

To: Licensing and Gambling Acts Committee

Date: 10 June 2014

Item No:

Report of: Head of Environmental Development

Title of Report: Update on Licensing Authority Activity
Council Year 2013 - 2014

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 during the Council Year 2013 - 2014.

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 during the Council year 2013 - 2014. 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 Council year.

Applications Received	TOTAL
Gambling	13
New(Premises / Clubs)	28
Variations & Minor Variations (Premises / Clubs)	39
Personal Licences	125
Administrative Changes	283
TEN's	601

5. To date (since November 2005 when the Licensing Act 2003 came in to effect) the Licensing Authority has processed; 1,605 Personal Licences; 951 New Premises Licences and Club Premises Certificates; 377 Variations on Premises Licences and Club Premises Certificates; 1396 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. 57 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.

10. Eight applications were the subject of relevant representations, and required determination by the Licensing Sub-Committee. Details of the work of the Sub-Committee can be found later in this report.

Representations and Licensing Sub-Committee Hearings

11. 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).
12. Representations were received in respect to eight applications. These representations led to Sub-Committee Hearings being required.
13. Representations relating to applications made during the reporting period were made as follows and led to the following decisions:

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

7 x Interested Parties. Application granted but with a variety of conditions on the licence in order to further uphold the licensing objectives as outlined on the representations

Morrisons, London Road (New Premises Licence):

2 x Interested Parties. Application granted as applied for.

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.

Café Baba, Cowley Road (New Premises Licence):

6 x Interested Parties and Thames Valley Police. Application granted following reduction of hours and imposition of conditions as agreed with Thames Valley Police and those deemed appropriate by the Sub-Committee.

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. During the Council year, the Licensing Team has carried out:
 - 203 Routine (day-time and early evening) Compliance Check inspections of licensed premises during standard working hours. 26 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 / or not having the Premises Licence on site. Warnings were issued to each Premises Licence holder and all matters have been rectified.
 - 11 Multi-Agency Operations (during the night) visiting 84 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). 19 venues were found to be non-compliant and issued with Warnings by the Licensing Officer. Non-compliance issues related to: evidence of drug use on the premises, noise limiter not connected, unsecured dangerous fittings, inoperable CCTV cameras, poor dispersal of customers, inactive door staff, blocked fire escapes, failure to hold Premises Licence on site, and a variety of health and safety matters.
 - 9 Alcohol Test Purchase Operations (during evening time) visiting 55 licensed premises. 10 venues failed the Operations. 9 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 a Warning letter to each of the Premises Licence holders.
 - 23 "Hi-Viz" Enforcement Operations (late at night) visiting 145 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 visible yet proportionate compliance approach. 10 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.

- 25 Targeted Operations (late at night) making 68 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). 6 venues in particular have required multiple visits in order to establish a better level of management control at them, and 1 premises is currently the subject of on-going Partnership enforcement. With all of these specific venues a great deal of verbal and written communication has taken place, as well as liaison with Partnership Agencies.
18. 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.
 19. In total 69 Warnings and 9 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.
 20. 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.
 21. The Weekend Night-time Operation recently implemented by the Environmental Development Service continues to operate 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.
 22. 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

23. 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 101 additional Warnings being issued (in the cases where the premises that were of specific concern multiple letters were issued

including to their legal representatives), and 68 letters of advice to members of the public, recognised organisations, and Andrew Smith MP providing relevant information regarding the Licensing Act 2003 and Gambling Act 2005.

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 during the Council year.

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 afield for staff to continue their learning and development.
26. The Licensing Authority is also a Member of the National Association of Licensing Enforcement Officers (NALEO) which assists licensing staff undertake further development courses and obtain further licensing qualifications.
27. The Licensing Authority enjoys a very fruitful relationship with the Home Office and Local Government Association, and will continue to be involved in the strategic debates and consultations regarding the work carried out by Authorities nationally.
28. The working practices of this Licensing Authority continue to be seen as the benchmark for other Authorities to attain. We have, and continue to liaise with among others Northampton, Reading, Canterbury and our neighbouring Authorities, as well as international cities and countries in their aim to provide transparent, efficient, effective and accountable licensing functions that serve the best interests of their customers, licence holders, residents, businesses and visitors.
29. The Committee may be interested to know that during the last Council Year, that the Licensing Team responded to over 12000 licensing enquiries from the general public, new applicants, licence holders, representatives of licence holders, Responsible Authorities, Councillors, Members of Parliament, Home Office colleagues, and other Licensing Authorities.
30. These enquiries include all of the licensing functions undertaken by the Team (Licensing Act 2003, Gambling Act 2005, Sex Establishments, Scrap Metal Dealers, Taxi & Private Hire Licensing and Road Closures) but do not include an estimated 4000 telephone calls per annum, which when included, lead to a total figure of over 16000 service actions.

Legal Implications

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

Financial Implications

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

Recommendations

33. 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.

Name and contact details of author: Julian Alison
Licensing Team Leader
(01865) 252381
jalison@oxford.gov.uk

Version: 1.0

This page is intentionally left blank