|  |  |  |  |
| --- | --- | --- | --- |
| To: | | **Licensing and Gambling Acts Committee** | |
| Date: | | **19 September 2018** | |
| Report of: | | **Head of Community Services** | |
| Title of Report: | | **Update on Licensing Authority Activity:**  **April 2018 – July 2018** | |
| Summary and recommendations | | | | |
| Purpose of report: | | | To inform Committee of the progress made by the Licensing Authority under the Licensing Act 2003 and Gambling Act 2005 during the period from April 2018 to July 2018 | |
| Corporate Priority | | | Strong and Active Communities | |
| Policy Framework | | | **Statement of Licensing Policy** | |
| Recommendations: That the Licensing and Gambling Acts resolves to: | | | | |
| 1. | **Note** the contents of the report; and | | | |
| 2. | **Make** any comments and recommendations regarding the future work of the Licensing function. | | | |
|  |  | | | |

|  |  |
| --- | --- |
| Appendices | |
| Not applicable |  |
|  |  |

# Introduction and background

1. This report informs Committee of progress made by the Licensing Authority (“the Authority) under the duties of the Licensing Act 2003 and Gambling Act 2005 during the current Council year (April 2018 – July 2018). Under Policy GN10 of the Statement of Licensing Policy, the Licensing Authority should report to the Committee on matters determined by the Head of Community Services with delegated authority.
2. The report covers data on service volumes; details of Licensing hearing decisions; decisions made under delegated powers; information on Temporary Event Notices (“TENs”) and enforcement activity.

**Applications Received by the Licensing Authority**

3. The table below provides data on licence applications received and processed during the current Council year.

|  |  |
| --- | --- |
| **Applications Type** | **TOTAL** |
| **Gambling** | **3** |
| **New (Premises / Clubs)** | **7** |
| **Variations (incl. Minor Variations) (Premises / Clubs)** | **13** |
| **Transfer (Premises)** | **15** |
| **Personal Licences** | **42** |
| **Administrative Changes** | **49** |
| **Temporary Event Notices (TEN’s)** | **256** |

**Temporary Event Notices**

4. A Temporary Event Notice (TEN) is a notification given by an individual to Oxford City Council giving notice of an event that is to take place for an adhoc event or an extension to an existing licence.

5. Only Thames Valley Police or the Environmental Health Service can object to a TEN. If, as in most cases, there is no objection and the application does not exceed the maximum number of events in a year permitted by the 2003 Act, the TEN is simply acknowledged and returned to the applicant. Should the Police or Environmental Health object then the TEN will go to a hearing or be refused and a Counter Notice issued.

6. One objection from Thames Valley Police was received in regard to a Temporary Event Notice made to the Licensing Authority during this reporting period. The notice was subsequently withdrawn by the Applicant.

**Applications Granted or Refused by the Licensing Authority**

7. A hearing is not required where an application has been lawfully made and no Responsible Authority or Interested Party has made a representation, or if the application made is a Minor Variation. 22 Premises Licences in this category were issued by the Head of Community Services under delegated authority.

8. If a relevant objection is received in relation to a Minor Variation application, the Licensing Authority delegates the determination of the application to Officers. No such applications met with relevant representations.

1. Three applications were the subject of relevant representations, which then required determination by the Licensing Sub-Committee. Details of the work of the Sub-Committee can be found later in this report.

**Representations and Licensing Sub-Committee Hearings**

1. When Relevant Representations are received from Interested Parties or Responsible Authorities then the application is determined at a Licensing Sub-Committee Hearing (save for those received in relation to a Minor Variation application as detailed at Paragraph 8 above, and those where the applicant agrees to the conditions and policies requested by Responsible Authorities during the application consultation period).
2. Representations were received in respect of three applications. The representations led to a Sub-Committee Hearing being required to determine the applications.

12. Representations relating to applications made during the reporting period were made as follows and led to the following decisions:

**The Oxford Blue, Marston Street: (New Premises Licence):**

8 x Interested Parties, 1 x Responsible Authority (Environmental Health). Application granted as amended by the applicant at the Hearing with additional agreed licence conditions.

**Thirty Eight, South Parade: (Variation to a Premises Licence):**

64 x Interested Parties, 2 x Responsible Authorities (Thames Valley Police and Environmental Health). Hearing was deferred, as Applicant did not attend the hearing. The application was subsequently withdrawn by the Applicant.

**Pepe’s Piri Piri, Cowley Road: (New Premises Licence):**

4 x Interested Parties, 1 x Responsible Authority (Thames Valley Police). Application granted as amended by the applicant at the Hearing with additional agreed licence conditions and reduced hours.

**Reviews of Licensed Premises**

13. Under the 2003 Act it is possible for the Authority to review a Premises Licence at any time if a representation is received from a Responsible Authority or an Interested Party. Reviews may only arise in connection with a failure or failures in the premises connected to the licensing objectives.

14. No applications for a Premises Licence Review were received during this reporting period.

**Appeals under the Licensing Act 2003**

15. The Licensing Authority was not subject to any appeal during the period reported on.

**Enforcement Activity**

16. During the current reporting period, the Licensing Team has carried out:

* + 69 Routine Day Time Compliance Inspections of Licensed Premises during standard working hours.

24 Premises were found to be non-compliant. The 24 issues of non-compliance related to a failure in having the full Premises Licence on site and / or to display the Premises Licence Summary on site.

They also included non-compliance issues related to a failure to ensure that an adequate Age Verification Policy was in place at the venue, and failure to provide evidence that “Small Measures” of alcohol could be purchased. Some Premises were referred to other Relevant Authorities for suspected non-compliance (fire hazard).

In all of the above cases Warnings were issued to the Premises Licence Holders.

* + 4 Night Time Multi-Agency Operations in partnership with Thames Valley Police, visiting 30 Licensed Premises (targeted at premises within specific locations that may be of high-risk, have appeared on the Active Casework list, where conditions have been approved to be on the Premises Licence as agreed by a Responsible Authority, or where Immigration Officers have raised concerns).

11 venues were found to be non-compliant with the requirements of the Licensing Act 2003 (since rectified).

* + 1 Night Time Alcohol Test Purchase Operations in partnership with Thames Valley Police, visiting 5 Licensed Premises. No premises failed the test purchase on this operation. One planned Alcohol Test Purchase Operation (during evening time) also had to be cancelled due to a lack of available Police resources.
  + 3 “High-Visibility” Operations during Common People (two days) and Cowley Road Carnival were also conducted. A number of the premises were visited more than once due to the nature of their business and the need for the Licensing Authority to ensure a visible yet proportionate approach to ensuring consistency with compliance requirements.

7 venues were found to be non-compliant (during Cowley Road Carnival) with their Premises Licences and were provided with verbal advice by the Licensing Officers as to how to rectify issues of non-compliance.

17. The objectives of the pro-active compliance checks, and the late night enforcement inspections, are to ensure that the Authority has a keen eye on how the licensed trade upholds the licensing objectives, to record the actions of the Authority in a transparent manner, to place on record that enforcement actions had been undertaken and advice given to resolve any issues of non-compliance, and to build and maintain a productive relationship with licence holders.

18. In total 36 Warnings were issued to the premises who failed to comply with the necessary regulations during either the normal working hours or non-standard hours operations, or had not paid the required annual fee.

19. All of the premises issued with advice or Warnings have since complied with the requirements of the Licensing Act 2003. Should further failures to comply with the necessary requirements occur further enforcement action may be taken by both the Licensing Authority and Responsible Authorities that may include applying for a Review of the licence and / or prosecution of the licence holder.

20. The Weekend Night-time Operation carried out by the Community Safety Service Area continues to operate between 11.00 p.m. and 4.00 a.m. on both Friday and Saturday nights and proactively checks for noise related problems at venues holding Temporary Event Notices and other events such as College Balls.

1. The Operation also monitors how licensed premises manage the dispersal of the public from their venues and provides feedback to the Licensing Authority in order that the appropriate actions are undertaken.

**Service Requests**

1. In addition to the pro-active enforcement, service requests were received by the Licensing Authority from members of the public, or referred to the Authority by the Responsible Authorities, or witnessed by Council Officers on duty with the “Out-of-Hours” Service (having been tasked by the Licensing Team Leader to monitor various establishments). Most related to a variety of failures to uphold the licensing objectives most notably the prevention of public nuisance and the prevention of crime and disorder.
2. This reactive work resulted in a further 13 additional Warnings being issued, in the cases where the premises that were of specific concern multiple letters were issued including to their legal representatives.
3. The Licensing Team dealt with over 5000 licensing enquiries during the reporting period by way of telephone calls, emails, letters and face-to-face customer meetings.

**Prosecutions**

25. PACE (Police and Criminal Evidence Act) interviews are conducted when investigating failures by the Premises Licence holder or Designated Premises Supervisor to adequately uphold conditions of the Premises Licence. They are also held when any offence is witnessed by a Licensing Officer that warrants such an intervention.

26. The Licensing Authority had no reason to initiate any PACE interviews during the reporting period.

**Future Work & Notable Achievements**

27. The relationship enjoyed by the Authority with the Institute of Licensing (IOL) continues, and training courses have been implemented both in Oxford and further afar for staff to continue their learning and development.

28. The Licensing Authority continue to be a Member of the National Association of Licensing Enforcement Officers (NALEO) which assists licensing staff undertake further development courses and obtain further licensing qualifications.

29. The Licensing Authority is currently in the process of reviewing the Statement of Gambling Licensing Policy under its obligation to renew the Policy at least every three years. The Council is required to implement a new Policy by 31st January 2019.

30. The Licensing Authority enjoys a very fruitful relationship with the Home Office and Local Government Association, and will continue to be involved in the strategic debates and consultations regarding the work carried out by Authorities nationally. We are currently working with the Home Office and LGA in the formulation of National Licensing Safeguarding Guidance to Local Authorities.

31. The working practices of this Licensing Authority continue to be seen as the benchmark for other Authorities to attain. We have, and continue to liaise with among others Authorities, as well as international cities and countries in their aim to provide transparent, efficient, effective and accountable licensing functions that serve the best interests of their customers, licence holders, residents, businesses and visitors.

# Financial implications

32. There are no financial requirements for consideration contained within this report.

# Legal issues

1. There are no legal implications contained within this report.

**Recommendations**

34. The Licensing and Gambling Acts Committee is recommended to:

* + - 1. note the contents of the report; and
      2. make any comments and recommendations regarding the future work of the Licensing function.

|  |  |
| --- | --- |
| **Report author** | **Richard Masters** |
| Job title | **Licensing Compliance Officer** |
| Service area or department | **General Licensing** |
| Telephone | **(01865) 252565** |
| e-mail | **rmasters@oxford.gov.uk** |