

# Agenda

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## Licensing and Gambling Acts Committee

Date: **Tuesday 20 September 2016**

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Time: **5.00 pm**

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Place: **Council Chamber Town Hall**

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For any further information please contact:

**Jennifer Thompson, Committee Services Officer**

Telephone: 01865 252275

Email: [jthompson@oxford.gov.uk](mailto:jthompson@oxford.gov.uk)

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# Licensing and Gambling Acts Committee

## Membership

<b>Chair</b>	Councillor Colin Cook	Jericho and Osney;
<b>Vice-Chair</b>	Councillor Mary Clarkson	Marston;
	Councillor Farida Anwar	Headington Hill and Northway;
	Councillor Ruthi Brandt	Carfax;
	Councillor Nigel Chapman	Headington Hill and Northway;
	Councillor Van Coulter	Barton and Sandhills;
	Councillor James Fry	North;
	Councillor Angie Goff	Wolvercote;
	Councillor Tom Hayes	St. Clement's;
	Councillor Dan Iley-Williamson	Holywell;
	Councillor Tom Landell Mills	St. Margaret's;
	Councillor Chewe Munkonge	Quarry and Risinghurst;
	Councillor Susanna Pressel	Jericho and Osney;
	Councillor Dee Sinclair	Quarry and Risinghurst;
	Councillor Elizabeth Wade	St. Margaret's;

**The quorum for this Committee is five Members, substitutes are not permitted.**

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## AGENDA

### Pages

1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTEREST

3 UPDATE ON LICENSING AUTHORITY ACTIVITY: APRIL 2016 - JULY 2016

5 - 12

**Purpose of report:** to inform the Committee of the progress made by the Licensing Authority under the Licensing Act 2003 and Gambling Act 2005 during the period from April 2016 to July 2016). 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.

**Recommendations:** the Committee is asked to:

1. note the contents of the report; and
2. make any comments and recommendations regarding the future work of the Licensing function.

4 MINUTES

13 - 14

**Recommendation:** that the minutes of the meeting held on 18 May 2016 be approved as a true and accurate record.

5 DATES OF FUTURE MEETINGS

Meetings are scheduled on:

23 January 2017 (Monday)  
16 May 2017

Meetings start at 5.00pm to dovetail with the following meeting unless the Chair agrees a different time.

## **DECLARING INTERESTS**

### **General duty**

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed “Declarations of Interest” or as soon as it becomes apparent to you.

### **What is a disclosable pecuniary interest?**

Disclosable pecuniary interests relate to your employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council’s area; licences for land in the Council’s area; corporate tenancies; and securities. These declarations must be recorded in each councillor’s Register of Interests which is publicly available on the Council’s website.

### **Declaring an interest**

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest.

If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

### **Members’ Code of Conduct and public perception**

Even if you do not have a disclosable pecuniary interest in a matter, the Members’ Code of Conduct says that a member “must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself” and that “you must not place yourself in situations where your honesty and integrity may be questioned”. What this means is that the matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those of the member’s spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

a)

b)

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**To:** Licensing and Gambling Acts Committee  
**Date:** 20 September 2016

**Report of:** Head of Community Services

**Title of Report:** Update on Licensing Authority Activity:  
April 2016 – July 2016

## 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 from April 2016 to July 2016).

**Report Approved by:**

**Finance:** Paul Swaffield

**Legal:** Daniel Smith

**Policy Framework:** Statement of Licensing Policy

**Recommendation(s):** That the Licensing and Gambling Acts Committee is recommended to:

- a) note the contents of the report; and
- b) 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 current Council year (April 2016 – July 2016). Under Policy GN10 of the Statement of Licensing Policy, the Licensing Authority should report to the Committee on matters determined by the Head of Community Services 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 last Council year.

<b>Applications Type</b>	<b>TOTAL</b>
<b>Gambling</b>	<b>2</b>
<b>New (Premises / Clubs)</b>	<b>5</b>
<b>Variations (incl. Minor Variations) (Premises / Clubs)</b>	<b>15</b>
<b>Personal Licences</b>	<b>39</b>
<b>Administrative Changes</b>	<b>76</b>
<b>Temporary Event Notices (TEN's)</b>	<b>289</b>

5. To date (since November 2005 when the Licensing Act 2003 came in to effect) the Licensing Authority has processed; 1,926 Personal Licences; 1045 New Premises Licences and Club Premises Certificates; 500 Variations on Premises Licences and Club Premises Certificates; 2374 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 Thames Valley Police or the Environmental Health Service 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.
8. No objections were received in regard to any Temporary Event Notices made to the Licensing Authority during this reporting period.

#### **Applications Granted or Refused by the Licensing Authority**

9. 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. 17 Premises Licences in this category were issued by the Head of Community Services under delegated authority.
10. If a relevant objection is received in relation to a Minor Variation application, the Licensing Authority delegates the determination of the application to Officers. No such applications met with relevant representations.

11. Three applications were the subject of relevant representations, of which then 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**

12. 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 11 above, and those where the applicant agrees to the conditions and policies requested by Responsible Authorities during the application consultation period).
13. Representations were received in respect to three applications. These representations led to Sub-Committee Hearings being required to determine each application.
14. Representations relating to applications made during the reporting period were made as follows and led to the following decisions:

**Cafe Baba, Cowley Road: (Full Variation of Premises Licence):** 4 x Interested Parties. Application granted as applied for.

**Spiced Roots, Cowley Road: (New Premises Licence):** 2 x Interested Parties. Application granted as amended by the applicant at the Hearing.

**The Lighthouse, Park End Street: (New Premises Licence):** 4 x Interested Parties. Application granted as amended by the applicant at the Hearing, and a condition imposed re: use of outside terrace.

### **Reviews of Licensed Premises**

15. 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.
16. No applications for a Premises Licence Review were received during this reporting period.

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

17. The Licensing Authority was not subject to any appeal during the period reported on.

### **Enforcement Activity**

18. During the current reporting period, the Licensing Team has carried out:
  - 84 Routine (day-time and early evening) Compliance Check inspections of licensed premises during standard working hours. 27 Premises were

found to be non-compliant. 20 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.

The other 7 non-compliance issues related to failures to ensure that an adequate age checking policy was in place at those venues (since rectified), and of those 7 venues, 3 of them had also failed to provide evidence that “small measures” of alcohol could be purchased.

In all of the above cases Warnings were issued to the Premises Licence Holders.

- 4 Multi-Agency Operations (during the night) visiting 49 licensed premises (targeted at premises within specific locations that may be of high-risk, have appeared on the Active Casework list, where conditions have been approved to be on the Premises Licence as agreed by a Responsible Authority, or where Immigration Officers have raised concerns).

2 venues were found to be non-compliant and issued with a Warning by the Licensing Officer owing to the venue not making small wine measures available.

2 venues were issued Warnings following them being found not to be managing the external areas of their premises in a manner to prevent noise nuisances from being caused.

1 venue was found not to have the legally required age verification policy available at the time of the inspection.

6 venues were found to be non-compliant and issued with a Warning by the Licensing Officer. The non-compliance issue related to a failure to hold the Premises Licence on site or display a Premises Licence Summary.

- 3 Alcohol Test Purchase Operations (during evening time) visiting 32 licensed premises. 3 venues failed the Operations and were issued with a Fixed Penalty Notice by the Police and a Warning was issued to each Premises Licence holder by the Licensing Authority.

One premises that failed the Test Purchase Operation is the subject of ongoing partnership work as the venue has recently ceased to employ door staff, a measure implemented several months ago at request of the Licensing Manager in order to address the previous failures at the premises in relation to carrying out satisfactory age checks .

- 4 “Hi-Viz” Operations (late at night, and during Common People, Cowley Road Carnival and Oxford Pride) visiting 108 licensed premises. 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 approach to ensuring consistency with compliance requirements.



6 venues were found to be non-compliant with the conditions of their Premises Licences despite having been provided with verbal advice by the Licensing Officers as to how to rectify issues of non-compliance.

These failures to put right the matters advised by the Officers, resulted in each premises receiving a Warning. Such matters included the staff at various premises leaving doors and windows open during amplified entertainments, playing recorded music at too high a volume, and failing to ensure CCTV systems were in full operation.

2 other venues were given advice during the Cowley Road Carnival as to the negative impact they may cause following the Licensing Manager noting the off-sales prices for bottles and cans of beer, lager and cider. Both venues raised their prices having taken into consideration the Licensing Managers comments as to how cheap pricing could increase the likelihood for irresponsible drinking and the potential for anti-social behaviour to increase as a result.

- 6 Targeted Operations (late at night / weekends) were carried out during the reporting period in response to intelligence being received about 14 licensed venues. The aim of these Operations is to ensure that the licence conditions of the Premises Licences, and the policies that form part of the requirements of the Premises Licences are consistently upheld in order to promote the licensing objectives, and that the venues do not negatively impact on the communities living in close proximity.

One premises is currently the subject of ongoing partnership work to ensure that the Premises Licence holder complies fully with all of the conditions of the Premises Licence.

- No Debt Recovery Operations were made during the reporting period, however 44 “Advanced Suspension Notices” and 6 “Suspension Notices” were issued following the Premises Licence holders failure to pay the annual fee.

19. The objectives of the pro-active compliance checks, and the late night enforcement inspections, are 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.
20. In total 47 Warnings, 44 Advanced Suspension Notices, 6 Suspension Notice 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.
21. 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.

22. The Weekend Night-time Operation recently implemented by the Community Safety Service Area 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.
23. 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**

24. 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.
25. This reactive work resulted in a further 12 additional Warnings being issued, in the cases where the premises that were of specific concern multiple letters were issued including to their legal representatives. 2 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.
26. The Licensing Team dealt with approximately 6500 licensing enquiries during the reporting period by way of telephone calls, emails, letters and face-to-face customer meetings.

### **Prosecutions**

27. 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.
28. The Licensing Authority had no reason to initiate any PACE interviews during the reporting period.

### **Future Work & Notable Achievements**

29. 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.

30. 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.
31. 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. We are currently working with the Home Office and LGA in the formulation of National Licensing Safeguarding Guidance to Local Authorities.
32. 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 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.

### **Legal Implications**

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

### **Financial Implications**

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

### **Recommendations**

35. The Licensing and Gambling Acts Committee is recommended to:
  - a) note the contents of the report; and
  - b) make any comments and recommendations regarding the future work of the Licensing function.

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

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## MINUTES OF THE LICENSING AND GAMBLING ACTS COMMITTEE

**Wednesday 18 May 2016**



**COUNCILLORS PRESENT:** Councillors Cook (Chair), Clarkson (Vice-Chair), Anwar, Brandt, Chapman, Coulter, Fry, Iley-Williamson, Sinclair and Wade.

**OFFICERS PRESENT:** Julian Alison (Licensing Manager), Daniel Smith (Lawyer) and Catherine Phythian (Committee Services Officer)

### **22. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllr Goff, Cllr Hayes, Cllr Pressel, Cllr Landell Mills and Cllr Munkonge.

#### **1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllr Goff, Cllr Hayes, Cllr Pressel, Cllr Landell Mills and Cllr Munkonge.

#### **2. ELECTION OF CHAIR FOR THE COUNCIL YEAR 2016/17**

The Committee **resolved** to elect Councillor Cook as Chair for the Council Year 2016/17.

#### **3. ELECTION OF VICE CHAIR FOR THE COUNCIL YEAR 2016/17**

The Committee **resolved** to elect Councillor Clarkson as Vice Chair for the Council Year 2016/17.

#### **4. DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **5. APPOINTMENT OF SUB-COMMITTEES FOR THE COUNCIL YEAR 2016/17**

The Head of Law and Governance submitted a report the purpose of which was to establish licensing casework sub-committees for the 2016-17 Council Year to

deal with casework flowing from the Council's responsibilities under the Licensing Act 2003 and the Gambling Act 2005.

The Licensing and Gambling Acts Committee resolved to:

1. **appoint** as many licensing casework sub-committees of three members as there are combinations of three members in the total number of members of the Committee;
2. **note** that the Sub-Committees' powers and duties are as set out in Appendix 1; and
3. **agree** the dates on which the Sub-Committees will meet if required.

## **6. UPDATE ON LICENSING AUTHORITY ACTIVITY: COUNCIL YEAR 2015 – 2016**

The Head of Community Services submitted a report detailing the progress made by the Licensing Authority under the Licensing Act 2003 and Gambling Act 2005 during the last Council Year (April 2015 – March 2016).

The Licensing Manager presented the report. He highlighted the positive working relationships that the Licensing Authority has established with a number of local and national Licensing organisations. In particular he drew attention to the closer operational links that had been established with the local police and the positive interactions with local traders.

The Chair thanked the Licensing Manager and his team for their continuing success in building a strong and effective Licensing function.

The Licensing and Gambling Acts Committee resolved to **note** the contents of the report.

## **7. MINUTES**

The Committee resolved to **approve** the minutes of the meeting held on 26 January 2016 as a true and accurate record.

## **8. DATES OF FUTURE MEETINGS**

The Committee **noted** the dates of future meetings.

**The meeting started at 5.00 pm and ended at 5.15 pm**