

# Agenda

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## Licensing and Gambling Acts Committee

Date: **Monday 3 February 2020**

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Time: **6.00 pm**

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Place: **Council Chamber - Oxford Town Hall**

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For any further information please contact:

**John Mitchell, Committee Services Officer**

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If you intend to record the meeting, it would be helpful if you speak to the Committee Services Officer before the start of the meeting.

# Licensing and Gambling Acts Committee

## Membership

<b>Chair</b>	Councillor Colin Cook	Jericho and Osney;
<b>Vice-Chair</b>	Councillor Mark Lygo	Churchill;
	Councillor Nigel Chapman	Headington Hill and Northway;
	Councillor Mary Clarkson	Marston;
	Councillor Tiago Corais	Littlemore;
	Councillor James Fry	North;
	Councillor Michael Gotch	Summertown;
	Councillor Rae Humberstone	Blackbird Leys;
	Councillor Tom Landell Mills	St. Margaret's;
	Councillor Ben Lloyd-Shogbesan	Lye Valley;
	Councillor Craig Simmons	St. Mary's;
	Councillor John Tanner	Littlemore;
	Councillor Sian Taylor	Northfield Brook;
	Councillor Louise Upton	North;
	Councillor Elizabeth Wade	Wolvercote;

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

### **Copies of this agenda**

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## AGENDA

### Pages

1 **APOLOGIES FOR ABSENCE**

2 **DECLARATIONS OF INTEREST**

3 **LICENSING AND GAMBLING ACTS FEES AND CHARGES 2020/21**

5 - 10

The Head of Regulatory Services and Community Safety has submitted a report to seek agreement to the licence fees for 2020/21 where the Council has discretion over the level of fee charged.

**Recommendation:** That the Committee resolves to:

**Agree** the licence fees and charges for 2020/21 as set out in the Appendix 1 and recommend them to Council.

4 **MINUTES**

11 - 14

**Recommendation:** That the minutes of the meeting held on 14 May 2019 be APPROVED as a true and accurate record.

5 **DATES OF FUTURE MEETINGS**

Meetings are scheduled on:

- 21 May 2020
- 22 September 2020

All meetings start at 6.00pm

## **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.

<sup>1</sup> 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.

**To:** Licensing & Gambling Acts Committee  
**Date:** 3 February 2020  
**Report of:** Head of Regulatory Services and Community Safety  
**Title of Report:** Licensing Act 2003 and Gambling Act 2005  
 Licence Fees and Charges for the 2020/21 financial year

<b>Summary and recommendations</b>	
<b>Purpose of report:</b>	To seek agreement of the licence fees for 2020/21 where the Council has discretion over the level of fee charged
<b>Corporate Priority</b>	Vibrant Sustainable Economy
<b>Policy Framework</b>	Statement of Licensing Policy, Statement of Gambling Licensing Policy
<b>Recommendation(s):</b> That the Licensing & Gambling Acts Committee resolves to:	
1. <b>Agree</b> the licence fees and charges for 2020/21 as set out in the Appendix 1 and recommend them to Council	

<b>Appendices</b>	
Appendix 1	Licensing & Gambling Acts Fees and Charges 2020/21

## Introduction

1. The purpose of this report is to seek agreement to the licence fees and charges for 2020/21 where the Council has discretion over the level of fee charged. The proposed fees and charges are set out at **Appendix 1**.
2. This Committee is responsible for recommending fees under the Licensing Act 2003 and Gambling Act 2005. Fees for other types of licence will be the subject of a separate report to General Purposes Licensing Committee. All fees under the Licensing Act are set by statute.
3. The Authority has discretion under the Gambling Act to set Gambling Premises Licence fees up to the statutory maximum. Fees for Gaming Machine Permits and Temporary Use Notices are set by statute.

4. The general principles when setting fees are that they must be reasonable, proportionate and not exceed the cost of the procedures and formalities under the relevant licensing scheme, including staffing, training, administration, testing, inspections, regulation, and hearings.
5. It is proposed that for the 2020/21 Council year that no substantial variation to the current fees and charges is made in order to provide financial stability to licence holders in the present economic climate.
6. The miscellaneous charges which have been reviewed to cover the authority cost recovery can be found in **Appendix 1**.

### **Financial implications**

7. The Council is responsible for collecting licence fees for these functions. Predicted income from licence fees is included in the Council's budget.

### **Legal issues**

8. The power to levy fees is contained in the legislation relevant to each function or in the Local Government Act 2003 in relation to discretionary services. Licensing is not a revenue raising function and fees and charges should reasonably represent the costs of carrying out the function.

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	<b>General Licensing Team Leader</b>
	<b>Regulatory Services and Community Safety</b>
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# Appendix 1

LICENSING & GAMBLING ACTS COMMITTEE	2019/20	2020/21	Increase/ (Decrease)	Increase/ (Decrease)
FEES & CHARGES 2020/2021	Charge	Charge	(Decrease)	(Decrease)
<b>Licensing Act 2003</b>				
<b>Application fee</b>				
Application and Variation Fees - Premises Licenses and Club Premises Certificates - Minimum	100.00	100.00	0.00	0.00
Application and Variation Fees - Premises Licenses and Club Premises Certificates - Maximum	635.00	635.00	0.00	0.00
Enhanced fee for some premises with rateable value above £87,001 - Minimum	900.00	900.00	0.00	0.00
Enhanced fee for some premises with rateable value above £87,001 - Maximum	1905.00	1905.00	0.00	0.00
Additional fee for capacity of more than 5,000 people - Minimum	1000.00	1000.00	0.00	0.00
Additional fee for capacity of more than 5,000 people - Maximum	64000.00	64000.00	0.00	0.00
<b>Annual fee</b>				
Premises Licenses and Club Premises Certificates - Minimum	70.00	70.00	0.00	0.00
Premises Licenses and Club Premises Certificates - Maximum	350.00	350.00	0.00	0.00
Enhanced fee for some premises with rateable value above £87,001 - Minimum	640.00	640.00	0.00	0.00
Enhanced fee for some premises with rateable value above £87,001 - Maximum	1050.00	1050.00	0.00	0.00
Additional fee for capacity of more than 5,000 people - Minimum	500.00	500.00	0.00	0.00
Additional fee for capacity of more than 5,000 people - Maximum	32000.00	32000.00	0.00	0.00
<b>Other Application Fees</b>				
Personal License	37.00	37.00	0.00	0.00
Transfer of Premises Licence	23.00	23.00	0.00	0.00
Change of address	10.50	10.50	0.00	0.00
Copy of licence	10.50	10.50	0.00	0.00
Temporary Event Notice	21.00	21.00	0.00	0.00
Provisional Statement	315.00	315.00	0.00	0.00

LICENSING & GAMBLING ACTS COMMITTEE	2019/20	2020/21	Increase/	Increase/
FEES & CHARGES 2020/2021	Charge	Charge	(Decrease)	(Decrease)
<b>Gambling Act 2005 - Premises</b>				
<b>Bingo Premises</b>				
Application (3500 max permitted)	930.00	930.00	0.00	0.00
Annual fee (1000 max permitted)	610.00	610.00	0.00	0.00
Variation application (1750 max permitted)	1330.00	1330.00	0.00	0.00
Transfer application (1200 max permitted)	430.00	430.00	0.00	0.00
Reinstatement application (1200 max permitted)	555.00	555.00	0.00	0.00
Provisional statement application (3500 max permitted)	805.00	805.00	0.00	0.00
Copy of licence	25.00	25.00	0.00	0.00
Notification of a change	50.00	50.00	0.00	0.00
<b>Family Entertainment Centre</b>				
Application (2000 max permitted)	750.00	750.00	0.00	0.00
Annual fee (750 max permitted)	680.00	680.00	0.00	0.00
Variation application (1000 max permitted)	1000.00	1000.00	0.00	0.00
Transfer application (950 max permitted)	400.00	400.00	0.00	0.00
Reinstatement application (950 max permitted)	485.00	485.00	0.00	0.00
Provisional statement application (2000 max permitted)	660.00	660.00	0.00	0.00
Copy of licence	25.00	25.00	0.00	0.00
Notification of a change	50.00	50.00	0.00	0.00
<b>Adult Gaming Centre</b>				
Application (2000 max permitted)	750.00	750.00	0.00	0.00
Annual fee (1000 max permitted)	680.00	680.00	0.00	0.00
Variation application (2000 max permitted)	1030.00	1030.00	0.00	0.00
Transfer application (1200 max permitted)	400.00	400.00	0.00	0.00
Reinstatement application (1200 max permitted)	485.00	485.00	0.00	0.00
Provisional statement application (2000 max permitted)	660.00	660.00	0.00	0.00
Copy of licence	25.00	25.00	0.00	0.00
Notification of a change	50.00	50.00	0.00	0.00
<b>Betting Premises (Track)</b>				
Application (2500 max permitted)	890.00	890.00	0.00	0.00
Annual fee (1000 max permitted)	805.00	805.00	0.00	0.00
Variation application (1250 max permitted)	1250.00	1250.00	0.00	0.00
Transfer application (950 max permitted)	420.00	420.00	0.00	0.00
Reinstatement application (950 max permitted)	520.00	520.00	0.00	0.00
Provisional statement application (2500 max permitted)	730.00	730.00	0.00	0.00
Copy of licence	25.00	25.00	0.00	0.00
Notification of a change	50.00	50.00	0.00	0.00
<b>Betting Premises (Other)</b>				
Application (3000 max permitted )	835.00	835.00	0.00	0.00
Annual fee (600 max permitted)	600.00	600.00	0.00	0.00
Variation application (1500 max permitted)	1160.00	1160.00	0.00	0.00
Transfer application (1200 max permitted)	420.00	420.00	0.00	0.00
Reinstatement application (1200 max permitted)	520.00	520.00	0.00	0.00
Provisional statement application (3000 max permitted)	730.00	730.00	0.00	0.00
Copy of licence	25.00	25.00	0.00	0.00
Notification of a change	50.00	50.00	0.00	0.00



LICENSING & GAMBLING ACTS COMMITTEE	2019/20	2020/21	Increase/	Increase/
FEES & CHARGES 2020/2021	Charge	Charge	(Decrease)	(Decrease)
<b>Gambling Act 2005 - Permits</b>				
<b>Alcohol Premises Gaming Machine Permits</b>				
Application	150.00	150.00	0.00	0.00
Existing operator application	100.00	100.00	0.00	0.00
Annual fee	50.00	50.00	0.00	0.00
Permit variation fee	100.00	100.00	0.00	0.00
Transfer of permit	25.00	25.00	0.00	0.00
Change of name on permit	25.00	25.00	0.00	0.00
Copy of permit	15.00	15.00	0.00	0.00
Notification of 2 machines	50.00	50.00	0.00	0.00
<b>Club Gaming Permits and Club Gaming Machine Permits</b>				
Application	200.00	200.00	0.00	0.00
Application (Club Premises Certificate holder)	100.00	100.00	0.00	0.00
Annual fee	50.00	50.00	0.00	0.00
Permit variation fee	100.00	100.00	0.00	0.00
Renewal	200.00	200.00	0.00	0.00
Renewal (Club Premises Certificate holder)	100.00	100.00	0.00	0.00
Permit variation fee	100.00	100.00	0.00	0.00
Copy of permit	15.00	15.00	0.00	0.00
<b>Family Entertainment Centre Gaming Machine Permits</b>				
Application	300.00	300.00	0.00	0.00
Existing operator application	100.00	100.00	0.00	0.00
Renewal	300.00	300.00	0.00	0.00
Change of name on permit	25.00	25.00	0.00	0.00
Copy of permit	15.00	15.00	0.00	0.00
<b>Gambling Act 2005 Temporary Use Notice</b>				
Submission of Notice	500.00	500.00	0.00	0.00
Copy of Notice	25.00	25.00	0.00	0.00
<b>Miscellaneous Charges</b>				
Copy of Premises/Person Entry in Licensing Register	21.00	22.00	1.00	4.76
Statement of Licensing Policy document	41.00	43.00	2.00	4.88
Statement of Gambling Policy document	41.00	43.00	2.00	4.88
Copy of Licensing Decision Notice	21.00	22.00	1.00	4.76
Current list of licensing applications	10.50	11.00	0.50	4.76
Viewing of Films requiring Certification - Per 15 Minutes	7.50	8.00	0.50	6.67
Issue of Film Certification	7.50	8.00	0.50	6.67

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## Minutes of a meeting of the LICENSING AND GAMBLING ACTS COMMITTEE on Tuesday 14 May 2019

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### Committee members:

Councillor Cook (Chair)	Councillor Lygo (Vice-Chair)
Councillor Clarkson	Councillor Corais
Councillor Fry	Councillor Gotch
Councillor Humberstone	Councillor Upton
Councillor Wade	

### Officers:

Daniel Smith, Lawyer  
Alison Daly, Lawyer  
Richard Masters, Licensing Compliance Officer  
Joshua Curnow, Senior Licensing Officer  
John Mitchell, Committee and Member Services Officer

### Apologies:

Councillors Landell Mills and Taylor sent apologies.

### 1. Election of Chair for the Council Year 2019-20

The Committee Services Officer opened the meeting.

The Committee elected Councillor Cook to be the Chair for the Council Year 2019/20.

### 2. Election of Vice-Chair for the Council Year 2019-20

The Committee elected Councillor Lygo to be the Vice Chair for the Council Year 2019/20.

### 3. Declarations of interest

None.

### 4. Appointment of Sub-Committees 2019-20

The Head of Law and Governance had submitted a report to establish licensing casework sub-committees for the 2019-20 Council Year to deal with casework flowing from the Council's responsibilities under the Licensing Act 2003 and the Gambling Act 2005.

The 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 the Annex to this report; and
3. **Agree** the dates on which the Sub-Committees will meet if required.

## **5. Annual update on Licensing Authority Activity: 2018-2019**

The Head of Regulatory Services and Community Safety had submitted a report to inform the Committee of the progress made by the Licensing Authority under the Licensing Act 2003 and Gambling Act 2005 during the full Council Year.

The Licensing Compliance Officer spoke briefly to the report, noting that five Premises Licences applications had been the subject of relevant representations, which required determination by the Licensing Sub-Committee.

The report drew attention to the continued high levels of enforcement and compliance work undertaken by the Authority to promote the night time economy as being vibrant and safe, and the various types of enforcement operations carried out.

The report also detailed the reactive enforcement following complaints from members of public submitted to the Authority in regards to licensed venues.

In response to questions he explained that the licensing team worked closely with other agencies such as the police and Trading Standards to conduct high visibility checks of compliance with licensing requirements on a regular basis. Contact was made with licence holders if complaints relating to licensing matters were received. There had been slight increase in the number of TENS applications over the previous Council year. There had also been an increase in applications for online alcohol sales, delivered to the purchaser's address. It was noted that such sales were subject to requirements for the vendor to confirm, at the point of delivery, that the purchaser was at least 18.

The Chair thanked the officers for the report and for the valuable work of the licensing team.

The Committee resolved to:

**Note** the contents of the report.

## **6. Minutes**

The Committee resolved to:

**Approve** the minutes of the meeting held on 23 January as a true and accurate record.

## **7. Dates of future meetings**

The next meeting of the Committee is scheduled to take place on:

18 September 2019.

**The meeting started at 6.00 pm and ended at 6.15 pm**

**Chair ..... Date: Wednesday 03 February 2020**

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