

Oxford City Council

## **Statement of Licensing Policy and Cumulative Impact Assessment**

<https://consultation.oxford.gov.uk/regulatory-services-and-community-services/slpandcia2021>

This report was created on Thursday 06 January 2022 at 13:10

The activity ran from 15/11/2021 to 27/12/2021

Responses to this survey: **11**

### **1: What is your name?**

#### **Name**

There were 11 responses to this part of the question.

### **2: What is your email address?**

#### **Email**

There were 11 responses to this part of the question.

### **3: What is your organisation?**

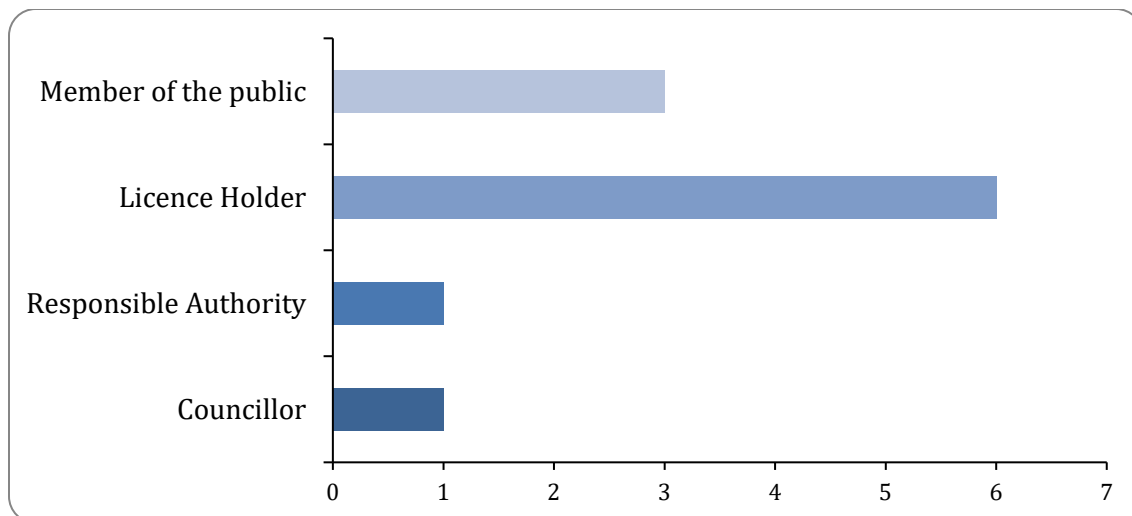
#### **Organisation**

There were 9 responses to this part of the question.

### **4: In what capacity are you responding?**

#### **Capacity**

There were 11 responses to this part of the question.



Option	Total	Percent
Member of the public	3	27.27%
Licence Holder	6	54.55%
Responsible Authority	1	9.09%
Local Authority	0	0.00%
Councillor	1	9.09%
Other	0	0.00%
Not Answered	0	0.00%

**If Other, please provide details here**

There were 0 responses to this part of the question.

**5: Do you propose any new additions to this policy?**

**Additions to SLP**

There were 7 responses to this part of the question.

**6: Do you propose any amendments to this policy?**

**Amendments to SLP**

There were 7 responses to this part of the question.

## 7: What are your views on the Cumulative Impact Assessment?

### CIA Views

There were 8 responses to this part of the question.

## 8: What is your postcode?

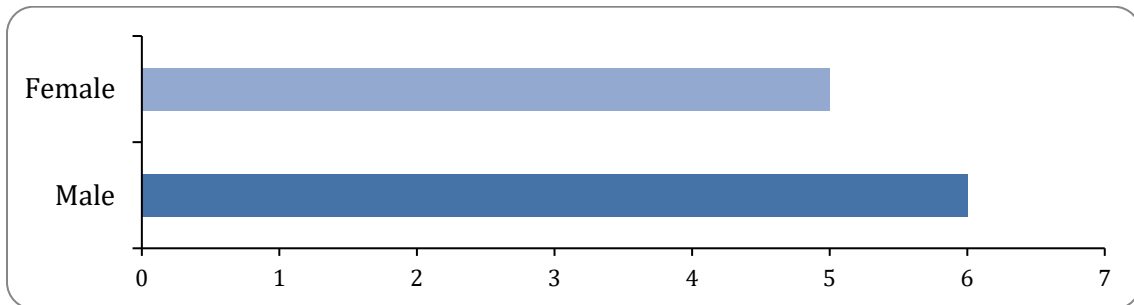
### postcode

There were 11 responses to this part of the question.

## 9: Which of the following best describes how you think of yourself?

### Gender

There were 11 responses to this part of the question.

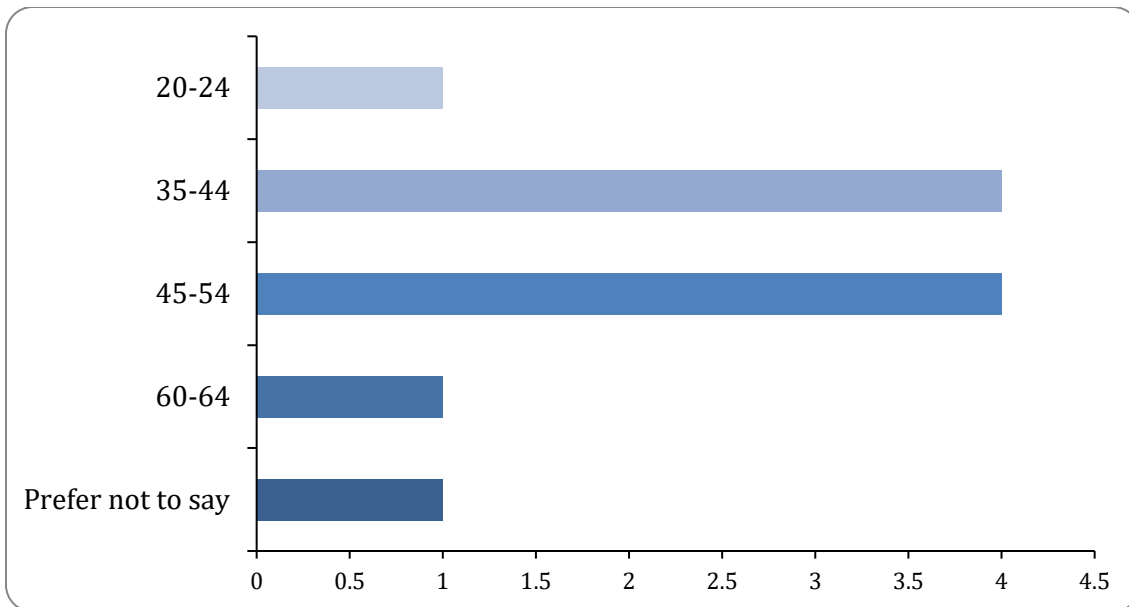


Option	Total	Percent
Female	5	45.45%
Male	6	54.55%
In another way	0	0.00%
Prefer not to say	0	0.00%
Not Answered	0	0.00%

## 10: Which age bracket do you fall into?

### Age

There were 11 responses to this part of the question.

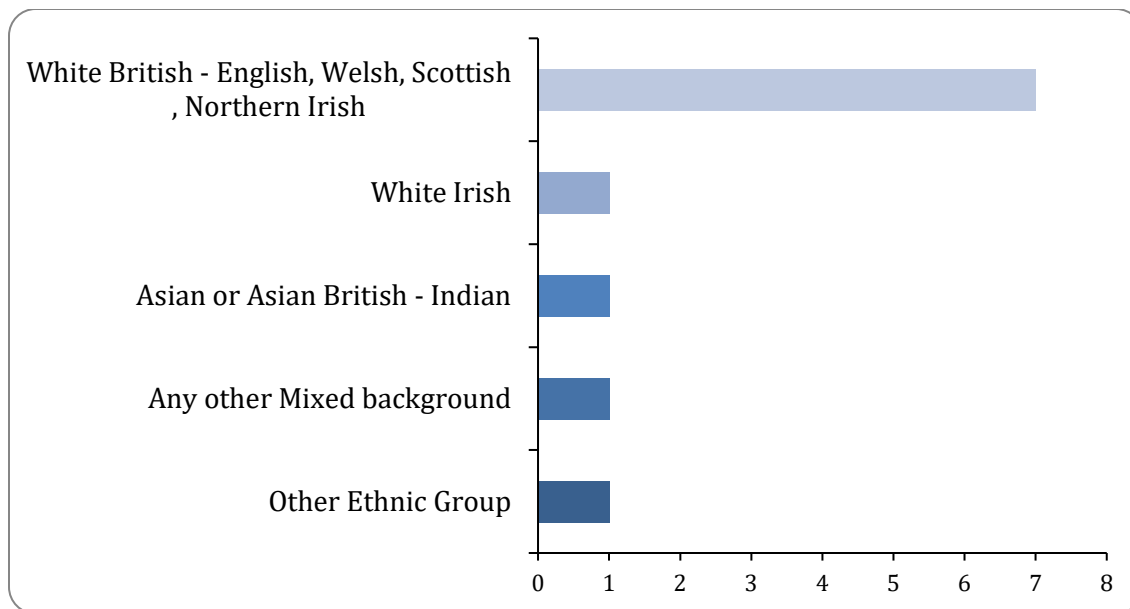


Option	Total	Percent
16-19	0	0.00%
20-24	1	9.09%
25-34	0	0.00%
35-44	4	36.36%
45-54	4	36.36%
55-59	0	0.00%
60-64	1	9.09%
65-74	0	0.00%
75+	0	0.00%
Prefer not to say	1	9.09%
Not Answered	0	0.00%

**11: Which of the following best describes your ethnic group?**

**Ethnicity**

There were 11 responses to this part of the question.

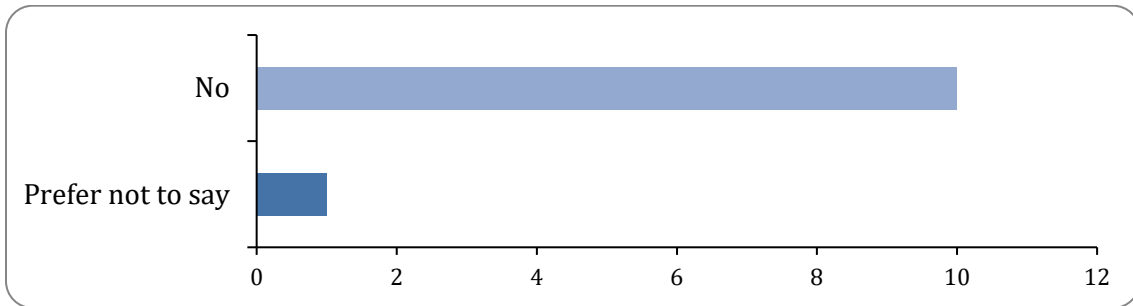


Option	Total	Percent
<b>White British - English, Welsh, Scottish, Northern Irish</b>	7	63.64%
<b>White Irish</b>	1	9.09%
<b>White Gypsy or Irish Traveller</b>	0	0.00%
<b>Any other white background</b>	0	0.00%
<b>Black or Black British - Carribean</b>	0	0.00%
<b>Black or Black British - African</b>	0	0.00%
<b>Any other black background</b>	0	0.00%
<b>Asian or Asian British - Indian</b>	1	9.09%
<b>Asian or Asian British - Pakistani</b>	0	0.00%
<b>Asian or Asian British - Bangladeshi</b>	0	0.00%
<b>Any other Asian background</b>	0	0.00%
<b>Mixed or Multiple Ethnic Group - White and Black Caribbean</b>	0	0.00%
<b>Mixed or Multiple Ethnic Group - White and Black African</b>	0	0.00%
<b>Mixed or Multiple Ethnic Group - White and Asian</b>	0	0.00%
<b>Any other Mixed background</b>	1	9.09%
<b>Arab</b>	0	0.00%
<b>Chinese</b>	0	0.00%
<b>Other Ethnic Group</b>	1	9.09%
<b>Prefer not to say</b>	0	0.00%
<b>Not Answered</b>	0	0.00%

**12: Are your day to day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months?**

**Disability**

There were 11 responses to this part of the question.



Option	Total	Percent
Yes, limited a lot	0	0.00%
Yes, limited a little	0	0.00%
No	10	90.91%
Prefer not to say	1	9.09%
Not Answered	0	0.00%

## **Statement of Licensing and Cumulative Impact Assessment Consultation responses and comments.**

### **Question - Do you propose any new additions to this policy? - Additions to SLP**

1. In the Safety section, there should be a requirement for establishments to take and state measures to prevent spiking (including drink spiking and injection). Measures can include anti-spiking bottle stoppers, protective drink covers and free drug testing kits as well as full-body searches on entry. Staff should be appropriately trained to identify potential spiking cases and reasonably replace a customer's drink if it could be spiked. There should be a defined response plan to suspected spiking incidents, such as collecting evidence, contacting on-site security and police, and facilitating any necessary medical attention. These measures should be enforced through spot checks.
  
2. In section 1.2.2, there is the opportunity to strengthen the wording highlighting the responsibility of the license holder to address the littering from patrons associated with 'predrinking' prior to entering a licensed premise, as well as cigarette butts from their patrons smoking outside a licensed premise. It should also be made clear in the policy who and how residents can complain to the appropriate team (e.g. community response team) where this is an issue associated with a specific licensed premise.

Section 2.7.2 needs to reference any national policies related to women's safety and violence against women, as appropriate.

In section 7.3.13 with reference to the provision of sanitary accommodation, a reference could be considered to the provision of gender-neutral sanitary accommodation. Additionally, a reference can be made to encourage or require license holders to provide baby changing facilities in both male and female toilets or an area accessible to parents regardless of gender.

In section 7.5.22 with reference to safe drinking vessels, reference should be made to approaches that can be undertaken by the license holder to address the significant and growing issue of drink spiking.

In the most appropriate section of the policy referring to noise nuisance, or in an annex, information should be provided on the process the council follows on receiving noise complaints from residents related to licensed premises, the powers the council has to address a statutory noise nuisance from a licensed premise, and the avenues and process residents can take to take their action against a licensed premise on the basis of public nuisance (e.g. noise nuisance).

## Question - Do you propose any amendments to this policy? - Amendments to SLP

1. Policy GN 7: Integrating strategies - "waste management" should include wastewater as well as solid waste
2. Policy GN18, requires amending to provide clarification on when and importantly the process of how licenses can be invoked, including the process of reviewing a license so it is clear to local residents who may be impacted by the public nuisance and crime and disorder that stems from a specific licensed premise.

Policy LA3 could be strengthened to elaborate on the kinds of conditions that could be applied to control noise from licensed premises to prevent public nuisance from local residents. This include preventing children from harm due to the noise disturbance from licensed premises. Cross references should be made to the noise complaint reporting process at the council so that there is clarity to residents and license holders on how this is applied for licensed premises, and the different avenues and options for collecting evidence to support a complaint against a licensed premise.

In section 7.3.8, it is proposed to strengthen the language to include examples of recommended or required approaches (e.g. possibly included in the pool of conditions to be applied to certain license holders) to be used to prevent public nuisance and promote public safety related to the issues specifically of controlling noise pollution, and congregation of patrons outside the premise. For instance, the queuing of patrons to some venues on the pavement can mean that passing pedestrians are 'pushed' off the pavement and into the road when walking past a specific venue.

In section 7.3.10, more information can be added on the best practices recommended for licenses premised to manage noise nuisance issues to prevent public nuisance, for example providing local residents with a telephone number to contact in case of public nuisance coming from the licensed premise (e.g., noise). Further clarity is required related to the 'compliant log' the format and type of complaints to be recorded in the complaint log.

In section 7.7 with reference to TENs, the policy TEN 1 could potentially require or encourage TENs to be served to residents' associations in the immediate vicinity for information purposes and whose members are negatively impacted by crime and disorder and public nuisance resulting from the increased frequency and resultant noise of such events.

In policy PP9 the wording can be strengthened to require applicants to manage the issue of litter control including from cigarette butts, immediately outside their premise.

In section 10.2 with reference to the Late Night Levy, the council should strengthen its position. Rather than state 'in the future it may consider a levy', given existing pressures on policy and council services, the council should proactively consider from apply such a levy in the zones of the city where the special saturation policy is proposed to be applied. This is so that the license holders can share the cost of the additional policing anti-social behaviour and council services related to noise nuisance management from licensed premises and littering in areas facing a cumulative impact.



## Question - What are your views on the Cumulative Impact Assessment? - CIA Views

1. From 16 years of experience the SSP has proven itself invaluable in balancing the needs of business and that of the crime, antisocial behaviour and disorder in the street. As a tool it has through consistent application by the authorities seen Oxford evolve away from later and later hours for vertical drinking (the problems of which are many fold) toward promoting much more diverse and less problematic business models that are not solely concerned with later hours and alcohol for the public to go out in thereby promoting Oxford as a safe and vibrant city. To our mind it is a critical part of the licensing framework and its renewal is very welcome.
2. It seems good and comprehensive. Given the recent public attention to spiking, this would be an appropriate venue to address this and enact positive change.
3. The considerable number of licensed outlets in Cowley Road gives the younger members of our community too many opportunities to become intoxicated late into the night. The effects of this drunkenness on divinity Road where I live are in noise, rows and fights waking us up, vomit and broken glass, discarded bottles and food all over the pavements in the morning, and vandalism to cars (smashed mirrors and jumped on bodywork). I realise the council can't control individual behaviour but it can and should limit the opportunities and the timescale, and work with the universities to educate young people in responsible drinking.
4. As a resident of East Oxford I regularly witness first hand the public nuisance and antisocial behaviour associated with licenced premises, alcohol and the night time economy on the Cowley Road.

My perceptions are clearly corroborated by the evidence presented in the Cumulative Impact Assessment and I support the conclusion in section 3.9 of the Cumulative Impact Assessment that it is appropriate and necessary to control cumulative impact.

5. I support the evidence presented and findings of the cumulative impact assessment that it is appropriate and necessary to adopt special policies to limit the cumulative impact of licensed premises in Oxford City Centre and East Oxford. As such, I strongly support policy GN19 - the special saturation policy.

To elaborate..., I live in the immediate vicinity of the Cowley Road in East Oxford. As a resident I regularly experience and witness the cumulative and negative impact of the overconcentration of licensed premises associated with the night time economy, in particular in terms of noise nuisance, public safety and crime and disorder. For example, it can be difficult for residents to determine which licensed premise a noise nuisance is coming from without leaving their homes to investigate at night, as there are multiple potential sources of the noise nuisance in such close proximity.

Residents are also negatively impacted by anti-social behaviour (e.g. noise from large groups of drunk people) from people processing to and from the licensed premises on the Cowley road in the evening and middle of the night. Furthermore, residents are impacted by littering associated with patrons from the licensed premises, in particular broken glasses, and alcohol bottles, takeaway containers that are dropped in the residential streets that radiate out from the Cowley Road. Given that the residential streets are not cleaned on the same level

of regularity as the Cowley Road, which is cleaned daily, this litter builds up and presents a health and safety risk to pedestrians and a puncture risk to cyclists and motorists.

6. Adequate

## Emailed response to Consultation

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Richard,

Many thanks for your email and your positive response. I am pleased to hear that the Licensing Department intends to include the things we have discussed previously in the Licensing Policy.

When it comes to what you can and cant include, I am no legal expert, so am not 100% sure of how far you can go, but I welcome the opportunity to provide positive suggestions.

I think we need to consider why the act was introduced in the way that it was. By giving powers and responsibilities to all public authorities, it was intended as a tool to empower positive change, and plug the multitude of loopholes within existing legislation.

For example, it was possible for a licensed premises to make a variation application for the extension of hours, addition of new regulated entertainment or late night refreshment, to move seating , shorten or extend a bar etc., yet in nearly all of these situations, it is highly unlikely that such an application would need to be accompanied by a building regulations application, meaning that the applicant is free to enhance their business without any regard to disability provision. This is because prior to the introduction of the act, only when a full buildings regulation application was submitted did Part M (disability) of the buildings regulations act apply, thus forcing the applicant to make provision for disabled persons. Since the introduction of the Equality Act, pressure can be placed on the applicant to enhance disability access, or face the authority objecting to the application (as long as it forms part of the authorities licensing policy). Then the applicant will have to explain at a hearing why they feel it unnecessary to make provision for disabled people, or make the necessary changes and reapply.

The failure of the licensing department to have a rigid policy on this, means that some 11 years after the Equality Act was introduced, Oxford's provision for disabled people is absolutely horrendous within the licensed leisure industry.

I can think of numerous applications over the last few years to extend hours and vary licences, where the authority could have influenced disability provision positively with a robust licensing policy which have been completely missed. I will use Attik as an example (only because the operators at the time are no longer trading), but some years ago when Deltic spent over one million pounds refurbishing the club they failed to make a single improvement as far as disabled access is concerned, and there are still large parts of the venue that are not accessible to disabled people. The refurbishment meant layout changes, but had no impact on the opening hours or capacity, so a robust policy would have allowed the authority to object to the variation application and / or approve it automatically in return for additional provisions.

The sad reality is that operators often look at the high cost of improving disabled provision against the tiny return it will provide, and dismiss it, and with no framework within the local authority licensing policy to influence this, the provision remains poor. In Oxford City Centre

there are nearly 10 places that I can think of with a dancefloor that customers have to choose from. But if you are in a wheelchair there is only one place you can go, with full access to all areas. One choice, every week, for the rest of your life.

I would like to see some kind of positive and robust policy on what the licensing authority expects to form part of any variation application. As I said I am no legal expert, so I am unsure on how easy it is to force such actions, but even wording like the authority will automatically object to any application which is not accompanied by a disability access improvement plan (similar to the automatic declining within the SSP area) would be a start. This same practice could be included with TEN's and minor variations.

In addition to the threat of the policy, to try to force change, the authority needs to have its own policy on positive improvement. Wording such as .. The authority will actively support / give weight to / not automatically object to / etc etc, applications that will improve the provisions and / or social opportunities within the city for disabled people.

With regards to other groups such as LGBTQ etc, it is of course much harder to write into the policy. But a similar principal applies to LGBTQ and all other groups covered by the act. Wording such as that used for people living with disabilities, like "The authority actively seeks to expand and protect the provision of safe spaces for members of the LGBTQ+ community and work actively to act in a way that enhances safety" etc etc. would also be good (I have probably shot myself in the foot there as more LGBTQ+ venues is not necessarily great for my business!!!).

I think when you consider vulnerability, you should also consider lone females, etc. There are many schemes out there such as Ask Angela. Standard licence conditions in Oxford require certain premises to be part of the Radio Scheme (which is hardly ever manned outside of Weekends) and be actively involved in pubwatch. These standard conditions are being added to all new licences and to old licences as and when variation applications are submitted. It would be equally possible to add the premises must operate Ask Angela or a similar publicly acknowledged scheme.

Spiking has been a problem for many years, but recent media attention has brought it to the forefront of peoples minds. Certain minority groups are often more likely to be targeted by spiking, and as such it would be good to update the list of standard conditions to include the need for the premises to have a spiking policy in place that is approved by the authority, and reviewed at least every 12 months.

I think that the most critical thing is that the Authority has the power to automatically object to any application, on any grounds they choose, provided it is written into the licensing policy, yet at the moment other than for applications within the SSP I do not see any other, non-application specific, reason for objection, which is a great loss. And alongside this the authority needs to provide some positive statements on the way it will support applications that enhance provisions / safe spaces / disability access etc.

These of course are just a few ideas, and I am sure you have many of your own, but I hope that my input will help to form a stronger more compliant licensing policy, which will in turn make Oxford a more varied and inclusive place to go out for everyone, not just those lucky enough to be able to visit anywhere they want, without fear or discrimination.

Very Best Wishes



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**Subject:** RE: Consultation - Statement of Licensing Policy 2021

Dear [REDACTED]

Thank you for your comments below in regards to our draft Statement of Licensing Policy.

As the draft policy is currently out for consultation, we are seeking any input and any specific recommended additions to the policy.

We will ensure that the final published Statement of Licensing Policy will include all necessary and required elements and will follow the issued relevant guidance, including how the Equality Duty has, and will be, complied with, as reiterated in your email below.

As you have stated, the Equality Act has been referenced in the draft policy but we

will endeavour to elaborate on it further to ensure that we comply with our legal requirements, if you have any recommendations or specific schemes that Licensing could consider presenting to the Committee for the revised policy we would welcome any input.

Kind regards

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**Subject:** Re: Consultation - Statement of Licensing Policy 2021

Dear Mr Masters,

I have today reviewed the Councils revised Draft Licensing Policy.

As you are no doubt aware I have been emailing various members of the licensing department, yourself included, for some years now, about the way in which previous licensing policies issued by Oxford City Council have failed to adequately comply with the authorities various obligations under a number of acts of parliament that relate to or cover the protection, prevention of discrimination and equal treatment, of minorities and protected groups.

I am pleased that following various emails and communications over the last few years, that finally, the latest draft issued for consultation, does go further and has adopted some of the requirements placed upon the authority by the legislation, and the government guidance issued to local authorities that goes with it.

I note that in the latest draft policy you state *"The Licensing Authority recognises 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"*

However, as I have pointed out before, over a number of years, in addition to this

recognition, which is welcomed, the guidance clearly states that *“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,”*. I am unable to find any examples of how you will secure the proper integration of your licensing policy with anything relating to equality.

Whilst I accept that this is merely a recommendation and not a legal requirement, I wonder if you could advise why Oxford City Council feels that it is OK to ignore this recommendation, and why despite protests by myself and others in previous years, the pattern of ignoring this has continued into the latest draft statement of licensing policy? Is it that you do not feel that minority or protected groups are worthy of the additional effort to meet this recommendation?

The guidance also clearly states the following: “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.”

I have pointed this out (as have others) over a number of years (we all have documentary evidence of this), however yet again, another draft licensing policy has been released, and I am unable to find any explanation of how the licensing authority has complied with its legal duty in the statement of policy.

Your draft policy states... “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 and ensure compliance with the Equality Duty.”

However this clearly does not explain how the Equality Duty HAS been complied with (as required by the act), or how it will be complied with, it is merely a statement that you “will” take active steps, which is not what is required or stated in the act or the accompanying guidance.

As a member of a minority community, or if you prefer, a person of protected characteristics, I feel that the licensing department have ignored all of our previous requests to follow the guidance and comply with the act of law designed to protect us. Even when we have pointed this out in the past (numerous times and in writing) our requests have been brushed off with two line replies stating that our input “will be considered”, and then nothing changes, we are ignored, and new policies issued that continue to fail minority communities, and fail to comply with the spirit of the act or the guidance issued.

This is extremely disappointing, and I am surprised that the local councillors who appear as signatories to this latest policy are prepared to put their name or signature against such a discriminatory and non-compliant document.

I would therefore like to register, officially, my concerns, and following on from my emails in previous years, my belief that the policy presented fails to comply with the guidance issued, blatantly ignores the spirit of the act and the authorities obligations, and undermines the trust between minority communities and the

council.

I hope that you would consider my concerns and look forward to hearing from you.

Very Best Wishes,

