

# Agenda

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## Licensing and Gambling Acts Committee

This meeting will be held on:

Date: **Thursday 19 May 2022**

Time: **6.00 pm**

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

**For further information** please contact:

Alice Courtney , Committee and Members Services Officer

📞 01865 529834

✉ DemocraticServices@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](#)

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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 18 May 2022.

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

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<b>1 Election of Chair for the Council Year 2022-23</b>	
<b>2 Election of Vice-Chair for the Council Year 2022-23</b>	
<b>3 Apologies for absence</b>	
<b>4 Declarations of interest</b>	
<b>5 Appointment of Sub-Committees</b>	7 - 10
<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><b>Recommendations:</b> That the Licensing and Gambling Acts Committee resolves to:</p> <ol style="list-style-type: none"><li>1. <b>Appoint</b> 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;</li><li>2. <b>Note</b> that the sub-committees' powers and duties are as set out in Appendix A to this report; and</li><li>3. <b>Agree</b> the dates on which the sub-committees will meet if required.</li></ol>	
<b>6 Appointment of Sub-Committee for the meeting of 31 May 2022</b>	
<p><b>Recommendation:</b> That three Members and one Reserve Member are appointed to attend the Licensing &amp; Gambling Acts Casework Sub-Committee meeting on 31 May 2022.</p>	
<b>7 Minutes of the previous meeting</b>	11 - 14
<p><b>Recommendation:</b> That the minutes of the meeting held on 17 March 2022 be APPROVED as a true and accurate record.</p>	

## **8 Dates and times of meetings**

The Committee is scheduled to meet at 6.00pm on the following dates:

- 26 September 2022
- 06 February 2023

## **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:** 19 May 2022  
**Report of:** Head of Law and Governance  
**Title of Report:** Appointment of Sub-Committees 2022/23

<b>Summary and recommendations</b>	
<b>Purpose of report:</b>	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.
<b>Corporate Priority</b>	None
<b>Recommendations:</b> That the Licensing and Gambling Acts Committee resolves to:	
<ol style="list-style-type: none"> <li>1. <b>Appoint</b> 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;</li> <li>2. <b>Note</b> that the sub-committees' powers and duties are as set out in Appendix A to this report; and</li> <li>3. <b>Agree</b> the dates on which the sub-committees will meet if required.</li> </ol>	

<b>Appendices</b>	
Appendix A	Powers and Duties of the Licensing and Gambling 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 three 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 A 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):

31 May 2022	19 Sept 2022	10 Jan 2023
13 June 2022	10 Oct 2022	07 Feb 2023
04 July 2022	31 Oct 2022	07 Mar 2023
01 Aug 2022	22 Nov 2022	03 Apr 2023
23 Aug 2022	12 Dec 2022	25 Apr 2023

### 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 when there are objections from the police
- 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 Thursday 17 March 2022**



### **Committee members present:**

Councillor Cook	Councillor Clarkson (Chair)
Councillor Coyne	Councillor Jarvis
Councillor Miles	Councillor Mundy
Councillor Rehman	Councillor Thomas
Councillor Upton	Councillor Wade

### **Officers present for all or part of the meeting:**

Alison Daly, Lawyer  
Richard Adams, Community Safety Service Manager  
Richard Masters, Senior Licensing Compliance Officer  
Alice Courtney, Committee and Member Services Officer

### **Apologies:**

Councillor(s) Dunne, Gant and Humberstone sent apologies.

## **16. Appointment of Chair for the Meeting**

Councillor Mary Clarkson was confirmed as Chair.

## **17. Declarations of interest**

None.

## **18. Review of the Statement of Licensing Policy and Cumulative Impact Assessment**

The Head of Regulatory Services and Community Safety had submitted a report to seek agreement and recommendation to Council of the updated Statement of Licensing Policy and Cumulative Impact Assessment.

The Senior Licensing Compliance Officer presented the report and appendices. He highlighted that the Council had a duty to determine and publish a Statement of Licensing Policy and keep it under review and republish it at least every five years. He added that the Statement of Licensing Policy and Cumulative Impact Assessment (CIA) were subject to a six week public consultation from 15 November 2021 to 27 December 2021, during which time twelve responses were received. A list of proposed amendments to the Statement of Licensing Policy following consultation was included at Appendix 2 of the report.

In relation to the CIA the Senior Licensing Compliance Officer advised that, after careful consideration of relevant evidence and data, it was deemed appropriate and necessary to reintroduce Special Saturation Policies in order for the Council to continue to promote the licensing objectives.

*Councillor Colin Cook joined the meeting.*

In response to a question related to the mechanisms for controlling cumulative impact – specifically the power of the Police, local businesses or residents to seek a review of a licence or certificate, the Senior Licensing Compliance Officer confirmed that the Council did not receive many requests for reviews. He added that a review had to be evidence-based, including a recorded history related to the licensing objectives. The procedure for calling for a review and the relevant forms were available on the Council's website.

The Senior Licensing Compliance Officer said that a review of a licence or certificate was usually the last resort as the Council normally sought to engage with licence holders to solve any issues. He advised that the Licensing Authority or Police could request minor variations to licences, including additional conditions. The Senior Licensing Compliance Officer confirmed that reviews were subject to a 28 day consultation period, followed by a report to the Licensing & Gambling Acts Casework Sub-Committee for determination.

The Committee requested the following minor amendments to the Statement of Licensing Policy contained at Appendix 1:

- Paragraph 7.5.24 – addition of reference to sourcing 'environmentally sustainable materials where possible' in relation to alternative drinking vessels.
- Paragraph 7.9.8 – strengthen language to 'the licence holder is **encouraged** to include provisions for disabled people'. It was noted that legislation did not empower authorities to make the provision of disabled facilities a requirement.
- Paragraph 8.10.3 – include reference to 'Ask for Angela' in the drink spiking section as well (paragraph 8.9.5).
- Paragraph 7.3.13 – strengthen language to '**encouraged** to include gender-neutral facilities'.

The Committee resolved to:

- **Agree and recommend** the updated Statement of Licensing Policy and Cumulative Impact Assessment to Council for adoption, subject to the amendments listed above.

## **19. Minutes of the previous meeting**

The Committee agreed to **approve** the minutes of the meeting held on 07 February 2022 as a true and accurate record.

## **20. Dates and times of meetings**

The Committee noted the dates and times of future meetings.

**The meeting started at 5.45 pm and ended at 6.00 pm**

**Chair .....**

**Date: Thursday 19 May 2022**

*When decisions take effect:*

*Cabinet: after the call-in and review period has expired*

*Planning Committees: after the call-in and review period has expired and the formal  
decision notice is issued*

*All other committees: immediately.*

*Details are in the Council's Constitution.*

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