

# Agenda

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## Licensing and Gambling Acts Committee

This meeting will be held on:

Date: **Thursday 18 May 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

**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 the Annual Council meeting on 17 May 2023.

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 2023-24</b>	
<b>2 Election of Vice-Chair for the Council Year 2023-24</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 30 May 2023</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 30 May 2023.</p>	
<b>7 Minutes of the previous meeting</b>	11 - 12
<p><b>Recommendation:</b> to approve the minutes of the meeting held on 06 February 2023 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:

- 25 September 2023
- 05 February 2024

## **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.

#### **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.

**To:** Licensing and Gambling Acts Committee  
**Date:** 18 May 2023  
**Report of:** Head of Law and Governance  
**Title of Report:** Appointment of Sub-Committees 2023/24

<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):

30 May 2023	18 Sept 2023	09 Jan 2024
12 June 2023	09 Oct 2023	13 Feb 2024
03 July 2023	30 Oct 2023	05 Mar 2024
31 July 2023	20 Nov 2023	02 Apr 2024
22 Aug 2023	11 Dec 2023	30 Apr 2024

### 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.

<b>Report author</b>	Celeste Reyeslao
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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 Monday 6 February 2023



### Committee members present:

Councillor Mundy (Chair)	Councillor Diggins
Councillor Dunne	Councillor Lygo
Councillor Miles	Councillor Muddiman
Councillor Rawle	Councillor Upton
Councillor Waite	

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

Alison Daly, Legal Adviser  
Nicholas Cox, Business Regulation Team Manager  
Emma Thompson, Senior Licensing Compliance Officer  
Celeste Reyeslao, Committee and Member Services Officer

### Apologies:

Councillor(s) Clarkson, Corais, Coyne, Gant, Humberstone and Sandelson sent apologies.

## 12. Declarations of interest

There were no declarations.

## 13. Licensing Act 2003 and Gambling Act 2005 Licensing and Gambling Acts Fees and Charges for the 2023/24 Financial Year

The Head of Regulatory Services and Community Safety had submitted a report to seek agreement of the licence fees for 2023/24 where the Council has discretion over the level of fee charged. The Council did not have discretion over setting all of the fees detailed in the report, as some were determined by legislation (Licensing Act 2003 and Gambling Act 2005).

The Senior Licensing Compliance Officer introduced the report. It was proposed that no substantial variation to the current fees and charges was made in 2023/24 in order to provide financial stability to licence holders in the present economic climate. She highlighted the only proposed changes detailed in the report within the miscellaneous charges intended to cover the authority's costs due to inflationary pressures.

The Committee resolved to:

1. **Agree** the licence fees and charges for 2023/24 as set out in Appendix 1 and recommend them to Council.

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

The Committee agreed to **approve** the minutes of the meeting held 26 September 2022 as a true and accurate record.

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

The Committee noted the dates and times of future meetings.

**The meeting started at 6.02 pm and ended at 6.06 pm**

**Chair .....**

**Date: Thursday 18 May 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.*