

APPENDIX THREE

Consultation number:	1	Date Submitted:	11.01.2021
In what Capacity are you responding to this consultation?			
Member of the Public.			
Please provide your comments on the Draft Revised Statement of Licensing Policy.			
No comments.			

Consultation number:	2	Date Submitted:	11.01.2021
In what Capacity are you responding to this consultation?			
Licence Holder (Under Licensing Act 2003).			
Please provide your comments on the Draft Revised Statement of Licensing Policy.			
Suggestion - bullet point and summarise any key changes. Thats a large document,			

Consultation number:	3	Date Submitted:	14.01.2021
In what Capacity are you responding to this consultation?			
Licence Holder (Under Licensing Act 2003).			
Please provide your comments on the Draft Revised Statement of Licensing Policy.			
<p>I have read the proposed policy document - as far as I can see, the plan to maintain the policy as set out in 2003 is favourable. We are primarily a restaurant, and as such, late night drinking and public disorder issues have not affected us. We have recently installed CCTV, more for theft issues which occasionally arise (customers leaving without paying) or credit card fraud. All our managers are licensee qualified.</p> <p>The main issue now as we see it will be our ability to survive the current closure period, and our inability to plan ahead due to the stop-start close / open that has damaged our business in the past year.</p> <p>Another issue when we finally re-open is the ability to provide outdoor seating with weather-cover, without unnecessary planning constraints - surely in everyone's interest in the post-covid dining landscape.</p>			

APPENDIX THREE

Consultation number:	4	Date Submitted:	14.01.2021
In what Capacity are you responding to this consultation?			
Licence Holder (Under Licensing Act 2003).			
Please provide your comments on the Draft Revised Statement of Licensing Policy.			
<p>As a member of the PubWatch scheme, one thing we are continually hampered by is a lack of venues being part of the scheme. The PubWatch scheme aims to create a safer environment for everyone in the night time economy through the sharing of information and when only a small fraction of venues are part of the scheme it is very hard.</p> <p>I think it would be a great benefit to the scheme if all licensed venues had to join the scheme as part of their licence. This would greatly improve the information being able to be shared due to sheer numbers, and would create an overall safer place for all. There could then be local PubWatch meetings (Headington, Jericho, Central etc) that could focus on their each individual areas.</p> <p>The fees could easily be added to the yearly fees venues already pay, which would hardly be noticed once included in.</p>			

Consultation number:	5	Date Submitted:	16.01.2021
In what Capacity are you responding to this consultation?			
Licence Holder (Under Licensing Act 2003).			
Please provide your comments on the Draft Revised Statement of Licensing Policy.			
Good Morning,			
Thank you for your email, and the opportunity to review and comment on the proposed revision to the Council's statement of licensing policy.			
As I have already made the authority aware previously, updated guidance issued by the government in 2018 places additional obligations on the local authority to ensure that any licensing policy promotes equality.			
Specifically the guidance states:			
“A statement of licensing policy should recognise that the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.”			
“It is recommended that statements of licensing policy should provide clear indications of how the licensing authority will secure the proper integration of its licensing policy with ... equality schemes,”			
“Public authorities are required to publish information at least annually to demonstrate their compliance with the Equality Duty. The statement of licensing policy should refer to this legislation, and explain how the Equality Duty has been complied with.”			
The proposed revised licensing policy ignores all of the government guidance, and fails to explain how the Equality Duty has been complied by the licensing authority, or how this impacts on licensing policy.			
As a bare minimum, this should take the form of a statement that the authority recognises the obligations placed upon it by the 2010 act, and as such nothing contained within the policy will be allowed to create discrimination, differential treatment or disadvantage to persons or groups of persons with protected characteristics under the Equality Act 2010, and that the licensing authority will actively take steps to ensure that it complies with its legal obligation to eliminate or reduce the potential for unlawful discrimination, harassment and victimisation of persons with protected characteristics. However, contrary to very specific government guidance, there is no mention of the Equality Act 2010 anywhere within the proposed document, let alone any statements relating to how it impacts on the licensing policy.			

I am extremely surprised, and bitterly disappointed to note, that despite a number of changes relating to the Covid 19 pandemic, that the authority has yet again chosen to ignore the legal requirements placed on it by the 2010 Equality Act, the updated government guidance on the licensing act itself, in relation to the Equality act, and its duties and obligations when preparing its statement of licensing policy.

I am sure that this is merely an oversight, and look forward to receiving your comments on this matter.

Very Best Wishes,

Consultation number:	6	Date Submitted:	21.01.2021
In what Capacity are you responding to this consultation?			
Licence Holder (Under Licensing Act 2003).			
Please provide your comments on the Draft Revised Statement of Licensing Policy.			
This seems an entirely sensible approach under the current circumstances.			

Consultation number:	7	Date Submitted:	25.01.2021
In what Capacity are you responding to this consultation?			
Responsible Authority.			
Please provide your comments on the Draft Revised Statement of Licensing Policy.			
<p>I have attached a Local Health Profile, including maps in an email along with leaflets for Modern Slavery. I will also send Public Health input into the policy by email if there is not enough space.</p> <hr/>			
OCC Public Health Response to Oxford SLP Consultation			
6 Safeguarding Children			
<p>The policy aims to work alongside the principles set out by the Oxfordshire Safeguarding Children Board at www.oscb.org.uk/.</p>			
<p>The provisions of the Act are that unaccompanied children under 16 years should not be on 'premises being used exclusively or primarily for the supply of alcohol'.</p>			
<p>The Licensing Authority expects that, whether or not alcohol is supplied or proposed to be supplied on or in the vicinity of the premises, operating schedules will identify:</p>			
<ul style="list-style-type: none">• the extent to which it is proposed that children be admitted to the premises;• whether it is proposed that unaccompanied children will be admitted;• the type of regulated entertainment provided whilst children are present;• the specific steps undertaken to ensure the safety of children and to further ensure that no products or services are sold to children that are not appropriate for their use or consumption.• that staff are aware of their responsibility to ensure that an adult should not become over intoxicated if accompanied by a young person or child as to inhibit their ability to safeguard that young person.			
<p>Whether or not premises with a mixed use are 'exclusively or primarily used' is a matter of judgment and will depend upon the particular circumstances of the case. The guidance makes it clear that this does not mean that where the supply of alcohol is not the exclusive or primary use, then young people should automatically be given access.</p>			

Applicants, who propose to admit children, particularly where they would not require them to be accompanied by a responsible adult, should be especially careful in ensuring they meet the requirement that their operating schedule fully and clearly sets out the nature of the activities for which permission is sought. Further, the operating schedule should specify the measures and management controls proposed to protect children from harm.

The Licensing Authority expects that staff are trained and aware of their responsibility for ensuring that customers are old enough to purchase alcohol. This requirement is particularly relevant for bar staff working at premises where door supervisors control entry to a premise. Particular care and appropriate measures should be in place for venues that, due to the nature of the events, attract both over and under 18 year old patrons.

Age verification and refusals log

There is a mandatory condition on all premises licensed to sell alcohol requiring them to have adequate age verification systems in place. The Licensing Authority would recommend the use of a Challenge 25 scheme i.e. ‘challenging anyone who looks under 25 to prove their age by use of an approved means of identification’; such a scheme to be advertised and enforced on the premises.

Licensees must demonstrate that their staff receive regular and adequate training on the law and practice relating to age restricted sales (including challenging purchasers and checking identification). The training provided to members of staff to prevent the sale of alcohol to underage people must be properly documented in the training log so that there is an adequate audit trail. Records must be available for inspection.

Additionally, when a retailer refuses the sale of alcohol this should be recorded in a ‘refusals log’. These documents must be kept available for inspection by a police officer or authorised officer of the Licensing Authority.

Proxy sales

Adequate procedures must be in place to ensure that all members of staff working at the premises are routinely trained and regularly reminded of their responsibilities in relation to the issue of proxy sales of alcohol, and shall ensure that all reasonable steps and procedures are in place and implemented to prevent adults purchasing alcohol for those underage.

Steps must be in place to ensure that any designated premises supervisors and members of staff involved with the delivery of alcohol to residential addresses are made fully aware of their responsibilities to ensure that no alcohol is sold or delivered to persons under the age of 18.

Child exploitation

The Licensing Authority expects licence holders and applicants for new licences to be aware of the possibility of exploitation including child sexual exploitation and child criminal exploitation taking place in or around licensed premises. Licence holders are expected to adopt suitable protective measures to assist in the detection and reporting of incidents of this kind. These may include staff training and management procedures to include monitoring and reporting. Child sexual exploitation is a type of sexual abuse. When a child is exploited, they are given things like gifts, drugs, money and affection in exchange for performing sexual activities. Child criminal exploitation is child abuse where children are manipulated and coerced into committing crimes, for example carrying drugs for gangs.

Premises licence holders and designated premises supervisors have a legal responsibility to ensure that children and young people are protected from harm at their premises. The guidance issued under Section 182 of the Licensing Act requires that children must be protected from 'moral, psychological and physical harm, which not only includes protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure of certain films or adult entertainment).' It is important that the risk of child exploitation is managed at premises to both protect children and young people from harm as well as to protect the business, particularly financial and reputational risk if legal action is taken against the premises, which could result in suspension or revocation of the licence.

To minimise the risk to children and young people, premises need to have preventative systems in place. Below are some suggested safeguarding measures:

- Undertake a written children and young person's risk assessment and use it to inform or complement your staff training and operation of the premises
- Staff should be trained to recognise indicators of child sexual exploitation and know how to report concerns, with records maintained of this training
- Activities at the premises should be monitored (by using CCTV or by regular patrols). If patrols are carried out, a record should be kept of who made the patrol, where they patrolled and the times and dates it was carried out
- Suspicious activities should be reported to the police, including details of vehicle registration numbers and description of any individuals involved and all incidents of this nature should be recorded in the premises incident log.
- If the designated premises supervisor, licence holder or staff are in a situation involving the supervision of a vulnerable person at the premises, it is important to follow a consistent and auditable protocol.

7.3 Premises Licences

General Prevention of Public Nuisance/ (Smoking: Policy OS 6: Smoke free Premises)

Oxfordshire is committed to creating a smoke free County by 2025, this is defined as when adult smoking rates reach ≤5%.

Steps should be taken towards supporting the proposed Oxfordshire Tobacco Control Strategy through its four pillars.

- 1 Prevention
- 2 Local Regulation and Enforcement
- 3 Creating Smoke Free Environments
- 4 Supporting Smokers to Quit.

(The Final Push – A Tobacco Control Strategy for a smokefree society in Oxfordshire 2020-2025)

Also to consider:

-Oxfordshire's Climate Action Framework to support Oxfordshire to become zero-carbon by 2050.

Public Safety

The public safety objective is concerned with the physical safety of anyone using or adjacent to licensed premises. Applicants should carefully consider how they intend to promote the public safety objective in their operating schedule.

Applicants may wish to consider the following within their operating schedule with a view to the safety of persons attending the premises.

Alcohol harm reduction

Communities, agencies and businesses are best placed to identify and deal with alcohol-related problems in their area. It is important to maximise the benefits of partnership working, focusing and co-ordinating the efforts of local agencies, industry and the voluntary sector in tackling alcohol-related problems, making town centres safer and in doing so encourage more people to enjoy a night out, thus promoting economic growth.

Information is a powerful tool in tackling alcohol-related problems. It is vital to strengthen data sharing within local partnerships, in particular between crime and health agencies and licensing authorities. Applicants should refer to the [Local Alcohol Profile](#) (attach link).

Alcohol related harm costs UK an estimated £21 billion per year, of which £11 billion is related to crime, £3 billion is related to NHS and £7 billion is related to lost productivity, sickness or unemployment. Alcohol is recognised as a causal factor for more than 60 diseases and a greater risk for mortality. Excessive alcohol consumption is a major cause of preventable premature death. Higher risk of alcohol misuse is seen in populations with severe disadvantage, especially those with poor mental health, offenders and the homeless. It is also seen in higher proportion in areas of deprivation and increases health inequality. The impact of harmful drinking and alcohol

dependence is much greater for those in the lowest income bracket and those experiencing the highest levels of deprivation¹.

According to the 2019 Index of Multiple Deprivation (IMD), even though Oxford is relatively less deprived compared to 2015, it continues to be the most deprived district in Oxfordshire. An LSOA in Northfield Brook is amongst the 10% most deprived areas. Areas in Barton, Blackbird Leys, Carfax, Rose Hill and Littlemore are amongst the 20% most deprived areas nationally.

For further information, maps of deprivation ranked nationally and within each district are available at <http://insight.oxfordshire.gov.uk/cms/sna-district-summaries-2020>

The Oxfordshire Drug and Alcohol Partnership Strategy (2020-2024)² brings together partners, including the Licensing Authority and Responsible Authorities to work together to reduce the harm caused to individuals and to society by misuse of alcohol and drugs.

Safeguarding

It is important that licence holders are aware of their responsibilities relating to safeguarding. Individuals may be vulnerable for a number of reasons such as their age, mental health or intoxication. Premises should have a safeguarding/welfare policy, appropriate to the type of venue or event, available at the request of Licensing Authority or any other responsible authority. This should cover matters such as proof of age checks, spotting signs of abuse or vulnerability, random toilet checks, how to challenge and report where there are concerns, provision of water and phone charging facilities, first aid and welfare support. This may also link with any dispersal and ejections policy. Staff should be trained so they are clear of the expectations of them in respect of safeguarding and wellbeing.

In addition it may be worth considering having a dedicated safe space for vulnerable customers, with at least two members of staff present and ideally covered by CCTV.

Some areas have community support schemes, where trained volunteers patrol the night time economy and take care of vulnerable people that they encounter. Applicants should find out if there are any such schemes operating in their area and make contact with them to encourage regular engagement.

8 Operating Schedule General

Local Alcohol Profile (2 attached documents)

¹ <https://www.gov.uk/government/publications/health-matters-harmful-drinking-and-alcohol-dependence/health-matters-harmful-drinking-and-alcohol-dependence>

² <https://mycouncil.oxfordshire.gov.uk/documents/s52833/Item%2010%20-%20DA%20partnership%20strategy%20FINAL%20DRAFT%20HIB%20Sept%202020.pdf>

The Local Alcohol Profile and maps xxxx(location) aims to increase awareness of local risks and improve information sharing in order to facilitate positive engagement with licensees and a more coordinated approach to local risk. It also informs the applicants of specific risks that need to be considered prior to submitting any new or variation to all license applications/ notices.

8 Prevention of Crime and Disorder

The councils will work in partnership with the Home Office in relation to illegal working on licensed premises.

Responsible applicants will ensure proper regard in their operating schedule to the location, character and condition of the premises, the nature and extent of the proposed use and the persons likely to be attracted to the premises.

Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises or event.

Consumption of alcohol

The Licensing Authority expects all licence holders to take steps to control excessive consumption and drunkenness in licensed premises. This will reduce the risk of anti-social behaviour and violent crime occurring both on and away from the premises after customers have departed. Premises licence holders are expected to be able to demonstrate a general duty of care to customers using their premises and others affected by their activities, and this is supported by responsible retail sales of alcohol and appropriate staff training.

8.7 Premises should complete a specific risk assessment in respect of any alcohol promotions and should follow any industry codes of practice such as the Portman Group Code of Practice of the Naming, Packaging and Promotion of Alcoholic Drinks.

Promotions that encourage irresponsible consumption of alcohol should be avoided, **including drinking games**, as these would likely breach the relevant mandatory licence conditions and pose a risk to public safety.

<https://www.legislation.gov.uk/ukdsi/2014/978011116906>

- Consideration should be given to the promotion of smaller measures.
Link to mandatory conditions

<https://www.legislation.gov.uk/ukdsi/2014/978011116906>

Other matters relating to crime and disorder

The following should also be considered:

- Measures to prevent the bringing of offensive weapons onto the premises
- **Illegal (illicit, counterfeit or non-duty paid) tobacco** or alcohol
- Issues relating to staff and their right to work in the UK
- No external advertising of alcohol outside the premises or in the windows

Please change Appendix 9

Table 1 Responsible Authorities – Public Health (Not Primary Care Trust)

Public Health is the only ‘health’ responsible authority, so I am not sure about Social and ‘**Health**’ care

Table 2 Address

Responsible Authority	Public Health
Address	Oxfordshire County Council
Contact details	publichealthlicensing@oxfordshire.gov.uk

For information – a brief regarding role of Director of Public Health: (other districts have included this in their SLPs as we are relatively new).

Public Health

The inclusion of the Local Director of Public Health as a responsible authority under the Act enables Public Health to have a say in alcohol licensing. Public Health may have access to information that is unavailable to other responsible authorities, which help the licensing authority exercise its functions.

The role of the Director of Public Health is to help promote the health and wellbeing of the local populations they serve. This wide remit influences a wide range of circumstances, including local licensing arrangements. The licensing regime is concerned with the promotion of the licensing objectives which collectively seeks to protect the quality of life for those who live and work in the vicinity of licensed premises and those who socialise in licensed premises.

The Director of Public Health could make or support representations as well as make observations on licensing applications. The focus on the wellbeing of the wider community via licensing is an important addition to the role of public health in promoting the wellbeing of their localities.

MODERN SLAVERY

MODERN SLAVERY: A BRIEFING FOR THE HOSPITALITY INDUSTRY (HOTELS, RESTAURANTS)

Modern slavery can take many forms including the trafficking of people¹, forced labour, servitude and slavery. Recent statistics show that 47% of all potential victims who cite the UK as the location of exploitation, were trafficked into forced labour.² Traffickers and unscrupulous recruitment agencies target a range of industries including those involved in hospitality.

HOW YOUR INDUSTRY IS AFFECTED

With the hospitality sector directly employing over 3 million people and contributing over £70 billion to the UK economy, traffickers and organised criminals are looking for opportunities to exploit the industry.³

In 2016, 3 potential victims of forced labour referred to services came from the restaurant or bar sector, although none noted the UK as the location of exploitation. 35% of all potential victims who cited the UK as the location of exploitation were trafficked for sexual exploitation. While the numbers coming to light are small, the hidden nature of this crime means actual numbers are likely to be much higher.⁴

The vast majority of employers will be recruiting people legitimately, but some firms could find themselves targeted by unscrupulous agencies or individuals.

MAKE-UP OF MODERN SLAVERY VICTIMS IN THE HOSPITALITY INDUSTRY

Anyone can become a victim of modern slavery. However, victims of this crime in the hospitality sector are often Eastern European men and women who are promised a job in the UK and then forced by traffickers to work for little or no money. Through threat, violence or coercion they may be forced to live in squalid accommodation and have their identity documents taken from them.

Help free the UK from Modern Slavery

All hotels and restaurants should make proper background checks on the agencies who supply them with labour, including where the agency is operating in a supervisory role. The Association of Labour Providers and the Recruitment and Employment Confederation are the two main recruitment industry associations, and work with the Gangmasters and Labour Abuse Authority to tackle slavery.



1 Defined in Directive 2011/36/EU as the recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control over those persons, by means "of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person", for the purpose of exploitation. The consent of a victim of trafficking in human beings to the exploitation, whether intended or actual, shall be irrelevant where any of the means ("") set forth in paragraph 1 has been used or if the victim is a child

2 National Referral Mechanism Statistics 2016

3 British Hospitality Association

4 National Referral Mechanism Statistics 2016

SIGNS TO SPOT POTENTIAL VICTIMS

Legal documents

Is the person in possession of their legal documents (passport, identification and their own bank account details) or are these being held by someone else? Victims will often be forced to use false or forged identity documents.

Pay

Are there a group of workers who have their wages paid into the same bank account? This may be sign of the illegal gangmaster collecting all their wages. Are they having wages taken off them for accommodation, food or to repay supposed debt?

Transport

Are a group of workers dropped off or picked up at unusual times of the day, are they all taken to the same property?

Appearance

Does the person look malnourished, unkempt, or appear withdrawn? Are they suffering physical injuries? Do they have few personal possessions and often wear the same clothes? What clothes they do wear may not be suitable for their work.

Behaviour

Is the person withdrawn or appear frightened, unable to answer questions directed at them or speak for themselves and/or an accompanying third party speaks for them? If they do speak, are they inconsistent in the information they provide, including basic facts such as the address where they live? Do they appear under the control/influence of others and rarely interact with colleagues?

Medical care

Does the person have old or serious untreated injuries? Have they delayed seeing a healthcare professional, and are they vague, reluctant or inconsistent in explaining how the injury occurred?

Fear of authorities

Is the person afraid of the authorities (police, immigration, the tax office)? Are they scared of removal or what might happen to their families?

Debt bondage

Does the victim perceive themselves to be in debt to someone else or in a situation of dependence?

If you think you've identified a trafficker or illegal gangmaster call the police on 101

For advice on how you can avoid employing victims of trafficking and how you can help ensure your supply chain is slave free visit stronger2gether.org

If you think you work with or employ someone who may be a victim of Modern Slavery or forced labour you can call a helpline on 0800 0121 700 and talk through your concerns or visit modernslavery.co.uk

The Institute for Human Rights and Anti-Slavery International have produced specific advice for the hospitality industry to help combat forced labour visit staff-wanted.org

ENSURE YOU ARE MAKING THE FOLLOWING CHECKS TO PROTECT WORKERS:

Contract

Check that all staff, including agency workers, have a written contract of employment and that they have not had to pay any direct or indirect fees to obtain work.

Right to work

Make sure staff are legally able to work in the UK. Does the recruitment agency provide assurance that the appropriate checks have been made on the person they are supplying?

Shared occupancy

Check the names and addresses of those working for you. If you have a number of people listing the same address it may indicate high shared occupancy, often a factor for those being exploited.

Statutory rights

Make sure your workers know their statutory rights including sick pay, holiday pay and any other benefits they may be entitled to.

Assess quotes and fees

Use indicative pricing statistics to assess quotations and fees from agencies offering or charging suspiciously low rates.

This page is intentionally left blank