

To: Licensing and Gambling Acts Committee

Date: 19 October 2011 **Item No:**

Report of: Head of Environmental Development

Title of Report: Update on Licensing Authority Activity
April 2011 – August 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 April 2011 and August 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 April 2011 and August 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 April 2011 to August 2011, and the totals for this period; and the totals for the year end.

Applications Received	APR	MAY	JUN	JUL	AUG	TOTAL
Gambling	0	1	0	1	6	8
New (Premises / Clubs)	0	1	3	1	2	7
Variations (Premises / Clubs)	2	2	4	3	6	17
Personal Licences	7	6	15	10	10	48
Administrative Changes	20	19	24	20	16	99
TEN's	52	54	50	43	63	262

5. To date (since November 2005 when the Licensing Act 2003 came in to effect) the Licensing Authority has processed; 1,294 Personal Licences; 857 New Premises Licences and Club Premises Certificates; 269 Variations on Premises Licences and Club Premises Certificates; 689 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. 14 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 262 TENs applied for between April 2011 and August 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 30 Relevant Representations were received for 4 Premises Licence applications processed during April 2011 – August 2011. This resulted in all of the applications being determined by hearings (details of which are attached as **Appendix 3**).
11. Representations were made as follows:

House (Variation) – 1 x Interested Party
Las Iguanas (Variation) – 12 x Interested Parties, Thames Valley Police
The Junction (New) – 1 x Interested Party, Planning
Oxford Café (New) – 13 x Interested Parties, Environmental Protection

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 April 2011 and August 2011 no applications for a Premises Licence Review were received.

Appeals under the Licensing Act 2003

14. The Licensing Authority received notification from the Magistrates' Court of 1 appeal lodged by an applicant.
15. The appeal was lodged by the Premises Licence holder for The Bridge, Park End Street seeking a reversal of the Licensing Sub-Committee's original decision made on 22nd February 2011 which determined that the terminal hour for all licensing hours be temporarily reduced by 1 hour for a period of 3 months. The Magistrates decided that as 3 months had passed since the decision of the Sub-Committee, with no significant problems of crime and disorder reported at the premises, that the temporary reduction in licensing hours was no longer necessary to promote the licensing objectives. Furthermore, the appellant was able to demonstrate to the Magistrates that he had implemented new measures at the premises, and had consented to additional conditions being placed on the Premises Licence.
16. The Court also noted that Thames Valley Police would in future raise any concerns held directly with the Premises Licence holder at an early stage, in order to agree a resolution, and to ensure cooperation between all parties. The Court made no order for costs.
17. Thames Valley Police were invited by the Licensing Team to consider

the Birch House Business Centre Ltd v Denbighshire County Council appeal when submitting future applications for a Review of a Premises Licence, and when presenting evidence to the Licensing Sub-Committee.

This advice has been well received by Thames Valley Police, and should remove the concerns expressed by Members of the Licensing and Gambling Acts Committee as to the nature of evidence presented to the Sub-Committee at such Review hearings. A summary of the case can be found attached as **Appendix Four**.

Enforcement Activity

18. Between April 2011 and August 2011, the Licensing Team has instigated:
 - 86 Compliance Check inspections of licensed premises.
 - On 10 occasions during the period April 2011 - August 2011, the Licensing Team carried out night time enforcement operations, targeting specific late night venues. A total of 112 premises (from an overall number of 780 licensed premises throughout the City) were visited. Any minor issues that were found during these late night visits resulted in further action being taken on the night to rectify any such matters found (i.e. failure to display age check signage, notices to keep noise levels low, door staff with SIA badges not on open display, and advice to improve dispersal of patrons).
19. Further to the compliance checks, and the late night enforcement inspections, the following actions were taken:
 - 10 Advisory letters issued
 - 24 Verbal Warnings were issued
 - 27 Written Warning were issued
 - 2 Formal Cautions were issued (resulting from 2 PACE interviews)
20. Advisory letters were issued to premises that had for the second time during a night-time enforcement visit been found to not have adequately implemented the verbal advice given on a previous visit. Verbal Warnings were issued to premises which had been alleged by complainants to have breached a noise related condition of their Premises Licence. Written Warnings were issued to premises which had either continued to fail to uphold noise related conditions or had failed on a single occasion to uphold crime and disorder related conditions of the premises licence. In all instances, the matter was also referred to the Environmental Protection Team in their role as the Responsible Authority for the prevention of public nuisance.
21. PACE interviews were conducted following continued failures by the Premises Licence holder to adequately uphold certain conditions of the Premises Licence following meetings with the Licensing Authority and various Responsible Authorities. These 2 cases resulted in formal cautions being issued to the Designated Premises Supervisor of Kiss

Bar, Park End Street, and the Designated Premises Supervisor of The Crooked Pot, Abingdon Road.

Nightsafe

22. The NightSafe initiative contributes to the licensing objectives. This includes intelligence sharing with the Police, Fire Authority and Trading Standards.

Future Work

23. Following the restructuring of the Thames Valley Police Licensing Units, the Licensing Team has explored alternative ways in which to maintain Partnership working. It has been found prudent for the Licensing Team to carry out their own work and provide weekly updates to Partnership agencies, in order to drive through the necessary work without delay. The Thames Valley Police Licensing Officer on occasions attend our own enforcement operations.
24. The monthly NightSafe meetings have been restructured to meet the needs of the varying agencies in attendance, however, the Licensing Team has initiated meetings with just the Responsible Authorities, in order to ensure clarity in the use of the Licensing Act 2003, and to avoid confusions between irresponsible individual social behaviours and the responsibilities of the licensed premises. These meetings have led to a wider knowledge of partnership working and a speedier resolution of matters when incidents arose.
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, in order to further promote the "Purple Flag".
26. The Police Reform and Social Responsibility Bill which has been reported on in previous reports, has now progressed to Royal Assent. The Licensing Provisions will not come into force until a date has been appointed by the Secretary of State. A report will be submitted to this Committee detailing the Licensing Provisions at it's next meeting.
27. Inspector Katy Barrow-Grint has now commenced her role as the Thames Valley Police City Centre Inspector, and initial meetings with her have proved fruitful.

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Background papers:

Appendix One: Applications granted by the Licensing Authority under delegated powers

Appendix Two: Temporary Event Notices granted between 1st April 2011 and 31st August 2011

Appendix Three: Licensing Sub-Committee decisions made between 1st April 2011 and 31st August 2011

Version: 1.0