

To: Licensing and Gambling Acts Committee

Date: 21 May 2013 **Item No:**

Report of: Head of Environmental Development

Title of Report: Update on Licensing Authority Activity
January 2013 – March 2013

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 January 2013 and March 2013.

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 January 2013 and March 2013. 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 January 2013 and March 2013, and the totals for this period; and the totals for the year end.

Applications Received	TOTAL
Gambling	1
New (Premises / Clubs)	5
Variations & Minor Variations (Premises / Clubs)	10
Personal Licences	30
Administrative Changes	55
TEN's	117

5. To date (since November 2005 when the Licensing Act 2003 came in to effect) the Licensing Authority has processed; 1,428 Personal Licences; 911 New Premises Licences and Club Premises Certificates; 323 Variations on Premises Licences and Club Premises Certificates; 1030 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 117 TENs authorised by the Licensing Authority between January 2013 and March 2013.

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. No representations received during the period January 2013 and March 2013 led to a Sub-Committee Hearing being required as the applications were either withdrawn, or the amended to the satisfaction of the person making the representation.
11. Representations were made as follows:

Oxford Ice Rink (Variation of Premises Licence): 1 x Interested Parties (application amended)

Carbon, Pennyfarthing Place (TEN): 1 x Environmental Health (application withdrawn)

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 January 2013 and March 2013 no applications for a Premises Licence Review were received.

Appeals under the Licensing Act 2003

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

Enforcement Activity

Normal Working Hours

15. Between January 2013 and March 2013, the Licensing Team has carried out:
 - 51 Routine Compliance Check inspections of licensed premises.

Of these 51 compliance checks, 43 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:

 - 8 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.

Non-Standard Hours

16. Between January 2013 and March 2013, 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): 24 premises inspected, 2 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. Follow-up actions have rectified these matters.
 - 2 Alcohol Test Purchase Operations: 13 premises visited, 5 failed to not sell alcohol to a minor. The offences were all committed by the members of staff at the venues, and as they were all first time failures, Thames Valley Police issued a fixed penalty notice for the offence, and the Licensing Authority wrote to the Premises Licence holders to remind them of their responsibilities under the Licensing Act 2003 and of the consequences should further offences be committed.
 - 6 Enforcement Operations (targeting high-risk premises (i.e. nightclubs, large capacity bars, etc)). 55 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 prevent noise outbreaks, and obstructions to fire exits. All of the highlighted issues were rectified during the inspections.
 - 7 Targeted Operations (specifically carried out at premises which have caused concern to NightSafe partners): 17 visits have been made to 9 targeted locations, 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 has led to 2 premises submitting Minor Variation applications that address the concerns raised, and discussions are being held with another licensed premises as to how to control issues relating to the access of alcohol near a football ground and how to prevent the potential for disorder.

In summary, a total of 151 premises (from an overall number of 775 licensed premises throughout the City) were visited during the above Operations. In total 22 premises were found to be non-compliant with the requirements of the Licensing Act 2003 during either daytime or night time enforcement operations.

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 11 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 12 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 January 2013 and March 2013.

Future Work & Notable Achievements

22. The relationship enjoyed by the Authority with the Institute of Licensing continues, and training courses have been implemented both in Oxford and further afield for staff to continue their learning and development.
23. The Licensing Authority has established itself as one of the national leaders, and is currently providing advice and procedural help to a number of other Authorities seeking to establish greater outcomes and leaner delivery through the services they provide, and in turn assisting those Authorities to achieve efficiency savings, auditable case management, improved partnership relations, and setting staff training and performance objectives.
24. Mandatory Bespoke Member Training will take place at Oxford Town Hall on 22nd May 2013.
25. The consultation regarding the revised Statement of Gambling Licensing Policy takes place from 1st May 2013 until 12th June 2013, and the responses to this consultation will be brought to this Committee when it meets on 5th September 2013, in order that the revised policy be

recommended to Council for adoption.

26. Members are reminded that following a Briefing Note circulated by the Licensing Team Leader, Oxford is not legally currently permitted to entertain applications for casinos.
27. Following a request from Members, a specific enforcement operation has commenced in relation to providing advice to off-licences ahead of the influx of foreign students to the city. The Licensing Officers will combine with the Thames Valley Police Force Licensing Officer to visit all off-licences in Oxford during the months of May and June to ensure that staff at these premises have been briefed accordingly.
28. At our last meeting, the Committee gave thought to Late Night Levys and Early Morning Restriction Orders, but was of the opinion that the current Special Saturation Polices best promotes the aims of the Authority. The Committee agreed to monitor developments nationally. Members were advised that very few Authorities have pushed forward with either of these two new powers, however Milton Keynes is currently consulting as to the plausibility of the Levy should one be implemented.
29. Authorities that have shown any appetite for seeking the Levy to be introduced appear to be cities that would achieve a significantly higher income from the Levy than could be realised in Oxford.

Legal Implications

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

Financial Implications

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

Recommendations

32. 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

Version: 1.0