

To: Licensing and Gambling Acts Committee

Date: 21 January 2014 **Item No:**

Report of: Head of Environmental Development

Title of Report: Update on Licensing Authority Activity
August 2013 – December 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 August 2013 and December 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 August 2013 and December 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 August 2013 and December 2013.

Applications Received	TOTAL
Gambling	0
New (Premises / Clubs)	15
Variations & Minor Variations (Premises / Clubs)	15
Personal Licences	45
Administrative Changes	121
TEN's	261

5. To date (since November 2005 when the Licensing Act 2003 came in to effect) the Licensing Authority has processed; 1,525 Personal Licences; 938 New Premises Licences and Club Premises Certificates; 353 Variations on Premises Licences and Club Premises Certificates; 1234 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 or Refused 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, or if the application made is a Minor Variation. 23 Premises Licences in this category were issued by the Head of Environmental Development under delegated authority.
9. If a relevant objection is received in relation to a Minor Variation application, the Licensing Authority delegates the determination of the application to Officers. Two such applications met with relevant representations, and were therefore refused. Both applicants may submit Full Variation applications in order to address the concerns of the representations.

Representations and Licensing Sub-Committee Hearings

10. When Relevant Representations are received from Interested Parties or Responsible Authorities then the application is determined at a Licensing Sub-Committee Hearing (save for those received in relation to a Minor Variation application as detailed at Paragraph 9 above).
11. Representations were received in respect to five applications. These representations led to Sub-Committee Hearings being required.
12. Representations relating to applications made during the reporting period were made as follows and led to the following decisions:

Bullington, Cowley Road (Variation of a Premises Licence):

5 x Interested Parties and Thames Valley Police. Application refused due to Special Saturation Policy.

Demijohn, Little Clarendon Street (New Premises Licence):

3 x Interested Parties. Application granted as applied for.

Oxford City Council, St Giles & Beaumont Street (New Premises Licence):

5 x Interested Parties. Application granted following reduction of hours and concessions made by applicant.

Oxford Brookes University, John Henry Brookes Building (New Premises Licence):

1 x Interested Party. Application granted as applied for.

Roosters, Gloucester Green (New Premises Licence):

2 x Interested Parties and Thames Valley Police. Application refused due to applicant not agreeing to implement necessary measures to uphold the licensing objectives.

Reviews of Licensed Premises

13. 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.
14. No applications for a Premises Licence Review were received during this reporting period.

Appeals under the Licensing Act 2003

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

Enforcement Activity

16. Between August 2013 and December 2013, the Licensing Team has carried out:
- 93 Routine (day-time and early evening) Compliance Check inspections of licensed premises during standard working hours. 12 Premises were found to be non-compliant. All issues of non-compliance related to a failure to display the Premises Licence Summary on site, and not having the Premises Licence on site. Warnings were issued to each Premises Licence holder and all matters have been rectified.
 - 5 Multi-Agency Operations (during the night) visiting 41 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). 8 venues were found to be non-compliant and issued with Warnings by the Licensing Officer. Non-compliance issues related to: noise limiter not connected, unsecured dangerous fittings, inoperable CCTV cameras, blocked fire escapes, failure to hold Premises Licence on site.
 - 4 Alcohol Test Purchase Operations (during evening time) visiting 24 licensed premises. 4 venues failed the Operations. 3 were issued with Fixed Penalty Notices by the Police, 1 has been forwarded for prosecution as the DPS refused to accept the offer of a Fixed Penalty Notice. In all cases the Licensing Authority followed up the Operation by sending Warning letter to each of the Premises Licence holders.
 - 5 “Hi-Viz” Enforcement Operations (late at night) visiting 53 licensed premises (targeting high-risk premises (i.e. nightclubs, large capacity bars, etc.)). Some premises were visited more than once due to the nature of their business and the need for the Licensing Authority to ensure a proportionate compliance approach. 3 venues were found to be non-compliant with the conditions of their Premises Licences, all received Warnings for such matters as leaving doors and windows open during amplified entertainments and failing to adequately resolve matters that had previously been brought to their attention.
 - 9 Targeted Operations (late at night) making 30 visits to 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). 4 venues in particular have required multiple visits in order to establish a better level of management control at them, and 2 premises in particular are the subject of on-going Partnership enforcement.
17. The objectives of the pro-active compliance checks, and the late night enforcement inspections, is to ensure that the Authority has a keen eye on how the licensed trade upholds the licensing objectives, to record the actions of the Authority in a transparent manner, to place on record that enforcement actions had been undertaken and advice given to resolve

any issues of non-compliance, and to build and maintain a productive relationship with licence holders.

18. In total 23 Warnings and 3 Fixed Penalty Notices were issued to the premises who failed to comply with the necessary regulations during either the normal working hours or non-standard hours operations.
19. 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.
20. The Weekend Night-time Operation recently implemented by the Environmental Development Service operates between 11.00 p.m. and 4.00 a.m. on both Friday and Saturday nights and proactively checks for noise related problems at venues holding Temporary Event Notices and other events such as College Balls.
21. The Operation also monitors how licensed premises manage the dispersal of the public from their venues and provides feedback to the Licensing Authority in order that the appropriate actions are undertaken.

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 19 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 August 2013 and December 2013.

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 become a Member of the National Association of Licensing Enforcement Officers (NALEO) which assists

licensing staff undertake further development courses and obtain further licensing qualifications.

Legal Implications

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

Financial Implications

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

Recommendations

29. 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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