

Agenda

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Licensing and Gambling Acts Committee

This meeting will be held on:

Date: **Thursday 21 May 2020**

Time: **6.00 pm**

Place: Remote meeting – Zoom – further information to follow

For further information please contact:

John Mitchell, Committee Services Officer, Committee Services Officer

☎ 01865 252217

✉ jmitchell@oxford.gov.uk

Members of the public can attend to observe this meeting and.

- may register in advance to speak to the committee in accordance with the [committee's rules](#)
- may record all or part of the meeting in accordance with the Council's [protocol](#)

Information about speaking and recording is set out in the agenda and on the [website](#)

Please contact the Committee Services Officer to register to speak; to discuss recording the meeting; or with any other queries.

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All public papers are available from the calendar link to this meeting once published

Committee Membership

Councillors: Membership 15: Quorum 5: No substitutes are permitted.

Membership will be confirmed at the Annual Council meeting on 20 May 2020.

Apologies and notification of substitutes received before the publication are shown under *Apologies for absence* in the agenda. Those sent after publication will be reported at the meeting. Substitutes for the Chair and Vice-chair do not take on these roles.

Agenda

	Pages
1 Apologies for absence	
2 Election of Chair for the Council Year 2020-21	
3 Election of Vice-Chair for the Council Year 2020-21	
4 Declarations of interest	
5 Appointment of Sub-Committees 2020-21	7 - 12
<p>The Head of Law and Governance has submitted a report to establish licensing casework sub-committees for the 2020-21 Council Year to deal with casework flowing from the Council's responsibilities under the Licensing Act 2003 and the Gambling Act 2005.</p> <p>Recommendations: That the Licensing and Gambling Acts Committee resolves to:</p> <ol style="list-style-type: none">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; and3. Agree the dates on which the sub-committees will meet if required.	
6 Minutes of the previous meeting	13 - 14
<p>Recommendation: to approve the minutes of the meeting on 3 February 2020 as a true and correct record</p>	
7 Dates of future meetings	
<p>Meetings are scheduled at 6.00pm on:</p> <p>22 September 2020 4 February 2021</p>	

Information for those attending

Recording and reporting on meetings held in public

Members of public and press can record, or report in other ways, the parts of the meeting open to the public. You are not required to indicate in advance but it helps if you notify the Committee Services Officer prior to the meeting so that they can inform the Chair and direct you to the best place to record.

The Council asks those recording the meeting:

- To follow the protocol which can be found on the Council's [website](#)
- Not to disturb or disrupt the meeting
- Not to edit the recording in a way that could lead to misinterpretation of the proceedings. This includes not editing an image or views expressed in a way that may ridicule or show a lack of respect towards those being recorded.
- To avoid recording members of the public present, even inadvertently, unless they are addressing the meeting.

Please be aware that you may be recorded during your speech and any follow-up. If you are attending please be aware that recording may take place and that you may be inadvertently included in these.

The Chair of the meeting has absolute discretion to suspend or terminate any activities that in his or her opinion are disruptive.

Councillors 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; licenses 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". 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 member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

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To: Licensing and Gambling Acts Committee
Date: 21 May 2020
Report of: Head of Law and Governance
Title of Report: Appointment of Sub-Committees 2020/21

Summary and recommendations	
Purpose of report:	To establish licensing casework sub-committees for the Council Year to deal with casework flowing from the Council's responsibilities under the Licensing Act 2003 and the Gambling Act 2005.
Corporate Priority	None
Policy Framework	Statement of Licensing Policy
Recommendations: That the Licensing and Gambling Acts Committee resolves to:	
<ol style="list-style-type: none"> 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 Appendix to this report; and 3. Agree the dates on which the sub-committees will meet if required. 	

Appendices	
Appendix 1	Powers and Duties of the Licensing Acts Casework Sub-Committee

Introduction and background

1. All licensing authorities must establish a Licensing Committee under the Licensing Act 2003. The Licensing Committee may appoint one or more sub-committees, for example to deal with licensing casework (i.e. applications for licences of one sort or another under the Act). The sub-committees are also responsible for any casework that might arise under the Gambling Act 2005. The sub-committees must consist of 3 members and do not need to be politically balanced. It is proposed that the Committee appoints licensing and gambling casework sub-committees to discharge licensing casework under the two Acts.

2. In order to spread the casework across members of the Licensing and Gambling Acts Committee, the Committee is recommended to appoint as many sub-committees as there are combinations of three members in the total number of members of the Committee. In that way any three members of the Committee will constitute a sub-committee.
3. Meetings of the sub-committee have been programmed for approximately every three/ four weeks. All the meetings are programmed to start at 6.00 pm although this time may be varied depending on the requirements of each hearing. A valid sub-committee will be convened and will meet when required.
4. The Licensing Manager will:
 - i. confirm if a meeting is required;
 - ii. confirm committee members' availability; and
 - iii. convene a valid sub-committee and confirm to that sub-committee's members the details of the cases to be heard at the meeting.
5. The powers and duties of the sub-committees (as contained in the Council's Constitution) are set out in Appendix 1 to this report.
6. The Committee is asked to note that the sub-committees will meet if required on the following dates (or on other dates as may be necessary):

1 June 2020	24 Nov 2020
23 June 2020	15 Dec 2020
14 July 2020	5 Jan 2021
10 Aug 2020	26 Jan 2021
1 Sept 2020	15 Feb 2021
21 Sept 2020	8 March 2021
12 Oct 2020	30 March 2021
2 Nov 2020	20 April 2021

Legal issues

7. The legal issues, including the Council's responsibilities under the Licensing Act 2003 and the Gambling Act 2005, are covered within the report.

Finance issues

8. There are no financial issues arising from this report.

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LICENSING AND GAMBLING ACTS CASEWORK SUB-COMMITTEES

Powers and duties – Licensing

- decide whether to give, change or transfer premises licences or club registration certificates when there are objections
- decide whether to give a temporary premises licence to a replacement licence holder when there are objections
- review premises licences and club registration certificates after a closure order
- decide valid applications for a review of a premises licence or club registration certificate
- deal, when there are objections, with applications for a statement saying the council expects to give a licence to premises that are yet to be built or converted
- decide whether to prevent one-off events or to impose conditions when there are objections from the police or the Responsible Authority for Environmental Health
- decide applications to change the premises supervisor or appoint a temporary supervisor when there are objections from the police
- decide applications for personal licences when there are objections from the Police
- decide whether to withdraw a personal licence on hearing of a conviction
- respond to consultation on an application by another body that gives licences.

Powers and duties – Gambling

- deal, when there are objections, with premises licence applications, changes and transfers
- review premises licences
- deal, when there are objections, with applications for a statement saying the council expects to give a licence to premises that are yet to be built, converted or occupied
- decide whether to prevent temporary events or uses when there are objections
- deal, when there are objections, with applications for club gaming, or club machine permits and cancellation of such permits
- deal, when there are police objections or officers would want to refuse them, with applications for prize gaming permits
- deal with anything else that needs a hearing or that cannot legally be delegated to officers

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Minutes of a meeting of the LICENSING AND GAMBLING ACTS COMMITTEE on Monday 3 February 2020

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Committee members:

Councillor Cook (Chair)	Councillor Lygo (Vice-Chair)
Councillor Corais	Councillor Fry
Councillor Gotch	Councillor Humberstone
Councillor Landell Mills	Councillor Lloyd-Shogbesan
Councillor Tanner	Councillor Taylor
Councillor Upton	Councillor Wade

Officers:

Daniel Smith, Lawyer
Joshua Curnow, Senior Licensing Compliance Officer
Katie Thorp, Licensing Compliance Officer
John Mitchell, Committee and Member Services Officer

Apologies:

Councillor Clarkson sent apologies.

8. Declarations of interest

None.

9. Licensing and Gambling Acts Fees and Charges 2020/21

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

The Licensing Officer introduced the report, explaining that it was proposed that there should be no substantial variation to those fees and charges covered by the report for the 2020/21 Council year with the only changes being made in relation to Miscellaneous Charges. He reminded the Committee that the majority of fees covered by this report are set by statute

The Committee resolved to:

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

10. Minutes

The Committee resolved to:

Approve the minutes of the meeting held on 14 May 2019 as a true and accurate record.

11. Dates of future meetings

Meetings are scheduled on:

- 21 May 2020
- 22 September 2020

The meeting started at 6.00 pm and ended at 6.10 pm

Chair

Date: Thursday 21 May 2020