

Agenda

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Licensing and Gambling Acts Committee

This meeting will be held on:

Date: **Monday 20 May 2024**

Time: **6.00 pm**

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

For further information please contact:

Celeste Reyeslao , Committee and Members Services Officer, Committee Services Officer

☎ 01865 252946

✉ 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](#)

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 on Thursday, 16th May 2024

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 Election of Chair for Council Year 2024-25	
2 Election of Vice-Chair for Council Year 2024-25	
3 Apologies for absence	
4 Declarations of interest	
5 Appointment of Sub-Committees	7 - 10
<p>The Head of Law and Governance has submitted a report to establish licensing casework sub-committees for the 2024-25 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 Appendix A to this report; and3. Agree the dates on which the sub-committees will meet if required.	
6 Licensing and Gambling Acts Committee Update Report	11 - 12
<p>The Supervising Senior Licensing Officer has drafted a report to update Committee Members on the updates to previous Licensing and Gambling Acts Committee recommendations.</p> <p>The Committee are asked to note the report.</p>	
7 Minutes of the previous meeting	13 - 16
<p>Recommendation: to approve the minutes of the meeting held on 5 February 2024 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:

23 September 2024

10 February 2025

19 May 2025

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: 20 May 2024
Report of: Head of Law and Governance
Title of Report: Appointment of Licensing and Gambling Acts Sub-Committees

Summary and recommendations	
Purpose of report:	To establish licensing casework Sub-Committees for the 2024-25 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
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 the Sub-Committees' powers and duties as set out in Appendix A to this report. 3. Agree the dates on which the Sub-Committees will meet if required. 	

Appendices	
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):

22 May 2024	16 Sep 2024	7 Jan 2025
17 Jun 2024	30 Sep 2024	4 Feb 2025
1 Jul 2024	28 Oct 2024	4 Mar 2025
29 Jul 2024	18 Nov 2024	31 Mar 2025
28 Aug 2024	16 Dec 2024	22 Apr 2025

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

1. Decide whether to give, change to transfer premises licences or club registration certificates when there are objections
2. Decide whether to give a temporary premises licence to a replacement licence holder when there are objections
3. Review premises licences and club registration certificates after a closure order
4. Decide valid applications for a review of a premises licence or club registration certificate
5. 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
6. Decide whether to prevent one-off events when there are objections from the police
7. Decide applications to change the premises supervisor or appoint a temporary supervisor when there are objections from the police
8. Decide applications for personal licences when there are objections from the police
9. Decide whether to withdraw a personal licence on hearing of a conviction
10. Respond to consultation on an application by another body that gives licences

Powers and duties – Gambling

1. Deal, when there are objections, with premises licence applications, changes and transfers
2. Review premises licences
3. 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
4. Decide whether to prevent temporary events or uses when there are objections
5. Deal, when there are objections, with applications for club gaming, or club machine permits and cancellation of such permits
6. Deal, when there are police objections or officers would want to refuse them, with applications for prize gaming permits
7. Deal with anything else that needs a hearing or that cannot legally be delegated to officers

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Update for the Licensing and Gambling Acts on Monday 20th May 2024



During its meeting on 5th February 2024 the Licensing and Gambling Acts Committee resolved to:

1. Request that the Chair of the Licensing and Gambling Acts Committee calls on the Cabinet Member for Health and Transport on behalf of the Committee to:
 - i. Work with the Executive Director for Communities and People and the Licensing Team Leader to assess that the fees and charges set by legislations sufficiently cover the costs of its functions; and
 - ii. Determine a viable course of action including taking advice from other local authorities and writing to central government lobbying any concerns raised.

Background:

- *Licensing Act 2003 has had fixed national fees that have not been changed since its introduction.*
- *In the 20 years since these fees were introduced, there have been incremental rising costs to the Licensing Authority for the issuing, administering, and enforcing of these licences.*
- *The fees have been consistently challenged by the Local Government Association (LGA) and the Institute of Licensing, who take national surveys of fees, surplus and deficits.*
- *A 2016 report commissioned by the LGA concluded based on their survey results at the time that there was an overall deficit of between 9.2m and 11.4m nationally.*

Viable actions:

- *Write to central government to recalculate / review licensing fees in line with inflation.*
- *Support the LGA & IOL by providing data for surveys and signing any co signed letters lobbying central government.*

Since its meeting on 5th February 2024, a member of the Licensing and Gambling Acts Committee enquired with the licensing team about the use of a night time levy.

2. The enquiry stated:

“Can you please clarify what process we would have to go through to kick of the process for considering a night time levy in the city, given the changes nationally to this policy”.

Key Action:

- *The Members training on the Licensing Act 2003 will include an overview of what the levy is, an overview of the process and an overview of how the levy would likely operate in Oxford City.*

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Minutes of a meeting of the Licensing and Gambling Acts Committee on Monday 5 February 2024



Committee members present:

Councillor Clarkson (Chair)	Councillor Mundy (Vice-Chair)
Councillor Humberstone	Councillor Lygo
Councillor Upton	Councillor Waite
Councillor Miles	Councillor Muddiman
Councillor Rawle	Councillor Thomas
Councillor Coyne	

Officers present for all or part of the meeting:

Alison Daly, Legal Adviser
Joshua Curnow, Supervising Senior Licensing Officer
David Stevens, Principal Team Lead
Celeste Reyeslao, Committee and Member Services Officer
Jonathan Malton, Committee and Member Services Manager
Tanaka Merralls, Trainee Solicitor

Apologies:

Councillor(s) Hunt, Smowton and Sandelson sent apologies.

9. Election of Vice-Chair for the remainder of Council Year 2023/24

Councillor Edward Mundy was elected Vice-chair for the remainder of 2023-24 Council Year.

10. Declarations of interest

None.

11. Licensing Act 2003 and Gambling Act 2005 Licensing and Gambling Acts Fees and Charges for the 2024/25 financial year

The Licensing and Gambling Acts Committee considered a report by the Executive Director for Communities and People seeking agreement of the licence fees for 2024/25 where the Council has discretion over the level of fee charged.

Joshua Curnow, Supervising Senior Licensing Officer informed the Committee that fees under the Licensing Act and the Gambling Act were either set by statute and not

available for amendment, or set to the statutory limit. Only charges under the Miscellaneous category may be changed on the agreement of the Committee.

The Licensing Officer explained that fees had remained unchanged for many years despite an increase in the number of applications received by the authority. It was suggested that a breakdown of costs for certain functions could be produced to help understand current spend against incoming revenue. For comparison, it was noted that fees in other service areas which are controlled by the authority had generally risen due to inflationary pressures.

Councillor Katherine Miles queried whether there was scope for local authorities to write to central government to express concerns relating to certain fees set by legislation. Councillor Louise Upton indicated that the point raised was potentially within her cabinet portfolio and noted to discuss the issue with the Executive Director for Communities and People to assess the licensing functions being subsidised by other Council operations and determine a viable course of action. She thanked Councillor Miles for raising an important point.

The Licensing & Gambling Acts Committee resolved to:

1. **Agree** the licence fees and charges for 2024/25 as set out in the Appendix 1 and recommend them to Council for adoption.
2. **Request** that the Chair of the Licensing and Gambling Acts Committee calls on the Cabinet Member for Health and Transport on behalf of the Committee to:
 - i. Work with the Executive Director for Communities and People and the Licensing Team Leader to assess that the fees and charges set by legislations sufficiently cover the costs of its functions; and
 - ii. Determine a viable course of action including taking advice from other local authorities and writing to central government to lobbying any concerns raised.
3. **Request** that a report updating the actions taken be brought back at the next meeting of the Committee.

12. Minutes of the previous meeting

The Committee agreed to **approve** the minutes of the meeting held on 18 May 2023 as a true and accurate record.

13. Any other business

Councillor Edward Mundy queried whether adjustments were needed in regard to the membership of its sub-committees following the election of a vice-chair for the remainder of 2023-24 council year. The Committee and Member Services Officer confirmed that no changes were required to the membership of the Licensing and Gambling Acts Sub-Committees.

14. Dates and times of meetings

The Committee noted the dates and times of future meetings.

The meeting started at 6.05 pm and ended at 6.13 pm

Chair

Date: Monday 20 May 2024

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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