

To: Licensing and Gambling Acts Committee

Date: 19 February 2013

Item No:

Report of: Head of Environmental Development

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

Summary and Recommendations

Purpose of report: To inform Committee of the progress made by the Licensing Authority under the Licensing Act 2003 and Gambling Act 2005 between September 2012 and December 2012.

Report Approved by:

Finance: Paul Swaffield

Legal: Daniel Smith

Policy Framework: Statement of Licensing Policy

Recommendation(s):

The Committee is recommended to

(i) note the contents of the report; and

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

Introduction

1. This report informs Committee of progress made by the Licensing Authority ("the Authority") under the duties of the Licensing Act 2003 and Gambling Act 2005 between September 2012 and December 2012. Under Policy GN10 of the Statement of Licensing Policy, the Licensing Authority should report to the Committee on matters determined by the Head of Environmental Development with delegated authority.
2. The report covers data on service volumes; details of Licensing hearing decisions; decisions made under delegated powers; information on Temporary Event Notices ("TENS") and enforcement activity.
3. There are no financial requirements for consideration contained within this report.

Applications Received by the Licensing Authority

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

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

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

Applications Granted by the Licensing Authority

6. A hearing is not required where an application has been lawfully made and no Responsible Authority or Interested Party has made a representation. 13 Premises Licences in this category were issued by the Head of Environmental Development under delegated authority, details of which are listed in **Appendix One**.

Temporary Event Notices

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

Representations and Licensing Sub-Committee Hearings

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

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

Kumars @39, Crescent Road: 5 x Interested Parties

Reviews of Licensed Premises

12. Under the 2003 Act it is possible for the Authority to review a Premises Licence at any time if a representation is received from a Responsible Authority or an Interested Party. Reviews may only arise in connection with a failure or failures in the premises connected to the licensing objectives.
13. Between September 2012 and December 2012 no applications for a Premises Licence Review were received.

Appeals under the Licensing Act 2003

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

Enforcement Activity

Normal Working Hours

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

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

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

Non-Standard Hours

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

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

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

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

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

Service Requests

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

Prosecutions

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

Future Work & Notable Achievements

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

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

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

Legal Implications

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

Financial Implications

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

Recommendations

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

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Background papers:

Appendix One: Application granted under delegated authority

Appendix Two: Temporary Event Notifications

Appendix Three: Decisions of Sub-Committee Hearings

Version: 1.0