

**To:** Licensing and Gambling Acts Committee

**Date:** 15 June 2011 **Item No:**

**Report of:** Head of Environmental Development

**Title of Report:** Update on Licensing Authority Activity  
January 2011 – March 2011

### 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 January 2011 and March 2011.

**Report Approved by:**

**Finance:** Paul Swaffield  
**Legal:** Daniel Smith

**Policy Framework:** Statement of Licensing Policy

**Recommendation(s):**

The Committee recommended to  
(i) note the contents of the report, and  
(ii) make 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 January 2011 and March 2011. 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 January 2011 to March 2011, and the totals for this period; and the totals for the year end.

Applications Received	JAN	FEB	MAR	TOTAL	YEAR
Gambling	1	2	7	10	34
Club/ Premises	0	1	2	3	29
Variations	3	4	0	7	44
Personal Licences	3	6	0	9	63
Administrative Changes	18	27	36	81	246
TEN's	44	42	58	144	649

5. To date the Licensing Authority has processed; 1,250 Personal Licences; 850 New Premises Licences and Club Premises Certificates; 252 Variations on Premises Licences and Club Premises Certificates; 594 Premises Transfer Applications.

## Applications Granted by the Licensing Authority

6. A hearing is not required where an application has been lawfully made and no Responsible Authority or Interested Party has made a representation. 13 licences in this category were issued by the Head of Environmental Development under delegated authority, details of which are listed in **Appendix 1**.

## Temporary Event Notices

7. 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. Only the Police 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, the TEN is simply acknowledged and returned to the applicant. Should the Police object then the TEN will go to a hearing.
8. Temporary Event Notices relate to temporary events with less than 500 attendees where 'licensable activities' are planned to take place. Attached at **Appendix 2** is a list of the 144 TENs applied for between January 2011 and March 2011.

## **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. A total of 7 Relevant Representations were received for 2 Premises Licence applications, and 1 Review application processed during January 2011 – March 2011. This resulted in all of the applications being determined by hearings (details of which are attached as **Appendix 3**), and 2 other applications being withdrawn by the applicants.
11. Representations were made as follows:

Kukui (Variation) – Thames Valley Police  
Branos Express (Variation) – Thames Valley Police + 1 Interested Party  
The Bridge (Review) – Thames Valley Police + 3 Interested Parties

Interested Parties	4 (all of which led to Hearings)
Thames Valley Police	3 (all of which led to a Hearing)
Environmental Protection	0
Fire Officer	0
Other Responsible Authorities	0

## **Reviews of Licensed Premises**

12. 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. The Authority has no powers to initiate its own review. Reviews may only arise in connection with a failure or failures in the premises connected to the licensing objectives.
13. Between January 2011 and March 2011 there was 1 application for a Premises Licence Review as listed above. This was applied for by Thames Valley Police, and is detailed further in **Appendix 3**.
14. Representations were received from 3 Interested Parties supporting the Police in their Review application.

## **Appeals under the Licensing Act 2003**

15. The Licensing Authority received notification from the Magistrates' Court of 2 appeals lodged by applicants.
16. The first was lodged by the premises licence holder of Grays Road Stores. The matter was referred back to the Licensing Sub-Committee Hearing on 27<sup>th</sup> January 2011 for consideration. The applicant has amended the working practices of the business to uphold the licensing objectives, and the Sub-Committee were satisfied that the licence need not be revoked, and the Magistrates made a Consent Order that the conditions agreed between Thames Valley Police and the Premises Licence holder at this Hearing, be placed on the Premises Licence.

17. The second was lodged by the premises licence holder for The Bridge. At the time of writing this report, as date has not yet been set to hear the appeal.

### **Enforcement Activity**

18. Between January 2011 and March 2011, the Licensing Team has instigated:
  - 59 Compliance Check inspections of licensed premises.
  - On 6 occasions during the period January 2011 - March 2011, the Licensing Team carried out night time enforcement of late night venues. A total of 47 premises were visited. Some minor issues were found during these late night visits that resulted in further action being taken on the night to rectify matters found.
  - Further to the compliance checks, and the late night enforcement inspections, the following actions were taken:
    - 4 Advisory letters issued
    - 3 Verbal Warnings were issued
    - 0 Written Warning were issued
    - 0 Final Warning were issued
    - 2 PACE interviews were conducted
19. Between January 2011 – March 2011, no test purchase operations took place, due to internal financial restructuring within Thames Valley Police Licensing Units. Funding has been provided to Thames Valley Police for Test Purchase Operations to commence shortly.

### **Nightsafe**

21. The NightSafe initiative contributes to the licensing objectives. This includes intelligence sharing with the Police, Fire Authority and Trading Standards. However due to internal financial restructuring, the NightSafe inspections have now ceased.
22. The Licensing Team has invited the NightSafe Manager to attend Enforcement visits in order to benefit from her knowledge and to provide for close agency partnership working.

### **Future Work**

23. Following the restructuring of the Thames Valley Police Licensing Units, and the financial restructuring to the NightSafe Partnership, the Licensing Team has explored alternative ways in which to maintain Partnership working. Test Purchase Operations are due to commence from 1<sup>st</sup> June 2011 with Thames Valley Police following funding provided by Oxford City Community Safety Team.

24. The monthly NightSafe meetings have been reconstructed to meet the needs of the varying agencies in attendance, however, the Licensing Team is keen to initiate a meeting of just Responsible Authorities, in order to ensure clarity in the use of the Licensing Act 2003, and avoid confusions between irresponsible individual social behaviours and the responsibilities of the licensed premises.
25. Discussions have commenced with the City Centre Manager, and the licensees of the City Centre, in an attempt to provide joint initiatives that will make Oxford more appealing to those who visit during the day, and work towards the evening and night time economy all being interlinked. The idea of making coming to Oxford an “event” to the visitor is one of the initiatives being considered.
26. Members are to receive “bespoke” training in licensing matters from Ely Place Chambers. This follows on from the Licensing Team’s tie in with the Institute of Licensing. It should be noted that such training is in keeping with the City Council’s vision of being an efficient and modern service provider, and shows initiative in investing in it’s Members.
27. The relationship between the Licensing Team and the Institute of Licensing has grown significantly in recent months. Oxford hosted it’s first I.O.L. course on 11<sup>th</sup> May 2011, and various others are planned for later in the year. Such developments raise the profile of the Authority, and provide links to other Licensing practitioners in the country.
28. The Licensing Team is continuing to explore avenues to obtain the necessary accreditation to teach the National Award for Personal Licence Holders, however this has been put on hold during the Council’s restructure.
29. At present the Police Reform and Social Responsibility Bill is making it’s way through Parliament. This will have some effects on the Licensing Act 2003, and as a way to introduce Members to the relevant contents of the Government’s proposed “Rebalancing of the Licensing Act”, a brief description of the proposed changes are attached as **Appendix 4**. A report giving further details of these changes will be submitted upon the Bill receiving ascent.

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**Background papers:**

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