



To: Licensing and Gambling Acts Committee

Date: 14th May 2019

Report of: Head of Regulatory Services and Community Safety

Title of Report: Annual update on Licensing Authority Activity:
Council Year 2018 – 2019

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 full Council Year
Corporate Priority	Strong and Active Communities
Policy Framework	Statement of Licensing Policy Statement of Gambling Policy
Recommendations: That the Licensing and Gambling Acts Committee is recommended to:	
<ol style="list-style-type: none"> 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 in 2018-2019. Under Policy GN10 of the Statement of Licensing Policy, the Licensing Authority should report to the Committee on matters determined by the Head of Regulatory Services and Community Safety 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	5
New (Premises / Clubs)	36
Variations (incl. Minor Variations) (Premises / Clubs)	63
Personal Licences	111
Temporary Event Notices (TEN's)	728

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. Personal licence holders under the Licensing Act 2003 are entitled to a maximum of 50 TENs per year. Each event covered by a TEN can last up to 168 hours. No more than 15 TENs can be given in respect to any particular premises in any year.
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. Representations were received in regard to two Temporary Event Notices made to the Licensing Authority during this reporting period. Both were issued with Counter-Notices due to the late submission (less than 10 working days) and there was no requirement for a Sub-Committee to determine the notices.
7. Representations were also received in relation to eight Temporary Event Notices submitted for a Festive Teepee in the Westgate Shopping Centre. There was no hearing for these notices because the applications were withdrawn.

Applications Granted or Refused by the Licensing Authority

8. 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. A total of 70 Premises Licences in this category were issued by the Head of Regulatory Services and Community Safety under delegated authority.
9. If a relevant objection is received in relation to a Minor Variation application, the Licensing Authority delegates the determination of the application to officers. One application was met with relevant representations.

10. Eight 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, and one current application that is still the subject of consultation has also received relevant representations.

Representations and Licensing Sub-Committee Hearings

11. When Relevant Representations are received from Interested Parties or Responsible Authorities 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).
12. Representations were received in respect of eight applications. The representations led to five Sub-Committee Hearings being required to determine the applications.
13. Representations relating to applications made during the reporting period were made as follows and led to the following decisions:

Ampleforth Arms, Collinwood Road, Oxford: (Vary Designated Premises Supervisor): 1 x Responsible Authorities (Thames Valley Police). Application refused.

Pepe's Piri Piri, Cowley Road, Oxford: (New Premises Licence): 1 x Responsible Authorities (Thames Valley Police) and 4 x Interested Parties. Application granted at the Hearing with amended hours for licensable activities and with additional agreed licence conditions.

Oxford Blue, Marston Street, Oxford: (New Premises Licence): 2 x Responsible Authorities (Thames Valley Police and Environmental Health agreed conditions with the applicant) and 8 x Interested Parties. Application granted with amended hours for Sale of Alcohol and removal of Late Night Refreshments from Sunday to Wednesday.

Headington Conservative Club, Windmill Road, Oxford: (Variation to Club Premises Licence): 1 x Responsible Authorities (Environmental Health agreed conditions with the applicant) and 7 x Interested Parties. Application granted as per application and conditions agreed with Environmental Health.

OrderIn Holdings Ltd, Big Yellow Self Storage, Peterley Road, Oxford: (New Premises Licence): 1 x Responsible Authority (Thames Valley Police who had proposed conditions to the applicant). Application granted with the conditions proposed by Thames Valley Police.

14. The other 3 applications that received representations did not go to Sub-Committee hearings due to either agreeing conditions with Responsible Authorities or withdrawing the applications.

Reviews of Licensed Premises

15. 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.

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

Appeals under the Licensing Act 2003

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

Enforcement Activity

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

- 142 Routine Day Time Compliance Inspections of Licensed Premises during standard working hours.

55 Premises were found to be non-compliant. The 55 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.

8 of these premises also failed to ensure that an adequate Age Verification Policy was in place at the venue (since rectified), and 10 of these premises also failed to provide evidence that “Small Measures” of alcohol could be purchased. Two 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.

- 11 Night Time Multi-Agency Operations in partnership with Thames Valley Police, visiting 93 Licensed Premises. These were 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.

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

- 3 Night Time Alcohol Test Purchase Operations in partnership with Thames Valley Police, visiting 18 Licensed Premises. 2 venues failed the Test and were issued with a Fixed Penalty Notice by the Police and a Warning was issued to each Premises Licence holder by the Licensing Authority.
- 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.

- 12 “High Visibility” Operations were carried out by Licensing Officers over the reporting period, these consisted of compliance inspections of premises that open outside of the office hours and premises brought to our attention for noise and other issues.
 - One premises is currently the subject of ongoing partnership work to ensure that the Premises Licence holder complies fully with all of the conditions of the Premises Licence.
19. The objectives of the pro-active compliance checks, and the late night enforcement inspections, are to ensure that the Authority keeps a close eye on how the licensed trade upholds the licensing objectives, to record the actions of the Authority in a transparent manner and to place on record that enforcement actions had been undertaken. In addition they are an opportunity for the Authority to give advice to resolve any issues of non-compliance and to build and maintain a productive relationship with licence holders.
 20. One Suspension Notice was issued to a premise who failed to pay the required annual fee.
 21. 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.
 22. The Weekend Night-time Operation implemented by the Community Safety Service 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.
 23. 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

24. 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 asked 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.
25. This reactive work resulted in a further 42 additional Warnings being issued. In the cases where the premises were of specific concern multiple letters were issued, including to their legal representatives.
26. The Licensing Team dealt with approximately 9,000 licensing enquiries during the reporting period by way of telephone calls, emails, letters and face-to-face customer meetings.

Prosecutions

27. Police and Criminal Evidence Act (PACE) 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.
28. The Licensing Authority PACE interviewed one Premises Licence Holder during the reporting period. This was due to continual breaches of conditions attached to the Premises Licence.

Future Work & Notable Achievements

29. The Licensing Authority have built a great relationship with the Institute of Licensing (IOL) and is highly involved in attending various events and training courses provided by the Institute. This allows the Authority to explore the networking opportunities with other Authorities and the Private Sector. It also allows the Licensing Officers to expand their professional development of the Licensing knowledge.
30. The Licensing Authority is also a Member of the National Association of Licensing Enforcement Officers (NALEO) which assists Licensing Officers undertake further development courses and obtain further licensing qualifications.
31. The Licensing Authority enjoys a very productive 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.
32. The Licensing Authority have implemented a new Schedule of the Night Time Enforcement Operations carried out by the Licensing Officers in partnership with Thames Valley Police which will allow the Authority for proactive (as well as reactive) work to be carried out.
33. Both Immigration Enforcement and SIA (Security Industry Agency) Officers have been involved in Multi-Agency inspections throughout the reporting period and this will continue into the next year.
34. The Licensing Authority has this year published a new Statement of Gambling Policy which came into on 31st January 2019. This was following a consultation period from 1st October 2018 and the policy was published on 6th December 2018. This will be in force until 30th January 2021.
35. 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 other Authorities, as well as international cities and countries who aspire 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

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

Legal issues

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

Recommendations

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

- a) note the contents of the report; and
- b) make any comments and recommendations regarding the future work of the Licensing function.

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