

To: Licensing and Gambling Acts Committee

Date: 5 September 2013

Report of: Head of Environmental Development

Title of Report: Update on Licensing Authority Activity
April 2013 – July 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 April 2013 and July 2013.

Report Approved by:

Finance: Paul Swaffield
Legal: Daniel Smith

Policy Framework: Statement of Licensing Policy

Recommendation(s): That the Committee NOTE the report; and 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 April 2013 and July 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 April 2013 and July 2013.

Applications Received	TOTAL
Gambling	6
New (Premises / Clubs)	7
Variations & Minor Variations (Premises / Clubs)	13
Personal Licences	52
Administrative Changes	83
TEN's	214

5. To date (since November 2005 when the Licensing Act 2003 came in to effect) the Licensing Authority has processed; 1,480 Personal Licences; 923 New Premises Licences and Club Premises Certificates; 336 Variations on Premises Licences and Club Premises Certificates; 1113 Premises Transfer / Amendment to Premises Licence Applications.

Temporary Event Notices

6. A Temporary Event Notice (TEN) is a notification given by an individual to Oxford City Council giving notice of an event that is to take place for an adhoc event or an extension to an existing licence.
7. Only the Police or Environmental Health can object to a TEN. If, as in most cases, there is no objection and the application does not exceed the maximum number of events in a year permitted by the 2003 Act, the TEN is simply acknowledged and returned to the applicant. Should the Police or Environmental Health object then the TEN will go to a hearing or be refused and a Counter Notice issued.

Applications Granted by the Licensing Authority

8. A hearing is not required where an application has been lawfully made and no Responsible Authority or Interested Party has made a representation. 22 Premises Licences in this category were issued by the Head of Environmental Development under delegated authority.

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. Representations were received in respect to two applications, one a Variation of a Premises Licence, the other a New Premises Licences. These representations led to Sub-Committee Hearings being required. (Representations have been received for one application to Vary a

Premises Licence; however the matter had not been determined at the time of writing this report).

11. Representations relating to application made during the reporting period were made as follows:

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

7 x Interested Parties

Morrisons, London Road (New Premises Licence):

2 x Interested Parties

12. The Sub-Committee granted the Variation application as requested but imposed a variety of conditions on the licence in order to further uphold the licensing objectives as outlined on the representations.
13. The Sub-Committee granted the New application for the hours as applied, and was satisfied that no additional conditions were required to uphold the licensing objectives.

Reviews of Licensed Premises

14. Under the 2003 Act it is possible for the Authority to review a Premises Licence at any time if a representation is received from a Responsible Authority or an Interested Party. Reviews may only arise in connection with a failure or failures in the premises connected to the licensing objectives.
15. No applications for a Premises Licence Review were received during this reporting period.

Appeals under the Licensing Act 2003

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

Enforcement Activity

17. Between April 2013 and July 2013, the Licensing Team has carried out:
 - 68 Routine Compliance Check inspections of licensed premises during standard working hours.
 - 4 Multi-Agency Operations visiting 28 licensed premises (targeted at premises within specific locations that may be of high-risk, have appeared on the Active Casework list, or where conditions have been approved to be on the Premises Licence as agreed by a Responsible Authority).
 - 3 Alcohol Test Purchase Operations visiting 19 licensed premises.

- 4 “Hi-Viz” Enforcement Operations visiting 44 licensed premises (targeting high-risk premises (i.e. nightclubs, large capacity bars, etc.)).
- 8 Targeted Operations visiting 23 licensed premises (specifically carried out at premises which have caused concern to NightSafe partners or intelligence has led to a need to monitor the premises).

In summary, a total of 182 premises (from an overall number of 775 licensed premises throughout the City) were visited during the above Operations. In total 15 premises were found to be non-compliant with the requirements of the Licensing Act 2003 during either daytime or night time enforcement operations.

18. Typically the issues of non-compliance related to:
 - Failures to display Premises Licence Summary
 - Failures to maintain Premises Licence on the premises
 - Noise from music or patrons
 - Concerns relating to customer activity and anti-social behaviour
19. Further to the pro-active compliance checks, and the late night enforcement inspections, either advice was provided to prevent further failures, or 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.
20. In total 10 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.
21. All of the premises issued with advice or Warnings have since complied with the requirements of the Licensing Act 2003. Should further failures to comply with the necessary requirements occur, further enforcement action may be taken by both the Licensing Authority and Responsible Authorities that may include applying for a Review of the licence and / or prosecution of the licence holder.

Service Requests

22. 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 additional Warnings being issued.

Prosecutions

23. PACE (Police and Criminal Evidence Act) interviews are conducted when investigating failures by the Premises Licence holder or Designated Premises Supervisor to adequately uphold conditions of the Premises Licence. They are also held when any offence is witnessed by

a Licensing Officer that warrants such an intervention.

24. The Licensing Authority had no reason to initiate any PACE interviews between April 2013 and July 2013. However Thames Valley Police issued 3 Cautions to Designated Premises Supervisors who had sold alcohol to underage persons when carrying out Alcohol Test Purchase Operations during 2012.

Future Work & Notable Achievements

25. The relationship enjoyed by the Authority with the Institute of Licensing (IOL) continues, and training courses have been implemented both in Oxford and further afar for staff to continue their learning and development.
26. The Licensing Authority has established itself as one of the national leaders, and continues to provide 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.
27. On 18th September 2013 Oxford will host the annual IOL Home Counties Training Day which attracts Officers from all of the Home Counties Licensing Authorities and assists with the development of Licensing staff.
28. The consultation regarding the revised Statement of Gambling Licensing Policy took place from 1st May 2013 until 12th June 2013, and the responses to this consultation will be presented to this Committee within another report, in order that the revised policy is recommended to Council for adoption.

Legal Implications

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

Financial Implications

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

Recommendations

31. The Committee is recommended to NOTE the report; and make any comments and recommendations regarding the future work of the Licensing Function.

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