act introduces new measures to ensure the police and local communities have the powers they need to tackle guns, knives and alcohol related violence. Relevant measures include:
  - amendment to the Licensing Act to introduce an offence of persistently selling alcohol to children.
  - amendment to the Act which will enable licensing authorities, on the application of a senior police officer in serious cases of crime and disorder, to attach interim conditions to licences pending a full review.

### Disability Discrimination Act 1995

6. The Disability Discrimination Act 1995 came fully into effect in October 2004 and includes widespread responsibilities not to treat people with disabilities in a less advantageous way than other people.
7. The Authority will not seek to duplicate the requirements of the Disability Discrimination Act 1995, however, in response to a Representation or Relevant Representation, the Authority will apply conditions where necessary to ensure the equal treatment of people with disabilities where they coincide with licensing objectives.

### Gambling Act 2005

8. The Gambling Act 2005 came into force on 1 September 2007. Under the provisions of this Act public houses enjoy an automatic entitlement to a maximum of two gaming machines of category C or D on licensed premises. **The Category of Gaming Machine Regulations 2007 defines the maximum stakes and maximum prizes permitted for category C and D machines.** This is an automatic entitlement if the Premises Licence

holder sends written notice along with the prescribed fee, to the Authority of his intention to make gaming machines available for use in the premises.

9. For more than two machines a Licensed Premises Gaming Machine Permit is needed. Applications are made to the Authority in the form and manner that the Authority directs for grant or variation. There is both an application and an annual fee. The notification of two machines or an application for a Licensed Premises Gaming Machine Permit, does not need to be made until the existing Section. 34 Permit is due to expire.

#### **Censorship**

10. The content of regulated entertainment is a matter that is already addressed by other laws governing indecency and obscenity.
11. The Authority will not seek to impose conditions that censor the content of any film or play in a way that cannot be related to the licensing objectives. Where the concern is about protecting children, their access will be restricted.

#### **Clean Neighbourhoods and Environment Act 2005**

12. The Clean Neighbourhoods and Environment Act 2005 includes measures for providing and maintaining clean and safe local environments. It covers a number of areas and introduces a number of measures to deal with crime and disorder, abandoned and nuisance vehicles, waste and fly-tipping, litter and graffiti, dogs, noise, nuisance from artificial lighting and insects.

#### **Health and Safety Work Act 1974**

13. Under the Health and Safety at Work Act 1974, employers have a duty to ensure, so far as is reasonably practicable, the health and safety of its workers and other persons who may be affected by the place of work. In addition, the Management of Health and Safety at Work Regulations (1999) require every employer to make a suitable and sufficient assessment of all the risks to the health and safety of workers and others arising at or from a work activity.

#### **Local Government (Miscellaneous Provisions) Act 1982**

14. Amongst other matters this addresses the issue of prohibited streets and consent streets in relation to street trading, and the licensing of Sex Establishments.

#### **Drugs Act 2005**

15. The Drugs Act 2005 brings about new police powers to test for class A drugs and more. The aim of the Drugs Act is to increase the effectiveness of the Drug Interventions Programme by getting more offenders into treatment. The Act aims to introduce a new civil order that will run alongside ASBOs for adults to tackle drug related anti-social behaviour.

#### **Other Controls**

16. There are other controls that can be applied in promotion of the four licensing objectives. These include:
- Police enforcement of legislation concerning disorder and anti-social behaviour.
  - powers of local authorities to designate parts of their area as places where alcohol may not be consumed publicly. (There are such areas in Oxford);
  - prosecution of any Personal Licence holder or member of staff at premises, who is selling alcohol to a person who is drunk;
  - test-purchasing to check on sale of alcohol to under-18s;
  - litter legislation;
  - confiscation of alcohol from anyone in designated areas and from persons under 18 in any public place;
  - positive measures to create safe and clean town centre environments in partnership with transport operators, local businesses, the licensed trade etc.
  - a by-law on touting;
  - controls on fly-posting, and provision of official poster sites.



## Appendix 9 – Responsible Authorities

**Table 1 – Application copies required**

	Responsible Authorities											
	Oxford City Council											
The type of application affects which Responsible Authorities must be sent a copy:												
A = Application C = Copy												
<b>Type of Application</b>	<b>The Licensing Authority</b>	<b>The Planning Authority</b>	<b>Environmental Health</b>	<b>Health &amp; Safety</b>	<b>Thames Valley Police</b>	<b>Fire &amp; Rescue Service</b>	<b>Social &amp; Health Care</b>	<b>Trading Standards</b>	<b>@WU' &lt; YUJH '6cXm</b>	<b>Navigation Authority</b>	<b>Other Licensing Authority</b>	<b>Health &amp; Safety Executive</b>

### PERSONAL LICENCE

New	A	-	-	-	-	-	-	-	-	-	-	-
-----	---	---	---	---	---	---	---	---	---	---	---	---

### PREMISES LICENCE

New	A	C	C	C	C	C	C	C	C	-	-	-
Variation	A	C	C	C	C	C	C	C	C	-	-	-
Minor Variation	A	-	-	-	-	-	-	-	-	-	-	-

### PROVISIONAL STATEMENT

New	A	C	C	C	C	C	C	C	C	-	-	-
-----	---	---	---	---	---	---	---	---	---	---	---	---

### CLUB PREMISES CERTIFICATE

New	A	C	C	C	C	C	C	C	C	-	-	-
Variation	A	C	C	C	C	C	C	C	C	-	-	-
Minor Variation	A	-	-	-	-	-	-	-	-	-	-	-

### SPECIAL CASES

PREMISES: New (Boats)	A	C	C	C	C	C	C	C	C	C	C	-
PREMISES: 'Variation' or 'New'	A	C	C	-*	C	C	C	C	C	-	-	C*
CLUBS: 'Variation' or 'New'	A	C	C	-*	C	C	C	C	C	-	-	C*

(\* note: Health and Safety matters for City and County Council premises and all Educational Institutions are dealt with by the Health and Safety Executive, not by the City Council)

<b>Table 2 – Addresses</b>		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 St Aldate's Chambers, 109 St Aldate's, Oxford, OX1 1DS	01865 252565	licensing@oxford.gov.uk www.oxford.gov.uk/licensing
The Planning Authority	The Planning Authority Oxford City Council St Aldate's Chambers, 109 St Aldate's, Oxford, OX1 1DS	01865 249811	planning@oxford.gov.uk www.oxford.gov.uk
Environmental Health	Environmental Protection Oxford City Council St Aldate's Chambers, 109 St Aldate's, Oxford, OX1 1DS	01865 252296	noise@oxford.gov.uk www.oxford.gov.uk
Health & Safety	Health & Safety Oxford City Council St Aldate's Chambers, 109 St Aldate's, Oxford, OX1 1DS	01865 252557	safety@oxford.gov.uk www.oxford.gov.uk
Thames Valley Police	Licensing Thames Valley Police Headquarters (South) Kidlington, OX5 2NX	01865 846597	licensing@thamesvalley.pnn.police.uk
Fire & Rescue Service	Fire & Rescue Service Oxfordshire County Council Rewley Road Fire Station Oxford, OX1 2EH	01865 242223	Fire.service@ www.oxfordshire.gov.uk
Oxfordshire Safeguarding Children Board	Oxfordshire Safeguarding Children Board Officer Oxfordshire Safeguarding Children Board (OSCB) 3rd Floor, County Hall New Road Oxford OX1 1ND	01865 810628	oscb@oxfordshire.gov.uk
Trading Standards	Oxfordshire County Council Trading Standards Service Electric Avenue Ferry Hinksey Road Off Botley Road Oxford, OX2 0BY	01865 816570	Trading.standards@ oxfordshire.gov.uk

Equality & Access Commissioner, Oxfordshire Clinical Commissioning Group, NHS Oxfordshire Jubilee House 5510 John Smith Drive Oxford Business Park South Cowley Oxford, OX4 2LH	01865 336873	
Health & Safety Executive (* see note)	Health & Safety Executive Priestley House, Priestley Road Basingstoke RG24 9NW	01256 404000
Applications for licences for boats may need to be copied to others – see next page		

(\* note: Health and Safety matters for City and County Council premises and all Educational Institutions are dealt with by the Health and Safety Executive, not by the City Council)

Applications for Premises Licences for boats that will be operated within other district council areas must also be copied to the Navigation Authority and other Licensing Authorities as appropriate:

The Navigation Authority	The Navigation Authority Upper Thames Waterway Office Osney Lock, Bridge Street Oxford, OX2 0AY	01865 721271	
The Navigation Authority (Oxford Canal)	British Waterways 510 - 524 Elder House Elder Gate Central Milton Keynes MK9 1BW	01908 302500	<a href="mailto:enquiries.southeast@britishwaterways.co.uk">enquiries.southeast@britishwaterways.co.uk</a>

#### The Oxford Canal – North of Oxford

The Licensing Authority	The Licensing Authority Cherwell District Council Bodicote House Bodicote Banbury OX15 4AA	01295 252535	~ <a href="http://www.cherwell-dc.gov.uk">www.cherwell-dc.gov.uk</a>
-------------------------	---	-----------------	---

#### The River Thames – South of Oxford

The Licensing Authority	The Licensing Authority South Oxfordshire District Council Benson Lane Crowmarsh Gifford Wallingford	01491 823000	~ <a href="http://www.southoxon.gov.uk">www.southoxon.gov.uk</a>
-------------------------	--	-----------------	---

#### The River Thames – South or West of Oxford

The Licensing Authority	The Licensing Authority Vale of White Horse D.C. The Abbey House Abingdon OX14 3JE	01235 520202	~ <a href="http://www.whitehorsedc.gov.uk">www.whitehorsedc.gov.uk</a>
-------------------------	--	-----------------	---

#### The River Thames – West of Oxford

The Licensing Authority	The Licensing Authority West Oxfordshire District Council Woodgreen Witney OX28 1NB	01993 861000	~ <a href="http://www.westoxon.gov.uk">www.westoxon.gov.uk</a>
-------------------------	---	-----------------	---

## Appendix 10 – Nightsafe



### Why Nightsafe?

Oxford Community Safety Partnership (CSP) identified that a multi-agency initiative needed to be taken to tackle alcohol related Anti-Social Behaviour.

The action of Nightsafe in the short term is aimed at reducing the number of alcohol violent incidents. The longer-term aim is to raise the awareness of the effects of binge drinking and the negative consequences it can have on those who participate in the late night economy.

Nightsafe also want to support the evening economy by ensuring Oxford is and feels a safe place for all members of the community to visit in the evenings

### Who are the Nightsafe Partners?

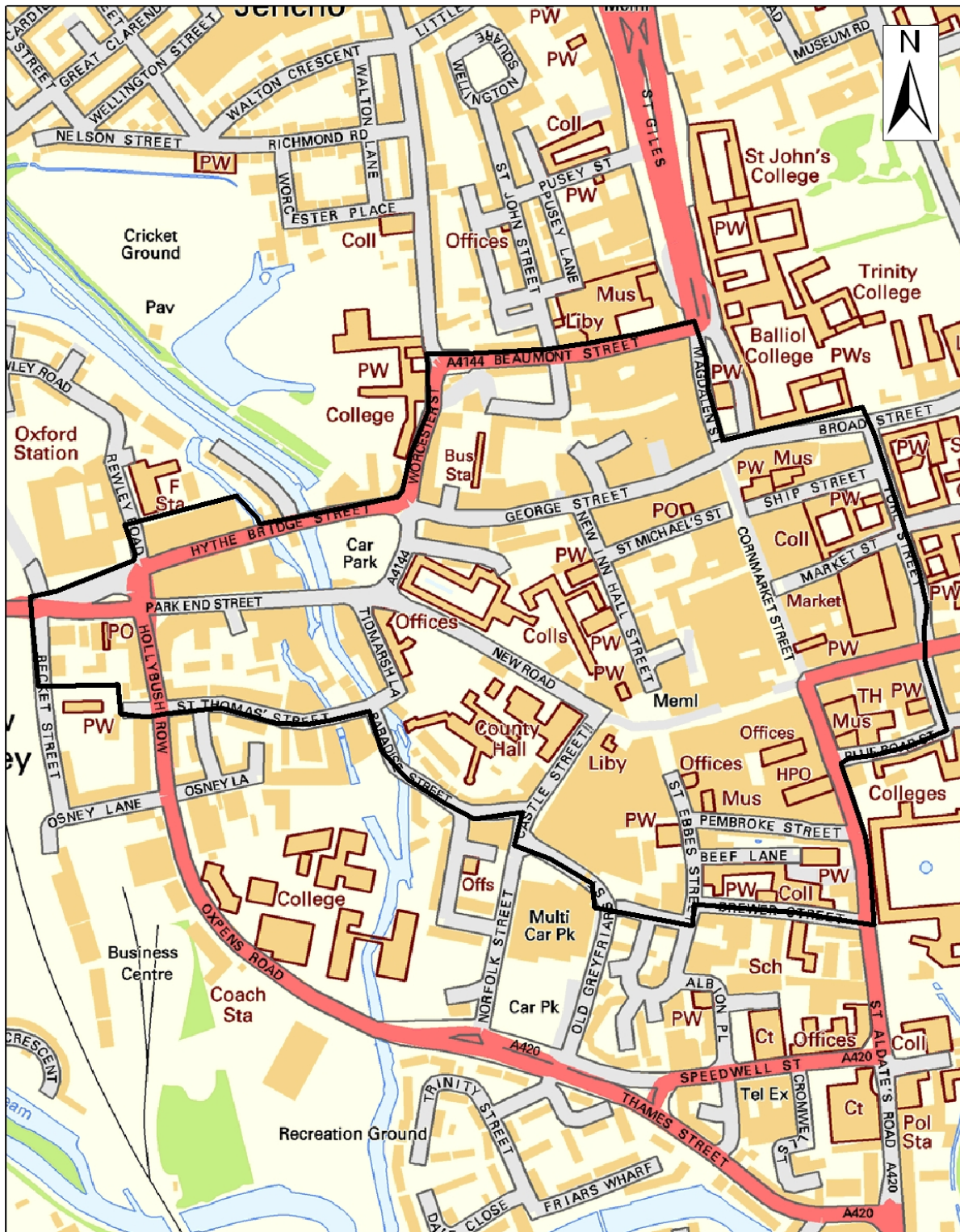
Police  
Fire & Rescue  
Trading Standards  
Public Health  
Oxford University Hospitals NHS Trust  
City & County Councils

Further details can be found on [www.nightsafe-oxford.org.uk](http://www.nightsafe-oxford.org.uk). The Licensing Authority will regard a commitment in the operating schedule to fully support and participate in the "Nightsafe" activities, which are relevant to the premises, as a positive approach.

### "Nightsafe" includes the following elements:-

- Special Saturation Policy
- Challenge 21
- Radio Link
- Safer Clubbing
- Operation Nightsafe – Police Patrol Strategy
- Pub Watch
- Polycarbonate drinking vessels where appropriate
- Hi Visibility Florescent Jackets for Door staff
- Designated Public Place Order
- Public Space Protection Orders
- CCTV in licensed premises
- CCTV in the street
- Reduction in "Binge drinking" associated with drinks promotions
- Education campaigns associated with alcohol, crime and disorder
- Test Purchasing
- Targeting of repeat offenders & intelligence sharing
- Drug Dog Operations
- Street Pastors
- SCAS triage medical centre

### Appendix 11 – Central Oxford Special Saturation Policy Area



Licensing Act 2003

Central Oxford Special Saturation Policy

Scale: 1:5,000

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# Appendix 12 – East Oxford Special Saturation Policy Area



Licensing Act 2003

East Oxford Special Saturation Policy

Scale: 1:7,500

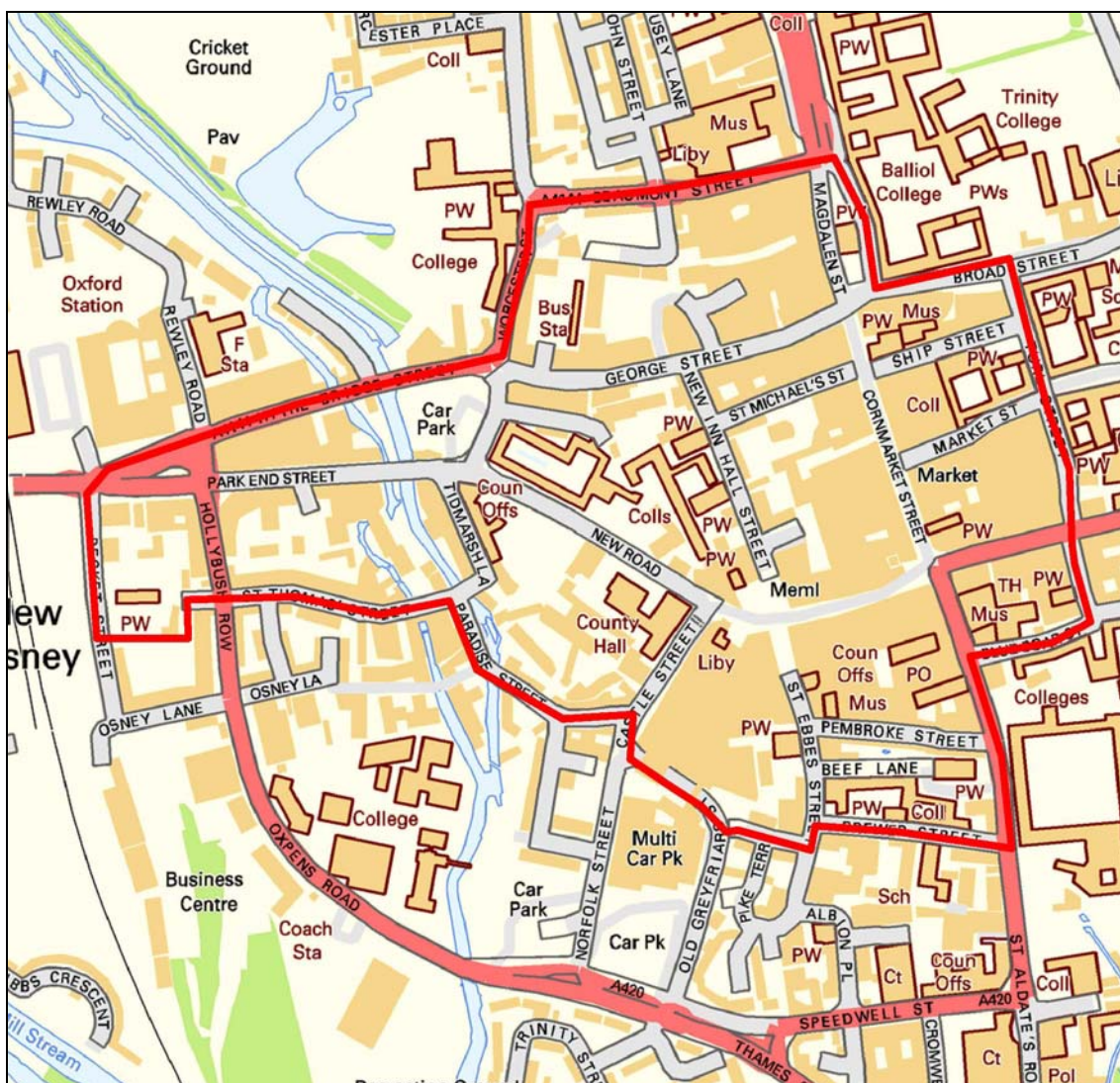
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Oxford City Council LA100019348







## Existing Special Saturation Area for Oxford city



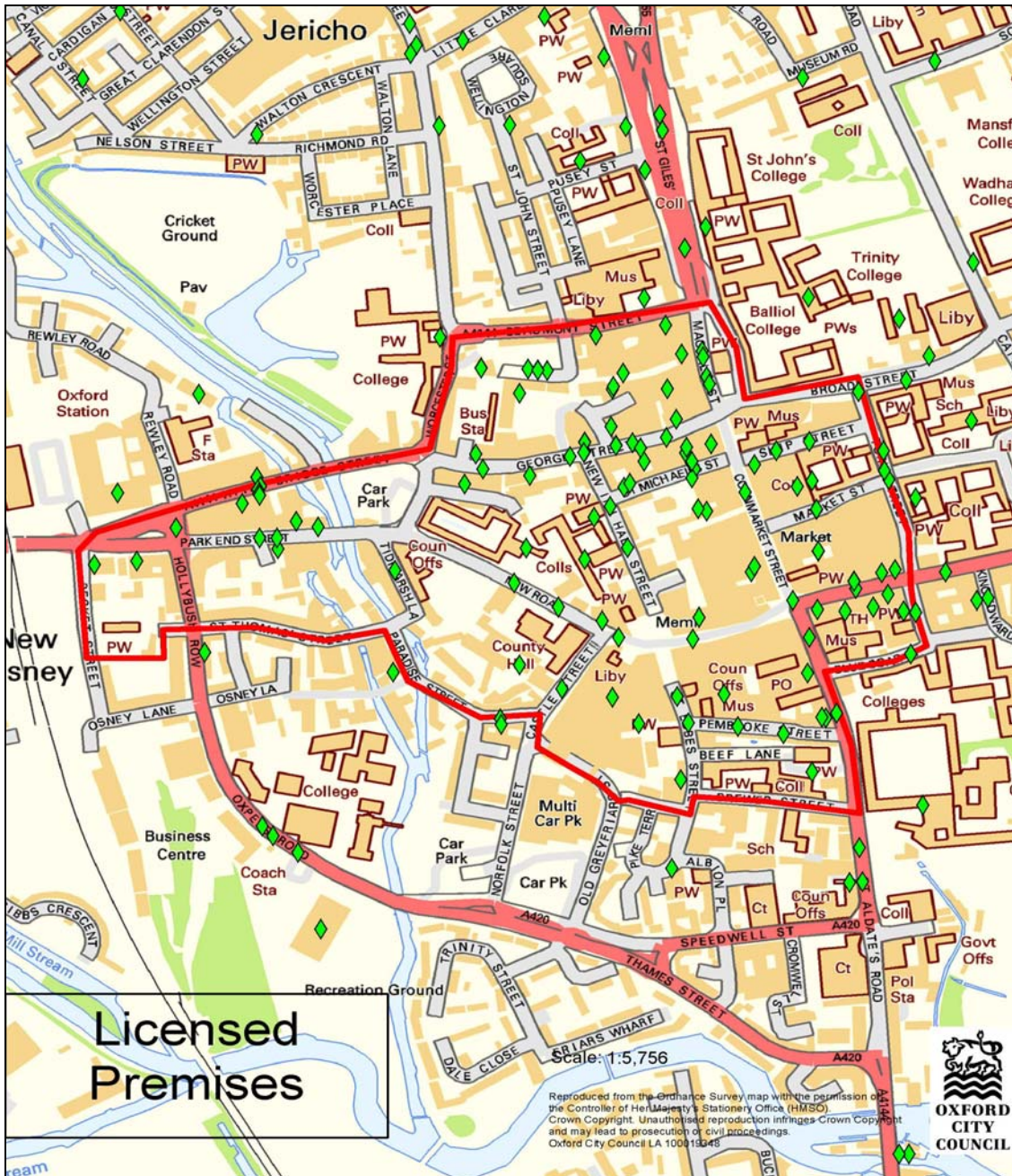
SSP Boundary ———

### Comparison of crime data for the Carfax Ward in Oxford City centre for the years 2012, 2013 and 2014.

	2012	2013	2014
ASB	724	579	870
Violence and Sexual Offences	322	406	423
Public Order	322	400	258

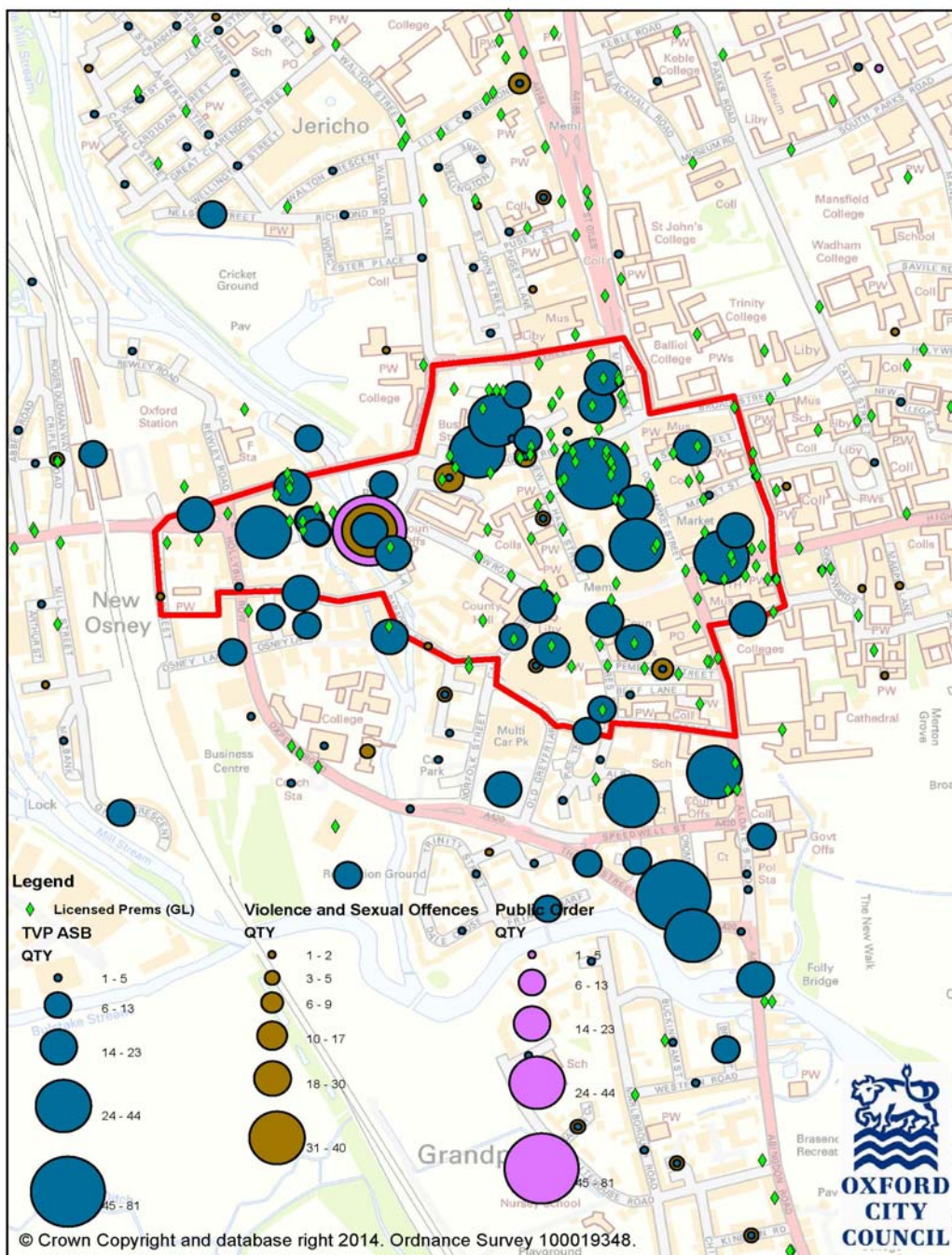
Due to changes in the crime recording standards in 2013 violent crimes was reclassified to violence and sexual offences. Public disorder and weapons were separated into individual classifications.

Map showing locations of licensed premises in Oxford City centre



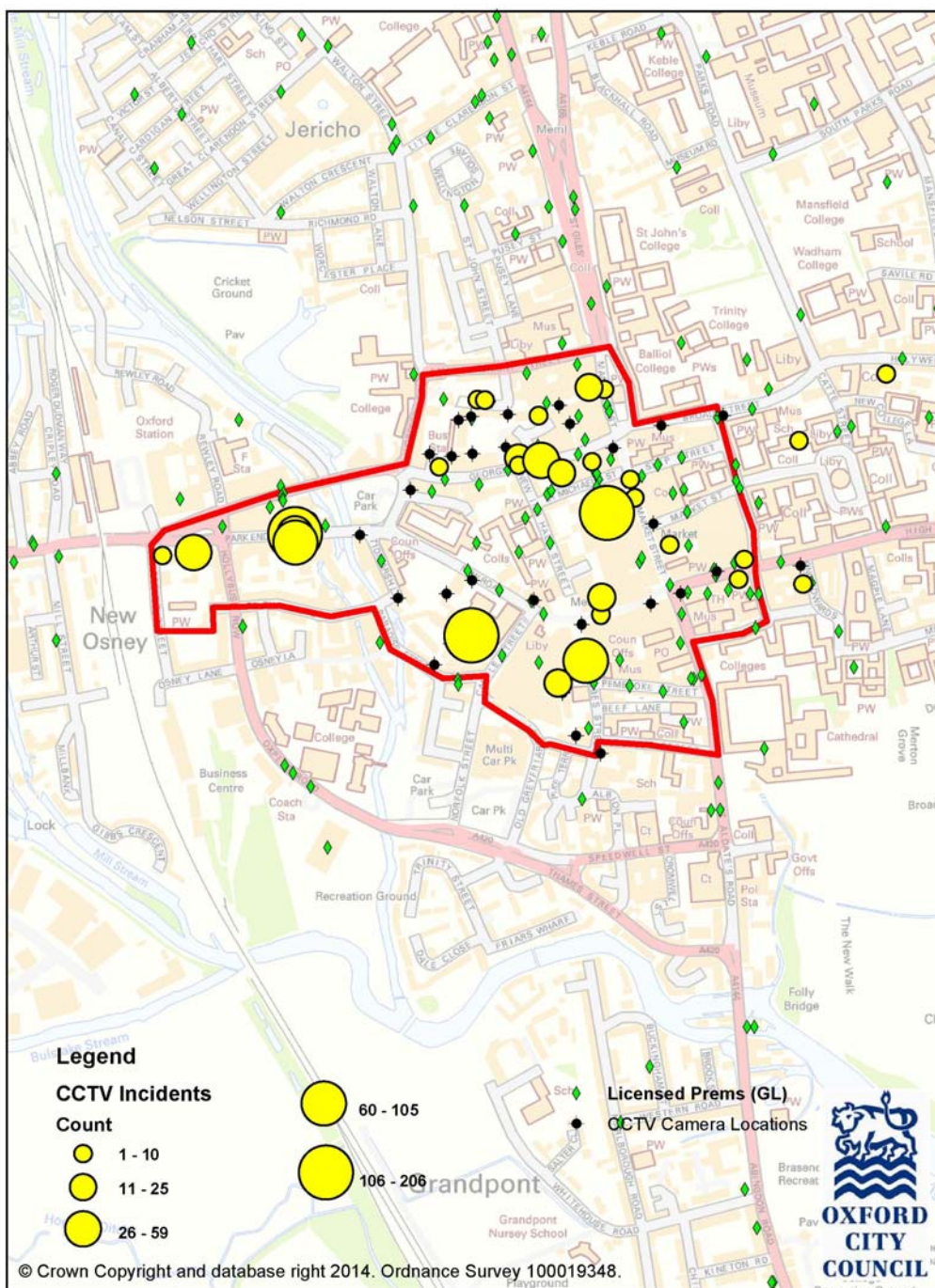
Map showing concentration of violent incidents and anti-social behaviour incidents in Oxford City centre from February 2014 to May 2015

## City Centre Violence and ASB



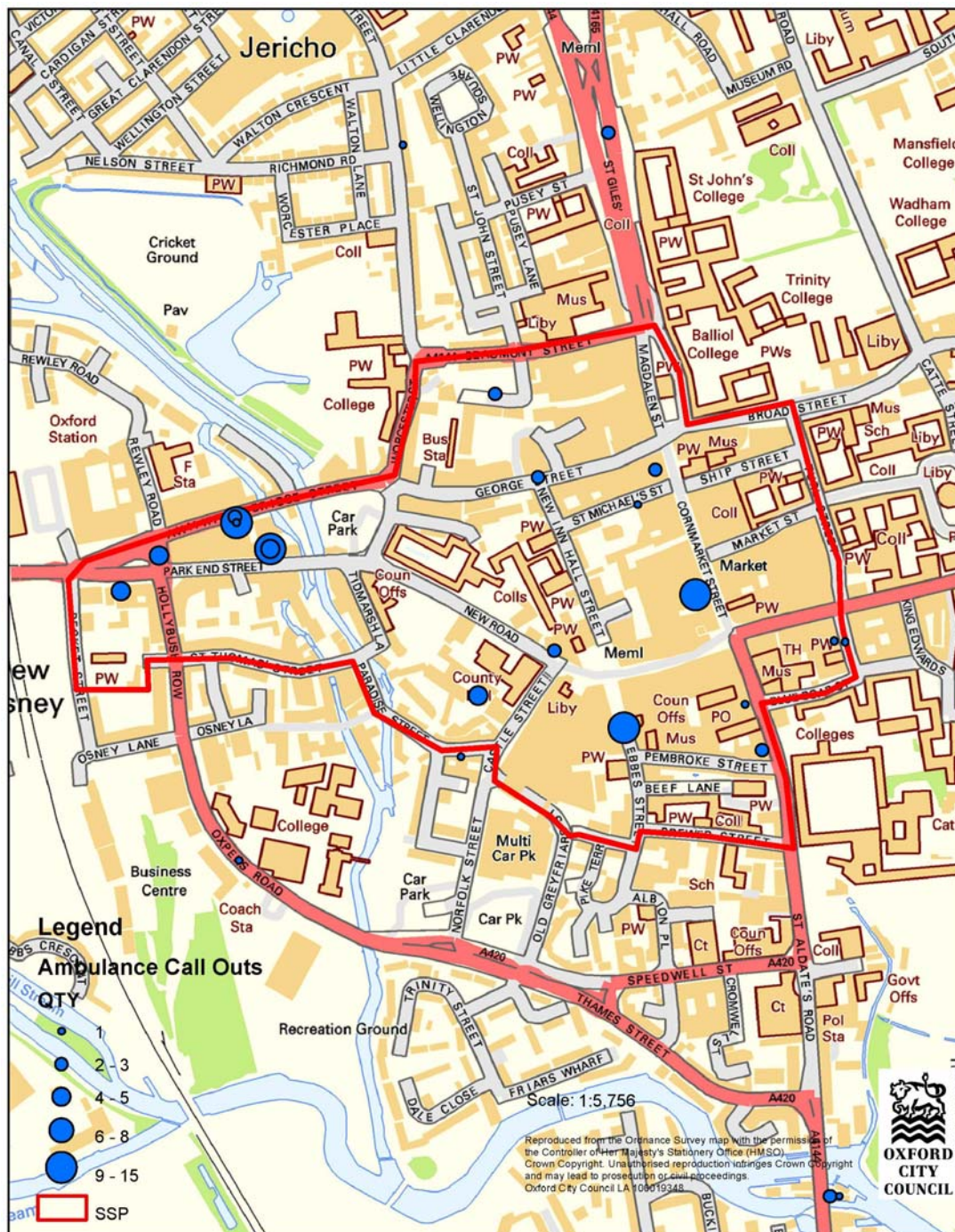
Map showing the number of CCTV incidents from 2010 to 2015 from 19.00 to 07.00 in Oxford City centre.

## City Centre CCTV Incidents 2010 -2015



Map showing the number of Ambulance call outs linked to licenced premises from 19.00 to 07.00 in Oxford City centre, from April to September 2013.

## City Centre Ambulance Call Outs



## Existing Special Saturation Area for East Oxford



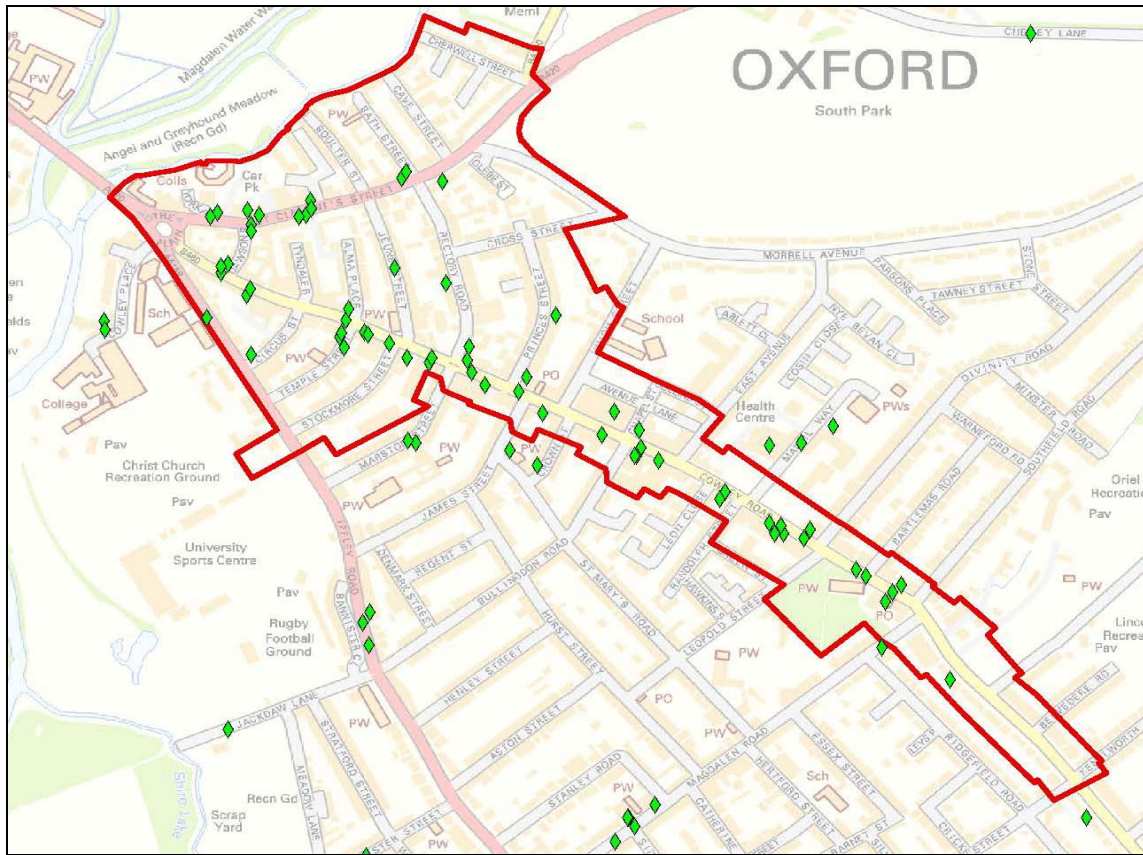
**SSP Boundary** ———

## East Oxford crime data comparison for the years 2012, 2013 and 2014.

	2012	2013	2014
ASB	635	487	497
Violence and Sexual Offences	139	166	199
Public order	78	76	61

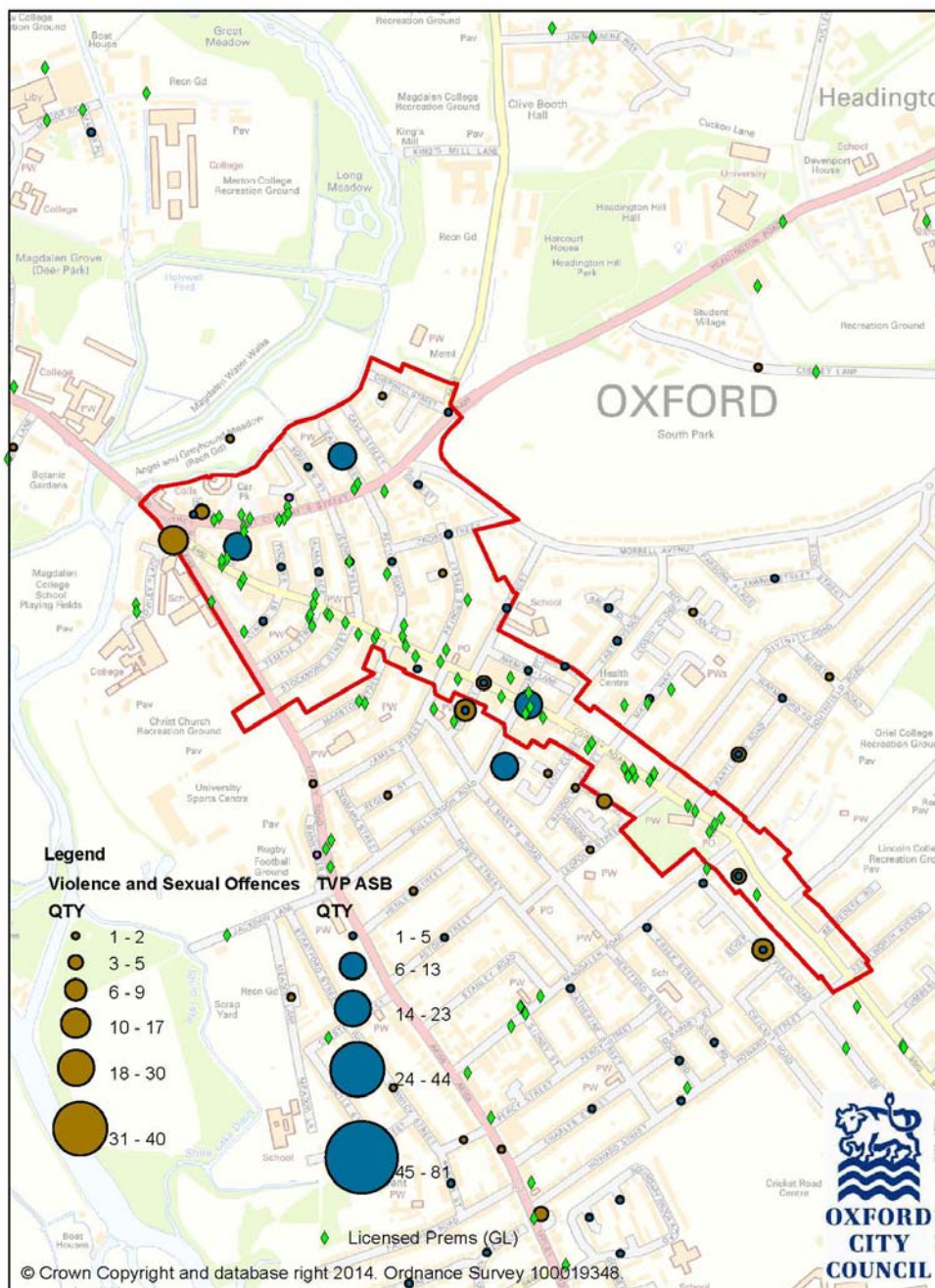
Due to changes in the crime recording standards in 2013 violent crimes was reclassified to violence and sexual offences. Public disorder and weapons were separated into individual classifications.

Map showing locations of licensed premises in East Oxford



Map showing the concentration of violent incidents and anti-social behaviour incidents in East Oxford from February 2014 to May 2015.

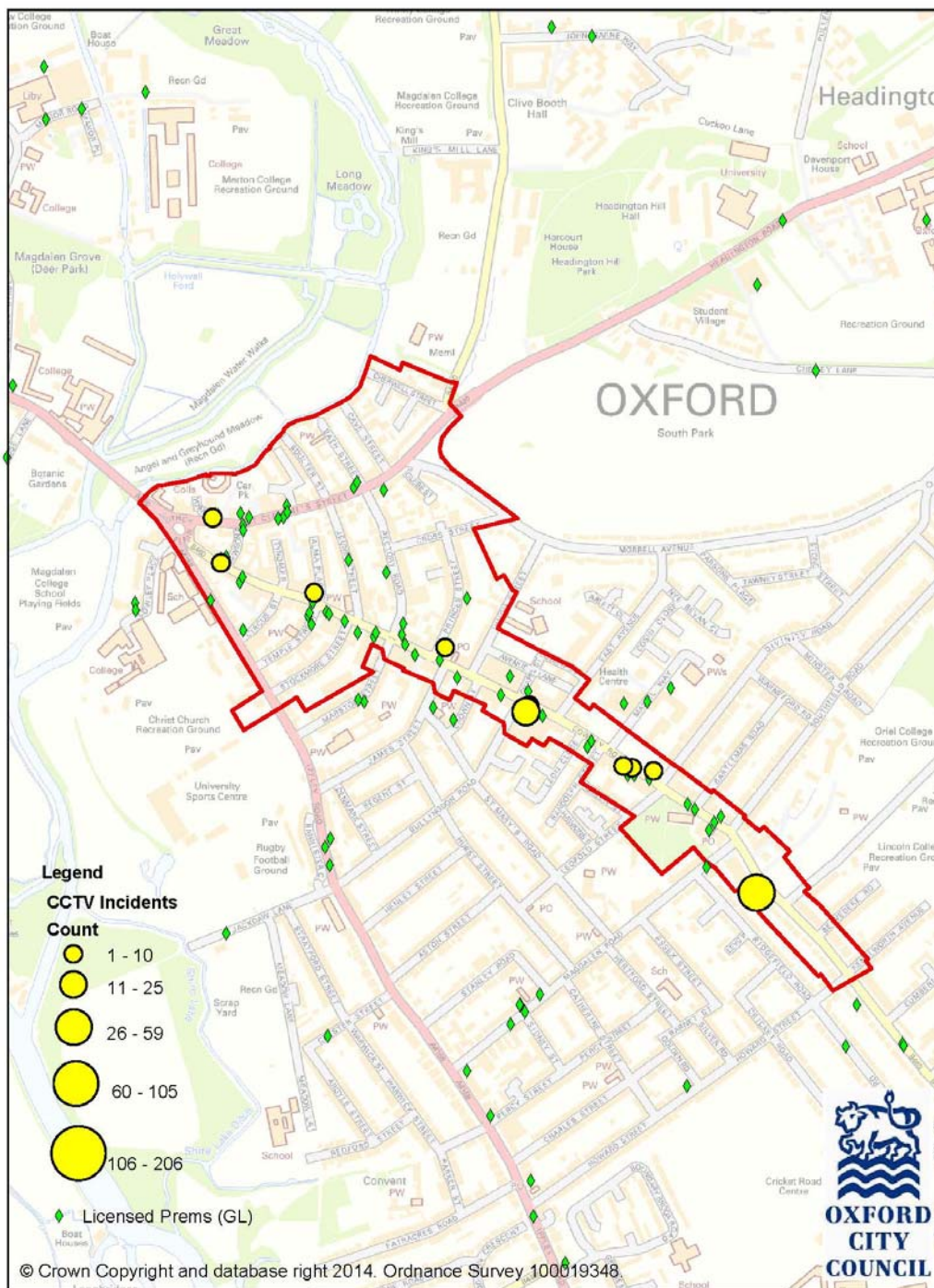
## East Oxford Violence and ASB Incidents





Map showing the number of CCTV incidents for the period 2010 to 2015 from 19.00 to 07.00 in East Oxford.

## East Oxford CCTV Incidents



Map showing the number of Ambulance call outs from 19.00 to 07.00 in East Oxford from April 2013 to September 2013.

## East Oxford Ambulance Call Outs



# Statement of Licensing Policy

Licensing Act 2003

February 2016 – February 2021

# DRAFT

Licensing applications and enquiries:

The Licensing Authority  
Oxford City Council  
St. Aldate's Chambers  
109 St. Aldate's  
Oxford  
OX1 1DS  
Tel: 01865 252565  
Fax: 01865 252344  
Email: [licensing@oxford.gov.uk](mailto:licensing@oxford.gov.uk)

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**To: Council**

**Date: 8<sup>th</sup> February 2016**

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

**Title of Report: Oxford Flood Alleviation Scheme – Delegation of planning powers to Oxfordshire County Council**

## **Summary and Recommendations**

**Purpose of report:** To outline the proposed Oxford Flood Alleviation Scheme (“the Scheme”) and to seek approval for the delegation to the Oxfordshire County Council of any planning responsibilities that would otherwise be exercised by the Oxford City Council in relation to the Scheme.

**Policy Framework:** Not applicable

**Recommendations:** The Council is recommended to:

(1) delegate the discharge of the District Planning Authority functions of the Oxford City Council to the Oxfordshire County Council, in connection with the processing and determination of the expected planning application for the Oxford Flood Alleviation Scheme, under section 101 of the Local Government Act 1972;

(2) to authorise the Head of Planning and Regulatory Services, in consultation with the Head of Law of Governance, to negotiate and agree a Memorandum of Understanding with the Oxfordshire County Council to determine the operational arrangements of the delegation of the Oxford City Council’s planning functions in relation to the Scheme.

(3) agree that a long stop date be placed on the delegation such that the delegation will be revoked if any Scheme application is not determined by the 18<sup>th</sup> February 2019.

## **Introduction**

1. There are 4500 properties at a 1% or greater annual risk of flooding in Oxford. This figure will rise to over 6000 properties by 2080 because of the effects of climate change. In addition major roads, railway lines, schools and businesses are also at risk.
2. The Environment Agency is working with a range of partners including Oxford City Council, the Vale of White Horse District Council, the

Oxfordshire County Council, Thames Water and the Oxfordshire Flood Alliance, to develop a scheme, the Oxford Flood Alleviation Scheme to reduce flood risk in Oxford. This will involve improving the capacity in Oxford's western flood plain, between the Botley Road and Sandford-on-Thames, by constructing a flood relief channel.

3. It is proposed that instead of multiple planning applications having to be submitted to and determined by a number of authorities that a single application be submitted to and determined by the Oxfordshire County Council. As matters currently stand, unless the Scheme in substance amounts to mineral extraction, it would have to be dealt with by each district authority that the new flood channel passes through.

### **The Oxford Flood Alleviation Scheme**

4. This project has arisen out of very significant local concern. The Environment Agency's existing flood risk management operations across Oxford, which include operating weirs and channel maintenance, reduce the number of properties at a 1% or greater annual risk to 1800. The objectives of the project are to further reduce risk of flooding in Oxford.
5. If approved a new channel would flow through the western floodplain of Oxford in two sections between Botley Road and Redbridge and between Kennington and Sandford-on-Thames. Wherever possible it is likely to consist of a two stage channel formed from a combination of widened existing watercourses and new sections of channel.
6. The new channel would provide additional capacity and would work with the natural processes of the local watercourses and the flood plain to help manage the movement of water through Oxford. During a flood this would reduce the risk of water entering homes, businesses and disrupting transport links.
7. Although a channel would reduce flood risk it cannot remove it entirely. In extreme weather the western flood plain would still be utilised as the channel would fill up and be overtopped, with flood water spilling into the surrounding flood plain.
8. The Scheme does not seek to address foul and sewerage flooding issues.
9. The appraisal, design and construction of a flood relief channel would cost approximately £120 million. The Scheme has been allocated £42 million in Flood Risk Management Grant in Aid funding from the government. The government will decide on the level of further funding for the Scheme as the design is developed.

## **Delegation of powers**

10. This Council has the power to make arrangements for the discharge of its functions by another local authority under section 101 of the Local Government Act 1972. This means that the responsibility for the function will be passed to the Oxfordshire County Council. Schemes of delegation are matters for local agreement and can be varied or changed or cancelled by any of the parties involved. This is very different from a contractual arrangement when responsibility for the function remains with the awarding public body. This report is seeking approval for this Council's functions in connection with the processing and determination of the expected planning application for the Scheme to be discharged by Oxfordshire County Council.

## **Legal issues**

11. The details as to the operational arrangements of the proposed delegation to the Oxfordshire County Council of the powers to process and determine the planning applications in connection with the Scheme will be negotiated and agreed with Oxfordshire County Council officers by the Head of Planning and Regulatory Services in consultation with the Head of Law and Governance.

## **Financial Issues**

12. None

<b>Name and contact details of author:-</b>
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Emma Griffiths
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Lawyer
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St Aldates Chambers, St Aldates, Oxford OX1 1DS
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Tel: 01865 2522208
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e-mail: <a href="mailto:egriffiths@oxford.gov.uk">egriffiths@oxford.gov.uk</a>
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**Background papers: None**

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**To:** Council  
**Date:** 8 February 2016  
**Report of:** Head of Law and Governance  
**Title of Report:** Council and Committee programme May 2016 to May 2017

<b>Summary and recommendations</b>	
<b>Purpose of report:</b>	This report sets out a programme of Council, Committee and other meetings for the 2016/17 council year (May 2016 to May 2017 inclusive) following a review agreed by Council in December.
<b>Key decision:</b>	No
<b>Executive Board Member with responsibility for this area:</b>	Councillor Price, Leader of the Council
<b>Corporate Priority:</b>	None
<b>Policy Framework:</b>	None
<b>Recommendation(s): That Council resolves to:</b>	
<ol style="list-style-type: none"> <li>1. approve the programme of Council, Committee and other meetings attached at Appendix 1 for the council year 2016/17; and</li> <li>2. delegate the setting of dates for the Standards Committee to the Head of Law and Governance.</li> </ol>	

<b>Appendices</b>	
Appendix 1	Programme of Council and Committee meetings for the council year
Appendix 2	Programme of meetings in calendar format
Appendix 3	Programme of Scrutiny, City Executive Board and Council meetings in calendar format

## **Introduction and background**

1. In December Council considered a report presenting the programme of meeting for 2016/17 and asked for officers to reconsider meetings that are scheduled:
  - During school holidays
  - During religious festivals

The principle used in timetabling and in this review is that Council business must happen but the broader needs of members should be taken in account wherever possible. For most committees members are able to get substitutes.

### **School holidays**

2. There are 67 school holidays that fall on “working days” and 18 meetings are proposed during these times. Seven of the 18 are meetings that are rarely required and only one involves all members.

### **Religious festivals**

3. There are 6 main faiths represented in the UK and they all have festivals and days of obligation. The request to reconsider was couched around the needs of elected members and so Islam, Christianity and Judaism have been considered. In addition Diwali has also been included because this is known to be celebrated in Oxford.

### **Outcome from reconsideration**

4. The Cross Party Working Group (membership includes the leader and deputy leader of the political groups represented on Council) considered the outcomes of the review and agreed to propose to Council changes to two dates (and their consequential changes) proposed to Council in December:
  - 3 October 2016 Scrutiny Committee meeting to move to 6 October 2016.
  - 14 February 2017 West Area Planning Committee to move to 21 February 2017. This will necessitate a move of the January 2017 West Area Planning Committee to 24 January 2017 to allow for an efficient gap between meetings. In turn this will move Licensing Acts and General Purposes Licencing committees to 23 January 2017.

The revised programmes are attached at appendices 1 to 3. All other principles reported to Council in December remain unchanged.

### **Legal issues**

5. None.

### **Financial Issues**

6. None.

<b>Report author</b>	Pat Jones
Job title	Committee and Members Services Manager
Service area or department	Law and Governance
Telephone	01865 252191
e-mail	<a href="mailto:phjones@oxford.gov.uk">phjones@oxford.gov.uk</a>

**Background Papers:** None

## Schedule of meetings

1 May 2016 - 1 June 2017

altered from version to Council in December 2015

		agreed												provisional	
		MAY '16	JUN '16	JUL '16	AUG '16	SEP '16	OCT '16	NOV '16	DEC '16	JAN '17	FEB '17	MAR '17	APR '17	MAY '17	JUN '17
<b>Formal Council and committee meetings</b>															
Council	5.00 pm Monday	16		25		29 (Thurs)			5		6 20 (budget) 27 (budget)		24	15	
City Executive Board	5.00 pm Thursday	19	16	14		15	13	17	15	19	9	9	6	11	
Scrutiny Committee	6.00 pm Monday	none	7 (Tues)	4		5	6 (Thurs)	7	6 (Tues)	30	28 (Tues)	27		2 (Tues)	
Audit and Governance Committee	6.00 pm Wednesday		29			21			14			1			
East Area Planning Committee	6.00 pm Wed	11	8	6	3	7	5	2	7	11	8	8	5	10	
West Area Planning Committee	6.00 pm Tuesday	25	14	12	2	13	11	8	13	24	21	14	11	9	
Planning Overspill (either East or West Planning Committee)	6.00 pm Wed		22	13	10	14	12	9	20	18	15	15	12	24	
Planning Review Committee	6.00 pm Wed		22	13	10	14	12	9	20	18	15	15	12	24	
General Purposes Licensing Committee	6.15 pm Tuesday	18				20				23				16	
Licensing and Gambling Acts Committee	6.00 pm Tuesday	18				20				23				16	
Hackney Carriages & Private Hire Licensing Sub Committee	5.30 pm Monday	31 (Tues)	27		8	19	31	28		10 (Tues)	13	20	19 (Wed)	30 (Tues)	
Licensing & Gambling Acts Casework Sub-Committee	5.00 pm Mon/Tues	23	20	11	1, 22	12	4, 24	14	1 (Thur) 19	9, 31	21	13	3, 25	22	
Licensing and Registration Sub Committee	5.30 pm Tuesday	23	20	11	1, 22	12	4, 24	14	1 (Thur) 19	9, 31	21	13	3, 25	22	
<b>Informal meetings not open to the public</b>															
Cross Party Working Group	Quarterly		28			27				12			4		
Members' Briefing	5.30 pm T/W/T		21	27		28	25	30		25	23	28	26		
Parish Councils' Forum	6.00 pm Monday			18					12			6			
Members' Compulsory Training	morning, afternoon and evening sessions as arranged	17, 18, 23, 24	9, 15										26, 27		

2016

MAY				
M	T	W	T	F
2	3	4	5 city election/ pcc	6
9 Group AGMs Induction	10	11 EAP (old)	12	13
16 Council	17 Train	18 Train LAC/GPL	19 CEB	20
23 Train Sub	24 Train	25 WAP (new)	26	27
30	31 HCPH			

JUNE				
M	T	W	T	F
		1	2	3
6	7 Scr	8 EAP	9 Train	10
13	14 WAP	15 Train	16 CEB	17
20 Train Sub	21 Brief	22 PRC or o/flow	23	24
27 HCPH	28 CPWG	29 ACG	30	

JULY				
M	T	W	T	F
				1
4 Scr	5	6 EAP	7	8
11 Sub	12 WAP	13 PRC or o/flow	14 CEB	15
18 PCF	19	20	21	22
25 Council	26	27 Brief	28	29

AUGUST				
M	T	W	T	F
1 Sub	2 WAP	3 EAP	4	5
8 HCPH	9	10 PRC or o/flow	11	12
15	16	17	18	19
22 Sub	23	24	25	26
29	30	31		

SEPTEMBER				
M	T	W	T	F
			1	2
5 Scr	6	7 EAP	8	9
12 Sub	13 WAP	14 PRC or o/flow	15 CEB	16 Lib dem conf 17-21 Sept
19 HCPH	20 LAC/GPC	21 ACG	22	23
26	27 CPWG	28 Brief	29 Council	30

OCTOBER				
M	T	W	T	F
3	4 Sub	5 EAP	6 Scr	7
10	11 WAP	12 PRC or o/flow	13 CEB	14
17	18	19	20	21
24 Sub	25 Brief	26	27	28
31 HCPH				

NOVEMBER				
M	T	W	T	F
	1	2 EAP	3	4
7 Scr	8 WAP	9 PRC or o/flow	10	11
14 Sub	15	16	17 CEB	18
21	22	23	24	25
28 HCPH	29	30 Brief		

DECEMBER				
M	T	W	T	F
			1 Sub	2
5 Council	6 Scr	7 EAP	8	9
12 PCF	13 WAP	14 ACG	15 CEB	16
19 Sub	20 PRC or o/flow	21	22	23
26	27	28	29	30

2017

JANUARY				
M	T	W	T	F
2	3	4	5	6
9 Sub	10 HCPH	11 EAP	12 CPWG	13
16	17	18 PRC or o/flow	19 CEB	20
23 LAC/GPL	24 WAP	25 Brief	26	27
30 Scr	31 Sub			

FEBRUARY				
M	T	W	T	F
		1	2	3
6 Council	7	8 EAP	9 CEB	10
13 HCPH	14	15 PRC or o/flow	16	17
20 Council (Budget)	21 Sub/ WAPC	22	23 Brief	24
27 Council (Budget)	28 Scr			

MARCH				
M	T	W	T	F
		1 ACG	2	3
6 PCF	7	8 EAP	9 CEB	10
13 Sub	14 WAP	15 PRC or o/flow	16	17
20 HCPH	21	22	23	24
27 Scr	28 Brief	29	30	31

APRIL				
M	T	W	T	F
3 Sub	4 CPWG	5 EAP	6 CEB	7
10	11 WAP	12 PRC or o/flow	13	14
17	18	19 HCPH	20	21
24 Council	25 Sub	26 Train/ brief	27 Train	28

MAY				
M	T	W	T	F
1	2 Scr	3	4 county election	5
8	9 WAP	10 EAP	11 CEB	12
15 Council	16 LAC/GPL	17	18	19
22 Sub	23	24 PRC or o/flow	25	26
29	30 HCPH			

Council	Council
CEB	CEB
Scrutiny	Scr
ACG	ACG

EAP	EAP
WAP	WAP
Overspill	PRC or o/flow
Planning review	PRC or o/flow
Parish Council Forum	PCF

LAC/L&R sub cttee as required	Sub
HCPH as required	HCPH
LAC/GPC main cttee	LAC/GPL

Holiday/avoid	
member briefings	Brief
Compulsory training	Train
Cross-party working group	CPWG

2016

MAY				
M	T	W	T	F
2	3	4	5 city election	6
9	10	11	12	13
16 Council	17	18	19 CEB	20
23	24	25	26	27
30	31			

JUNE				
M	T	W	T	F
		1	2	3
6	7 Scr	8	9	10
13	14	15	16 CEB	17
20	21	22	23	24
27	28	29	30	

JULY				
M	T	W	T	F
				1
4 Scr	5	6	7	8
11	12	13	14 CEB	15
18	19	20	21	22
25 Council	26	27	28	29

AUGUST				
M	T	W	T	F
1	2	3	4	5
8	9	10	11	12
15	16	17	18	19
22	23	24	25	26
29	30	31		

SEPTEMBER				
M	T	W	T	F
			1	2
5 Scr	6	7	8	9
12	13	14	15 CEB	16
19	20	21	22	23
26	27	28	29 Council	30

OCTOBER				
M	T	W	T	F
3	4	5	6 Scr	7
10	11	12	13 CEB	14
17	18	19	20	21
24	25	26	27	28
31				

NOVEMBER				
M	T	W	T	F
	1	2	3	4
7 Scr	8	9	10	11
14	15	16	17 CEB	18
21	22	23	24	25
28	29	30		

DECEMBER				
M	T	W	T	F
			1	2
5 Council	6 Scr	7	8	9
12	13	14	15 CEB	16
19	20	21	22	23
26	27	28	29	30

2017

JANUARY				
M	T	W	T	F
2	3	4	5	6
9	10	11	12	13
16	17	18	19 CEB	20
23	24	25	26	27
30 Scr	31			

FEBRUARY				
M	T	W	T	F
		1	2	3
6 Council	7	8	9 CEB	10
13	14	15	16	17
20 Council (Budget)	21	22	23	24
27 Council (Budget)	28 Scr			

MARCH				
M	T	W	T	F
		1	2	3
6	7	8	9 CEB	10
13	14	15	16	17
20	21	22	23	24
27 Scr	28	29	30	31

APRIL				
M	T	W	T	F
3	4	5	6 CEB	7
10	11	12	13	14
17	18	19	20	21
24 Council	25	26	27	28

MAY				
M	T	W	T	F
1	2 Scr	3	4 election	5
8	9	10	11 CEB	12
15 Council	16	17	18	19
22	23	24	25	26
30	31			

Council	Council
CEB	CEB
Scrutiny	Scr

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## MINUTES OF THE CITY EXECUTIVE BOARD

Thursday 17 December 2015

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**COUNCILLORS PRESENT:** Councillors Price (Leader), Turner (Deputy Leader), Brown, Hollingsworth, Kennedy, Lygo, Rowley, Simm, Sinclair and Tanner

**OTHER MEMBERS PRESENT:** Councillor Jean Fooks and Councillor Van Coulter

### **OFFICERS PRESENT:**

Peter Sloman (Chief Executive), David Edwards (Executive Director City Regeneration and Housing), Tim Sadler (Executive Director Community Services), Caroline Green (Assistant Chief Executive), Nigel Kennedy (Head of Financial Services), Ian Brooke (Head of Community Services), Ian Wright (Service Manager Environmental Health), Diane Phillips (Corporate Asset Manager), Piers Scrimshaw-Wright, Paul Fleming (Chief Technology & Information Manager), Andrew Brown (Scrutiny Officer), Lindsay Cane (Legal Services Manager) and Catherine Phythian (Committee Services Officer)

### **118. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

### **119. DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **120. PUBLIC QUESTIONS**

The City Executive Board noted the following public questions and the written responses (as published) on:

Agenda item 7: Community Centre Strategy

- Ms Judith Harley
- Mr Art Well

Agenda item 17: Budget 2016/17 - Consultation

- Mr Gibson

### **121. SCRUTINY COMMITTEE REPORTS**

The Chair of the Scrutiny Committee submitted the following reports for consideration by the Board. The Scrutiny Officer and Cllr Van Coulter, Chair of the Guest Houses Review Group presented the reports. Their comments are included under the main minute items for those reports.

**122. SCRUTINY COMMITTEE REPORT - COMMUNITY CENTRE STRATEGY 2016-2020**

This report was considered as part of the discussion of agenda item 7: Community Centre Strategy 2015-2020 (minute 128).

**123. SCRUTINY COMMITTEE REPORT - RESETTLING SYRIAN REFUGEES IN OXFORD**

This report was considered as part of the discussion of agenda item 8: Resettling Syrian Refugees in Oxford (minute 133).

**124. SCRUTINY COMMITTEE REPORT - ASSET MANAGEMENT PLAN 2016-2020**

This report was considered as part of the discussion of agenda item 12: Asset Management Plan 2016-2020 (minute 129).

**125. SCRUTINY COMMITTEE REPORT - REPORT OF THE GUEST HOUSES REVIEW GROUP**

The Scrutiny Officer submitted a report which detailed the findings of the scrutiny inquiry into preventing and disrupting the exploitation of vulnerable people in guest houses in the city.

Cllr Van Coulter, Chair of the Guest Houses Review Group presented the report and recommendations. He said that in conducting this scrutiny review, councillors wanted to understand whether there was more that could reasonably be done to deter, disrupt and prevent opportunities for exploitation of children and adults in guest houses. In drafting the recommendations the Review Group had been mindful that this was an area in which Parliament might be asked to apply national standards. He said that the report had received favourable coverage in the media and that the Council had received requests for further information from a number of other local authorities.

Cllr Price, Corporate Strategy and Economic Development, responded on behalf of the Board. He said that as this was such an important issue the Board wanted to take the time to review the recommendations in detail before responding formally. In the meantime he said that the Board was fully supportive of the overall report and the two main recommendations:

- to maintain an accurate list of guest houses operating in the Oxford area that is updated at least annually developed into an accurate list)
- the introduction of a voluntary code of good practice for owners of guest houses in the Oxford area to sign up to

The City Executive Board thanked the Scrutiny Committee for the report which provided a valuable exposition of a serious problem.

The City Executive Board resolved to:

1. provide a written response to the recommendations.

## **126. COUNCILLOR ADDRESSES ON ANY ITEM FOR DECISION ON THE BOARD'S AGENDA**

Cllr Fooks addressed the Board with regard to:

- Agenda item 7: Community Centre Strategy
- Agenda item 11: Corporate Enforcement Policy

Her comments are included in the minute for those items.

## **127. COUNCILLOR ADDRESSES ON NEIGHBOURHOOD ISSUES**

Cllr Linda Smith addressed the Committee with regard to the Oxford City Council's Tree Management Policy and the problem of nuisance trees in Blackbird Leys. She asked the Board to reconsider what could be done to deal with the problem.

Cllr Lygo, Board Member Leisure, Sports and Events said that he was aware of the concerns raised by Cllr Smith, which had been endorsed by other ward members, and that he intended to bring a revised Tree Management Policy to the Board.

The City Executive Board resolved to:

1. **Consider** a revised Tree Management Policy at the meeting in February 2016.

## **128. BUDGET 2016/17 - CONSULTATION**

The Head of Financial Services submitted a report which presented the Medium Term Financial Strategy 2016-20 and 2016-17 Budget for approval prior to consultation.

Cllr Turner, Board Member Finance, Corporate Asset Management and Public Health presented the report and highlighted the following points:

- The budget had been prepared in the context of the Autumn Statement announcement of a further 24% cut in local government spending

- the Government was passing the Business Rate risk to local authorities and this was treated as a substantial risk item in later years of the draft budget
- the expiry of the staff pay settlement was another risk area
- there were no cuts to front line services
- the capital programme had been trimmed back but the Council remained committed to all the projects on the reserve list
- The Housing Revenue Account was the highest risk area as a result of government policy changes and as a result the Council was looking at other alternative options to deliver its commitment to council housing
- the City Council's element of the council tax increase was capped at 1.99%

The Head of Financial Services said that this had been a particularly challenging year and that there were still a number of uncertainties in the draft budget.

The Chief Executive reminded the Board of the scale of recent changes underpinning the Budget. It was a significant achievement to maintain service levels and the capital programme against a significant reduction in income in recent years. He commended the work of the Council staff in delivering efficiency savings.

The Board thanked the Head of Financial Services and his staff for their hard work in preparing the 2016-17 Budget for consultation.

The City Executive Board resolved to:

1. **Approve** the 2016-17 General Fund and Housing Revenue Account budgets for consultation and the General Fund and Housing Revenue Account Medium Term Financial Plan as set out in Appendices 1-10 noting:
  - a) the Council's General Fund Budget Requirement of £19.823 million for 2016/17 and an increase in the Band D Council Tax of 1.99% or £5.55 per annum representing a Band D Council Tax of £284.52 per annum;
  - b) the continuance of the Council's Council Tax Support scheme (formerly Council Tax Benefit) as referred to in para 34;
  - c) the Housing Revenue Account budget for 2016/17 of £43.460 million and a reduction of 1% (£1.06/wk) in social dwelling rents from April 2016 giving a revised weekly average social rent of £104.79 as set out in Appendix 4;
  - d) the General Fund and Housing Revenue Account Capital Programme as shown in Appendix 6.
- 2) **Agree** the fees and charges shown in Appendix 8 and the change to concessions as referred to in para 37i(viii);
- 3) **Note** the prioritised list of Capital Schemes that are held in reserve, pending the receipt of further resources, as shown in Appendix 7;
- 4) **Delegate** to the Section 151 Officer in consultation with the Board Member for Finance and Assets the decision to determine whether it is financially advantageous for the Council to enter into a Business Rates Distribution Agreement as referred to in paragraphs 25-26; and

- 5) **Note** the intention of officers to seek an exemption from the requirement to decrease dwelling rents by 1% as referred to in paragraph 44 and the potential changes to the HRA budget.

## **129. COMMUNITY CENTRE STRATEGY 2016-2020**

The Head of Community Services submitted a report which presented the draft Community Centres Strategy for discussion and amendment prior to a period of public consultation.

Cllr Simm, Board Member Culture and Communities, presented the report, highlighting the two main action areas of the draft Community Centres Strategy: improving facilities and sustainable management. She referred the Board to the published responses to the recommendations from the Scrutiny Committee. She said that the following recommendations were rejected or accepted in part because:

- Recommendation 5 – in part : the Council would seek an alternative way to deliver a community hub in the event that proposed approach was compromised
- Recommendation 6 - No: the draft Strategy did recognise the work of volunteers and voluntary organisations
- Recommendation 7- in part :all groups were represented in the planned consultation sessions but the Board should notify officers if they were aware of other groups that should be included.

The Head of Community Services confirmed that the strategy would be subject to 8 weeks of public consultation starting in January 2016 and that the document would be available in hard copy and on-line. He was pleased to report that the first event in the new Rose Hill Community Centre would take place before Christmas.

In response to a question from Cllr Fooks about funds previously allocated for maintenance at Cutteslowe Community Centre but which did not appear in the Action Plan, the Board noted that the details of funding for community centre maintenance would be available at the end of the financial year.

The City Executive Board resolved to:

1. **Approve** the draft Community Centres Strategy for public consultation.

## **130. ASSET MANAGEMENT PLAN 2016-2020**

The Director of Regeneration and Housing submitted a report which presented the Asset Management Plan 2015-2020 for approval prior to public consultation.

Cllr Turner, Board Member Finance, Corporate Asset Management and Public Health presented the report. He referred the Board to the list of changes from previous versions of the plan as set out at paragraph 7 of the report and commented on the clearer links to the corporate priorities.

In response to the Scrutiny Committee recommendations he said that all four were broadly accepted subject to some textual amendments as set out in the published response. In closing he thanked the Senior Asset Manager and the Corporate Asset Manager and other officers for their work. In discussion the Board noted that this was the first Asset Management Plan for a number of years which recommended investing in additional property assets.

The City Executive Board resolved to:

1. **Approve** the Asset Management Plan 2016-2020 for consultation as amended in the responses to the recommendations from the Scrutiny Committee.

### **131. CORPORATE PROCUREMENT STRATEGY 2016 - 2019**

The Head of Financial Services submitted a report seeking approval from the City Executive Board to adopt the Council's new Corporate Procurement Strategy 2016 to 2019.

Cllr Brown, Board Member Customer Services and Corporate Services, presented the report. She said that an important element of the strategy would be to invest in the local economy. With reference to the Motion submitted to Council on 7 December 2015 concerning Procurement and Tax she explained that the Council was required by the Cabinet Office to follow pre-qualification rules for all EU contracts and there was no scope for variation. However, officers would continue to explore what could be done to meet the spirit of the Council Motion wherever possible.

The Board noted:

- the introduction of an ethical and sustainable procurement statement
- the savings target of 1-3% for a range of contracts

The City Executive Board resolved to:

1. **Approve** the adoption of the Corporate Procurement Strategy for 2016 to 2019.

Cllr Turner left the meeting at the end of this item.

### **132. DATA PROTECTION POLICY REFRESH**

The Head of Business Improvement submitted a report which presented an updated Data Protection Policy for approval.

Cllr Brown, Board Member Customer Services and Corporate Services, presented the report. The Chief Technology and Information Manager informed the Board that this was a straightforward refresh of the existing policy and that there were no new provisions. He said that he was pleased to note a more general awareness amongst all staff of the importance of data protection and

less reliance on the data protection policy specialists. He confirmed that the new ICT service providers were fully compliant on data protection.

The City Executive Board resolved to:

1. **Approve** the Data Protection Policy.

### **133. CORPORATE ENFORCEMENT POLICY 2015**

The Director for Housing and Regeneration submitted a report which detailed proposals for an Enforcement Policy covering all the regulatory functions of the Council.

Cllr Hollingsworth, Board Member Planning, Transport and Regulatory Service, presented the report. He explained that the Enforcement Policy complied with the Legislative and Regulatory Reform Act 2006 and referred the Board to the details contained in the Action Plan. He confirmed that the Action Plan milestones would be reviewed and monitored by the Board Member and officers.

The Environmental Health Service Manager explained that this was a corporate not service specific policy. He said that the Council's enforcement approach would take corporate and local priorities into account. In response to questions on the Action Plan he assured the Board that safeguarding training was an on-going activity and that it was the annual review of training plans that was scheduled for completion by June 2016.

The City Executive Board resolved to:

1. **Approve** the proposed Corporate Enforcement Policy and its appendices.

### **134. RESETTLING SYRIAN REFUGEES IN OXFORD**

The Assistant Chief Executive submitted a report which detailed progress in accommodating Syrian Refugees in Oxford through the Government's Syrian Vulnerable Person Resettlement Scheme and requested approval of proposals to accommodate Syrian Refugees in Oxford.

Cllr Price, Board Member Corporate Strategy and Economic Development, presented the report. He said that he was pleased to inform the Board that the first two refugee families had arrived in Oxford and were being supported by the City Council and partner organisations. He said that he was able to accept all of the Scrutiny Committee recommendations as they reinforced the City Council's preferred approach to work closely with partners and the County Council to co-ordinate and strengthen local arrangements for accommodating and supporting Syrian and other refugees.

The Assistant Chief Executive informed the Board that that the neighbouring district councils had expressed an interest in joining the City Council arrangements for resettling refugees. She said that she would bring further updates to the Board and to Council in 2016.

The Board noted the excellent work of Asylum Welcome and other voluntary organisations in accommodating and supporting refugees and asylum seekers. The Board thanked the Assistant Chief Executive and the Policy and Partnership Team Leader for their ongoing work in supporting the refugee programme in the City.

The City Executive Board resolved to:

1. **Approve** the participation in the Syrian Vulnerable Person Resettlement Scheme for the purpose of settling refugee families in Oxford on the terms set out in the body of the report.
2. **Delegate** authority to the Assistant Chief Executive, to make any necessary arrangements for effective participation within the above Scheme.

### **135. THE OLD SCHOOL, GLOUCESTER GREEN**

The Director of Regeneration & Housing submitted a report requesting approval for the principle of acquiring the long leasehold interest in The Old School, Gloucester Green.

Cllr Price presented the report and recommended its approval to the Board. He thanked the Major Projects and Development Surveyor for his work on the project.

The City Executive Board resolved to:

1. **Approve** the acquisition of the long leasehold interest in The Old School, Gloucester Green providing the Council's investment portfolio with additional income of £58,000 per annum, and make a recommendation to Council to increase the budget within the Council's capital programme by the requisite amount in 2015/16.

### **136. INTEGRATED PERFORMANCE REPORT QUARTER 2 2015/16**

The Head of Financial Services and Head of Business Improvement submitted a report which detailed the Council's projected outturn for finance and performance and the risks faced as at the end of Quarter 2, 30 September 2015.

The Head of Financial Services presented the report and highlighted the following points:

- The General Fund estimated outturn was estimated to be a £0.136M overspend
- The Housing Revenue Account was on target to spend to the latest budget
- The shortfall on the apprenticeships target was in part due to the fact that 6 apprentices have now been appointed to full time roles and 2 apprentices did not complete their probation
- The main area of risk remained the Housing Revenue Account Business Plan



He explained that the Capital programme outturn position showed a net underspend against budget as a result of the City Executive Board decision in September 2015 to defer some capital projects. He referred the Board to the supplementary agenda which set out an additional recommendation to lift the temporary moratorium on capital schemes.

In response to questions about the amber risks the Chief Executive informed the Board that:

- Resilience of the ICT function - the detailed project plan for the transfer of the service from the County Council to the new contractor was monitored closely in order to manage the risk
- Partnership Funding reductions – will have a huge impact on the work the City Council does to tackle homelessness and has the potential to be very expensive for the City Council. The City Council will need to look at options for providing support through the grant allocation budget
- Recruitment and Retention – officers have already taken some action to address this and are considering taking a more generic approach to recruitment for some posts in areas with multiple or frequent vacancies

The City Executive Board resolved to:

1. **Note** the projected outturn position and the performance and associated risk information contained in the report;
2. **Agree** that, following the preparation of the Consultation Budget for 2016-17, officers should recommence the capital schemes in 2015/16, listed in Table 1, that were deferred at CEB in September.

<b>Table 1</b>	<b>2015/16</b>
	<b>£</b>
<b>General Fund</b>	
E3511 Renovation Grants	25,000
B0048 Leisure - Cemeteries	10,000
E3554 Additional SALIX Plus funding	78,000
A4833 Horspath Athletics Ground	170,000
B0086 Extension to Seacourt Park & Ride	115,000
Cycling and Public Realm	50,000
<b>Total General Fund</b>	<b>448,000</b>
<b>Housing Revenue Account</b>	
N6387 Controlled Entry	10,000
N7033 Energy Efficiency Initiatives	163,000
N7037 Solar Panels	215,000
N7040 Blackbird Leys Regeneration	15,000
<b>Total HRA</b>	<b>403,000</b>
<b>Total</b>	<b>851,000</b>

Cllr Fooks left the meeting at the end of this item.

## **137. TREASURY MANAGEMENT HALF YEARLY PERFORMANCE REPORT**

The Head of Financial Services submitted a report which presented the performance of the treasury management function for the 6 months to 30 September 2015.

The Head of Financial Services presented the report to the Board. In consideration of the report the Board noted the following points:

- That the average rate of return on investments was 1.23%, which was 0.23% above the performance target of 1%
- Forecast investment income is down by £0.136 million, due to interest rates being lower than predicted
- The merits of increasing investment in property should be looked at in the round

The City Executive Board resolved to:

1. **Note** the performance of the treasury management function for the six months to 30 September 2015.

## **138. CORPORATE PLAN 2016-20 - CONSULTATION**

The Assistant Chief Executive submitted a report which presented the draft Corporate Plan 2016 – 2020 for public consultation.

Cllr Price, Board Member Corporate Strategy and Economic Development presented the report. He said that officers had been working on the style and content of the Corporate Plan with the aim of making it a shorter, sharper and forward looking document.

The Assistant Chief Executive said that the year on year target information would be available in the post-consultation version of the Corporate Plan. She would also be reviewing the design and style of the final document.

The City Executive Board resolved to:

1. **Approve** the draft Corporate Plan 2016 – 2020 for public consultation.

## **139. ITEMS RAISED BY BOARD MEMBERS**

No items were raised by Board Members.

## **140. MINUTES**

The Board resolved to APPROVE the minutes of the meeting held on 12 November 2015 as a true and accurate record.

## **Matters Exempt from Publication**

The City Executive Board resolved to exclude the press and public from the meeting during consideration of the item in the exempt from publication part of the agenda in accordance with the provisions in Paragraph 21(1)(b) of the Local Authorities (Executive Arrangements) (England) Regulations 2000 on the grounds that their presence could involve the likely disclosure of exempt information as described in specific paragraphs of Schedule 12A of the Local Government Act 1972 and that, in all the circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

### **141. CONFIDENTIAL APPENDIX: THE OLD SCHOOL, GLOUCESTER GREEN**

The Board received and noted the contents of the not for publication appendix to the report on The Old School, Gloucester Green (agenda item 13; minute 134).

**The meeting started at 5.00 pm and ended at 6.30 pm**

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## MINUTES OF THE CITY EXECUTIVE BOARD

Thursday 14 January 2016

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**COUNCILLORS PRESENT:** Councillors Turner (Deputy Leader), Hollingsworth, Kennedy, Lygo, Simm, Sinclair and Tanner.

**OTHER MEMBERS PRESENT:** Councillor Jean Fooks and Councillor Craig Simmons

**OFFICERS PRESENT:** Peter Sloman (Chief Executive), David Edwards (Executive Director City Regeneration and Housing), Jackie Yates (Executive Director Organisational Development and Corporate Services), Nigel Kennedy (Head of Financial Services), Lindsay Cane (Legal Services Manager) and Catherine Phythian (Committee Services Officer)

### 142. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Price and Councillor Brown.

Councillor Turner took the Chair.

### 143. DECLARATIONS OF INTEREST

There were no declarations of interest.

Councillor Turner stated for the record that he had been a student of Nuffield College from 2000 – 2002.

### 144. PUBLIC QUESTIONS

There were no public questions.

### 145. COUNCILLOR ADDRESSES ON ANY ITEM FOR DECISION ON THE BOARD'S AGENDA

There were no Councillor addresses on any item for decision on the Board's agenda.

## **146. COUNCILLOR ADDRESSES ON NEIGHBOURHOOD ISSUES**

There were no Councillor addresses on neighbourhood issues.

## **147. SCRUTINY COMMITTEE REPORTS**

The Chair of the Scrutiny Committee submitted the Committee's report on the Oxpens Revised Delivery Strategy. His comments are included under the main minute item for that report.

## **148. OXPENS DELIVERY STRATEGY**

The Executive Director, Regeneration and Housing submitted a report which detailed an update on the Oxpens development scheme and sought approval for an amendment to the delivery strategy.

The Executive Director, Regeneration & Housing reminded the Committee of the background to the item:

- the Council had been exploring strategic options for the redevelopment of Oxpens for several years;
- the Council was committed to the comprehensive regeneration of the whole Oxpens area which would maximise value and contribute to the wider city economy;
- negotiations with the Department of Transport and LCR (London and Continental Railways) over the previous JV arrangements (agreed by CEB in October) had now stalled;
- central Government had now confirmed the disposal of railway lands at Oxpens to the Council on the basis of an unconditional sale for a fixed price and within a tight timescale;
- in response the Council and Nuffield College proposed to set up a joint venture partnership company based on their respective positions as the predominant landowners in the area, their shared values, and their collective ambition to regenerate the Oxpens area.

The Chair of Scrutiny Committee said that the Oxpens Delivery Strategy report had been the subject of a thorough pre-scrutiny review at the meeting on 12 January 2016. The discussion had concentrated on the financial and legal aspects underlying the decision to set up a JV company with Nuffield College and transfer the Council land holdings. The Committee recognised that there would be opportunities to scrutinise the details of the JV partnership structure and business plans in the future when further decisions were brought back to the Board. The three recommendations from the Scrutiny Committee were intended to clarify the decisions to be taken by the City Executive Board. He confirmed the Scrutiny Committee's support for the proposals and recommendations contained in the report.

Councillor Fooks said that the Liberal Democratic Group supported the proposals and recommendations detailed in the report.

In conclusion the City Executive Board noted and accepted the three recommendations submitted by the Scrutiny Committee:

- Recommendation 1 – that a VEAT notice should be issued by the Council in regards to the proposed collaboration with Nuffield College.
- Recommendation 2 – that the Council should make every effort within its negotiating power to deliver its 50% affordable housing policy at Oxpens.
- Recommendation 3 – that the City Executive Board resolves to authorise the disposal of the City Council's land holdings at Oxpens to the new joint venture company on the terms set out in the report, and delegate authority to the Executive Director, Regeneration and Housing to agree the detailed arrangements of this disposal.

The City Executive Board resolved to:

1. Note the contents of the report;
2. Authorise a collaboration with Nuffield College to create an appropriate joint venture vehicle through which the Oxpens strategy can be delivered, on the basis that Nuffield College would act as an investor in the vehicle and in recognition of Nuffield's position as a key landowner in the development area, as set out in this report;
3. Delegate authority to the Executive Director, Regeneration and Housing, in consultation with the Chief Executive, s151 Officer and Monitoring Officer, to agree the terms of the Council's entry into such a joint venture vehicle;
4. Authorise (if required) the placement of an appropriate VEAT notice in regard to the proposed collaboration with Nuffield College;
5. Agree to the commencement of an appropriate competitive procurement exercise to select a developer joint venture partner to become a Member of the proposed joint venture vehicle
6. Delegate authority to the Executive Director, Regeneration and Housing to agree terms for the acquisition of land at Oxpens, as described in this report, in consultation with the Chief Executive, s151 and Monitoring Officers;
7. Delegate authority to the Chief Executive, in consultation with the Leader, to appoint directors to the joint venture company.
8. Authorise the disposal of the City Council's land holdings at Oxpens to the new joint venture company on the terms set out in the report, and delegate authority to the Executive Director, Regeneration and Housing to agree the detailed arrangements of this disposal.

#### **149. ITEMS RAISED BY BOARD MEMBERS**

No items were raised by Board Members.

## **150. MINUTES**

The Board resolved to APPROVE the minutes of the meeting held on 17 December 2015 as a true and accurate record.

### **Matters Exempt from Publication**

The City Executive Board resolved to exclude the press and public from the meeting during consideration of the item in the exempt from publication part of the agenda in accordance with the provisions in Paragraph 21(1)(b) of the Local Authorities (Executive Arrangements) (England) Regulations 2000 on the grounds that their presence could involve the likely disclosure of exempt information as described in specific paragraphs of Schedule 12A of the Local Government Act 1972 and that, in all the circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

## **151. OXPENS DELIVERY STRATEGY - CONFIDENTIAL APPENDICES**

The Board received and noted the contents of the not for publication appendices and to the report on Oxpens Delivery Strategy (agenda item 7; minute 151) and the presentation from the Executive Director, Regeneration and Housing.

**The meeting started at 5.00 pm and ended at 5.50 pm**



## MINUTES OF THE CITY EXECUTIVE BOARD

Thursday 21 January 2016



**COUNCILLORS PRESENT:** Councillors Price (Leader), Turner (Deputy Leader), Hollingsworth, Kennedy, Rowley, Simm and Tanner.

**OTHER MEMBERS PRESENT:** Councillor Jean Fooks and Councillor Linda Smith

**OFFICERS PRESENT:** Peter Sloman (Chief Executive), Nigel Kennedy (Head of Financial Services), Lindsay Cane (Legal Services Manager), Stephen Clarke (Head of Housing and Property), Mark Jaggard (Spatial & Economic Development Manager), Sarah Harrison (Senior Planner) and Catherine Phythian (Committee Services Officer)

### 152. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Brown, Councillor Lygo and Councillor Sinclair.

### 153. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 154. PUBLIC QUESTIONS

There were no public questions.

### 155. COUNCILLOR ADDRESSES ON ANY ITEM FOR DECISION ON THE BOARD'S AGENDA

Councillor Fooks addressed the Board on agenda items 4a, 4b and 7. Her comments are included in the minutes for that item.

### 156. COUNCILLOR ADDRESSES ON NEIGHBOURHOOD ISSUES

There were no Councillor addresses on Neighbourhood Issues.

## **157. SCRUTINY COMMITTEE REPORTS**

The Board noted that the Oxpens Revised Delivery Strategy decision had not been called in.

Councillor Smith, Chair Scrutiny Housing Panel, presented the scrutiny reports and recommendations on Rent Performance and Choice Based Lettings.

## **158. REPORT FROM HOUSING STANDING PANEL: RENTS PERFORMANCE**

Councillor Smith, Chair of the Housing Standing Panel presented the Panel's recommendations on the Council's rents performance. She cited the success of the Council's incentive scheme for waste recycling and said that the Panel hoped that a similar approach could be taken to encourage people to pay their rent by direct debit. She explained that the Panel felt a performance indicator targeted on this issue would be a valuable monitoring tool. She said that the Panel intended to monitor the success of any scheme that was introduced.

The Board Member said that he was pleased to accept the scrutiny recommendations and that housing officers were looking positively at scheme options.

In discussion the Board noted the following points:

- that the Council already collected some performance data relating to Direct Debit payments and it would be relatively straightforward to adapt this to target the proportion of Council tenants paying rent by Direct Debit
- that the Council favoured incentive scheme rather than a discount scheme so that people who did not have access to a Direct Debit banking option were not disadvantaged
- the need to take into account any legal constraints when devising the incentive scheme

The Board agreed to accept the Scrutiny Housing Panel recommendations:

- Recommendation 1 – That the Council should look at ways of incentivising Council tenants to pay rent by Direct Debit, including the option of holding a prize draw.
- Recommendation 2 – That the proportion of eligible Council tenants paying rent by Direct Debit should be a performance indicator in future years.

## **159. REPORT FROM HOUSING SCRUTINY PANEL: CHOICE BASED LETTINGS**

Councillor Smith, Chair of the Housing Standing Panel presented the Panel's report and recommendations on proposed changes to the Choice Based Lettings scheme. She said that the Panel was very supportive of the scheme and the proposed change from a fortnightly lettings cycle to a weekly cycle.

She explained that the Panel had focused on two main areas of concern: reviewing what methods of bidding were available to people who were disabled or visually impaired; and understanding the reasons for the high level of refusals post-allocation.

In discussion the Board noted the following points:

- that the Council already collates some information on the reasons for post-allocation refusals but more detailed analysis and review would be beneficial
- that wherever possible the Council identifies “support contacts” assist people without internet access
- that the move to a weekly cycle would not increase the workload for officers

The Board Member said that he was pleased to accept the scrutiny recommendations.

The Board agreed to accept the Scrutiny Housing Panel recommendations:

1. Recommendation 1 – That the Choice Based Lettings cycle should be changed from a fortnightly (13 days) to a weekly cycle.
2. Recommendation 2 – That advice should be sought from relevant council officers and local disability groups on making the Choice Based Lettings bidding process more accessible to individuals with disabilities.
3. Recommendation 3 – That Council Officers should explore positive ways of reducing the number of offers of housing that are refused.

## **160. OXFORD LOCAL DEVELOPMENT SCHEME 2016-2019**

The Head of Planning and Regulatory Services submitted a report which sought approval of a three-year programme for the preparation of various planning documents that will form part of the City Council’s Local Plan.

The Board Member, Planning, Transport and Regulatory Services presented the report. He explained that it was intended that the City Council should produce a new Local Plan 2036. This plan would be a single document that would replace most existing documents containing planning policy (other than the Area Action Plans). He said that the Local Plan 2036 will provide a long-term planning framework to deliver managed growth of the city for an additional 10 years to 2036. He emphasised that all the existing planning policies would remain in force until the new Local Plan 2036 was formally adopted. In conclusion he commended the report to the Board and encouraged all members to engage in the creation of the new plan.

In discussion the Board noted the following points:

- the target completion date was 2018
- this would be a major undertaking and provided a significant opportunity for a comprehensive review of all the current planning policies
- key areas to address would include renewable energy, transport and transport hubs, height and density considerations, affordable housing

- it was essential to use the process to identify flexible and creative means by which to deliver growth whilst retaining the city's green spaces, historic buildings and its skyline

The City Executive Board resolved to:

1. Approve the Oxford Local Development Scheme 2016-19; and
2. Endorse the production of the Oxford Local Plan 2036 and the Local Plan Consultation and Engagement Programme appended to the LDS.

#### **161. ITEMS RAISED BY BOARD MEMBERS**

No items were raised by Board Members.

#### **162. MINUTES**

The Board resolved to APPROVE the minutes and confidential minutes of the meeting held on 14 January 2016 as a true and accurate record.

**The meeting started at 5.00 pm and ended at 5.30 pm**

**To:** Council

**Date:** 8<sup>th</sup> February 2016

**Report of:** Regeneration and Partnerships

**Title of Report:** The Oxfordshire Local Enterprise Partnership

## **Summary and Recommendations**

**Purpose of report:** To provide members with an update on the work of the Oxfordshire Local Enterprise Partnership including its changing role, recent strategic developments, and impact on funding attraction and delivery.

**Executive lead member:** Councillor Bob Price

**Policy Framework:** The Corporate Plan

### **Recommendation:**

1. That the report be noted.

## **The role and context relating to the Oxfordshire Local Enterprise Partnership**

1. The Oxfordshire Local Enterprise Partnership (OxLEP) is responsible for facilitating the strategic development of the Oxfordshire economy and is now well established as a key strategic partnership within the economic growth agenda. The Partnership appointed a Chief Executive, Nigel Tipple, just over 2 years ago, and he is supported by a team of direct staff, seconded employees, and wider Oxfordshire County Council staff and services.
2. Nationally, over the past four years the Government has set a path for greater devolution of decision-making to a local level. This has, to varying degrees, taken place through the 39 Local Enterprise Partnerships (LEPs) in conjunction with local authorities, business and educational institutions that also comprise the LEP's key members (see Point 9).
3. There have been adjustments to the LEP's structure and membership in the last year. OxLEP is now a Limited Company with not for profit status, a change enacted due to the move from loose partnership to one making impactful decisions, with enhanced responsibility around funding. Councillor Bob Price, Leader of Oxford City Council, remains as the City Council's representative. Cllr Price is also a representative of the LEP on the Oxfordshire Skills Board. Richard Venables, Managing Partner of VSL Ltd, is still representative of the Oxford City business community, nominated by the Oxford Strategic Partnership. OxLEP is due to appoint a new chair, with Adrian Shooter CBE stepping down late in 2015.
4. Key Outcomes – in the last year the LEP has:

- a. Renewed its strategic investment plans across key sectors that underpin the evolving Strategic Economic Plan (SEP)
  - b. Attracted significant funding for growth and infrastructure, progressing to delivery phases on City Deal, Growth Deal and European Structural Funds projects
  - c. Played a coordinating role developing and negotiating a draft Devolution Deal with Government.
  - d. Enhancing the business support and skills related support available to local business utilising European and national funds
  - e. In line with the above outcomes, it has helped to create a closer working partnership and shared agenda between key stakeholders.
5. Strategy and Investment Planning: OxLEP's Strategic Vision remains the same; *'By 2030 we will have strengthened Oxfordshire's position as a vibrant, sustainable, inclusive, world leading economy, driven by innovation, enterprise and research excellence.'* The four key themes that drive the SEP are Innovative **People, Place, Enterprise and Connectivity**. Whilst the overarching themes are still relevant, the LEP has recently appointed consultants to refresh the Strategic Economic Plan. This is in response to a need to; check and evolve the vision over time, consult more widely, reflect an altered national context, and meet the investment needs identified in each of the SEP's five Strategic Investment Plans. These plans include:
- a. Innovation Investment Plan (in development)
  - b. Oxfordshire Skills Strategy (published and led by Oxfordshire Skills Board)
  - c. Strategic Environment and Economy Investment Plan (published)
  - d. Creative, Cultural, Heritage and Tourism Investment Plan (published in draft)
  - e. Connecting Oxfordshire (led by Oxfordshire County Council).
6. The role of the Investment Plans is to articulate in detail the projects and programmes that will deliver the aim of growing the Oxfordshire economy. The Investment Plans are intended be evidence-based and identify specific projects to be delivered. The intention is for these plans to allow agencies to react quickly when funding becomes available. The SEP refresh will consult widely with key stakeholders and is programmed for completion in the summer, which approximately coincides with the devolution timetable.
7. Funding: A key role of the LEP is securing and distributing resources for delivery of the SEP through a variety of means:
- a. In 2014 Oxfordshire was awarded £55.5m through the City Deal, this programme that is now being delivered across Apprenticeships, business support, infrastructure and innovation centres, focusing on the Oxfordshire 'Knowledge Spine' of Bicester – Oxford – Science Vale.
  - b. OxLEP is also now delivering a €19.3m Implementation Plan that sets out the process for the delivery of the priorities it articulated in the [Oxfordshire European Structural Investment Fund \(ESIF\) Strategy](#). This particular programme is overseen by the Oxfordshire ESIF Shadow Committee. Numerous funding calls are being delivered for business support, innovation and low carbon activity. The European Social Fund element has

- been delayed at a national/EU level. Funding support for employability training, aimed at NEETS and long-term unemployed has, however, been awarded with Big Lottery Fund matching this.
- c. Furthermore, OxLEP, through the current [Strategic Economic Plan](#), negotiated a £208.5 million [Oxfordshire Growth Deal package](#) for a range of transport/connectivity, business support and other projects to be delivered over the next few years.
  - d. Local Growth Fund 3 bids and Devolution related Infrastructure funds have been prepared ahead of any call to ensure a pipeline of investment ready strategic projects is in place. Oxford has several key projects including the Station, Osney Mead Knowledge Park, and Park & Ride expansion at draft business case stage.
  - e. Notable funding that has benefitted Oxford in the report period includes:
    - i. Northern Gateway -£6M Local Growth Funds
    - ii. Oxpens - £3.5M Local Growth Funds (LGF)
    - iii. £15.2m of LGF funding will go towards two innovation centres based at Oxford University: the Begbroke Innovation Accelerator at Begbroke Science Park (Cherwell) and the Oxford BioEscalator at the University's Old Road Campus.
    - iv. £26M towards the Western Flood Relief Channel.
    - v. Access to Headington - £8.2m.
8. Delivery and Coordination: The LEP has moved beyond its strategic and funding role into delivery and coordination phases. For example;
- a. Invest in Oxfordshire: Targeted to support 120 (117 to date) foreign investment enquiries per annum and improve its conversion rates, the team has prepared a suite of technical, sector focussed marketing propositions for key sectors. 23 successes were recorded to January 2016, supporting 430 jobs.
  - b. Oxfordshire Apprenticeships: The skills element of City Deal includes a commitment to deliver 525 new apprenticeships for young people, 300 Apprenticeship Grants for Employers and a new body that will support young people as they transition into the world of work through a number of mechanisms – namely Oxfordshire Apprenticeships. £1.5million of funding was allocated with targets to increase Apprenticeship and Traineeship uptake across Oxfordshire over the 3 years from April 2014 to March 2017. Targets are broadly being met or exceeded. Oxford has the fewest resident apprentices of any Oxon district. However, the majority, 26%, of apprenticeships are located in Oxford City businesses, despite having the fewest resident apprentices. This is partly reflective of our job density and high in-commuting figures.
  - c. Business Support Service: The service is acting as an overarching hub for business support including start-ups, established SMEs and innovation focussed business. A team of sector specialist 'Network Navigators' is leading on supporting key knowledge sectors from digital, life science, social enterprise, space and satellites, cryogenics and investment. Following the closure of the Business Growth Service, the offering will become a greater focal point for public sector funded business support.
  - d. European Capital of Innovation Shortlisting: The LEP has supported this work in terms of funds and expertise.

- e. Resilient Cities: The LEP has supported Oxford City Council and the County Council to bid for funding to the Rockefeller Foundation to bid for a Chief City Resilience Officer to plan against shocks and stresses that impact on city's ability to function. If successful, Oxford will join a network of 100 major cities globally.
- 9. Devolution Deal Progress: On 4<sup>th</sup> September, the Leaders of the six Oxfordshire Authorities submitted an expression of interest to government setting out initial proposals for devolution in Oxfordshire for discussion with government. These proposals were developed together with the Local Enterprise Partnership and the Clinical Commissioning Group and outlined proposals for greater local control over £4bn of funding for transport, skills training and health services. As this process continues, the LEP has been coordinating with all districts and the county to maximise the business case including a set of key asks and expected long-term economic benefits.

### **Financial Implications**

The City Council has not currently committed any financial resources to the Oxfordshire LEP, although there is a commitment in terms of member and staff time for attending meetings, coordination and communication of decisions, and matching existing staff costs of European Funded programmes related to business support. In addition the previous Economic Development Manager is funded one day per week to work for OxLEP.

There are no additional financial implications as a direct result of this report

### **Legal Implications**

There are no legal implications.

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

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### **List of background papers:**

Further information can be found on the web site link below.

<http://www.oxfordshirelep.org.uk/>



**To:** Council

**Date:** 8 February 2016

**Report of:** Chair of the Scrutiny Committee

**Title of Report:** Scrutiny Briefing

**Purpose of report:** To update Council on the activities of the scrutiny function

## Appendices

*Appendix 1 - Scrutiny work programme 2015/16*

*Appendix 2 - Scrutiny Recommendation Tracker November 2015 to January 2016*

## Introduction

1. Scrutiny has recently been engaged in its annual budget review. The oversight and constructive challenge of this review helps to provide assurance that the Council's budgetary proposals are balanced, robust and deliverable, as well as engaging all political groups in the process. This is particularly important at a time when the Council faces a backdrop of significant risks and uncertainties, such as the unknown impacts of national policy changes on the Housing Revenue Account. The findings of the Budget Review, which include independent commentary on the proposals and recommendations, will be set out in a report to the City Executive Board and Budget Council.
2. My previous report to Council highlighted some of the tangible financial benefits that an effective scrutiny function is bringing to the organisation. This must continue over the coming years as funding from government tapers away and the Council's operations become fully funded by income generated locally from Council Tax, Business Rates, trading, commercial property income and fees and charges, as well as successful bids for external funding.
3. In January the Committee had a detailed look at the Revised Oxpens Delivery Strategy decision in a session lasting an hour and a half. The Committee

expressed its support for the strategy and made four recommendations, which were all accepted by the City Executive Board.

4. To date this year 75% of scrutiny recommendations have been agreed by the Board, 13% have been agreed in part and only 12% have not been agreed.

### **Work programme**

5. Scrutiny continues to progress through its work programme and remains very busy pursuing ideas generated by members as well as scrutinising decisions to be taken by the City Executive Board. There will potentially be as many as nine pre-scrutiny reports on the Board's agenda in February.

### **Current Activity**

#### **Guest Houses Review Group**

6. The Guest Houses Review Group, led by Councillor Van Coulter, spoke to various guest house proprietors and enforcement agencies before recommending that the Council should intervene in this sector with the aim of improving the safety of vulnerable people. The Review Group's report, which provides a number of suggestions as to what form this intervention could take, was presented to the City Executive Board on 17 December. The Board is expected to respond to the fourteen recommendations when it meets on 11 February.

#### **Equality and Diversity Review Group**

7. The Equality and Diversity Review Group meets on 9 February to review a range of equalities and staff survey data with the aim of helping to identify, and find ways of overcoming, barriers faced by under-represented groups on the Council's workforce. The Review Group, which is chaired by Councillor Tom Hayes, aims to conclude its evidence gathering and produce a report with recommendations within the current Council year.

#### **Budget Review**

8. The Finance Panel has examined the Council's budget proposals in detail over a series of meetings with the Chief Executive, Executive Directors, Head of Financial Services and other senior officers. The Panel found that the General Fund is generally in good shape but that the Capital Programme has not fared so well, being badly hit by Government policy changes. The Panel agreed 24 recommendations which will be put to the City Executive Board on 11 February. These recommendations focused on; the presentation of the budget proposals, maximising income, increasing efficiency and mitigating pressures and risks in the General Fund and Housing Revenue Account. I'd like to thank members of the Finance Panel and Housing Panel for contributing to this work, as well as Council officers for their extensive support.

#### **The Scrutiny Committee**

9. The Committee approved the report of the Guest Houses Review Group and reviewed a mid-year corporate performance report in December. The Committee has also pre-scrutinised the following City Executive Board decisions - the

numbers of recommendations made to the Board and of those agreed (either in full or in part) are in brackets:

- Oxpens Revised Delivery Strategy (4 / 4)
- Resettling Syrian Refugees in Oxford (6 / 6)
- Community Centre Strategy (7 / 6)
- Asset Management Plan 2016-2020 (4 / 4)

### **Housing Panel**

10. The Housing Panel met in December to look at rent performance (2 / 2) and proposed changes to the Choice Based Lettings scheme (3 / 3). The Panel meets on 1 February to pre-scrutinise the Private Sector Housing Policy and Externally Leased HRA Properties – Rent Setting decisions and receive a presentation on the Review of Older Persons Accommodation.

### **Finance Panel**

11. The Finance Panel has been busy with the Budget Review and also met on 28 January to pre-scrutinise reports on Council's Capital Strategy, Treasury Management function and Energy and Water supply contract, making recommendations on each.

### **Looking Ahead**

12. Scrutiny will soon be inviting suggestions from Members for topics and services to be included in next years' scrutiny work programme. I would encourage Members to come forward with ideas.
13. In the meantime the Committee aims to complete as much of its current work programme as possible, although some topics may need to be carried forwards in to next year. The priority in terms of review work is to conclude the work of the Equality and Diversity Review Group, which is expected to report in April. The Committee won't be establishing any new Review Groups in the current year.

Councillor Craig Simmons – Chair of the Scrutiny Committee

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## Appendix 1 Scrutiny work programme 2015/16

This programme represents the work of Scrutiny, including panel work and Committee items. The work programme is divided under the following headings:

1. Standing Panels
2. Items called in and Councillor calls for action
3. Items referred to Scrutiny by Council
4. Review Panels and Ad hoc Panels in progress
5. Items for other Panels or Scrutiny Committee meetings
6. Draft Scrutiny Committee agenda schedule

### 1. Standing Panels

Topic	Area(s) for focus	Nominated councillors (no substitutions allowed)
Finance Panel – All finance issues considered within the Scrutiny Function.	See Appendix A	Councillors Simmons (Chair), Fooks, Fry & Hayes
Housing – All strategic and landlord issues considered within the Scrutiny Function.	See Appendix B	Councillors Smith (Chair), Benjamin, Henwood, Hollick, Sanders & Wade; Geno Humphrey (co-optee)

### 2. Items called in and Councillor calls for action

None

### 3. Items referred to Scrutiny by Council

None


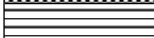

#### 4. Review groups and ad hoc panels in progress

Topic	Scope	Status	Nominated councillors
Waste Water Flooding	To continue engagement with Thames Water Utilities on sewerage flooding	Closed – TWU asked to facilitate a seminar	Cllrs Darke (Chair), Goddard, Pressel & Thomas
City Centre PSPO	To pre-scrutinise the city centre PSPO decision in a one-off meeting	Closed – report and response published	Cllrs Gant (Chair), Clarkson Taylor & Thomas
Cycling	To review how to make best use of unallocated cycling investments	Closed – report and response published	Cllrs Upton (Chair), Gant, Pressel & Wolff
Inequality	To review how the City Council can combat harmful inequality in Oxford	Closed – report and response published	Cllrs Coulter (Chair), Gant, Lloyd-Shogbesan & Thomas
Recycling Rates	To monitor recycling and waste data and recycling incentives	Closed	Cllrs Fry (Chair), Hayes & Simmons
Guest Houses	To review the case for interventions to prevent exploitation in guest houses	Closed – report published, awaiting response	Cllrs Coulter (Chair), Paule, Royce & Simmons
Budget Review 2016/17	To review the Council's 2016/17 draft budget and medium term financial plan	Open – reporting stage	Finance Panel Members
Equality & Diversity	To review barriers faced by under-represented groups in employment and anti-discrimination practices.	Open – meeting on 9 February to review employee and staff survey data	Cllrs Hayes (Chair), Altaf-Khan, Taylor & Thomas

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#### Indicative timings of 2015/16 review groups

Scrutiny Review	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May
Budget Review 2016/17										
Guest Houses										
Equality and diversity										

	Scoping
	Evidence gathering and review
	Reporting

## 5. Items for other Panels or Scrutiny Committee meetings

The Committee has reviewed all new suggestions received from Councillors. These have been assessed these against the following objective criteria to determine whether they are a higher or lower priority for inclusion in the work programme:

- *Is the issue controversial / of significant public interest?*
- *Is it an area of high expenditure?*
- *Is it an essential service / corporate priority?*
- *Can Scrutiny influence and add value?*

Topic carried forward	Description
Discretionary Housing Payments	Mid-year update on spending profiles.
Performance Monitoring (corporate)	Quarterly report on a set of Corporate and service measures chosen by the Committee.
Oxfordshire Growth Board	To will monitor agendas and minutes published by the Board.
Taxi licensing	To review rules and processes; to understand driver issues and consider policy changes.
Fusion Lifestyle annual performance	Annual item agreed again by the Committee to consider performance against contact conditions.
175 City Centre Public Spaces Protection Order	To pre-scrutinise the revised City Centre PSPO decision following submission by Liberty; to monitor how the PSPO is working, once in place and whether it is achieving desired outcomes.
Local Economy	To monitor progress of agreed recommendations and review the business case for a Business Improvement District.
Forward Plan items	To consider issues to be decided by the City Executive Board.
Higher priority topic	Description
Equality and Diversity	To scrutinise a particular diversity strand in detail. For example, the work the Communities (CAN) team is doing with BME communities to build cohesion and tackle CSE.
Youth Ambition	To receive an update on spend and outcomes of the Council's Youth Ambition programme.
Tackling loneliness among the elderly	To consider the Council's role in tackling loneliness among the elderly.
Educational Attainment	To monitor the Council's Educational Attainment Programme.
Tree cover, biodiversity and the work of the Forest of Oxford	To scrutinise the Council's work on tree cover with other work on biodiversity and with the work of the Forest of Oxford, consider having an annual Forum and the public can be involvement.

Arrangements for dealing with employment, training and HR matters	To consider whether the Council would benefit from having different arrangements (e.g. a Personnel Committee) to deal with employment, training and HR matters for staff.
Planning enforcement and monitoring compliance	To consider how compliance is monitored, when and how often non-compliance is enforced and whether this is relayed to the relevant Planning Committee.
<b>Lower priority</b>	<b>Description</b>
Maintenance of roads and pavements	To consider what proportion and what elements of highways work are contracted out, the quality of sub-contractors' work and how this is monitored.
Public Communications	To receive an update on changes to the Council's communications and reputation management functions.
Graffiti	To receive an update on the Council's approach to preventing and removing graffiti.
Complaints received by the City Council	To monitor complaints made about the City Council.
Employment of interns, apprentices and work experience students	Monitor how many interns, apprentices and work experience students have been taken on by the Council and in which departments. Consider career progression and tasks undertaken.
Contact Centre performance	To receive an update on the performance of the Council's customer services contact centre.
School/employer links and careers advice	To receive an update on the Council's role in building links between schools and employers and influencing careers advice in schools.
Heritage listing process	To receive an update on the heritage listing process now that heritage assets are given more prominence in planning decisions and Neighbourhood Plans are being drawn up.
The Council's external contracts, funding raised and their impacts	To receive an update on how much Council funding is raised by taking on external contracts and how this contract work impacts on other Council activities.
Better Partnership with the County Council	To consider how the City Council and County Council could strengthen their partnership working in key areas.



**6. Draft Scrutiny Committee Agenda Schedules**

<b>Date, time &amp; room</b>	<b>Agenda Item</b>	<b>Lead Member; Officer(s)</b>
2 February, 6.15pm, St. Aldate's Room	<ol style="list-style-type: none"> <li>1. Taxi Licensing</li> <li>2. Customer Contact performance</li> <li>3. Grant Allocations to Community &amp; Voluntary orgs (pre-decision)</li> <li>4. Corporate Plan 2016-20 (pre-decision)</li> <li>5. Go Ultra Low Oxford Grant Funding (pre-decision)</li> </ol>	Julian Alison Michelle Iddon Julia Tomkins Val Johnson Jo Colwell & Elizabeth Bohun
7 March, 6.15pm, St. Aldate's Room	<ol style="list-style-type: none"> <li>1. Youth Ambition programme</li> <li>2. Planning enforcement</li> <li>3. Planning service plan update</li> <li>4. Tree Policy</li> <li>5. Performance Report – 2015/16 quarter 3</li> </ol>	Hagan Lewisman Patsy Dell Lyndsey Beveridge Graham Bourton N/A
5 April, 6.15pm, St. Aldate's Room	<ol style="list-style-type: none"> <li>1. Employment of interns, apprentices and work experience students</li> <li>2. Preventing isolation</li> <li>3. Graffiti</li> <li>4. Shotover Farm</li> <li>5. Report of the Diversity Review Group</li> </ol>	Jarlath Brine Luke Nipen. Doug Loveridge Julia Castle Cllr Hayes

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***Provisional 2016/17 dates: 7 June, 4 July, 5 September, 3 October, 7 November, 6 December, 30 January, 28 February, 27 March & 2 May***

## Appendix A - Finance Panel work programme 2015-16

### Items for Finance Panel meetings

<b>Suggested Topic</b>	<b>Suggested approach / area(s) for focus</b>
Budget 2016/17	Review of the Council's medium term financial strategy.
Budget monitoring	Regular monitoring of projected budget outturns through the year.
Municipal Bonds	To receive an update on the progress of a municipal bonds agency and consider whether there is a case for the City Council investing in or borrowing from the agency.
Low Carbon Hub funding model	To receive a briefing on the Low Carbon Hub funding model and consider whether there is an opportunity for the City Council to use a similar model to generate capital funding.
Corporate Debt Policy	To pre-scrutinise the Council's Corporate Debt Policy.
Treasury Management	Scrutiny of the Treasury Management Strategy and regular monitoring of Treasury performance.
Recommendation monitoring - Budget Review 2015/16	To receive an update on the progress of the Panel's budget review recommendations from 2015/16.
Recommendation monitoring – European Funding	To receive an update on the progress of the Panel's European Funding recommendations.
Council tax exemptions	To receive an update on the financial implications of different types of exemptions.

**Draft Finance Panel agenda schedules**

<b>Date and room (all 5.30pm start)</b>	<b>Agenda Item</b>	<b>Lead Member; Officer(s)</b>
28 January, Plowman Room	<ol style="list-style-type: none"> <li>1. Energy and Water Supply Contract Procurement (pre-decision)</li> <li>2. Report of the Budget Review Group 2016/17</li> <li>3. Capital Strategy 2016-17 (pre-decision)</li> <li>4. Treasury Management Strategy (pre-decision)</li> </ol>	<p>Jo Colwell and Paul Spencer</p> <p>Cllr Simmons; Andrew Brown</p> <p>Nigel Kennedy</p> <p>Anna Winship</p>
7 April, Plowman Room	<ol style="list-style-type: none"> <li>1. Council Tax Exemptions</li> <li>2. Low Carbon Hub funding model – update</li> </ol>	<p>Nigel Kennedy</p> <p>Nigel Kennedy</p>

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***Provisional 2016/17 Finance Panel dates: 8 September 2016, 8 December 2016, 16 January 2017, 1 February 2017 & 29 March 2017 (all 5.30pm starts)***

## Appendix B - Housing Panel work programme 2015-16

### Items for Housing Panel meetings

Topic	Approach
Tenant Involvement	Review group or one-off panel to look at how tenants are involved in decisions that affect them.
Performance monitoring	Regular monitoring of housing performance measures.
STAR survey results	Annual monitoring of results of the tenant survey.
Rent arrears	Monitoring of performance measures; update report.
De-designation of 40+ accommodation	Final annual report on the latest phase of the de-designation of 40+ accommodations.
Homelessness	Mid-point review of homelessness action plan. Pre-scrutinise allocation of prevention funds.
Supporting people	Verbal updates on the joint commissioning of housing support services.
Choice Based Lettings	To consider proposed changes to the CBL scheme plus data on bidding activity, demographic data on non-bidders, and information on refusal reasons.
Security in communal areas	Request report on security issues in tower blocks and different approaches being taken to address ASB and other issues. Canvas views of block representatives.
Great estates programme	Request report to update members on capital investments to improve housing estates including Blackbird Leys and Barton.
Asset Management Strategy	Pre-scrutinise asset management strategy for Council's housing stock.
Sustainability of Council housing & HRA BP	Pre-scrutiny of report to CEB expected in 2016. Focus in Budget Review.
Homelessness Property Investment	Pre-scrutinise decision to approve investment in a property investment fund to help secure access to local, suitable and affordable private rented accommodation.
Housing Energy Strategy	Pre-scrutinise report to CEB on energy efficiency and fuel poverty in the Council's domestic housing stock. Consider environmental sustainability of the Council's housing stock
Houses in Multiple Occupation (HMO) Licensing	Pre-scrutinise report to CEB setting out the results of the statutory consultation and the proposed future of the licensing scheme.
Sheltered Housing Review	Pre-scrutinise decision to approve outcomes of review, including future of some of the stock. Consider progress against previous Housing panel recommendations.
Private Sector Housing Policy	Pre-scrutinise report to CEB setting out the future priorities and areas of intervention in the private rented and owner-occupied residential sectors in Oxford.
Housing Development delivery models	Pre-scrutinise report to Council setting out possible housing development models.

**Draft Housing Panel Agenda Schedules**

<b>Date and room (all 5pm start)</b>	<b>Agenda Item</b>	<b>Lead Officer(s)</b>
1 February, Plowman Room	<ol style="list-style-type: none"> <li>1. Private Sector Housing Policy (pre-decision)</li> <li>2. Externally Leased HRA Properties – Rent Setting (pre-decision)</li> <li>3. Review of Older Persons Accommodation / Review of Sheltered Housing (pre-decision)</li> </ol>	<p>Ian Wright</p> <p>Dave Scholes</p> <p>Frances Evans</p>
9 March, Plowman Room	<ol style="list-style-type: none"> <li>1. Performance Monitoring – quarter 3</li> <li>2. Update on the Great Estates programme</li> <li>3. Security in communal areas of tower blocks</li> <li>4. STAR survey results</li> <li>5. A Housing Company for Oxford (pre-decision)</li> <li>6. Allocation of Homelessness Prevention Funds (pre-decision)</li> </ol>	<p>N/A</p> <p>Martin Shaw &amp; Jack Bradley</p> <p>Daryl Edmunds</p> <p>Bill Graves</p> <p>Alan Wylde</p> <p>Nerys Parry</p>
11 April (TBC)	<ol style="list-style-type: none"> <li>1. <i>Tenant involvement (joint session with tenant scrutiny panel)</i></li> </ol>	<p><i>Simon Warde</i></p>

**Provisional 2016/17 Housing Panel dates: 7 July 2016, 5 October 2016, 9 November 2016, 1 March 2017 & 3 May 2017 (all 5pm starts)**

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## Appendix B - Scrutiny Recommendation Tracker 2015-16

<b>Oxpens Revised Delivery Strategy – 12 January Scrutiny Committee</b>				
<b>Recommendation</b>	<b>Agreed Y/N</b>	<b>Executive response</b>	<b>Lead Member &amp; Officer</b>	<b>Implemented Y/N / due date</b>
1. That a VEAT notice should be issued by the Council in regards to the proposed collaboration with Nuffield College.	Y	This would protect against a procurement challenge but not a State Aid challenge.	Cllrs Price, Turner & Hollingsworth	TBC
2. That the Council should make every effort within its negotiating power to deliver its 50% affordable housing policy at Oxpens.	Y	This is a helpful recommendation. It's also about maximising the number of affordable housing units.		TBC
3. That the City Executive Board resolves to authorise the disposal of the City Council's land holdings at Oxpens to the new joint venture company on the terms set out in the report, and delegate authority to the Executive Director, Regeneration and Housing to agree the detailed arrangements of this disposal.	Y	Agreed.		Y
4. That Council Officers should be instructed to facilitate pre-decision scrutiny of any likely key executive decisions delegated to officers that relate to the Oxpens development, including by notifying the Committee in good time before any such decisions are taken.	Y	Agreed.		TBC
<b>Choice Based Lettings – 10 December Housing Panel</b>				
<b>Recommendation</b>	<b>Agreed Y/N</b>	<b>Executive response</b>	<b>Lead Member &amp; Officer</b>	<b>Implemented Y/N / due date</b>
1. That the Choice Based Lettings cycle should be changed from a fortnightly (13 days) to a weekly cycle.	Y	I'm happy to accept all of the recommendations: we will look at the matters discussed. I'm particularly grateful to Scrutiny Committee for endorsing the	Cllr Rowley & Stephen Clarke	June 2016
2. That advice should be sought from relevant council officers and local disability groups on	Y			June 2016

making the Choice Based Lettings bidding process more accessible to individuals with disabilities.		position I expressed to the Housing Panel in favour of moving to a weekly lettings cycle. I am hopeful that the greater regularity will make the system easier to understand and increase participation.		
3. That Council Officers should explore positive ways of reducing the number of offers of housing that are refused.	Y			June 2016
<b>Rents performance – 10 December Housing Panel</b>				
<b>Recommendation</b>	<b>Agreed Y/N</b>	<b>Executive response</b>	<b>Lead Member &amp; Officer</b>	<b>Implemented Y/N / due date</b>
1. That the Council should look at ways of incentivising Council tenants to pay rent by Direct Debit, including the option of holding a prize draw.	Y	Cash prizes would be illegal and we wouldn't want to make incentives available to one particular group but not to other groups. We will look at how paying rent by direct debit, as well as other things we want to encourage (e.g. Council Tax), can be incentivised.	Cllr Rowley & Stephen Clarke	Dec 2016
2. That the proportion of eligible Council tenants paying rent by Direct Debit should be a performance indicator in future years.	Y	Yes this can be done.		April 2016
<b>Report of the Guest Houses Review Group – 9 December Scrutiny Committee</b>				
<b>Recommendation</b>	<b>Agreed Y/N</b>	<b>Executive response</b>	<b>Lead Member &amp; Officer</b>	<b>Implemented Y/N / due date</b>
1. That the City Council should maintain an accurate list of guest houses operating in the Oxford area that is updated at least annually (The Human Exploitation Co-ordinator has produced a basic list which could be developed into an accurate list).	TBC	<i>Response expected in February 2016</i>	Cllr Price	
2. That the City Council should, in consultation and collaboration with other relevant statutory, commercial and voluntary agencies, lead on the	TBC	<i>Response expected in February 2016</i>	Cllr Price	



introduction of a voluntary code of good practice for owners of guest houses in the Oxford area to sign up to. This code should be jointly branded and linked to existing initiatives such as the Say Something if you See Something campaign.				
<p>3. That, subject to further consultation, the voluntary code of good practice should commit owners of guest houses operating in Oxford to the following practices which would help to protect guest house owners and their businesses as well as guests and the wider community. These practices should extend to subcontractors working in guest houses where relevant:</p> <ul style="list-style-type: none"> <li>a) Signing up to a basic safeguarding policy statement;</li> <li>b) Providing details of an identified 'single point of contact' who has oversight of the running of the guest house and is responsible for ensuring compliance with the code of good practice;</li> <li>c) Having an identified responsible person on duty at the guest house at all times during its hours of operation;</li> <li>d) Providing Basic Disclosure certificates for the single point of contact and responsible person(s) and if possible, obtaining certificates for all staff who permanently or regularly work in the guest house;</li> <li>e) Having a free crime prevention check every 3 years and implementing recommendations made by the Crime Prevention and Reduction Advisor;</li> <li>f) Cooperating with the police, including by providing available CCTV footage upon request and allowing the police to freely enter the</li> </ul>	TBC	<i>Response expected in February 2016</i>	Cllr Price	

<p>premises where illegal behaviour is suspected to be taking place;</p> <p>g) Registering with Thames Valley Alert and participating in the hotel partnership to strengthen two-way information sharing between guest houses and the authorities;</p> <p>h) Retaining records of the single point of contact and responsible person(s) completing the ECPAT 'Every Child, Everywhere' e-learning course, and providing all staff working in the guest house with the Thames Valley Police Staff Guide for the hotel trade;</p> <p>i) Having a 'no cash without ID' policy, recording vehicle registration numbers where relevant and requiring visitors to register with reception;</p> <p>j) Holding and restricting access to master keys for all rooms and ensuring that guest rooms are checked daily;</p> <p>k) Having suitable and proportionate arrangements in place for monitoring comings and goings at the premises, including during the night, and where relevant, retaining CCTV footage for a minimum of 28 days.</p>				
<p>4. That the owners of guest houses in the Oxford area should be asked to self-certify that they comply with the voluntary code of good practice on an annual basis. This process could be prompted by a letter signed by the Local Policing Area Commander, as well as through the hotel partnership and any other relevant channels.</p>	TBC	<i>Response expected in February 2016</i>	Cllr Price	
<p>5. That guest house owners signed up to the code should be signposted to sources of advice and guidance.</p>	TBC	<i>Response expected in February 2016</i>	Cllr Price	
<p>6. That the City Council asks Thames Valley Police</p>	TBC	<i>Response expected in February 2016</i>	Cllr Price	

	to give prompt attention to requests for assistance at local guest houses.			
	7. That relevant agencies including City Council functions such as Environmental Health and Community Safety, and those provided by partner organisations such as the Thames Valley Police, Oxfordshire Fire and Rescue Service and Trading Standards, should be asked to report to the code administrator if they have reason to believe that, having been signed up to the voluntary code of good practice, the management of a guest house is non-compliant with it. The single point of contact should then be asked to demonstrate that they have addressed the concerns raised or risk being suspended from the code.	TBC	<i>Response expected in February 2016</i>	Cllr Price
	8. That the administration of the voluntary code of good practice should be adequately resourced. Consideration should be given to where in the organisation this responsibility should sit but the Human Exploitation Manager should have oversight of this administrative function.	TBC	<i>Response expected in February 2016</i>	Cllr Price
	9. That a suitable logo should be created for the voluntary code of good practice that could be displayed on guest house websites.	TBC	<i>Response expected in February 2016</i>	Cllr Price
	10. That a list of guest houses covered by the voluntary code of good practice should be displayed on the City Council's website together with details of what the owners of these guest houses have signed up to. The introduction of the code should also be promoted to targeted institutions, such as language schools, as well as more widely, including through a City Council press release.	TBC	<i>Response expected in February 2016</i>	Cllr Price
	11. That Experience Oxfordshire should be	TBC	<i>Response expected in February 2016</i>	Cllr Price

informed which guest houses are covered by the voluntary code of good practice and asked to display the logo next to participating guest houses on their website.				
12. That the City Council should encourage the larger tour operators and hotels operating in Oxford to sign up to the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism.	TBC	<i>Response expected in February 2016</i>	Cllr Price	
13. That the City Council should ask organisations such as Experience Oxfordshire and the local Chamber of Commerce to do more to promote the Say Something if you See Something campaign, including through existing relationships.	TBC	<i>Response expected in February 2016</i>	Cllr Price	
14. That the City Council should look for opportunities to join with partners, perhaps through the National Working Group, in pressing government to: a) Grant additional powers to local authorities to require the embedding of good practices in guest houses, b) Do more to involve the hotel accreditation agencies and major travel website companies, as well as guest houses, in efforts to promote good safeguarding practices in the hospitality sector; c) Introduce a public awareness campaign that empowers people to come forward with safeguarding concerns.	TBC	<i>Response expected in February 2016</i>	Cllr Price	

#### Asset Management Plan – 9 December Scrutiny Committee

Recommendation	Agreed Y/N	Executive response	Lead Member & Officer	Implemented Y/N / due date
1. The City Council should take a	Y	We are not sure how valid or appropriate this	Cllr Turner /	Y

<p>structured approach to evaluating social value throughout the Plan using the Social Value Act 2012, which provides a framework for quantifying social value.</p>		<p>is in practice. The act is primarily one about procuring for best value and particularly those matters falling within European Procurement rules ie large scale high value projects.</p> <p>Probably it is the templates and other guidance that sit behind the act that are useful but for the majority of our activity they would be extremely cumbersome potentially bureaucratic, resource hungry and probably inappropriate although some elements may have some potential.</p> <p>Would suggest we perhaps add the following</p> <p><i>Page 3 of AMP after 'education' in paragraph 6 of Asset Management the Oxford Way the words 'social, environmental' and to the end of the paragraph the words ' and will use the Public Services (Social Value) Act 2012 and supporting guidance as a framework for quantifying Social Value where appropriate.</i></p>	Diane Phillips	
<p>2. The City Council should, as a matter of course, consider the case for negotiating 'green lease' arrangements when existing leases are due for renewal;</p>	Y	<p>The recommendation is effectively already captured within the existing AMP objective 4 which reflected our aspiration to investigate how we could move in this direction but reflected a reality around our existing portfolio of relatively long term legacy tenants and restrictions and limitations on changing terms through 1954 Landlord and Tenant Act.</p> <p>We are happy to strengthen the wording to further acknowledge Scrutiny's point and</p>	Cllr Turner / Diane Phillips	Y

		would suggest:  Change Supplementary Indicators on page 13 of the AMP to 'Consider green lease arrangements on renewals and new lettings where appropriate and possible' and also change Actions on page 28 of AMP to Consider utilising green lease arrangements on renewals and new lettings where appropriate and possible'		
3. When agricultural leases are due for renewal, the Council should explore all options including revenue opportunities, for example managing the land to generate forestry revenue;	Y	<p>Whilst we understand the Scrutiny view and their drive to potentially expand employment opportunities and drive further social benefit, open up access to opportunities in this sector the blanket approach to all agricultural land is likely to be overly onerous. Say where we are letting a small 'pony paddock' and other minor elements for instance.</p> <p>Also most of our larger pieces of agricultural estate are locked into Agricultural Holding Act Tenancies and in most cases will not revert to us for perhaps a generation, so opportunities here will be very limited.</p> <p>Suggest in order to acknowledge Scrutiny's view we could add some further words as follows:</p> <p><i>Action Point to 5.1.2 Agriculture 'On lease renewal or lettings of agricultural land consider appropriateness of exploring wider options for use including revenue generating opportunities or added social value.</i></p>	Cllr Turner / Diane Phillips	Y

4. Add action under the Commercial Property heading (section 5.1.1 on p. 16 of the Plan) to aim to engage with the wider market and ask the landlords of vacant commercial properties to make temporary use of these premises, for example as pop-up shops.	Y	<p>We understand Scrutiny's point here but our concern is one of resourcing and there is a question as to whether we can achieve any results when all action is in the hands of third parties.</p> <p>We could though perhaps add after paragraph 6 in 5.1.1 Commercial Property the following:</p> <p><i>'The Council will also where possible attempt to influence landlords and property owners of vacant commercial property in the city centre to bring these back into use and to consider temporary uses such as 'pop up shops' etc so as to assist in maintaining the vitality of the centre notwithstanding the relatively low level of vacancies in Oxford City Council.'</i></p>	Cllr Turner / Diane Phillips	Y
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#### Resettling Syrian Refugees in Oxford – 9 December Scrutiny Committee

Recommendation	Agreed Y/N	Executive response	Lead Member & Officer	Implemented Y/N / due date
1. That the City Council should continue to work with partners to co-ordinate and strengthen local arrangements for accommodating and supporting Syrian refugees, including educational support and language services.	Y		Cllr Price / Caroline Wood	June 2016
2. That the City Council should assist the County Council in promoting campaigns aimed at recruiting new foster carers and adopters.	Y	We will ask the County how we can help.	Cllr Price / Caroline Wood	June 2016
3. That the City Council should also maintain a focus on the types and	Y	A paper will come to CEB.	Cllr Price / Caroline	June 2016

impacts of support available to the refugees and asylum seekers in Oxford that are not part of the Vulnerable Persons Relocation Scheme (VPRS).			Wood	
4. That the City Council should update local MPs on what the Council is doing to support refugees in Oxford, and engage with them about the challenges and needs that are more specific to Oxford.	Y		Cllr Price / Caroline Wood	June 2016
5. That the City Council should look for opportunities to engage constructively with government about the city's needs and how these can be met.	Y		Cllr Price / Caroline Wood	June 2016
6. That progress and developments should be monitored and periodic updates should be provided to City Councillors at public meetings.	Y		Cllr Price / Caroline Wood	June 2016
<b>Community Centre Strategy 2015-20 – 9 December Scrutiny Committee</b>				
<b>Recommendation</b>	<b>Agreed Y/N</b>	<b>Executive response</b>	<b>Lead Member &amp; Officer</b>	<b>Implemented Y/N / due date</b>
1. That officers are asked to incorporate the clarifying amendments tabled by Councillor Wolff (see appendix 1) before the Strategy goes for wider consultation.	In part	We can add a sentence that says The Council will continue to undertake its maintenance responsibilities	Cllr Simm / Ian Brooke	Y
2. That greater clarity should be provided that the 15 minute walk time used to model community centre catchment areas is not binding.	Y	Section six of the strategy states - The catchment is based on a judgement of how far Oxford residents can reasonably be expected to travel to access community centre provision. This has been overlain with ward boundaries, and the 2015 Index of Multiple Deprivation (IMD) ratings of each lower super output area (LSOA).	Cllr Simm / Ian Brooke	Y



		I don't think this implies that this is in anyway binding. We could add in that "for various reasons such as the type of session many people will travel further to attend activities."		
3. That clarity should be provided as to how three specific gaps in community facilities have been identified from Figure 4 in the Strategy, given that this map also shows gaps in other areas of the city.	Y	Section six of the Strategy states – "It also shows gaps in community facilities in parts of Blackbird Leys, Marston and Churchill. This does not mean that the Council should try to build new facilities as the City is very well provided for as a whole."  We can add in "these gaps are determined by a combination of walk time, facility distribution and population density."	Cllr Simm / Ian Brooke	Y
4. That a new priority theme should be added to the Strategy, in the Sustainable Management action area (p. 2), around making the best use and most effective use of facilities at community centres.	Y	This fits under priority five Sustainable, effective management. We will add an action to the action plan ensure a diverse programme of activities with quarterly reviews.	Cllr Simm / Ian Brooke	Y
5. That the Strategy should articulate what the Council's approach will be to ensuring there is an inclusive, a high quality community hub serving the Leys area in the event that the proposed replacement of Blackbird Leys Community Centre is compromised, for example by a lack of developer funding.	In part	This is captured within priorities four and five: <ul style="list-style-type: none"> <li>• Develop a prioritised maintenance plan for all centres with a five year time horizon.</li> <li>• Review ways in which those centres that are currently managed by the City Council can be effectively managed in future on a long term and stable basis with strong community involvement.</li> </ul>	Cllr Simm / Ian Brooke	N/A
6. That the Strategy should better recognise and articulate the importance of volunteers to the city's community centres.	N	The Strategy states "...these Associations are essential...and their work is greatly valued by the Council."  Following the work in the steering group two	Cllr Simm / Ian Brooke	N/A

		<p>of the eight priorities are focused on trustees and volunteers.</p> <ul style="list-style-type: none"> <li>• Support Associations in developing management skills and expertise and in recruiting volunteers to run the centres' activities.</li> <li>• Support Associations to recruit and retain trustees and manage their buildings</li> </ul>		
194	<p>7. That the scope of the consultation set out in the report should be widened to include:</p> <p>a) Residents associations and tenants groups as key stakeholders,</p> <p>b) That other stakeholder focus groups are considered including, as a priority, a disability focus group,</p> <p>c) Engagement with representatives of all the remaining strands recognised under the Equalities Act,</p> <p>d) Continued outreach to potential users and individuals.</p>	<p>In part</p> <p>The list of consultees in the report includes "Any interested parties"</p> <p>In relation to targeting groups we always think through how their needs differ which is why we are proposing the following focus groups:</p> <ul style="list-style-type: none"> <li>• Older people ( over 60s)</li> <li>• Health bodies</li> <li>• Schools and parents</li> <li>• Young people</li> <li>• Minority community representatives</li> </ul> <p>We will also add in a disability focus group.</p>	Cllr Simm / Ian Brooke	Y
<b>Planning Annual Monitoring Report – 2 November Scrutiny Committee</b>				
<b>Recommendation</b>	<b>Agreed Y/N</b>	<b>Executive response</b>	<b>Lead Member &amp; Officer</b>	<b>Implemented Y/N / due date</b>
<p>1. That the Council includes the following two new indicators when considering the effectiveness of planning policies contained within the Oxford Local Development Plan</p> <p>a) Number of units of affordable housing to rent built on Council owned land</p>	Y	<p>Both recommendations are accepted on the understanding that point 'a' refers to affordable homes, which could include social rent and intermediate housing in line with the adopted policy. While it is important to have consistency in the indicators measured over time, it is clear that some current indicators are less useful than others not currently used.</p>	Cllr Hollingsworth & Mark Jaggard	Nov 2016

<p>b) The amount of land freed up for affordable housing development through change of use</p>		<p>Before producing the next AMR the range of indicators will be reviewed, and amended where appropriate including the addition of the two suggested indicators. When adding new indicators the ease of producing retrospective data for trend analysis will be taken into account, as will a principle of not increasing the size and complexity of the existing AMR and the resources required to compile it.</p>		
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