

To: Licensing and Gambling Acts Committee

Date: 27 January 2015

Report of: Head of Environmental Development

Title of Report: Update on Licensing Authority Activity
1 April 2014 to 31 December 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 period: 1st April 2014 to 31st December 2014.

Report Approved by:

Finance: Paul Swaffield

Legal: Daniel Smith

Policy Framework: Statement of Licensing Policy

Recommendation: That the Committee notes the contents of 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 during the period 1 April 2014 to 31 December 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 period 1st April 2014 to 31st December 2014.

Applications Received	TOTAL
Gambling	10
New (Premises / Clubs)	18
Variations & Minor Variations (Premises / Clubs)	27
Personal Licences	80
Administrative Changes	251
TEN's	471

5. To date (since November 2005 when the Licensing Act 2003 came in to effect) the Licensing Authority has processed; 1,685 Personal Licences; 969 New Premises Licences and Club Premises Certificates; 404 Variations on Premises Licences and Club Premises Certificates; 1647 Premises Transfer / Amendment to Premises Licence Applications: and 4841 Temporary Event Notices.

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. 45 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. Should representation be received for all other types of applications, the matter is referred to the Licensing Sub-Committee for determination.

10. Seven applications were the subject of relevant representations, and required determination by the Licensing Sub-Committee during the reporting period (one application had been submitted prior to the reporting period but was determined during the reporting period).

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 seven applications which 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:

St Hugh's College, Margaret Road (New Premises Licence):

3 x Interested Parties. Application granted as applied for subject to amendments and conditions agreed by all parties at the Hearing.

The Colonnade Store, Oxford Brookes University, Headington

Campus (New Premises Licence): 1 x Interested Parties. Application granted as applied for following the sole objection being withdrawn at the Hearing.

Ethos Hotel, Western Road (New Premises Licence): 19 x Interested Parties. Application granted as requested following applicant amending the application prior to the Hearing, and with the addition of one condition.

El-Mariachi Restaurant, Walton Street (New Premises Licence):

Thames Valley Police and 32 x Interested Parties. Application granted as applied for subject to conditions agreed with Thames Valley Police and Interested Parties.

South Park, Oxford (New Premises Licence): 1 x Responsible

Authority (Health & Safety), 1 x Interested Party. Application granted as applied for subject to the conditions agreed with the Health & Safety Officer.

Carbon, Pennyfarthing Place (New Premises Licence): 2 x

Responsible Authorities (Thames Valley Police and Environmental Health), 6 x Interested Parties. Application granted as submitted and amended at the Hearing but with reduction of hours for licensable activities (3.00 a.m. termination of activities).

The Warehouse, Park End Street (Variation of a Premises Licence):

7 x Interested Parties. Application granted as applied for subject to the conditions imposed 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:
 - 138 Routine (day-time and early evening) Compliance Check inspections of licensed premises during standard working hours. 23 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.
 - 8 Multi-Agency Operations (during the night) visiting 50 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). 16 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 or display a Premises Licence Summary, failure to provide the prices of small measures of alcohol.
 - 5 Alcohol Test Purchase Operations (during evening time) visiting 24 licensed premises. 2 venues failed the Operations. Both were issued with Fixed Penalty Notices by the Police. In all cases the Licensing Authority followed up the Operation by sending a Warning letter to each of the Premises Licence holders.
 - 16 "Hi-Viz" Enforcement Operations (late at night) visiting 98 licensed premises (targeting high-risk premises i.e. nightclubs, large capacity bars, etc.). A number of the 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. 20 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.

- 16 Targeted Operations (late at night) making 41 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). A small number of venues in particular have required multiple visits in order to establish a better level of management control at them, and 2 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.
 - 3 Debt Recovery Operations (late at night) making 25 visits to licensed premises in order to serve “Advanced Suspension Notices” on each establishment following the Premises Licence holders failure to pay the annual fee. Upon serving the “Notices” payment was quickly forthcoming, and at present the Licensing Authority has no debtors currently outstanding.
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 59 Warnings 2 Fixed Penalty Notices, and 25 Advanced Suspension 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, or had not paid the required annual fee.
 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, or witnessed by Council Officers on duty with the "Out-of-Hours" Service (having been tasked by the Licensing Team Leader to monitor various establishments). Most related to a variety of failures to uphold the licensing objectives most notably the prevention of public nuisance and the prevention of crime and disorder.
24. This reactive work resulted in a further 57 additional Warnings being issued, in the cases where the premises that were of specific concern multiple letters were issued including to their legal representatives. 39 letters of advice were issued to members of the public, recognised organisations, and Andrew Smith MP providing relevant information regarding the Licensing Act 2003 and Gambling Act 2005.
25. The General Licensing Team also handled over 9000 general enquiries by telephone and email during the reporting period. Such enquiries were made by current licence holders, new applicants, members of the public, elected members, other Licensing Authorities, and Responsible Authorities. This significant volume of work also includes the Taxi, Sex Establishment and Scrap Metal Licensing functions carried out by the Team.

Prosecutions

26. 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.
27. The Licensing Authority had no reason to initiate any PACE interviews during the Council year.

Future Work & Notable Achievements

28. The relationship enjoyed by the Authority with the Institute of Licensing (IOL) and the National Association of Licensing Enforcement Officers (NALEO) continues, and training courses have been implemented both in Oxford and further afield for staff to continue their learning and development and obtain further licensing qualifications.
29. The Licensing Authority continues to enjoy 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.

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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