

Minutes of a meeting of the Licensing and Gambling Acts Committee on Wednesday 3 November 2021

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Committee members present:

Councillor Cook (Chair)	Councillor Clarkson
Councillor Corais	Councillor Coyne
Councillor Dunne	Councillor Miles
Councillor Mundy	Councillor Thomas
Councillor Upton	Councillor Wade

Officers present for all or part of the meeting:

Joshua Curnow, Senior Licensing Compliance Officer
Anna Dumitru, General Licensing Team Leader
Alison Daly, Lawyer
John Mitchell, Committee and Member Services Officer

Apologies:

Councillors Humberstone and Rehman sent apologies.

7. Declarations of interest

None.

8. Statement of Gambling Licensing Policy 2022

The Head of Service Regulatory Services and Community Safety had submitted a report to seek agreement to the draft Statement of Gambling Licensing Policy following consultation.

The Senior Licensing Officer introduced the report. The Council had a duty to determine and publish a Statement of Gambling Licensing Policy; to keep it under review; and republish it at least every three years. The revision before the Committee took account of comments made as a result of the public consultation. This revision included three amendments: an updated the map of Oxford and its boundaries; an update on Gaming machines maximum stakes and prizes (this change followed the 2021 updated guidance issued by the Gambling Commission); and an amendment to the address details for HMRC.

The Committee raised a number questions and suggestions for improvement. It was noted that the Gambling Act 2005 (and the Statement of Gambling Policy which flowed from it) did not cover the licensing of greyhound or other track racing.

It was suggested that the use of “Category A” gaming machines (as set out in Appendix two) might be particularly addictive. In the event, as set out in the policy, their use here had simply been prohibited by the Gambling Commission.

The policy did not define what constituted close proximity to schools, leisure centres etc in considering applications to licence certain premises. It was, rather, for applicants to demonstrate that they had taken proper account of the relevant consideration, including any mitigations written into their local plan. Any judgements about this matter would be informed by licensing officers visiting the locations themselves.

Judgements about whether an area was subject to “high levels of crime and/or disorder” were made by Thames Valley Police.

The requirement that gambling is conducted in “fair and open way” is a reference to the need for there to be clear information about maximum stakes, maximum payouts, average payout rates and the rules of a particular game.

The Committee resolved to:

1. **Note** the relevant responses to the consultation submitted to the Licensing Authority;
2. **Recommend** retention of a ‘No Casino’ Resolution;
3. **Agree** the final draft Statement of Gambling Licensing Policy; and
4. **Recommend** the final draft of Gambling Licensing Policy to Council

9. Review of the Statement of Licensing Policy and consideration of a Cumulative Impact Assessment

The Head of Regulatory Services and Community Safety had submitted a report to agree the revised Statement of Licensing Policy and consider a Cumulative Impact Assessment for public consultation.

The Senior Licensing Officer introduced the report. The Council had a duty to determine and publish a Statement of Licensing Policy and to keep it under review, republishing it at least every five years.

The current Statement of Licensing Policy was republished in February 2021. Taking into account the pandemic; significant disruption to the night time economy; and inability to gather new relevant data, the Authority had taken a pragmatic approach and simply re-adopted the previous Statement of Licensing Policy. It had, however, committed to carrying out a further comprehensive review taking the pandemic and its effects into account, but also by gathering new data, evidence and other necessary input from the relevant authorities to consider a new Cumulative Impact Assessment (CIA). The draft Policy before the Committee also took account of revised guidance which had been published in 2018.

Significant additions included:

- Recognition that the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations between persons with different protected characteristics.
- Inclusion of a duty to report safeguarding concerns and make referrals to the Disclosure and Barring Service when appropriate.

- Addition of the Business and Planning Act 2020 to the list of other legislation and controls.
- A revised CIA which took into account newly gathered data, evidence and input from other authorities where the Authority has considered it necessary to adopt special policies to limit the cumulative impact of licenced premises in Oxford City Centre and East Oxford.

The Council had previously adopted similar policies for Oxford City Centre and East Oxford in its Statement of Licensing Policy from 2016 to 2021, these policy areas were similar to the current proposal but now included some boundary changes to take account of the new evidence in the CIA.

Special Saturation Policy areas in Oxford City do not prevent all applications for new Licenced premises but, rather, require the applicant for a Licensed Premises to complete a more robust application; to outline in their operating schedule exactly what measures they propose to minimise risk; and why they consider their application should be an exception to the policy.

The Committee raised a number of questions and suggestions for improvement. While the policy included reference to protecting children from alcohol it was not possible to include controls to tobacco which was the subject of other legislation. Recent publicity had drawn attention to the dangers of drinks being spiked and it was agreed that this was something which might usefully be added to the policy.

While some concerns had been expressed about Thames Valley Police's capacity to respond to the number of Temporary Events Notices (TENs) the upper limit (15 per calendar year) was determined by central government and could not be reduced.

Littering outside licensed premises and similar anti-social annoyances were usually best addressed in the first place by low level interventions by council officers. Relationships with licence holders were generally positive and words of advice were usually sufficient to address such problems. Those which could not be resolved in that way could result in the issue of a Community Protection Notice (CPN) with ultimate recourse to the Magistrates' Court in the event of continued breach.

For complaints about noise to be dealt with effectively evidence had to be provided, something which could be facilitated by the "Noise App" available from the Environmental Health Team and downloadable to smart phones from the Council website.

The sanction of reviewing a licence was a penultimate resort and one which followed a strict process but which was usually preceded by the licence holder being given reasonable opportunities to address the matters of concern.

While there was a formal requirement to publish the policy at least every five years, there was a more general duty to keep it under review and the Authority was at liberty to update it more frequently if appropriate.

In conclusion the Senior Licensing Officer encouraged members of the Committee to respond to the consultation with their detailed comments which could then feed in to the revised draft which would come before the committee in February.

The Committee, having considered the evidence detailed in the Cumulative Impact Assessment, recognised the need for a Saturation Policy to help address the negative cumulative impact of the number and density of licensed premises in the City Centre (as per map at Appendix One to the CIA) and in East Oxford (as per map at Appendix Two to the CIA), and resolved to:

1. **Note** the report and updated Statement of Licensing Policy and Cumulative Impact Assessment; and
2. **Agree** the updated Statement of Licensing Policy and Cumulative Impact Assessment for public consultation

10. Minutes of the previous meeting

The Committee agreed to **approve** the minutes of the meeting held on 20 May 2021 as a true and accurate record.

11. Dates and times of meetings

The Committee noted the dates and times of future meetings.

The meeting started at 6.00 pm and ended at 6.45 pm

Chair Date: Monday 7 February 2022