

# Agenda

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## Licensing and Gambling Acts Committee

This meeting will be held on:

Date: **Monday 6 February 2023**

Time: **6.00 pm**

Place: **Long Room - Oxford Town Hall**

**For further information** please contact:

Celeste Reyeslao, Committee and Members Services Officer

📞 01865 252946

✉ DemocraticServices@oxford.gov.uk

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- may register in advance to speak to the committee in accordance with the [committee's rules](#)
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## **Committee Membership**

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

Councillor Mary Clarkson (Chair)

Councillor Edward Mundy (Vice-chair)

Councillor Tiago Corais

Councillor Barbara Coyne

Councillor Lizzy Diggins

Councillor Paula Dunne

Councillor Andrew Gant

Councillor Rae Humberstone

Councillor Mark Lygo

Councillor Katherine Miles

Councillor Lois Muddiman

Councillor Rosie Rawle

Councillor Jo Sandelson

Councillor Louise Upton

Councillor Naomi Waite

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

	<b>Pages</b>
<b>1 Apologies for absence</b>	
<b>2 Declarations of interest</b>	
<b>3 Licensing Act 2003 and Gambling Act 2005 Licensing and Gambling Acts Fees and Charges for the 2023/24 Financial Year</b>	7 - 12
<p>The Head of Regulatory Services and Community Safety has submitted a report to seek agreement of the licence fees for 2023/24 where the Council has discretion over the level of fee charged.</p> <p><b>Recommendation:</b> That the Licensing &amp; Gambling Acts Committee resolves to:</p> <ol style="list-style-type: none"><li>1. <b>Agree</b> the licence fees and charges for 2023/24 as set out in the Appendix 1 and recommend them to Council.</li></ol>	
<b>4 Minutes of the previous meeting</b>	13 - 14
<p><b>Recommendation:</b> That the minutes of the meeting held on 26 September 2022 be APPROVED as a true and accurate record.</p>	
<b>5 Dates and times of meetings</b>	
<p>The Committee is scheduled to meet at 6.00pm on the following dates:</p> <ul style="list-style-type: none"><li>• 18 May 2023</li><li>• 25 September 2023</li><li>• 05 February 2024</li></ul>	

## **Information for those attending**

### **Recording and reporting on meetings held in public**

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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.

#### **Members Code – Other Registrable Interests**

Where a matter arises at a meeting which directly relates to the financial interest or wellbeing\*\* of one of your Other Registrable Interests\*\*\* then you must declare an

interest. You must not participate in discussion or voting on the item and you must withdraw from the meeting whilst the matter is discussed.

### **Members Code – Non Registrable Interests**

Where a matter arises at a meeting which ***directly relates*** to your financial interest or wellbeing (and does not fall under disclosable pecuniary interests), or the financial interest or wellbeing of a relative or close associate, you must declare the interest.

Where a matter arises at a meeting which affects your own financial interest or wellbeing, a financial interest or wellbeing of a relative or close associate or a financial interest or wellbeing of a body included under Other Registrable Interests, then you must declare the interest.

You must not take part in any discussion or vote on the matter and must not remain in the room, if you answer in the affirmative to this test:

“Where a matter affects the financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest You may speak on the matter only if members of the public are also allowed to speak at the meeting.”

Otherwise, you may stay in the room, take part in the discussion and vote.

\*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.

\*\* Wellbeing can be described as a condition of contentedness, healthiness and happiness; anything that could be said to affect a person’s quality of life, either positively or negatively, is likely to affect their wellbeing.

\*\*\* Other Registrable Interests: a) any unpaid directorships b) any Body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority c) any Body (i) exercising functions of a public nature (ii) directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management.

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**To:** Licensing & Gambling Acts Committee  
**Date:** 6<sup>th</sup> February 2023  
**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 2023/24 financial year

<b>Summary and recommendations</b>	
<b>Purpose of report:</b>	To seek agreement of the licence fees for 2023/24 where the Council has discretion over the level of fee charged
<b>Corporate Priority</b>	Enable an Inclusive 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 2023/24 as set out in the Appendix 1 and recommend them to Council	

<b>Appendices</b>	
Appendix 1	Licensing & Gambling Acts Fees and Charges 2023/24

## Introduction

1. The purpose of this report is to seek agreement to the licence fees and charges for 2023/24 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 2023/24 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. Members are invited to note the minor fee increase to the Miscellaneous Charges in Appendix 1, page 3.

### **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.

<b>Report author</b>	<b>Anna Dumitru</b>
	<b>General Licensing Team Leader</b>
	<b>Regulatory Services and Community Safety</b>
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LICENSING & GAMBLING ACTS COMMITTEE	2022/23	2023/24	Increase/ (Decrease) £	Increase/ (Decrease) %
FEES & CHARGES 2023/2024	Charge	Charge		
<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	2022/23	2023/24	Increase/	Increase/
FEES & CHARGES 2023/2024	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	2022/23	2023/24	Increase/ (Decrease) £	Increase/ (Decrease) %
FEES & CHARGES 2023/2024	Charge	Charge		
<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	22.00	25.00	3.00	13.64
Statement of Licensing Policy document	43.00	43.00	0.00	0.00
Statement of Gambling Policy document	43.00	43.00	0.00	0.00
Copy of Licensing Decision Notice	22.00	25.00	3.00	13.64
Current list of licensing applications	11.00	12.00	1.00	9.09
Viewing of Films requiring Certification - Per 15 Minutes	8.00	10.00	2.00	25.00
Issue of Film Certification	8.00	10.00	2.00	25.00

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## Minutes of a meeting of the Licensing and Gambling Acts Committee on Monday 26 September 2022



### Committee members present:

Councillor Mundy (Chair)	Councillor Corais
Councillor Coyne	Councillor Diggins
Councillor Miles	Councillor Muddiman
Councillor Rawle	Councillor Upton

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

Alison Daly, Lawyer  
Emma Thompson, Senior Licensing Compliance Officer  
David Stevens, Principal Lead Officer (Business Regulation Team)  
Alice Courtney, Committee and Member Services Manager (Interim Acting)  
Celeste Reyeslao, Committee and Member Services Officer

### Apologies:

Councillor(s) Clarkson, Dunne, Humberstone, Lygo, Sandelson and Waite sent apologies.

## 8. Declarations of Interest

None.

## 9. Annual Update on Licensing and Gambling Activity 2022

Emma Thompson, Senior Licensing Compliance Officer, presented the report which set out the progress made by the Licensing Authority during the Council period of March 2020 and September 2022, following the pandemic. The following points were highlighted:

- The data on applications received by the Licensing Authority.
- 9 Temporary Events Notices (TEN) were received representations from Business Regulations or Temporary Police Licensing. All TENs were issued with Counter-Notices due to late submission of less than 10 working days.
- A total of 127 Premises Licenses were issued, including full and minor variations.
- 16 Premises Licence applications were the subject of relevant representations which required determination by the Licensing & Gambling Acts Casework Sub-Committee.
- 1 appeal regarding a Licensing & Gambling Acts Casework Sub-Committee decision was initially granted with additional conditions but was subsequently

withdrawn by the appellant following an officer and legal advisor appearance at the Magistrate Court.

Notable achievements by the Licensing Authority were also underlined including the Authority's good relations with the Institute of Licensing (IOL), its involvement in the Institute's various training courses and networking events, as well as its membership with the National Association of Licensing Enforcement Officers (NALEO); the adoption of a new Statement of Gambling Licensing Policy which came into force in January 2022 until January 2025, and the adoption of a new Statement of Licensing Policy and Cumulative Impact Assessment (CIA) which came into effect in March 2022.

*Cllr Corais joined the meeting.*

In response to questions from the Committee, the Senior Licensing Compliance Officer advised on the procedures followed relating to suspected cases of drink spiking. In terms of allegations, she confirmed that officers processed alleged cases and involved the NHS, however, identified that medical tests did not indicate positive results until hours after the incident and that victims were unlikely to pursue the matter. She also noted the several partnerships and schemes that were initiated to aid in the active monitoring of CCTV and presence of volunteers in known streets and premises, such as Nightsafe Network Oxford, Oxford City Angels, Safe Places and Street Pastors.

The Committee commented on the increase of TENs and queried the types of events which licence holders had applied for, the impacts on varying locations and representations. The Senior Licensing Compliance Officer stated no one premises had applied for more than any other type but could cover school fetes to extensions for Fresher's Events as recently seen; no premises had exhausted their full allocation of TENs this year.

The Committee **noted** the contents of the report.

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

The Committee agreed to **approve** the minutes of the meeting held on 19 May 2022 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 6.03 pm and ended at 6.17 pm**

**Chair .....**

**Date: Monday 6 February 2023**

*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.*