

Agenda

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Licensing and Gambling Acts Committee

This meeting will be held on:

Date: **Thursday 20 May 2021**

Time: **6.00 pm**

Place: **Main Hall - Town Hall**

This meeting will also be streamed to the Council's YouTube channel when the meeting starts,

<https://www.youtube.com/oxfordcitycouncil>

For further information please contact:

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Committee Services Officer

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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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Committee Membership

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

Membership will be confirmed at Annual Council meeting on 19 May 2021.

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 2021-22	
3 Election of Vice-Chair for the Council Year 2021-22	
4 Declarations of interest	
5 Appointment of Sub-Committees	7 - 12
<p>The Head of Law and Governance has submitted a 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.</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 Appendix to this report; and3. Agree the dates on which the sub-committees will meet if required.	
6 Minutes	13 - 16
<p>Recommendation: That the minutes of the meeting held on 04 February 2021 be APPROVED as a true and accurate record.</p>	
7 Dates of future meetings	
<p>Meetings are scheduled on:</p> <ul style="list-style-type: none">• 27 September 2021• 07 February 2022 <p>All meetings start at 6.00pm</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.

To: Licensing and Gambling Acts Committee
Date: 20 May 2021
Report of: Head of Law and Governance
Title of Report: Appointment of Sub-Committees 2021/22

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):

25 May 2021	23 Nov 2021
14 June 2021	13 Dec 2021
06 July 2021	11 Jan 2022
02 Aug 2021	08 Feb 2022
24 Aug 2021	22 Feb 2022
21 Sept 2021	15 March 2022
11 Oct 2021	04 April 2022
01 Nov 2021	26 April 2022

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 stating 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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Remote meeting

Minutes of a meeting of the Licensing and Gambling Acts Committee on Thursday 4 February 2021

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Committee members present:

Councillor Cook (Chair)

Councillor Lygo (Vice-Chair)

Councillor Clarkson

Councillor Humberstone

Councillor Simm

Councillor Tanner

Councillor Taylor

Councillor Wade

Officers present for all or part of the meeting:

Daniel Smith, Lawyer

David Stevens, Business Regulation Team Manager

Joshua Curnow, Senior Licensing Compliance Officer

Lucy Longford, Licensing Compliance Officer

Rutendo Chigagure, Trainee Solicitor

Michael Watson, Interim Licensing Officer

John Mitchell, Committee and Member Services Officer

Apologies:

Councillors Upton and Wolff sent apologies.

7. Declarations of interest

None.

8. Licensing Act 2003 and Gambling Act 2005 Licence Fees and Charges for the 2021/22 financial year

The Head of Regulatory Services and Community Safety had submitted a report to seek agreement of the licence fees for 2021/22 where the Council has discretion over the level of fee charged.

The report was introduced by Lucy Longford, Licensing Compliance Officer, noting that no substantial changes were proposed for the forthcoming Council year in order to provide financial stability for licence holders in the present economic climate.

The Chair reminded those present that most of the charges were statutory and in relation to which the Committee's discretion was limited to the level of charge imposed.

In response to a question about whether fees were currently being paid it was confirmed that in the majority of cases they were. At the time of the first lockdown the Local Government Association had suggested to Government that these fees might be waived however the Government maintained that they should continue to be paid. In the minority of cases where fees were not paid, the associated licenses were reinstated

immediately upon payment. It was noted that these fees were relatively small when compared with the relief from business rates which was currently being offered.

The Committee was very supportive of the proposals to maintain the current level of charges. It was also noted that many of the businesses to which these fees applied were not able to operate because of other Covid related factors at the current time.

The Licensing & Gambling Acts Committee resolved to:

- 1. **Agree** the licence fees and charges for 2021/22 as set out in Appendix 1 and recommend them to Council.

9. Review of the Statement of Licensing Policy

Lucy Longford, Licensing Compliance Officer introduced the report. Taking into account the significant disruption to the night time economy caused by the current pandemic it was proposed to maintain the current policy for the forthcoming Council year, an approach supported by the Minister of State for Crime & Policing. The Policy before the Committee was therefore substantially the same with just minor changes of detail. It was however proposed to conduct a thorough review of the policy in 2021 to take full account of the consequences of the pandemic.

A response to the consultation which had preceded the report before the Committee had raised the lack of reference to the 2010 Equality Act. It was confirmed that consideration would be given to a more explicit reference to the Act as part of the forthcoming review.

The timescale for the review had yet to be confirmed but it was hoped that a draft would be ready for consideration by the Committee at its September meeting.

10. Minutes

The Committee resolved to:

Approve the minutes of the meeting held on 21 May 2020 as a true and accurate record.

11. Dates of future meetings

Meetings are scheduled on:

- 20 May 2021
- 27 September 2021
- 07 February 2022

All meetings start at 6.00pm

The meeting started at 6.00 pm and ended at 6.15 pm

Chair

Date: Thursday 20 May 2021

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