

**To:** Licensing and Gambling Acts Committee

**Date:** 26 January 2016

**Report of:** Head of Community Services

**Title of Report:** Review of the Statement of Licensing Policy

## Summary and Recommendations

**Purpose of report:** To report back to the Licensing and Gambling Acts Committee so that the Committee can recommend a Revised Statement of Licensing Policy for adoption by Council.

**Report Approved by:**

Finance: Paul Swaffield

Legal: Daniel Smith

**Recommendation:** That the Licensing and Gambling Acts Committee resolves to:

- a) consider the comments received on the revised draft Licensing Policy Statement;
- b) resolve whether any amendments to the revised draft Licensing Policy Statement are necessary in the light of the comments received, and permit the Head of Law & Governance and the Head of Community Services to make any appropriate amendments; and
- c) subject to any amendments to the draft, recommend Council to adopt the revised Licensing Policy Statement at its meeting on 8 February 2016.

## Additional Papers

**Appendix 1: Responses to consultation**

**Appendix 2: Index of amendments to draft Policy**

**Appendix 3: Draft Statement of Licensing Policy**

## Introduction

1. The Committee is reminded that all licensing authorities must adopt a Statement of Licensing Policy. This statement must promote the four licensing objectives of the Licensing Act 2003 (the 2003 Act), which are:
  - The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm

2. The Council is obliged to determine and publish a "Statement of Licensing Policy" (SLP) and to keep it under review and to republish it at least every five years. The SLP sets out how the Licensing Authority intends to exercise its functions under the 2003 Act. In carrying out our functions we must also have regard to the "Guidance issued under section 182 of the Licensing Act 2003" by the Home Secretary. These measures ensure clarity and consistency across all authorities in England and Wales. Revised guidance came into force in March 2015.
3. The Committee agreed a revised draft SLP at its meeting on 14 September 2015. The Committee also agreed a 6 week consultation period following the meeting.

### **Purpose of the Statement of Licensing Policy**

4. The SLP has four main purposes, these are:
  - To highlight for elected Members on the Licensing and Gambling Acts Committee, the boundaries and powers of the Authority and to provide parameters within which to make decisions. The Authority will be able to test applications against the criteria set out in the SLP and if necessary and where relevant representations have been made, add conditions to those set out in the Operation Schedule submitted.
  - To inform all licence applicants of the parameters within which the Authority will make licensing decisions and how a licensed premises is likely to be able to operate. There will still be a requirement for each case to be examined on an individual basis.
  - To inform residents and businesses of the parameters within which the Authority will make licensing decisions and therefore how their needs will be addressed.
  - To help inform a court of law how the Authority arrived at its decisions when these are challenged in a Court and to support these decisions.

### **Special Saturation Policies**

5. There are currently two SSP Policies which cover the City Centre and East Oxford.
6. The Licensing Authority asked for the views of Thames Valley Police and Community Safety Partnership organisations and supporting evidence to continue with the SSP's.
7. Evidence from Thames Valley Police was received supporting their decision to request that the SSP policies be continued without any amendments to their boundaries or scope. This evidence was noted by the Committee at its last meeting and approved for consultation.

## Consultation on the Draft Revised Statement of Licensing Policy

8. The consultation timetable is as follows:
- 14 September 2015, consultation draft Statement of Licensing Policy approved by Committee.
  - agreed draft SLP to go for consultation for a 6 week period to “Responsible Authorities” (Police, Fire and Rescue, Trading Standards, Planning, Environmental Protection, Child Protection, Local Health Body, Health & Safety, etc), representatives of current licence holders and registered clubs, and others including Community Safety teams, Building Control and the local Accident and Emergency Department, and the general public via the Council’s website.
  - agreed draft SLP to be posted on the Councils website and made available at libraries and public buildings.
  - 26 January 2016: report to Licensing and Gambling Acts Committee to consider consultation responses and approve the final SLP, in light of the consultation responses received.
  - 8 February 2016: Licensing and Gambling Acts Committee’s recommendations to Full Council for adoption of the final SLP.

## Responses to Consultation

9. 730 licensed premises and 37 Authorities/Associations were informed of the consultation process. Copies of the revised draft SLP were made available in libraries, and on the City Council Website.
10. In response to the consultation, 4 responses were received from the licensed trade, and their responses are attached as **Appendix 1**. The response from Mr Singh has been forwarded to Thames Valley Police as it relates to matters directly dealt with by that organisation, and the other 3 comments either support the draft SLP or the maintaining of the Special Saturation Policies.
11. As the resolution of this Committee will be put to Council for adoption, in order to ensure clarity to Council, an index of the amendments to the draft SLP is attached at **Appendix 2**, and copy of the draft SLP is attached at **Appendix 2**.

## Recommendations

12. The Committee is recommended to:
- a) consider the comments received on the revised draft Licensing Policy Statement;

- b) resolve whether any amendments to the revised draft Licensing Policy Statement are necessary in the light of the comments received, and permit the Head of Law & Governance and the Head of Community Services to make any appropriate amendments; and
- c) subject to any amendments to the draft, recommend Council to adopt the revised Licensing Policy Statement at its meeting on 8 February 2016.

**Name and contact details of report author: Julian Alison**  
**Licensing Manager**  
**Community Services**  
**Telephone (01865) 252381**  
**Email:**  
**jalison@oxford.gov.uk**