

To: Licensing and Gambling Acts Committee

Date: 26th September 2022

Report of: Head of Regulatory Services and Community Safety

Title of Report: Annual update on Licensing & Gambling Activity 2022

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 current Council year, following the period of the pandemic
Corporate Priority	Enable an Inclusive Economy
Policy Framework	Statement of Licensing Policy / Statement of Gambling Licensing Policy
Recommendations: That 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.	

Appendices	
Appendix One	Statement of Licensing Policy
Appendix Two	Statement of Gambling Licensing Policy

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, following the period of the pandemic. 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; the number of licensing applications, Premises and Personal Licences issued, 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 and subsequent licences issued during this Council year, as well as during the period of the pandemic

Applications Type	2020	2021	2022	TOTAL
Gambling	4	2	3	9
New (Premises / Clubs)	27	31	23	81
Variations (incl. Minor / Full Variations)	11	17	18	46
Personal Licences	65	65	50	180
Temporary Event Notices (TEN's)	149	339	359	847

Temporary Event Notices (TENS)

4. Under a TEN the carrying on of licensable activities does not have to be authorised by the licensing authority on an application. Instead, a person wishing to hold an event at which such activities are proposed to be carried on, gives notice to the licensing authority of the event (a "Temporary Event Notice" or "TEN").

Personal Licence holders are entitled to a maximum of 50 TENS per calendar year and 5 for a non-personal licence holder. The length of time a temporary event may last for is 168 hours or 7 days. The number of times a TEN may be given in respect of any particular premises is 15 in a calendar year. However, The Alcohol Licensing (Coronavirus) (Regulatory Easements) (Amendment) Regulations 2021 have amended the maximum number of events and days for TENS to 20 events and 26 days per calendar year for events taking place in 2022 and 2023 only.

5. Only Thames Valley Police or the Environmental Health Authority can object to a TEN. If there is no objection and the notice does not exceed the maximum number of events in a year, permitted by the 2003 Act, the TEN is simply acknowledged, countersigned and returned to the applicant. Should the Police or Environmental Health object, then the TEN must go to a hearing (unless a late TEN is served) and if refused a Counter Notice must be issued.
6. Representations were received in regards to nine (9) Temporary Event Notices made to the Licensing Authority during the reporting period (2020-2022). Due to the late submission (less than 10 working days), there was no requirement for a Sub-Committee hearing to determine the notices and all were issued with Counter-Notices.

Applications Granted or Refused by the Licensing Authority

7. Where an application has been lawfully made under the Licensing Act 2003 (LA2003) and no Responsible Authority or Interested Party has made a representation, or if the application made is a Minor Variation, a licensing hearing is not required and the licence is granted by the Head of Regulatory Services and Community Safety under delegated authority.
8. In this reporting period, including the period of the pandemic, (2020-2022), a total of 127 Premises Licences (including variations) were issued by the Head of Regulatory Services and Community Safety under delegated authority.
9. If a relevant representation is received in relation to a Minor Variation application, the Licensing Authority delegates the determination of the application to Officers.
10. Sixteen (16) Premises Licence applications in the reporting period 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 in paragraph 12. Six current applications are still subject to a public consultation.

Representations and Licensing Sub-Committee Hearings

11. When relevant representations are received from Interested Parties or Responsible Authorities the application is referred for determination at a Licensing Sub-Committee Hearing.
12. Representations were received in respect of sixteen (16) applications. The table below provides data in relation to the number of the Licensing Sub-Committee hearings, in the reporting period, and the decisions made by members:

Licensing & Gambling Sub-Committee	2020	2021	2022 to date	TOTAL
Granted as applied	-	1	1	2
Granted with additional conditions	2	7	5	14
Refused	N/A	N/A	N/A	-

Appeals to Magistrate Court under the Licensing Act 2003

13. The Licensing Authority was subject to one (1) appeal at Magistrate Court during the reporting period relating to Premises Licence application which was granted with additional conditions. The Officers and legal advisor appeared in Court for the first direction hearing, however the appellant subsequently withdrew the appeal.

Enforcement Activity

14. Licensing Officers carry out a variety compliance and enforcement activities. Those include, but not limited to:
 - a routine Daytime Compliance Inspections of Licensed Premises,
 - Night time Multi-Agency Operations in partnership with Thames Valley Police, Environmental Health, SIA (Security Industry Agency), Immigration Department and other agencies – Those are premises within a specific

- location 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, where Immigration Officers have raised concerns or incidents have occurred
- Alcohol Test Purchase Operations in partnership with Thames Valley Police
 - 'High Visibility' Operations - these consist of compliance inspections of premises that open outside of the office hours and premises brought to our attention for noise nuisance concerns and other issues as well as large scale events
15. 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.
16. 34 Suspension Notice were issued to a licensed premises who failed to pay the required annual fee. Most of the premises have since paid the required fee and the suspensions were lifted.
17. 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.

Service Requests

18. 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.

Future Work & Notable Achievements

19. 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.
20. 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.

21. 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.
22. In January 2022 the Council adopted a new Statement of Gambling Licensing Policy, which was considered and agreed by the Licensing and Gambling Committee following a public consultation. The Policy came into effect on 31st January 2022 and will be in force until 30th January 2025.

The final revised Policy can be found at **Appendix One**.

23. In March 2022 the Council has also adopted a new Statement of Licensing Policy and Cumulative Impact Assessment (CIA), which was considered and agreed by the Licensing and Gambling Committee following a public consultation.

The final revised Policy and CIA can be found at **Appendix Two**.

24. The Council is obliged to determine and publish a "Statement of Licensing Policy", to keep it under review and to republish it at least every five years. The Statement of Licensing Policy sets out how the Licensing Authority intends to exercise its functions under the Licensing Act 2003. In carrying out its functions the Council must also have regard to the "Guidance issued under section 182 of the Licensing Act 2003" by the Secretary of State.
25. Furthermore, following the public consultation, the decision has been made to publish the Cumulative Impact Assessment because the authority is of the opinion that the number of licensed premises and club premises certificates within the City Centre and the East Oxford area is such that it is likely that granting further licences or variation to licences would be inconsistent with the authority's duty to promote the licensing objectives. This opinion has been reached after careful consideration of evidence and data, from Thames Valley Police, the Responsible Authorities and other persons, which show high levels of public nuisance, anti-social behaviour and crime and disorder within these areas. Therefore it is appropriate and necessary to control the cumulative impact in these areas with the reintroduction of the Special Saturation Policies (SSP).
26. After publishing a CIA the licensing authority must, within three years, consider whether it remains of the opinion set out in the assessment.

Financial implications

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

Legal issues

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

Recommendations

29. 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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Licensing Authority

www.oxford.gov.uk



Statement of Licensing Policy

Licensing Act 2003

March 2022 – March 2027



Statement of Licensing Policy

Licensing Act 2003

March 2022 to March 2027

Licensing applications and enquiries:

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Welcome to Oxford City Council's Statement of Licensing Policy.

Oxford is a bustling cosmopolitan city which enjoys huge cultural diversity and our leisure and entertainment scene is important in enhancing that. It attracts thousands of visitors from across the UK and abroad. Oxford caters for a very broad range of people as a regional entertainment and cultural centre and currently has approximately 850 licensed premises and clubs offering a vibrant, varied, fun night time economy.

The Council adopted its first Statement of Licensing Policy in January 2005 when the responsibility for licensing was transferred from the Magistrates' Court. The Licensing Policy has worked really well over the years and we have learned a lot from operating under it. The Council is obliged to determine and publish a "Statement of Licensing Policy" and to keep it under review and to republish it at least every five years. The fully revised Statement was last adopted by the Council in 2016, following wide public consultation. Both the Central Oxford SSP (Special Saturation Policy) and East Oxford SSP remained unchanged at that time.

It must be noted that, due to the disruption caused by the Covid-19 pandemic, and the significant impact it had on the night time economy, the Authority took the pragmatic approach to re-adopt the previous Statement of Licensing Policy in 2021, with the omission of the Special Saturation Policies (Cumulative Impact Assessment).

The Authority carried out a comprehensive and considered review later in 2021, and gathered new data, evidence, as well as the necessary input from the relevant authorities and a public consultation to consider a fresh cumulative impact assessment and has adopted new Special Saturation Policies that cover both Central and East Oxford.

The SSP does not affect existing licences in these areas. However, it does mean that applications for new licences and for significant changes to existing licensed premises are likely to be declined if relevant representations are received. Even so, we may still grant licences to those who can successfully demonstrate that their proposals will not exacerbate problems of crime, disorder or public nuisance, because we must consider each application on its merits. The Authority continuously keeps all parts of Oxford under review and will consult on changes to SSP areas as necessary.

This document sets out our guiding principles for making licensing decisions under the Licensing Act 2003. The Statement of Licensing Policy addresses licensing of many venues and events; from nightclubs to the smallest pubs and off-licences, from 'Cowley Road Carnival' to small-scale local events. We have a responsibility to balance the needs of residents, visitors, pub/club operators and businesses. Our aims are to promote the four licensing objectives enshrined in the Act:

- **The Prevention of Crime and Disorder**
- **The Promotion of Public Safety**
- **The Prevention of Public Nuisance**
- **The Protection of Children from Harm**

We believe that this Policy Statement represents a fair and reasoned way to balance the needs and desires of everyone in this City. We hope it will help us to maintain Oxford's important role as a safe and pleasant centre of culture and entertainment for everybody.

The revisions to this Policy reflect the changes to the licensing regime that have been introduced by the Police Reform and Social Responsibility Act 2011, the Live Music Act 2012, the Deregulation of Schedule 1 of the Licensing Act 2003, Equality Act 2010, Business and Planning Act 2020 and to ensure that the Policy accurately reflects the workings of the Licensing Authority.

Councillor Colin Cook
Chair of Licensing and Gambling
Acts Committee

Councillor Mark Lygo
Vice-Chair of Licensing and Gambling Acts
Committee

PURPOSE

This policy statement has four main purposes, which are:

- **To confirm to Elected Members** of the Licensing and Gambling Acts Committee, the boundaries and powers of the Authority and the parameters within which to make decisions.
 - **To inform licence applicants** of the parameters within which the Authority will make licensing decisions and therefore how licensed premises are likely to be able to operate within the area.
 - **To inform local residents and businesses** of the parameters within which the Authority will make licensing decisions and therefore how their needs will be addressed.
 - **To support a case in a court of law** if the Authority has to show how it arrived at its licensing decisions.
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Using this Statement of Licensing Policy

- The policies are shown in text boxes, which are separately numbered and titled.
- The additional text gives examples, background and reasons for the policies.
- The Appendices give additional information.

Oxford City Council has different roles under the Licensing Act 2003, so:

- 'Authority' is used where it acts as the Licensing Authority under the 2003 Act.
- 'Council' is used where parts of the Council act in other capacities, for example:
 - to determine policy;
 - when the 'Council' applies to the 'Authority' for a licence for Council premises;
 - when Environmental Health or Planning Control officers act as a 'Responsible Authority' in making a Representation about an application received.

The 'Authority' must balance the interests of applicants (as stated in their applications for licences) and any interests stated by others (in Representations and Relevant Representations). When it grants a licence, the Authority must attach mandatory conditions if applicable. The Authority cannot attach other conditions unless they are proportional to the applications and consistent with the operating schedule and any Representation or Relevant Representation received.

Other information

Pool of conditions

The Authority has a 'pool of conditions' which is available to potential Applicants who may then wish to add these conditions to their operating schedule. This pool of conditions is subject to continuous development and is available on the Council website.

Guidance to applicants

The Authority provides guidance to applicants to assist them with making their applications for licences. This guidance can be found on our website:

https://www.oxford.gov.uk/info/20143/alcohol_and_entertainment

Contact details

Contact details are given on the back cover.

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Glossary

Term	Description	Reference in the 2003 Act
Authority	Oxford City Council in its capacity as Licensing Authority	
Council	Oxford City Council in its capacity as district council.	
Planning Authority	The Council in its capacity as planning authority.	
Police Authority	Thames Valley Police	
Fire Authority	The Fire and Rescue Service of Oxfordshire County Council	
Navigation Authority For rivers – For canals –	The Environment Agency Canal and Rivers Trust	Section 13(4)(h)
Other Person <i>(Any other person may make a representation about an application and may request a review)</i>	Any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises.	
Responsible Authority <i>(A Responsible Authority may make a Representations about applications and may request reviews)</i> <i>(Appendix 7 lists the contact details for these Responsible Authorities)</i>	Any of the following – (a) the Licensing Authority, (b) the Chief Officer of Police for the area, (c) the fire authority, (d) the enforcing authority under Section 18 of Health and Safety at Work etc. Act 1974, (e) the local planning authority (i.e. department of the Council), (f) the environmental health department of the Council, (g) the Oxfordshire Safeguarding Children Board, (i) the Public Health Board, (h) Trading Standards, (i) any other Licensing Authority in whose area part of the premises is situated, (j) Home Office Immigration Enforcement (on behalf of the Secretary of State). (j) in relation to a vessel – the navigation authority.	Section 13(4)

Objection	Representations made by the Police or the Environmental Health Service in relation to a Temporary Event Notice.	Schedule 8 para 25
Representations	Comments made by a Responsible Authority on an application.	
Relevant Representation	Comment made by any other person, which is not rejected by the Authority as irrelevant, frivolous, vexatious, or repetitive.	
<p>Authorised Person</p> <p><i>(Authorised Persons have roles in <u>enforcement</u> of the 2003 Act)</i></p> <p><i>(Police officers are not listed as Authorised Persons, as they already have powers of enforcement under other legislation)</i></p>	<p>Any of the following –</p> <p>(a) an officer of the Licensing Authority, authorised for the purposes of the 2003 Act,</p> <p>(b) an inspector appointed under article 26 of the Regulatory Reform (Fire Safety) Order 2005</p> <p>(c) an inspector appointed under S.19 of the Health and Safety at Work etc. Act 1974,</p> <p>(d) an officer of the Council authorised to exercise statutory environmental health functions,</p> <p>(e) in relation to a vessel, an inspector, or surveyor of ships, appointed under S.256 of the Merchant Shipping Act 1995,</p> <p>(f) a person prescribed for the purposes of S.13(2) of the Licensing Act 2003.</p>	Section 13(2)
Licensing and Gambling Acts Committee	The Committee of elected members of Oxford City Council that is responsible for the Council's licensing functions.	Section 6
SIA	Security Industry Authority	
2003 Act	The Licensing Act 2003	
LACORS	Local Authorities Co-ordinators of Regulatory Services	
TSI	Trading Standards Institute	
Statement of Licensing Policy	The current statement of licensing policy required under Section 5 of the 2003 Act, following publication and as amended by subsequent revisions.	Section 5
Designated Premises Supervisor	The person specified in a premises licence as the premises supervisor.	Section 15
Secretary of State's Guidance	Guidance issued by the Secretary of State under Section 182 of the 2003 Act	Section 182
Regulated Entertainment	Regulated entertainment as defined in Schedule 1 of the 2003 Act (see also Appendix 5)	Schedule 1
LADO	Local Authority Designated Officer	
DBS	Disclosure and Barring Service	

1 Introduction

1.1 Objectives

1.1.1 The Licensing Authority (the 'Authority') for Oxford is Oxford City Council (the 'Council').

Policy GN 1: Objectives

The Authority will carry out its licensing functions under the 2003 Act with a view to promoting the four licensing objectives in the 2003 Act, which are:

- the prevention of crime and disorder;
- the promotion of public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

Each of the four licensing objectives is of equal importance and there are no other objectives, so that the four licensing objectives are paramount at all times.

1.2 The Authority's area and the licensable activities

1.2.1 Appendix 1 describes the Authority's area, its centres of population and its population profile. It also describes the mix of licensable activities, where they take place and their positive and negative impacts on the area.

1.2.2 The Authority has regard to matters of sustainability, equality, the local economy and tourism to the extent that they affect the Licensing Policy. The Authority will also have regard to minimising waste and litter in the interests of minimising public nuisance, including litter associated with queues and smoking areas outside licensed premises and the licence holder's responsibility for such litter.

2 General matters

2.1 Precedence issues

2.1.1 A licensing policy must not ignore or be inconsistent with provisions in the 2003 Act. The Authority must have regard to the Secretary of State's Guidance when making and publishing its policy. When revisions on the Guidance are issued, there may be a period of time when this policy statement is inconsistent with the Guidance, for example, during any consultation by the Authority. If this occurs, the Authority will have regard, and give appropriate weight, to the Guidance and this policy statement.

Policy GN 2: Precedence

The meaning of the 2003 Act and any Regulations made under it take precedence over the meaning of this Statement of Licensing Policy.

2.2 Adoption and publication of the Statement of Licensing Policy

2.2.1 The Council adopted this Statement of Licensing Policy at its meeting on 21st March 2022 and it became effective from that date.

Policy GN 3: Five yearly licensing policy review

The Council will prepare and publish a statement of its licensing policy at intervals of no more than five years, to enable it to continue to undertake its licensing functions.

Policy GN 4: Interim licensing policy reviews

The Council will keep its licensing policy under review and will make such revisions to it, at such times, as it considers appropriate.

Policy GN 5: Consultation on licensing policy

Before determining any revision to its Statement of Licensing Policy, the Council will consult:

- (a) the chief officer of Police for the Oxford area;
- (b) the fire authority for the Oxford area;
- (c) the Trading Standards Officer for Oxfordshire County Council;
- (d) the Social and Health Care Department of Oxfordshire County Council, which the Authority

considers to be the competent and responsible authority for the purpose of advising on issues of protecting children from harm; and

- (e) the Clinical Commissioning Group;

together with such persons as the Authority considers at the time to be representative of:

- (f) holders of Premises Licences issued by the Authority;
 (g) holders of Club Premises Certificates issued by the Authority;
 (h) holders of Personal Licences issued by the Authority;
 (i) businesses and residents who may be affected by the operation and impact of the premises;
 (j) other interests in the licensing of premises in its area.

The Authority will give appropriate weight to the views of the persons listed above when it determines any revision to its Statement of Licensing Policy.

Policy GN 6: Publication of licensing policy revisions

When the Authority determines any revisions, it will publish either a statement of those revisions, or its revised Statement of Licensing Policy.

2.3 Scope of the Statement of Licensing Policy: Licensable activities

2.3.1 This policy addresses licensing of the following activities:

- the sale of alcohol by retail;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- the provision of late night refreshment (supply of hot food or drink between 2300 and 0500 hours)(including “take aways” and “hot food vans”); and
- the provision of ‘regulated entertainment’ (defined in Schedule 1 of the 2003 Act) which includes:
 - a performance of a play;
 - an exhibition of a film;
 - an indoor sporting event;
 - a boxing or wrestling entertainment (indoors and outdoors);
 - a performance of live music;
 - the playing of recorded music;
 - a performance of dance;
 - entertainment similar in description to music and dance.

2.3.2 Activities that are not to be regarded as regulated entertainment and activities that are not to be regarded as late night refreshment are also listed in Schedules 1 and 2, respectively, of the 2003 Act, and a broad description of such entertainment activities that are exempt from the licensing regime following the Deregulation of Schedule 1 of the 2003 Act can be found at Appendix 5.

2.4 Scope of the policy: Applications and notices

2.4.1 This policy addresses decisions on applications for:

- Premises Licences;
- Club Premises Certificates;
- Personal Licences;
- Transfer of licences;
- Variation of licences and associated matters.

2.4.2 This policy also addresses Temporary Event Notices (TENs) and the review of Premises Licences and Club Premises Certificates.

2.4.3 This policy also informs all parties as to how the Licensing Authority and Licensing Officers will carry out their enforcement and compliance operations and any actions arising from those operations.

2.5 Fundamental principles

2.5.1 The Authority recognises that its power to reject applications, or to apply conditions to Premises Licences and Club Premises Certificates is strictly constrained by the terms of the 2003 Act.

2.5.2 The Authority recognises that it has no power to:

- attach any condition, including mandatory conditions, to a Temporary Event Notice (save for when an objection is made by a relevant Responsible Authority and as such requires determination by the Licensing Casework Sub-Committee);
- modify mandatory conditions;
- attach conditions to a Premises Licence or Club Premises Certificate (other than appropriate mandatory conditions)

unless those conditions are consistent with the operating schedule submitted with the application, or further to a Representation or Relevant Representation.

2.5.3 The Authority recognises that it has no power to:

- modify conditions attached to a Premises Licence or a Club Premises Certificate;
- to exclude from the scope of a Premises Licence or a Club Premises Certificate any of the licensable or qualifying activities to which the application relates;
- refuse to specify a person in a Premises Licence as the Designated Premises Supervisor;
- reject the application,

unless it has received a Representation or a Relevant Representation about the application and then only to such extent as the Authority considers necessary for the promotion of the licensing objectives.

2.5.4 Throughout this document the Authority has outlined the standards which it expects to be addressed in applications. The policies within this statement have been developed in consultation with all of the Responsible Authorities.

2.5.5 In considering and determining applications the Authority will take into account:

- The Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000;
- Section 17 of the Crime and Disorder Act 1998;
- The Human Rights Act 1998;
- Noise Act 1996;
- Fire and Safety Order 2005;
- Violent Crime Reduction Act 2006;
- Health Act 2006;
- Section 11 of the Children's Act 2004;
- Equality Act 2010;
- Business and Planning Act 2020;
- any other relevant legislation or statutory guidance.

2.5.6 The Authority:

- will treat each application on its individual merits;
- will not override the right of any person to apply under the terms of the 2003 Act for a variety of permissions;
- will not override the right of any person to make Representations on an application or to seek a review of a licence or certificate where the 2003 Act makes provision for them to do so;
- will, as far as possible, avoid duplication with other licensing and regulatory regimes that already place obligations on employers and operators, e.g. The Health and Safety at Work etc, Act 1974, the Environmental Protection Act 1990, Disability Discrimination legislation and the Regulatory Reform (Fire Safety) Order 2005, Equality Act 2010;
- will only apply to Premises Licences and Club Premises Certificates conditions that are necessary to underpin or promote the licensing objectives.

- 2.5.7 The Authority recognises that the purpose of the 2003 Act is to allow appropriate levels of regulation for premises, temporary events, members' clubs and persons authorised to make alcohol available for sale.
- 2.5.8 In considering applications the Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of public living, working or engaged in normal activity in the vicinity of the licensed premises.
- 2.5.9 For each application for the grant, variation or review of a Premises Licence or a Club Premises Certificate, the 2003 Act requires the Authority to consider the Representations made by Responsible Authorities and those Representations made by other persons, which the Authority accepts as relevant.
- 2.5.10 Other persons will be given its widest possible interpretation and, where it includes persons involved in business, will not be confined to those engaged in trade and commerce. It will include partnerships and the functions of charities, churches and medical practices. Amendments to the Licensing Act 2003 remove the requirement for other persons to reside within the immediate vicinity.
- 2.5.11 The Authority will accept relevant representations from other persons.
This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises. Any representations made by these persons must be 'relevant', in that the representation relates to one or more of the licensing objectives. It must also not be considered by the licensing authority to be frivolous or vexatious.
- 2.5.12 Where a notice of a hearing is given to an applicant, the Authority is required to provide the applicant with copies of the relevant representations that have been made. In circumstances where the Authority considers that the other person has a well-founded fear of intimidation and may be deterred from making a representation because of this, the Authority may withhold some or all of the other person's personal details (if requested).
- 2.5.13 A Responsible Authority or other person may seek a review of a Premises Licence or Club Premises Certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 2.5.14 In determining applications and reviews of licensed premises, the Authority will give appropriate weight to:
- Representations received from Responsible Authorities;
 - Relevant Representations made by other persons;
 - the Secretary of State's Guidance;
 - this Statement of Licensing Policy;
 - the steps necessary to promote the licensing objectives.
- 2.5.15 Any terms and conditions that the Authority imposes will be focused on matters that are within the control of individual licensees. These matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places.
- 2.5.16 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; 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. The Licensing Authority expects that licensed premises will not discriminate against any person based solely on any of these characteristics -for example, refusing a person entry to a licensed premises on the basis of their race, sex or age. The sole exception to this will be where such action is necessary to comply with legal requirements or situations where licence holders must restrict access to age-restricted goods or services to any person who is below the legal age for that good or service - for example, the sale of alcohol to under 18s.
- 2.5.17 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.

2.5.18 The Statement of Licensing Policy is transparent, and clearly identifies the need to promote the four licensing objectives. The opportunity to obtain a premises licence or variation in an existing licence is open to all regardless of their protected characteristics, other than age. Any person, regardless of their protected characteristics, can also submit a representation against a licence application.

2.6 Reviewing the Statement of Licensing Policy with other authorities

- 2.6.1 The Authority will work with the other Licensing Authorities in Oxfordshire reviewing this Statement of Licensing Policy to ensure, as far as possible, that a consistent approach is taken to assist applicants for licences and those who may wish to make Representations under the provisions of the 2003 Act. The Authority will also liaise with other neighbouring Licensing Authorities to ensure that there is consistency across District Council boundaries. Full regard will still be given to local issues and situations, which will take precedence.
- 2.6.2 The Authority will maintain partnership working with various enforcement agencies as it recognises that the licensing objectives can only be promoted through a range of actions, some of which are outside the scope of the licensing system.
- 2.6.3 The Authority will maintain protocols with the Police, the Environmental Health Service, the Fire Authority and Trading Standards Services, as it considers appropriate for enforcing the 2003 Act.
- 2.6.4 The Authority will maintain dialogue with the licensed trade, businesses, local people and relevant organisations in the entertainment and alcohol industry to ensure that the Statement of Licensing Policy remains relevant and secures promotion of the licensing objectives.
- 2.6.5 The Authority will have regard to the considerations of the relevant Officer of the Licensing Authority delegated with the power to make relevant representations to applications and instigate reviews of licences (in such a person's role as a Responsible Authority). Such considerations will be based on the evidential findings of that Officer, including (but not limited to) actions undertaken during and after enforcement and compliance operations carried out by the Licensing Officers under such persons control, multi-agency operations, test-purchase operations, and any best practices adopted by other Authority's that may be deemed to further uphold the four licensing objectives locally.

2.7 Integrating strategies

- 2.7.1 Licensing is about promoting the four licensing objectives by balancing different interests. The experience gained by the Authority can usefully inform the development and application of strategies by others for local crime prevention, planning, transport, tourism and culture. It is important that such strategies do not undermine promotion of the licensing objectives.
- 2.7.2 In preparing this Statement of Licensing Policy, the Authority has taken account of relevant national policies and action plans, which include the following:
- Safer Nightlife;
 - The Governments "Alcohol Strategy" (Home Office);
 - Alcohol and Violence (Public Health Faculty);
 - Reform of Anti-Social Behaviour Powers (Home Office);
 - Safeguarding Children, Young People and Vulnerable Adults (Oxford City Council).
 - Tackling Violence Against Women and Girls Strategy (Home Office)
- 2.7.3 The Authority has taken account of the policies and programmes that the Council has already adopted. These are listed in Appendix 2, along with an explanation of how they integrate with the Statement of Licensing Policy.

Policy GN 7: Integrating strategies

The Council will ensure any strategies it may have, or develop, for local crime prevention, planning, transport, waste management (both solid and water waste), sustainability, tourism and culture will be integrated with its licensing function but such strategies will not overrule the licensing objectives.

2.8 Planning and building control

- 2.8.1 The Council recognises that there is a need for proper separation of the planning, building control and licensing regimes to avoid duplication and inefficiency.
- 2.8.2 The Council recognises that the Planning Authority must be aware of the Authority's concerns as this will assist in promotion of the licensing objectives. The Authority will provide reports to enable the Planning Authority to have regard to such matters and have a role in promoting the four licensing objectives when the Planning Authority takes its decisions.
- 2.8.3 The Council recognises that the following three regimes have different purposes:
- **Planning:** ensuring the suitability of the location, use and design of the premises for the activities and the adequacy of the local infrastructure;
 - **Building Control:** ensuring the suitability of the construction of the premises; and
 - **Licensing:** ensuring the suitability of the proposed use and its operation at the proposed premises.
- 2.8.4 The grant of a Premises Licence or a Club Premises Certificate, or any variation to one of these, does not relieve the applicant of the need to obtain planning permission and building regulations consent as appropriate.
- 2.8.5 The applicant must observe the earlier closing time if planning conditions set a terminal hour for the use of the premises for commercial purposes.

Policy GN 8: Planning permission and listed building consent

The Authority will normally expect an application for a Premises Licence or a Club Premises Certificate to be made only in respect of premises that already have an appropriate established use or any planning permission and listed building consent necessary for the proposed range of licensable activities to take place.

The Authority will similarly expect an applicant to have obtained planning permission where necessary for the use proposed, before applying for a provisional statement under section 29 of the 2003 Act.

2.9 Administration, exercise and delegation of functions

Policy GN 9: Levels of decision-making

The Authority will have the following levels of decision-making for undertaking its licensing functions:

- The Council;
- Licensing and Gambling Acts Committee;
- Licensing Casework Sub-Committees;
- Licensing Officers.

- 2.9.1 A Licensing Casework Sub-Committee will generally determine each application that attracts an Objection, Representation or Relevant Representation, unless:
- all Objections or Representations from Responsible Authorities are withdrawn and it is agreed by all parties that a hearing is not necessary; and
 - all representations from Interested Parties are either:
 - determined by a designated officer to be irrelevant, vexatious or frivolous; or
 - withdrawn, and it is agreed by all parties that a hearing is not necessary; or
 - the Licensing and Gambling Acts Committee wish to consider the matter.
- 2.9.2 Licensing Officers will determine all other applications and the Licensing and Gambling Acts Committee will receive regular reports on the decisions made by Officers so that members maintain an overview of the general situation locally and nationally, and maintain an understanding as to the volume and nature of applications submitted to the Licensing Authority. Such reports shall also provide the Committee with details of all enforcement and compliance operations undertaken by the Licensing Officers, and any actions arising from those operations. Details of any proposed future developments related to or impacting upon the Licensing Act 2003, including proposed partnership working arrangements, and proposed changes to current legislation shall also be included in such reports.

2.9.3 For the convenience of applicants, the system of delegation is tabulated in Appendix 4.

Policy GN 10: Delegation

The Authority has delegated licensing decisions in accordance with the recommendations of the Secretary of State's Guidance and in the interests of speed, efficiency and cost effectiveness, as follows:

- (a) The Council determines:
 - the Statement of Licensing Policy;
 - membership of the Licensing and Gambling Acts Committee;
 - the extent to which functions, other than functions under the 2003 Act, are delegated to the Licensing and Gambling Acts Committee.
- (b) The Licensing and Gambling Acts Committee will undertake all functions of the Authority under the 2003 Act that are not the responsibility of the Council, as follows:
 - making recommendations to the Council on the Statement of Licensing Policy;
 - reviewing the Statement of Licensing Policy within five-year intervals, keeping the policy under review at other times and undertaking appropriate consultations;
 - arranging for training of members and officers to enable the Authority to discharge its duties under the 2003 Act;
 - agreeing which body is competent to advise the Authority in respect of matters relating to the protection of children from harm;
 - deciding the extent to which the Authority will recommend the classification of films;
 - monitoring the impact of licensing on regulated entertainment in general and live music and dancing in particular in connection with cultural strategies;
 - considering current licences or applications for licences where a Representation or a Relevant Representation has been made and not withdrawn.
 - receiving reports on matters determined by Licensing Officers with delegated authority.
- (c) Licensing Sub-Committees will operate under authority delegated by the Licensing and Gambling Acts Committee and determine matters as set out in Policy GN 11.
- (d) Licensing Officers will operate under delegated authority and determine matters as set out in Policy GN 12.

Policy GN 11: Licensing Casework Sub-Committee – delegated functions

Licensing Casework Sub-Committees will determine any of the following where a Representation or a Relevant Representation has been made and not withdrawn:

- application for a Personal Licence;
- application for Personal Licence with unspent convictions;
- application for Premises Licence or a Club Premises Certificate;
- application for provisional statement;
- application to vary a Premises Licence or a Club Premises Certificate;
- application to vary Designated Premises Supervisor;
- application for transfer of Premises Licence;
- application for interim authorities;
- application to review a Premises Licence or a Club Premises Certificate;
- determination of a Police or Environmental Health Objection to a Temporary Event Notice;
- decision to object when the Authority is a consultee and not the relevant authority considering the application.

Policy GN 12: Licensing Officer – delegated functions

A Licensing Officer, delegated within the Council's Constitution, will determine every other licence application for which no Objection, Representation or Relevant Representation has been received, or when any Objection, Representation or Relevant Representation has been received but has been withdrawn and that it is agreed by all parties that a hearing is not necessary.

Policy GN 13: Licensing and Gambling Acts Committee – procedure

Subject to any statutory provisions, the Licensing and Gambling Acts Committee will regulate its own procedure and that of Licensing Casework Sub-committees.

Policy GN 14: Licensing Casework Sub-Committee – procedure

In considering any application subject to a Representation or a Relevant Representation, the Sub-Committee will follow the principles set out in the Hearings Regulations under the 2003 Act.

Policy GN 15: Determination of applications – conditions

The Authority will determine the type and extent of conditions to be affixed to Premises Licences and Club Premises Certificates as follows:

- (a) Matters determined by Licensing Officers:
- Licensing Officers will develop any condition that they consider necessary to appropriately translate the offered information in the applicant’s operating schedule;
 - no other conditions, other than the mandatory conditions, will be added;
 - Licensing Officers will report to the Licensing and Gambling Acts Committee from time to time on the matters that those officers have determined.
- (b) Matters determined by a Licensing Casework Sub-Committee:
- Sub-Committees will attach conditions taken from the applicant’s operating schedule, as in (a) above;
 - no conditions, other than mandatory conditions and conditions offered in an operating schedule, will be added unless an appropriate Representation or Relevant Representation has been upheld;
 - Sub-Committees may also attach conditions that take account of a Representation made by a Responsible Authority or a Relevant Representation made by an Interested Party.

2.10 Non-licensing issues: What this statement is not for

2.10.1 The Authority recognises that:

- licensing is not about mechanisms for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual club or business holding the licence, certificate or permission concerned (subject to Policies GN19 and LH6);
- licensing is not about matters contained in other legislation, which may well apply simultaneously to the activities of licensed individuals or premises. Appendix 8 includes references to some of this legislation.

3 Cumulative impact**3.1 Cumulative impact**

3.1.1 The Authority wishes to take steps to prevent public nuisance, crime or disorder arising from the concentration of premises in one particular area.

3.1.2 Whilst need is primarily an issue for the market and the planning system, the cumulative impact of licensed premises on the promotion of the licensing objectives is a matter for consideration under the licensing provisions. Serious problems of public nuisance and disorder can arise in the vicinity of licensed premises where a number of them are grouped together and particularly where they may be situated near to residential areas. The numbers of premises selling alcohol and providing entertainment until the early hours of the morning have increased significantly over the years and many special measures have been adopted to try to deal with the crime and anti-social behaviour that can result from the more intensive activities.

3.1.3 The distribution of late night premises may be such as to warrant special action from the Authority to combat exceptional problems of disorder and public nuisance over and above the impact from individual premises.

Policy GN 16: “Need” for licensed premises

The Authority will leave the assessment of the “need” for licensed premises to the Planning Authority and to the market. It will not address this matter in undertaking its licensing functions.

Policy GN 17: Need for an evidential base

The Authority will consider Representations based on the impact of the grant of a particular application on the promotion of the licensing objectives in the Authority's area. However, there must be an evidential base for the assertion that the addition of the premises in question would produce the cumulative impact claimed. The impact can be expected to be different for premises with different styles and characteristics.

Policy GN 18: Use of other mechanisms to address cumulative impact

The Council will encourage the use of other mechanisms that are available for addressing problems caused by a minority of consumers behaving badly and unlawfully once away from licensed premises. For example:

- (a) planning controls;
- (b) positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the Council;
- (c) powers the Council has to designate parts of its area as places where alcohol may not be consumed publicly and take into account areas currently covered by Public Spaces Protection Orders;
- (d) Police enforcement of the normal law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- (e) the prosecution of any Personal Licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
- (f) the confiscation of alcohol from adults and children in designated areas;
- (g) Police powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder, or the likelihood of disorder or excessive noise emanating from the premises;
- (h) the power of the Police, other Responsible Authority or any other person to seek a review of the licence or certificate in question (please refer to 9.1 Reviews)

3.2 Special Saturation Policy

- 3.2.1 It is possible that the impact of the behaviour of customers of separate premises taken together on surrounding areas is greater than the usual impact from customers of individual premises and so creates exceptional problems of crime, disorder or public nuisance. In these circumstances a Responsible Authority or other persons may consider that the cumulative effect is to saturate an area, making it a focal point for large groups of people to gather and circulate away from the licensed premises themselves.
- 3.2.2 Guidance sets out the steps to be followed when considering whether to adopt a special policy within the Statement of Licensing Policy. These include:
 - identification of concern about crime and disorder or public nuisance;
 - consideration of whether there is good evidence that crime and disorder or nuisance are happening and are caused by the customers of licensed premises, or that the risk of cumulative impact is imminent;
 - identification of the boundaries of the area where problems are occurring;
 - consultation with those specified in section 5(3) of the 2003 Act, and subject to the outcome of the consultation;
 - including details of the special policy in the published Licensing Policy Statement.
- 3.2.3 With effect from 6th April 2018 Cumulative Impact Assessments (CIA) were put on a legal footing and introduced into the Licensing Act 2003 by the Policing and Crime Act 2017. Section 5A of the 2003 Act now sets out what a licensing authority needs to do in order to publish a CIA and review it.
- 3.2.4 Previous editions of the Council's Statement of Licensing Policy have included special saturation policies for Oxford City Centre and East Oxford, adopted following assessment of the particular impact from the concentration of licensed premises in those areas. These policies were adopted following government guidance applicable at the time.
- 3.2.5 The Council's Statement of Licensing Policy was adopted on 17th February 2021. However, the review of the previous Special Saturation Policies had been disrupted by the Covid19 pandemic and no realistic assessment of cumulative impact had been possible in accordance with section 5A. Therefore, the Council determined no introduction of a formal

Special Saturation Policy at that time.

- 3.2.6 The effect of adopting a Special Saturation Policy is to create a rebuttable presumption that applications for new Premises Licences or Club Premises Certificates or material variations to these will normally be refused, if Relevant Representations to that effect are received, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced. Applicants would need to address the Special Saturation Policy issues in their Operating Schedules in order to rebut such a presumption. However this presumption does not relieve Responsible Authorities or other persons of the need to make a Relevant Representation before the Licensing Authority may lawfully consider giving effect to its Special Saturation Policy. Responsible Authorities, such as the Police, or other persons can make written Relevant Representations maintaining that it is necessary to refuse the application for the promotion of the prevention of public nuisance, or crime and disorder and referring to information which had been before the Authority when it developed a Special Saturation Policy for inclusion in its Statement of Licensing Policy.
- 3.2.7 Special Saturation Policies should never be used as a ground for revoking an existing licence or certificate when Relevant Representations are received about problems with those premises. In this context, the “cumulative impact” on the promotion of the licensing objectives of a concentration of multiple licensed premises should only give rise to a Relevant Representation when an application for the grant or variation of a licence or certificate is being considered. A review must relate specifically to individual premises, and by its nature, “cumulative impact” relates to the effect of a concentration of many premises.
- 3.2.8 Having regard to Guidance, evidence from Thames Valley Police and other Responsible Authorities and representations received, the Authority has conducted a Cumulative Impact Assessment and considered it necessary to adopt special policies to limit the cumulative impact of licensed premises in Oxford city centre and East Oxford. The areas covered by these policies are defined in Appendixes 10 and 11. Evidence to support these special policies can be found in Appendix 12.

Policy GN 19: Special Saturation Policy

It is the Authority’s policy, if Relevant Representations are made, to refuse applications for new or material variations to, Premises Licences or Club Premises Certificates in the Special Saturation Policy Areas. A material variation would be where modifications are directly relevant to the Special Saturation Policy, for example an application to vary a licence with a view to increasing the occupancy limit of a premises or to extending the operating hours where evidence demonstrates that the variation would add to the problems of cumulative impact. If an application for a licence in either of these areas is made the Authority will expect the applicant to demonstrate in their Operating Schedule, the steps to be taken to prevent problems relating to nuisance and public safety and the steps to be taken to promote the reduction of crime and disorder. The Authority will consider the individual merits of any application, together with the Relevant Representations made, and where it feels that to grant the application would be unlikely to add significantly to the cumulative impact in light of the licensing objectives, the Authority will grant the application. The Authority recognises that if no Relevant Representations are made regarding an application for a licence in an area where the Special Saturation Policy exists, the Authority must and will grant the licence. The Special Saturation Policy will never be used as a ground for revoking an existing licence or certificate.

The Authority will regularly monitor the impact of this Special Saturation Policy. If it becomes evident that the criteria for such a policy are no longer met, the Authority will arrange for it to be discontinued or for the designated area to be redefined.

Other areas may also be considered in the future for the adoption of a Special Saturation Policy where the licensing objectives are likely to be undermined due to cumulative impact. These areas will be subject to public consultation.

4 Pool of conditions

4.1 Pool of conditions

- 4.1.1 The Secretary of State’s Guidance requires the Authority’s licensing policy to “make clear that a key concept underscoring the 2003 Act is that conditions attached to licences and

certificates should be tailored to the individual style and characteristics of the premises and events concerned.” It also states that “This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions.” The Authority will therefore need access to a wide range of appropriate conditions from which it can draw.

- 4.1.2 Provided no Representation or Relevant Representation has been received, the type and extent of conditions to be affixed to a Premises Licence will be determined by officers acting under delegated authority, and consistent with the operating schedule.
- 4.1.3 Where another person has made a Relevant Representation or a Responsible Authority has made a Representation, a Licensing Casework Sub-Committee will hear the case and may attach conditions to a licence. Use of standard conditions on all licences will be avoided, as will conditions that are unnecessary because other legislation makes adequate and appropriate provision for applicants’ compliance.

Policy GN 20: Pool of conditions

The Authority will maintain a pool of conditions, devised by The Licensing Authority, Thames Valley Police and Environmental Health, from which appropriate and proportionate conditions can be drawn. The Authority will adapt such conditions as necessary for promoting licensing objectives to suit the individual circumstances of each application for a Premises Licence or a Club Premises Certificate.

Policy GN 21: Pool of conditions: premises-specific

The Authority will not apply standard conditions to every Premises Licence or Club Premises Certificate that it issues, other than the mandatory conditions where alcohol is sold or supplied

Policy GN 22: Pool of conditions: additions

The Authority may add to the pool of conditions each condition that is developed to suit the individual circumstances of each application, so that it may be used as the basis of development of other conditions. The Authority will develop such conditions with regard to:

- (a) the 2003 Act;
- (b) the Secretary of State’s Guidance;
- (c) this Statement of Licensing Policy;
- (d) a condition attached to a permission, which requires conversion to a new Premises Licence or a Club Premises Certificate; and
- (e) a statement made in the operating schedule by an applicant for a Premises Licence or a Club Premises Certificate.

4.2 Live music, dancing and theatre

- 4.2.1 It would be inappropriate to expect organisers of small-scale activities (200 people “permitted capacity limit”) to incur the potentially substantial costs of complying with conditions that are more appropriate to larger events. Such small-scale activities will tend to be those that are arranged for small community groups or for children and have the potential for generating wider cultural benefits for communities generally.
- 4.2.2 The imposition of inappropriate conditions might entail substantial costs and so inadvertently deter live music, dancing and theatre in community centres, small venues or venues that are likely to be used only infrequently.
- 4.2.3 The Live Music Act 2012 and the Deregulation of Schedule 1 of the 2003 Act further reduces the burden placed upon those wishing to host entertainment events, and the Authority will be mindful of events that host entertainment deemed to no longer fall within the requirements of the 2003 Act. Details as to what activities are now exempt from the licensing regime can be found at Appendix 5.

Policy GN 23: Live music, dancing and theatre

The Authority will take proper account of the need to encourage and promote live music, dancing and theatre in balance with the potential for disturbance from these activities. In determining what conditions should be attached to Premises Licences and Club Premises Certificates, the Authority will take account of the need to avoid measures whose potential for imposing substantial costs could inadvertently deter live performances, especially at smaller venues.

5 Licensing hours

5.1 Licensing hours

- 5.1.1 With regard to licensing hours it is emphasised that each application will be considered on its individual merits. The Authority recognises that, in some circumstances, flexible licensing hours for the sale of alcohol can help to ensure that the concentrations of customers leaving premises simultaneously are avoided. This can help to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport, which can lead to disorder and disturbance. Providing customers with greater choice and flexibility is an important consideration, but will always be balanced against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet.

Policy LH 1: Zoning

The Authority will not generally restrict trading hours, but may restrict hours for particular premises if a Responsible Authority makes an appropriate Representation or an interested Party makes an appropriate Relevant Representation and this will promote the licensing objective.

Policy LH 2: Staggered closing times

The Authority will not seek to engineer any pattern of closing times ('staggered closing times') by setting quotas for particular closing times.

Policy LH 3: Licensing hours not limited

The Authority will not reduce the hours permitted for licensable activities to less than those stated in an application, unless a Representation or a Relevant Representation indicates that this is necessary and then only in the context of the individual merits of that application.

5.2 Display of operating hours

- 5.2.1 Licensing hours and the closing time of premises may be different. The cessation of licensable activities may take place at some time prior to actual closing time for the premises depending on the nature of the activities.
- 5.2.2 The Authority considers that it would be beneficial for potential customers and Interested Parties living or working nearby to be able easily to discover when licensed premises are likely to be operational.

Policy LH 4: Display of operating hours

Where appropriate the Authority normally expects to see a notice stating the actual operating hours of the premises displayed conspicuously outside every public entrance to a premise operating under a Premises Licence.

Policy LH 5: Closing times

In determining applications, the Authority will take into account the time that it is proposed to close the premises where patrons have been attracted to attend by a licensable activity. Regard will also be had to matters such as the nature of the locality and the availability of public transport at the time that the premises propose to close.

The Authority considers that licensable activities should normally cease not later than 30 minutes before final closure of the premises.

5.3 Dispersal procedures

- 5.3.1 Organised dispersal procedures can help to prevent crime, disorder and public nuisance where large numbers of persons leave licensed premises over a concentrated period of time. This applies whether customers leave in small numbers over an extended period, or in large numbers.
- 5.3.2 The Authority considers that dispersal procedures, on which all staff employed at the licensed premises are trained, are particularly necessary for premises at which regulated entertainment or the sale of alcohol for consumption on the premises will continue after midnight. Persons living in the vicinity may experience the effects of the dispersal of customers from licensed premises as public nuisance. Such problems can be minimised

through orderly dispersal.

- 5.3.3 Staff trained in dispersal procedures could also play a key role in the event of emergency evacuation.

Policy LH 6: Dispersal procedures

Where appropriate, the Authority expects Premises Licence applicants for premises that will remain open beyond midnight and will be open primarily for public entertainment or the sale of alcohol for consumption on the premises, or both, to submit a written statement with their application covering procedures for orderly dispersal of patrons at closing time to minimise any negative impact locally and to support the rights and needs of residents and businesses.

Such a statement should show how all staff in the premises are trained in its implementation.

The Authority expects any dispersal procedure to state the time at which the licensable activities cease and the later, actual, closure time of the premises.

5.4 Latest admission times

- 5.4.1 It is undesirable that persons should seek to 'top up' their alcohol intake by 'club-hopping' and seeking out those premises that are admitting customers at the latest times as crime, disorder and public nuisance in urban centres can be increased by persons moving between venues late at night.
- 5.4.2 Establishing last entry times can reduce the tendency of customers to concentrate at those premises which remain open the latest, without restricting the hours of trading. This will encourage dispersal and reduce the pressure on late-night refreshment outlets and transport facilities that can lead to disorder problems. It will therefore assist with objectives to prevent public nuisance and crime and disorder in certain circumstances.

Policy LH 7: Latest admission times

The Authority expects latest admission times to apply, for example, in areas where there is a concentration of premises that continue to sell alcohol for consumption on the premises and provide Regulated Entertainment after midnight.

The Authority expects the latest admission time to be at least one hour before cessation of the licensable activity.

5.5 Hours for 'off-sales' of alcohol

- 5.5.1 The Government suggests that the norm will be for all shops, stores and supermarkets with Premises Licences that permit the sale of alcohol for consumption off the premises to be free to provide such sales of alcohol at any times when the retail outlet is open for shopping unless there are very good reasons for restricting those hours.
- 5.5.2 Where a licence permits the sale of alcohol in general terms such as 'during opening hours', the Authority, Responsible Authorities and Interested Parties would have no role in determining the availability of alcohol in any subsequent changes to shopping hours. Therefore any conditions on the timing of alcohol sales should state specific times.

Policy LH 8: Hours for 'Off-Sales' of Alcohol

The Authority will normally approve an application for licensing hours for retail premises that permit the sale of alcohol (for consumption off the premises) at any time that the retail premises are open for shopping.

Where there are good reasons for restricting those hours, the Authority will specify the particular hours during which the sale of alcohol for consumption off the premises is permitted. In such cases the Authority will not specify those hours in general terms, such as 'at any time that the retail premises are open for shopping'.

If a Representation or a Relevant Representation is made to the Authority, concerning premises intended for the sale of alcohol for consumption off the premises, that those premises are likely to become a focus for disturbance or public nuisance, the Authority reserves the right to restrict trading hours as one mechanism of combating such problems.

6 Children and licensed premises

6.1 Access to premises

- 6.1.1 The 2003 Act does not prohibit children who are accompanied by an adult from having free access to licensed premises of all kinds, including those selling alcohol for consumption on the premises.
- 6.1.2 However, the 2003 Act makes it an offence for any child under the age of 16 who is not accompanied by an adult from being present:
- at any time on pub premises, or other premises being used exclusively or primarily for the supply of alcohol for consumption on those premises; or
 - between the hours of midnight and 5am on restaurant premises, or other premises that supply alcohol for consumption on the premises.
- 6.1.3 Apart from the above, the admission of children is a matter for the discretion of the individual licensee or club, unless conditions included in a Premises Licence or a Club Premises Certificate limit the access of children.
- 6.1.4 The fact that the new offence may effectively bar children under 16, who are not accompanied by an adult, from premises where the consumption of alcohol is the exclusive or primary activity does not mean that the 2003 Act automatically permits unaccompanied children under the age of 18 to have free access to other premises or to the same premises even if they are accompanied or to premises where the consumption of alcohol is not involved. The 2003 Act includes on the one hand, no presumption of giving children access or on the other hand, no presumption of preventing their access to licensed premises. Each application and the circumstances obtaining at each premises must be considered on its own merits.

Policy CH 1: Access by children to Licensed Premises not a requirement

The Authority will not apply conditions to Premises Licences that require that children must be given access.

Policy CH 2: Restrictions on access by children to Licensed Premises (1)

The Authority will not apply conditions to Premises Licences that limit the access of children except to the extent that:

- (a) it considers necessary for the prevention of harm to children (with regard to a Representation or Relevant Representation on the application); or
- (b) applicants have included such restrictions in their operating schedules as a result of risk assessments that determined that the presence of children would be undesirable or inappropriate.

- 6.1.5 The range of situations in policy CH 3, enables the Authority to restrict the access of children to any premises, by taking appropriate account of the 'reputation' of those premises in addition to the formal aspects of an application.

Policy CH 3: Restrictions on access by children to Licensed Premises (2)

In considering access by children to licensed premises, the Authority will address the individual merits of each application with regard to any Representation or Relevant Representation on the application and, in particular, will take account of situations:

- (a) where entertainment or services of an adult or sexual nature are commonly provided;
- (b) where current staff working at the premises have been convicted of serving alcohol to minors, or the premise have a reputation for underage drinking;
- (c) with a known association with drug taking or dealing;
- (d) where requirements for proof of age cards or other age identification to combat the purchase of alcohol by minors is not the norm;
- (e) where there is a strong element of gambling on the premises; or
- (f) where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- (g) and any other occurrence that the Authority determines is contrary to the licensing objectives.

- 6.1.6 The range of options in policy CH 4, which can be applied singly or in combination, enables the Authority to apply conditions to a Premises Licence, or Club Premises Certificate, that are in proportion to the scale of a perceived problem.

Policy CH 4: Restrictions on access by children to Licensed Premises (3)

The Authority will rarely apply a complete ban on access by children to any individual licensed premises. However when, in response to a Representation or Relevant Representation, the Authority considers that access by children should be limited, it will apply one or more conditions (to the whole, or parts, of the premises) that include the following options (singly, or in combination):

- (a) limitations on the hours when children may be present;
- (b) age limitations (below specified ages younger than 18);
- (c) limitations or exclusions when certain activities are taking place;
- (d) requirements for accompanying adults (including requirements that apply only to children below specified ages);
- (e) checking proof of age;
- (f) full exclusion of people under 18 from the premises when any licensable activities are taking place.

6.2 Prevention of alcohol consumption by minors

- 6.2.1 In most circumstances, the consumption of alcohol by minors would be illegal. The Authority considers that it would also contribute to harm to children, so systems should be put in place to ensure compliance with the law. The Authority encourages the development of a culture in which the checking of proof-of-age cards is accepted as the norm in circumstances where doubt might otherwise exist (e.g. Challenge 25)
- 6.2.2 The Authority will maintain close contact with the police, social care teams, health services and Trading Standards about the extent of unlawful sales and consumption of alcohol by minors and be involved in the development of strategies to control or prevent these unlawful activities and to pursue prosecutions.

Policy CH 5: Prevention of under-age consumption of alcohol

The Authority expects Personal Licence holders to ensure that alcohol is not supplied to persons under 18 except as permitted under the 2003 Act and expects every premises where alcohol is supplied to include, in its operating schedule, a management protocol for achieving this.

6.3 Entertainment for and by children

- 6.3.1 Entertainment specifically for children (for example, pantomimes) can attract large numbers of unaccompanied children. The Authority expects the licence holder to undertake a risk assessment including details of how they will ensure the safe access and egress of children, and the management of children during the event.
- 6.3.2 The Authority expects the licence holder to provide them with a copy of their safeguarding policy and procedures.
- 6.3.3 The Authority expects licensees to provide attendants, at all performances specially presented for children, in accordance with model national standard conditions.
- 6.3.4 The Authority expects teenage discos and similar events to be ticket-only. This is because there is a risk that when 'pay-at-the-door' events reach capacity, children will be left alone on the street.
- 6.3.5 The Authority has an obligation to report people in a position of trust (employed or volunteer) to the LADO if a safeguarding concern is reported. A referral must be made in all cases where it is alleged that a person who works or volunteers with children has:
- Behaved in a way that has harmed a child, or may have harmed a child; or
 - Possibly committed a criminal offence against or related to a child; or
 - Behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children; or
 - Behaved or may have behaved in a way that indicates that they may not be suitable to work with children
- 6.3.6 The Authority has a duty to make barring referrals to the DBS if it thinks a person has

either:

- Harmed or poses a risk of harm to a child or vulnerable adult
- Has satisfied the harm test; or
- Has received a caution or conviction for a relevant offence and;
- The person they're referring is, has or might in future be working in regulated activity and;
- The DBS may consider it appropriate for the person to be added to a barred list

Policy CH 6: Regulated entertainment for children

The Authority expects that, where regulated entertainment includes performances specially presented for children, applicants will include in their risk assessment details of the number of attendants that will be on duty to ensure the safety of children and to control the access and egress of children, and the management of children during the event. The Authority will also expect a copy of the applicant's safeguarding policy and procedures.

Policy CH 7: Regulated entertainment with child performers

For licences that include performances by children, the Authority will normally expect a nominated adult to be responsible for such child performers.

Policy CH 8: Persons supervising children - DBS checks

In premises where children's entertainment is provided and particularly where children participate in providing entertainment, the Authority would normally expect that any person who will be engaged in supervising children to have been subject to a check through the Enhanced Disclosure procedure of the Disclosure and Barring Service.

Policy CH 9: Regulated entertainment for children – ticket only policy

The Authority expects that Regulated Entertainment organised for teenage children in the form of a disco or similar event will normally be managed as ticket-only events, with no tickets available at the door.

If pre-ticketing is not to be used, the Authority expects the applicant to demonstrate what alternative arrangements will be used to control admissions and prevent disorder.

6.4 Film exhibitions

- 6.4.1 In the case of premises giving film exhibitions the Authority expects applicants to describe in their operating schedules their arrangements for ensuring compliance with the film classification recommendations that apply.

Policy CH 10: Film Classification (1)

To every Premises Licence that authorises the exhibition of films, the Authority will attach a mandatory condition requiring the admission of children to the exhibition of any film to be restricted in accordance with:

- (a) the recommendations of the film classification body specified in the licence, (which will normally be the British Board of Film Classification (BBFC) see Appendix 3), or
- (b) the Authority's recommendation.

The Authority will attach a similar condition to every Club Premises Certificate that authorises the exhibition of films.

Policy CH 11: Film Classification (2)

The Authority will not apply its own system of classification for the majority of films. However, provided the operator submits the film for classification at least 28 days before the proposed date of showing, the Authority may classify a film:

- (a) that has no BBFC classification; or
- (b) that has a BBFC classification, but the operator has requested the Authority to consider reclassification and the Authority agrees to do so, or
- (c) where there has been a Relevant Representation from another person or a Representation from any Responsible Authority with an interest in the protection of children from harm.

The Authority will have regard to the BBFC classification system, the BBC Code for Producers and the Ofcom/Broadcasting Standards Commission Broadcasting Code when making any decision on the classification of films.

Any classification made by the Authority will have precedence over any other classification.

Policy CH 12: Exhibition of film – display of notices

The Authority will expect applications to ensure that appropriate notices are displayed about restrictions on admission and that performances do not take place in areas other than where they can be restricted to a particular audience when necessary.

7 Licence Applications

7.1 General

- 7.1.1 Applications that are incomplete, or fail to comply with the requirements of the 2003 Act will impose additional administrative burdens that hinder the Authority's ability to process the applications that do comply. The Authority will therefore return applications that it considers incomplete, as it considers that applicants should retain the responsibility for ensuring their applications comply with the requirements of the 2003 Act.
- 7.1.2 The 2003 Act requires some applications to be advertised for a set period, or to be copied to the Police or other Responsible Authorities. This gives other persons and Responsible Authorities an opportunity to make Representations about the application to the licensing authority, i.e. those which are not frivolous or vexatious and which relate to the licensing objectives. The Authority considers that the failure of an applicant to comply with these requirements is appropriate grounds for rejecting an application.
- 7.1.3 Applications may be made via the Council's website, emailed to licensing@oxford.gov.uk, by post to the address given in Appendix 9, and in person at our offices if circumstances allow.
- 7.1.4 Once an application has been accepted, any amendments to the application, unless made in response to a Representation or Relevant Representation, must normally be made by way of an application for variation or a fresh application. The Authority therefore recommends that applicants discuss their proposals with the appropriate Responsible Authority before finalising their submission.
- 7.1.5 Where applications are silent on particular issues, such as the use of special effects or the type of events to be held, this will limit the range of activities permitted under the Premises Licence or Club Premises Certificate that is granted.

Policy LA 1: Licence applications – acceptance

The Authority requires applications to comply with the requirements of the 2003 Act before they are registered as being received.

The Authority will return to the applicant any application that it discovers to be incomplete because it does not comply with the 2003 Act, including any requirement to advertise or failure to provide a complete copy to a Responsible Authority.

If the Authority returns an application to an applicant for any of the above reasons, it will treat the application as not received. This Policy will apply regardless of any proof of delivery of the application to the Authority.

7.2 Personal Licences

- 7.2.1 The Authority seeks to ensure that it grants only those applications which satisfy the relevant licensing objectives and that the Police have the necessary information on which to base any Representation they may wish to make to the Authority, if applicable. This is because the holder of a Personal Licence should be a person who is not only properly qualified but someone who will contribute to crime prevention.
- 7.2.2 An application for a personal licence is made by an individual to the Licensing Authority for the area in which the applicant normally lives. Thereafter, this Licensing Authority

becomes the “Relevant Licensing Authority” for that licence, even though the licence holder may move out of the area or gain employment elsewhere. Licence holders must notify their ‘Relevant Licensing Authority’ when they move address.

- 7.2.3 The Licensing Authority will grant a personal licence if it appears that:
- the applicant is over 18;
 - the applicant possesses a relevant licensing qualification;
 - the applicant has not forfeited a personal licence in the previous five years beginning with the day the application was made;
 - the applicant has not been convicted of any relevant offence as defined in the Act;
 - the appropriate fee has been paid.
- 7.2.4 Where an applicant has a relevant unspent conviction we will supply a copy of the application to Thames Valley Police. The police can object to the application on crime prevention grounds, and they will serve a notice if they want to object.
- The applicant is entitled to a hearing before the Licensing Sub-Committee where the applicant can bring evidence to support the application.
- 7.2.5 If an application is refused, the applicant will be entitled to appeal to the Magistrates’ Court against the decision. If the application is granted despite a police representation, the Chief Officer of Police is entitled to appeal against the Licensing Authority’s determination. We will therefore record full reasons for any decision that they make.
- 7.2.6 A Personal licence holder has a duty to notify the Licensing Authority that granted the licence of any changes to their personal details i.e. change of address or name. If they are charged with any relevant offence they have a duty to inform the court that they hold a personal licence. They must notify us if they lose their licence or if it is stolen.
- 7.2.7 The Authority acknowledges that the Government has determined that any Personal Licence due to expire after 1st April 2015 will not require renewing.
- 7.2.8 An individual who wishes to be a designated premises supervisor (DPS) will need to obtain a personal licence. This gives the individual the ability to authorise the sale of alcohol in accordance with the terms of the premises licence.
- 7.2.9 The police may object to a DPS where, in exceptional circumstances, they believe that the appointment would undermine the “crime prevention” objective. Where the police object we must arrange for a hearing to consider the application. Either party then has a further right of appeal at the Magistrates’ Court if they disagree with the determination of the Licensing Casework Sub-Committee.

7.3 Premises Licences

General Prevention of Public Nuisance

- 7.3.1 Frequent complaints can be received about noise from the operation of licensed premises. Any noise nuisance from a licensed premises can be reported to the relevant department via the Council website, by calling 01865 249811 or emailing saferoxford@oxford.gov.uk or noise@oxford.gov.uk Responsible operators will wish to avoid enforcement action having to be taken under licensing or other legislation. Applicants for Premises Licences and Club Premises Certificates are advised to consider measures that prevent noise nuisance from occurring.
- 7.3.2 A Noise Abatement Notice under the Environmental Protection Act 1990, or a Warning Notice under the Noise Act 1996 may be served on premises that cause a statutory nuisance through failure to meet appropriate standards for preventing the escape of noise, regardless of the conditions of any Premises Licence or Club Premises Certificate.
- 7.3.3 Powers also exist for the Police and the Council to deal with noise issues that may affect persons living in the vicinity of licensed premises selling alcohol and/or providing Regulated Entertainment.
- 7.3.4 However, it will normally be appropriate for applicants for Premises Licences and Club Premises Certificates to suggest measures that are adequate to deal with the potential for nuisance and/or anti-social behaviour having regard to all the circumstances of the application.
- 7.3.5 As noise could emanate not only from the playing of music but also from air handling

equipment or the patrons, applicants may wish to consider undertaking sound tests to ensure that the level of noise leakage from the premises is acceptable given the location.

7.3.6 Night-time trading can increase noise and disturbance for local residents and result in damage to property in the vicinity of licensed premises. The Authority may consider that there are benefits to be achieved in minimising public nuisance by curtailing hours of operation, generally or on specific occasions, if a Representation or a Relevant Representation is made to that effect.

7.3.7 The Authority advises applicants to give special consideration to noise control measures if proposing to provide Regulated Entertainment or to sell alcohol for consumption on the premises beyond midnight.

7.3.8 Different approaches to prevention of public nuisance will apply to a Premises Licence application for Regulated Entertainment, given the nature of the activities, and special circumstances that can arise in relation to those activities, for example:

- longer hours of operation;
- noise pollution issues;
- public nuisance caused by people queuing to obtain admission;
- general safety for the public in a crowded and or dimly lit environment; and
- congregation of patrons outside licensed premises.

The applicant will be expected to include relevant conditions, taken from the Council's pool of conditions or their own recommendations, related to the prevention of public nuisance in their operating schedule.

7.3.9 Section 177 of the 2003 Act provides that, at premises licensed for music and with a permitted capacity of not more than 200 persons, conditions relating to the provision of music entertainment do not have effect for unamplified music between 8.00am and midnight, unless they derive from the operating schedule, or are imposed due to a review.

Policy LA 2: Premises Licence – Regulated Entertainment (General)

Where appropriate, the Authority expects the applicant to address sources of noise leakage in practical ways such as (these measures may be employed singly or in combination):

- (a) providing adequate mechanical ventilation so that doors and windows can be kept closed;
- (b) ensuring that the mechanical ventilation is adequately sound-proofed;
- (c) installing a sound limiting device to prevent sound exceeding an appropriately defined level;
- (d) installing sound proofing measures to contain sound and vibration;
- (e) other organisational measures to ensure that potential sound leakage is contained, particularly from special events;
- (f) having a queue management policy.

Applicants should ensure that they carefully consider Approved Document F (Ventilation) in the Building Regulations 2000 when deciding on the levels and types of activities proposed.

Policy LA 3: Premises Licence – Noise control to suit late night trading

The Authority will, in response to a Representation or a Relevant Representation, and if considered necessary, apply conditions on noise control that suit the licensing hours for premises in areas that include residential accommodation. These conditions may be sourced from the pool of conditions, available to be viewed on the Council website, or bespoke conditions in collaboration with the appropriate Responsible Authority.

Addressing local concerns

7.3.10 Noise nuisance can adversely affect residents living near to licensed premises or business premises in their vicinity if measures taken to deal with noise are inadequate.

Management logging of complaints and adoption of procedures for overcoming reported problems will assist with the prevention of public nuisance and the prevention of crime and disorder. Sight of a complaints log will also provide the Authority with information necessary to assess the effectiveness of the management of the premises with regard to the licensing objectives. Residents can contact can report any noise nuisance from a licensed premises by calling 01865 249811 or emailing saferoxford@oxford.gov.uk or noise@oxford.gov.uk or via our website: www.oxford.gov.uk.

Policy LA 4: Premises Licence – Addressing local concerns

The Authority expects applicants to address how other persons may raise matters of concern directly with those responsible for managing the premises and how those matters will be effectively addressed. A suitable contact number for the premises to be provided to local residents is advised.

Policy LA 5: Premises Licence – Safer Nightlife

Special attention should be given to the organisation and risk assessments for such events, taking into account the advice and guidance in the 'Safer Nightlife' booklet and the need for higher levels of vigilance than required for normal dance events. In particular the Authority will expect increased levels of supervision, medical/first aid provision, on-premises drug counselling/advisory services and other arrangements to ensure the safety of patrons attending the event and those supervising it. Additional measures to prevent public nuisance arising from loud music being played at such events must be considered.

Special Effects

7.3.11 The Authority expects those applicants who propose to provide Regulated Entertainment and to use special effects, to adequately address the implications of risk assessments in their operating schedules and so ensure that public safety is not adversely affected.

7.3.12 Regulated Entertainment can involve special effects such as:

- dry ice machines - cryogenic fog;
- smoke machines - fog generators;
- pyrotechnics including fireworks;
- real flame;
- firearms;
- motor vehicles;
- strobe lighting;
- lasers;
- explosives and highly inflammable substances.

Policy LA 6: Premises Licence – Special Effects

The Authority expects that a proper risk assessment be undertaken where any regulated entertainment is proposed that potentially involves danger to the audience or performers. The organiser should take appropriate measures that are designed to ensure that the risk is effectively removed.

Sanitary Accommodation

7.3.13 The Authority expects licensed premises to provide sanitary accommodation for both male and female customers, and are encouraged to include gender-neutral facilities, commensurate with maximum occupancy levels. This is to promote public safety and to minimise public nuisance caused by departing customers urinating in public places, as convenient alternative facilities may not be available when customers leave. Licensed premises are also encouraged to include provision of baby changing facilities in both male and female toilets, or an area accessible to all parents, regardless of gender.

7.3.14 BS 6465 states recommended levels of provision.

7.3.15 Local authorities can require provision of sanitary accommodation at premises providing entertainment, under S20 of the Local Government (Miscellaneous Provisions) Act 1976. However, it would be preferable for applicants to make the necessary arrangements voluntarily in accordance with the BSI Standard.

Policy LA 7: Premises Licence – Sanitary Accommodation

The Authority requires premises to provide adequate and convenient sanitary accommodation to suit the needs and numbers of its customers, including those with disabilities, and commensurate with the nature of the licensable activities proposed.

7.4 Club Premises Certificates

7.4.1 The Government has emphasised that non-profit making clubs have made an important and traditional contribution to the life of many communities in England and Wales and bring significant benefits. Their activities also take place on private premises and they operate under codes of discipline applying to members and their families. In determining what conditions should be included in certificates, the Authority will bear these matters in mind and conditions will not be attached unless they can be demonstrated to be strictly necessary.

Qualifying Conditions

7.4.2 Section 61 of the 2003 Act sets out the conditions that a qualifying club must meet. Section 62 also sets out specified matters for licensing authorities to enable them to determine whether a club is established and conducted in good faith - the third qualifying condition. Section 63 sets out additional qualifying conditions that apply solely to clubs intending to supply alcohol to members and guests.

Policy LA 8: Club Premises Certificates – Club qualifying conditions

The Authority will require applicants to provide copies of the Club's Constitution and Rules for it to be able to determine whether the club is established and conducted in good faith as a club. This information must accompany the application.

Operating schedule

7.4.3 The range of issues that should be addressed in operating schedules will be premises-specific, but may include the issues listed in the 'OS' series of policies.

Policy LA 9: Club Premises Certificates – Scope of the operating schedule
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Where an applicant is required to provide an operating schedule, the Authority expects this to address the four licensing objectives through a comprehensive range of issues applicable to the location and activities proposed at the club premises.

Film and theatrical performances

7.4.4 The Authority may require the display of appropriate notices and restrictions on the entry of children, if performances include material that is not suitable for minors.

7.4.5 Where there is to be an exhibition of a film or a theatrical performance is to take place on club premises, applicants should refer to the 'CH' series of policies set out in this policy statement.

7.4.6 Where a special theatrical performance for children takes place in Club Premises then the Authority will expect the presence of sufficient adults to control the access and egress of the children and ensure their safety. Such numbers of adults should be agreed with the Authority before the performance takes place.

7.4.7 The Authority expects that a restriction on admission is applied in any case where a theatrical performance contains material which can be regarded as suitable for an adult audience only.

Policy LA 10: Club Premises Certificates – Film or Theatrical Performances

The Authority will require clubs to display appropriate notices about any restrictions on admission to film or theatrical performances and ensure that these do not take place in areas other than where they can be restricted to a particular audience when necessary.
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Gender equality in clubs

7.4.8 The Authority recognises that equal treatment for everyone is not a licensing objective. The Licensing Authority will expect member's clubs to ensure that their membership rules do not result in discrimination against a person on the basis of a protected characteristic, as detailed in the Equality Act 2010 – for example, maintaining different membership classes for persons of different genders.

Policy LA 11: Club Premises Certificates – Gender Equality

The Authority will not impose conditions that interfere with the arrangements for granting membership or voting within the club.
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7.5 Particular premises and activities

Pubs, Restaurants, Hotels, Guest Houses

- 7.5.1 The licensable activities in pubs, restaurants, hotels and guest houses are likely to require minimal conditions, provided they only undertake the sale of alcohol, or sale of alcohol with a meal.
- 7.5.2 The Authority expects those responsible for managing licensed premises to prevent public nuisance by ensuring that licensable activities likely to affect third parties are contained and properly managed.

Policy PP 1: Pubs, Restaurants, Hotels, Guest Houses

In pursuing family friendly environments for such establishments, the Authority expects applicants to ensure that the use of outdoor areas will not cause a public nuisance to nearby residents and expects applicants to demonstrate that they will appropriately manage activities in such areas. The Authority may exclude licensable activities from outside areas at appropriate times or in appropriate circumstances in response to a Relevant Representation.

High Volume Drinking Establishments

- 7.5.3 High Volume Drinking establishments (HVDs) are premises with exceptionally high capacities, used primarily or exclusively for the sale and consumption of alcohol with little or no seating for patrons. A comprehensive review of the research conducted in the last twenty-five years into alcohol and crime and its relationship to licensed premises shows that the environment within such establishments can have a significant bearing on the likelihood of crime and disorder arising on the premises.
- 7.5.4 The Authority considers that this research shows that HVDs do not further the licensing objectives.
- 7.5.5 The research indicates that the key points on preventing crime and disorder include:
- controlling the capacity to prevent overcrowding and frustration to customers;
 - ensuring adequate seating for customers; and
 - ensuring the provision of door security teams at the premises to control capacity and ensure already drunk or disorderly individuals are not admitted.

Policy PP 2: High Volume Drinking Establishments (HVDs)

Where necessary and appropriate, the Authority may attach conditions to Premises Licences for HVDs and similar premises (if not volunteered by the venue operator) following an appropriate Representation or Relevant Representation which require adherence to:

- (a) a prescribed capacity;
- (b) an appropriate ratio of tables and chairs to customers based on the capacity; and
- (c) the presence of Security Industry Authority (SIA) registered security teams to control entry for the purpose of compliance with the capacity, and to carry out security duties in other parts of the premises.

Internet sales, Mail Order and Home Deliveries

- 7.5.6 The place where the order for alcohol, or payment for it, takes place may not be the same as the place where the alcohol is appropriated to the contract (i.e. the place where it is identified and specifically set apart for delivery to the purchaser). This position can arise when sales are made online, by telephone, or mail order. Section 190 of the 2003 Act provides that the sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract. It will be the premises at this location which need to be licensed; for example, a call centre receiving orders for alcohol would not need a licence but the warehouse where the alcohol is stored and specifically selected for, and despatched to, the purchaser would need to be licensed.

This may differ with Home deliveries if the alcohol is being stored where sales are taking place. However the Council will carefully consider the distance selling supply chain in deciding where the alcohol is appropriated to the contact. The Licensing Authority has received numerous applications for home delivery services from venues such as storage warehouses as well as residential addresses.

Designated sports grounds

- 7.5.7 The Authority expects organisers of sporting events to make appropriate arrangements to limit the possibility of crowd disturbance within sports stadiums and to take steps to minimise the incidence of public nuisance within the vicinity of stadiums in accordance with licensing objectives to prevent crime, disorder and public nuisance.
- 7.5.8 Issues of disorder among, or safety of, spectators can arise at sporting events and crowd control in and around grounds can be affected where licensable activities such as the sale of alcohol take place.

Policy PP 3: Designated Sports Grounds, Events and Outdoor Stadiums
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If the Police make a Representation, the Authority may seek to restrict sales of alcohol at sporting events to specific areas of the venue, to times set relative to particular performances or events, or to set times and may require different arrangements for public and private areas.
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Garages and Service Areas

- 7.5.9 Section 176 of the 2003 Act provides for a general prohibition on the sale of alcohol at motorway service areas and garage forecourts. The Government may, by order, alter the description of premises from which alcohol may be sold.
- 7.5.10 The 2003 Act largely maintains the situation in previous legislation which has allowed the sale of alcohol to develop in line with the range of goods available from garage shops as is now commonplace. Accordingly, where proper facilities are provided in the form of a shop at a garage, the Authority does not propose to preclude sales of alcohol within the range of goods available.

Policy PP 4: Garages and Service Areas

The Authority will apply no general restriction on the sale of alcohol from garage shops that also offer a substantial range of groceries for sale.

In order to establish that premises are not primarily used as a garage, which would prevent the sale of alcohol, an applicant will need to show the intensity of use by customers at the premises. This may be evidenced by lists of customers according to usage, or by sales figures classified according to purchases.

This policy does not amend the prohibition of alcohol sales at motorway service areas.
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Vessels (boats)

- 7.5.11 When licensing vessels, the Authority will consider the conduct of the proposed licensable activities in the context of the licensing objectives. In particular it will address the need for adequate control of licensable activities to further the public safety objective and to prevent public nuisance to residents in the vicinity of the vessel's navigational route.
- 7.5.12 The Authority will not be concerned with the safety of the vessel for carriage of passengers, or issues concerning the safe navigation of the vessel. These are matters dealt with under other legislation.

Policy PP 5: Vessels – Safety

The Authority expects the normal safety measures for a vessel to be supplemented as appropriate to suit the scale, nature and timing of any licensable activities that occur. In considering such matters, the Authority may consult with the Environment Agency or any other authority with responsibility for the safety of vessels.
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Policy PP 6: Vessels – Noise

Licensable activities taking place on board a vessel must not cause noise nuisance or other public nuisance to people in the vicinity of a vessel's berth or the route of its navigation. Furthermore, in response to a Representation or Relevant Representation, the Authority may require that specialist supervision in the form of Security Industry Authority (SIA) registered door staff or safety attendants is arranged in connection with any regulated entertainment which takes place on board.

Vehicles and Moveable Structures

7.5.13 Alcohol may not be sold on a moving vehicle but there may be a requirement for sale of alcohol and possibly other licensable activities to take place from a stationary vehicle or structure, for example one that is sited temporarily at an event.

7.5.14 Where a Premises Licence is required for the vehicle or structure, this will relate solely to the place where the vehicle is sited and the licensable activities are to take place.

Premises Licences for vehicles and moveable structures are therefore required wherever they are sited when licensable activities take place and this may well mean applications to more than one Licensing Authority.

Policy PP 7: Vehicles and Moveable Structures

The Authority expects the operator of any vehicle or moveable structure to ensure that it is located in an area that is appropriate for the proposed licensable activities.

It may not be appropriate to site any such vehicle or structure near to other licensed premises, or in an area subject to a Public Space Protection Order or where it may cause noxious smells or litter problems if operating between 23:00 and 05:00 hours.

7.5.15 The operator of a vehicle trading in a 'consent street' will continue to require a street trading consent in addition to any Premises Licence and the conditions attached to the street trading consent will continue to apply. Such conditions will normally be equally relevant to vehicles trading in areas where street trading consents are not required.

Policy PP 8: Late Night Refreshment Vehicles – outside consent streets

The Authority will seek to apply the conditions that apply to vehicles under street trading consents to the Premises Licences for vehicles or structures that provide late night refreshment in areas that are not consent streets.

No Premises Licence is valid for a vehicle within an area prohibited to street trading.

Late night refreshment

7.5.16 The 2003 Act requires that premises selling hot food or drink for consumption by members of the public on or off the premises, between the hours of 23.00 and 05.00 must have a Premises Licence.

7.5.17 Such premises include those dedicated to providing this service, restaurants (not only those that offer take-away facilities) and vehicles trading during these hours.

7.5.18 Premises engaged in the late night provision of hot food and drink are covered by the 2003 Act to enable appropriate controls to be introduced to reduce the incidence of disorder, disturbance and public nuisance that can arise if these venues become the focus for gatherings of people that have come from other venues and may have been consuming alcohol.

7.5.19 Management of late night refreshment venues needs to be undertaken effectively to assist in preventing crime, disorder, anti-social behaviour and public nuisance.

Policy PP 9: Late Night Refreshment

The Authority will look carefully at the scope of operation intended for late night refreshment premises. The Authority particularly expects applicants to address issues such as:

- (a) Hours of operation, to prevent public nuisance to any nearby residents, or problems of noxious smells and anti-social behaviour;
- (b) Supervision of queues and the management of large numbers of clientele descending on the premises at certain times - this could include door supervision to control surges of customers where this may occur;
- (c) Layout of the premises to cope with patrons e.g. position of counters, entrances and exits;
- (d) Litter control and environmental activities, such as litter picking including cigarette butts from patrons, provision of litter bins, street sweeping/washing in the immediate vicinity of the premises;
- (e) CCTV; and
- (f) Public safety, including the type of power supply to be used where the application is for a trading vehicle or moveable structure.

The Authority expects premises licensed for late night refreshment to have regard to the

'Voluntary Code of Practice for the Fast Food Industry' (DEFRA Oct 2003).

Policy PP 10: Take-away food outlets – presumption of no alcohol sales

The Authority will have a presumption against the sale of alcohol from premises where the primary activity during the hours 23:00 to 05:00 is the provision of take-away food unless it can be clearly shown that there will be no contribution to crime or disorder.

Supply of alcohol for consumption off the premises

7.5.20 It is not the Authority's policy generally to seek to restrict the sale of alcohol for consumption off the premises. However, where premises are relatively isolated, with minimal levels of staffing, this can lead to problems of anti-social behaviour or disorder in the vicinity of the premises. Pressure can also be applied to staff to sell alcohol to persons who are under age or to those seeking to purchase high strength beers, lagers, ciders, etc.

7.5.21 Policy PP11 is intended to ensure that alcohol is sold only to those who are entitled to purchase it and that premises have proper checks in place to ensure that the restrictions are enforced, so that minors and those seeking to purchase high strength beers, lagers, ciders, etc. do not obtain access to alcohol which can lead to public nuisance or disorder. If deemed appropriate in order to address evidenced local concerns, the Responsible Authorities may seek licence holders to consider the impact on the licensing objectives when selling high strength beers, lagers, ciders, etc.

Policy PP 11: Supply of alcohol ('Off-sales')

For applications that include the sale of alcohol for consumption off the premises, the Authority will expect operating schedules to address how sales of alcohol will be confined to those entitled to purchase it and how the procedures will be consistently applied. The role of the Designated Premises Supervisor will be pivotal in this respect. The operating schedule should cover such practical issues as:

- (a) the display of prominent warning notices about the supply of alcohol to minors;
- (b) offences which adults can commit by buying alcohol for minors;
- (c) requirements for production of satisfactory proof of age;
- (d) Whether any high strength beers, lagers, ciders, etc. will be made available for sale.

The Authority expects that staff involved in the sale of alcohol will have had appropriate training in order to put the operating schedule into effect.

Times during which alcohol may be sold will be restricted if it appears to the Authority, as a result of a Representation or Relevant Representation, that this would promote the licensing objectives of preventing public nuisance, crime and disorder.

The Authority will maintain close working relationships with both the Police and Trading Standards Officers who will conduct 'test purchasing' of alcohol under the 2003 Act in order to detect and prevent sales of alcohol to minors and to pursue prosecutions where appropriate.

Safe drinking-vessels

7.5.22 The Authority seeks to remove the risk of injury that could result from the use of particular types of drinks containers at particular venues, or in association with particular licensable activities.

7.5.23 The risk of injury can arise not only from the deliberate misuse of glass containers and bottles during disturbances, but also from accidental breakage in crowded or dark venues and from broken glass in parks, water features and swimming pools.

7.5.24 Where appropriate, such as where there are concerns about crime and disorder or public safety, the Authority will require all drinks to be supplied in containers that are safer than traditional glasses or bottles (e.g. polycarbonate, paper, environmentally sustainable materials where possible, or toughened glass). Where appropriate, bottled beverages should also be dispensed into safe containers. Premises may also consider the use of anti-drink spiking products.

Policy PP 12: Safe drinking-vessels

In appropriate circumstances, the Authority will require safe drinking-vessels to be used

wherever a material risk of injury might arise.

This policy applies not only to drinking vessels and containers for alcohol, but also to containers for soft drinks and water including any brought to the premises by customers.

Other potential weapons

Policy PP 13: Other potential weapons

In appropriate circumstances the Authority will require premises not to provide loose items that could be used as weapons, e.g. heavy or glass ashtrays, or unfixed furniture.

Large Scale and Outdoor Events

7.5.25 The Authority in partnership with the Safety Advisory Group (SAG) regularly meets to discuss proposed large scale and outdoor events. The Authority encourages organisers of such events to approach council officers at the earliest opportunity to discuss the arrangements for the licensed activities involved. This may include the production of an Event Management Plan. It would normally be expected that reference should be made in the operating schedule to the Event Management Plan. The Authority will offer advice and assistance to organisers about this preparation through the Safety Advisory Group. In producing operating schedules and Event Management Plans for such events the organisers are encouraged to visit our Events page on our website: <https://www.oxford.gov.uk/downloads/20035/events> and should have regard to the following documents:

- Safety Guidance for Street Arts, Carnival Procession and Large Scale Performances published by the Independent Street Arts Network, obtainable through: <https://outdoorartsuk.org/>
- Safer Clubbing Guide.

7.5.26 However, those creating operating schedules or club operating schedules, licensing authorities and responsible authorities should again note that under no circumstances should any conditions be regarded as standard for all premises.

7.5.27 Any individual preparing an operating schedule or club operating schedule should volunteer any measure, such as those described in Section 8 of this Policy document and in the Authorities adopted Pool of Conditions, as a step he or she intends to take. Such measures will become conditions of the licence/certificate, and as such, any breach of these conditions could give rise to prosecution.

Policy PP 14: Large Scale and Outdoor events

The Authority expects the organiser of a large scale or outdoor event, except those that may be covered by Temporary Event Notices, to identify an adequate management team at an early stage and to designate a lead person to liaise with the Authority.

The Authority also expects a representative of an open-air event's organisers to attend co-ordination meetings with Responsible Authorities and the Council's Safety Advisory Group.

Sex-related entertainment

7.5.28 The Authority is not able to control the content of adult entertainment involving activities such as striptease or lap-dancing through the Licensing Act 2003.

7.5.29 Such premises are controlled under the amendments to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 of the Policing and Crime Act 2009, which came in to force in this Authority on 10th June 2010.

Community Centres and Village Halls

7.5.30 The Authority encourages all Community Centres and Village Halls to apply for Premises Licences to cover all expected activities, as the managers of these venues are likely to find too restrictive the permitted annual number of Temporary Event Notices.

7.5.31 If alcohol is to be supplied, the Personal Licence Holder nominated as the Designated Premises Supervisor need not be a member of the management committee of the centre or hall.

Public spaces and council-controlled premises

- 7.5.32 In places for which the Council holds a Premises Licence entertainers will be able to give a performance, without the need to serve Temporary Event Notices or to apply for individual Premises Licences.
- 7.5.33 This approach will make it more possible for cultural diversity to thrive and will be a far simpler process for many types of entertainment that use numerous venues each year, such as circuses and street artists. However, entertainers will need to obtain the permission of the Council (as both landlord and Premises Licence holder) and comply with any conditions that might be imposed.
- 7.5.34 This approach may reduce the administrative burden on the Authority and ensure that licensable activities are encouraged in locations that the Authority considers appropriate and where the promotion of the licensing objectives has been previously considered and any potential noise nuisance can be properly managed.

Policy PP 15: Public spaces and council-controlled premises
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<p>The Authority encourages the Council and Oxfordshire County Council to seek Premises Licences for the purpose of particular types of public entertainment at premises under their control, such as community halls, parks and public open spaces.</p>
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<p>The Authority expects the organisers of proposed large-scale events in parks and public open spaces to apply for Premises Licences, because the Premises Licences held by the Council for these locations are likely to be of limited scope.</p>

7.6 Designated Premises Supervisors

- 7.6.1 In order for alcohol to be sold under a Premises Licence, the licence must name a Designated Premises Supervisor who holds a Personal Licence. Even though the Police may not object to the grant of a Personal Licence to a particular person, they may object to that person being named as the Designated Premises Supervisor for particular premises on grounds that the crime prevention objective is likely to be undermined. The Police can only challenge in exceptional circumstances.
- 7.6.2 Although the Designated Premises Supervisor has a key role in the management of premises, the 2003 Act does not require the Designated Premises Supervisor to present at the premises.
- 7.6.3 In the event of any problems, Authorised Persons will need recourse to the Designated Premises Supervisor who is in a pivotal position within licensed premises. The Designated Premises Supervisor must be managerially able to mobilise resources at the premises as necessary to assist the promotion of the licensing objectives. In order to comply with the conditions of the licence, this must include the ability to manage the systems described in the applicant's operating schedule.
- 7.6.4 On occasions where the Designated Premises Supervisor is not available then a nominated competent person must be available to oversee the day-to-day running and control of the premises and where appropriate this person shall be a Personal Licence holder.

Policy DPS 1: Designated Premises Supervisors
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<p>The Authority expects that under normal circumstances the Designated Premises Supervisor will be the person who has day-to-day responsibility for running the premises.</p>
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7.7 Temporary Event Notices

- 7.7.1 Under the 2003 Act, Temporary Event Notices enable licensable activities to take place outside the scope of a Premises Licence. These notices can be given for events that last no more than 168 hours and have less than 500 people present at any one time. There are annual restrictions on how many notices one person may give and on the number of times the same premises can be used.
- 7.7.2 By their nature, temporary events may not be as well-resourced as activities organised under a Premises Licence, so are potentially disruptive and can cause problems for residents and owners of property nearby. However, the legislative framework for temporary events envisages a 'light touch' by the Authority, the Police and the

Environmental Health Service.

- 7.7.3 A private event is exempt from a TEN for invited guests which is held in a hired private room and no sale of alcohol occurs. There must be no charge for admission which is intended to make a profit.
- 7.7.4 A maximum number of fifteen TENs can be submitted each calendar year for any premises. A premises can operate its business under TENs for a maximum of 21 days in a calendar year. For 2022 and 2023, the limits have been increased to 20 TENs for a maximum of 26 days.
- 7.7.5 The most important aspect of the system of permitted temporary activities is that no authorisation as such is required for these events from the Licensing Authority. The process involves notification of an event to the Licensing Authority, the police and the environmental health service. Only the police and environmental health may intervene to prevent such an event from taking place.
- 7.7.6 The Licensing Authority may only ever intervene itself, if the limit on numbers of events is exceeded. Otherwise, the Licensing Authority is only required to issue a timely acknowledgement.
- 7.7.7 There are two types of TENs – “**Standard**” and “**Late**” TENs.
- 7.7.8 A **Standard** TEN must be given to the Licensing Authority ten clear working days (being Monday - Friday) before the event, and a **Late** TEN must be given to the Licensing Authority no later than five clear working days (being Monday – Friday) before the event. Section 193 of the Act defines "working day" as any day other than a Saturday, a Sunday, Christmas Day, Good Friday, or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in England and Wales. "Ten working days" notice means ten working days exclusive of the day on which the event is to start, and exclusive of the day on which the notice is given.
- 7.7.9 For a ‘**Standard**’ TEN, the Police and/or Environmental Health may submit an objection notice if they consider that by allowing the event to take place at least one licensing objective would not be met. Where the Police or Environmental Health object they will serve an objection notice on you. You can then discuss the event and agree modifications to address their concerns. If no agreement is reached, the Licensing Authority will hold a hearing to consider the objection. If the Police or Environmental Health object to a **Late** TEN, the event will not be permitted to go ahead because there is no means to arrange a hearing or agree modifications to the proposed event.
- 7.7.10 If the TEN is in connection with a licensed premises, the Licensing Casework Sub-Committee may impose one or more of the existing licence conditions. Conditions can **only** be imposed on the TEN where they already exist on the premises licence or the club premises certificate. The Act requires the conditions to be appropriate for the promotion of the licensing objectives **and** not inconsistent with the carrying out of the licensable activities.
- 7.7.11 Persons organising Temporary Events involving music should liaise with Environmental Health to discuss provisions necessary to prevent noise nuisance.
- 7.7.12 Any noise nuisance resulting from the licensable activities under a Temporary Event Notice can be reported by affected residents to the relevant department via the Council Website, by calling 01865 249811 or emailing saferoxford@oxford.gov.uk or noise@oxford.gov.uk

Policy TEN 1: Temporary Event Notices

To be valid, Temporary Event Notices must be served on the Authority, with a copy to the Police Authority and the Environmental Health Service.

7.8 Provisional Statements; New or Substantially Altered Premises

- 7.8.1 Where premises are to be newly constructed, extended or substantially altered, an applicant who has an interest in the premises can apply for a ‘Provisional Statement’. This is in addition to any planning and building-control consents that may be required.
- 7.8.2 A Provisional Statement gives the applicant some assurance about the grant of a future application for a Premises Licence. This may be useful if the applicant has insufficient information to be able to complete the operating schedule that is necessary for a Premises Licence application or, if alcohol sales are proposed, is unable to name the proposed

Designated Premises Supervisor. An applicant with adequate information could apply, instead, for a Premises Licence at a suitable stage in design and construction.

Policy PR 1: Provisional Statements; new or substantially altered premises

The Authority will consider issuing a Provisional Statement for new premises, provided the applicant already holds appropriate planning consent.
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Policy PR 2: Changes to provisional statements

Where there are any changes to the proposals before a substantive licence is granted, these must be dealt with by way of an application for variation.
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Once the Authority has issued a Provisional Statement, it will exclude from its consideration any Representation or Relevant Representation made about the subsequent application for a Premises Licence if, without reasonable excuse, a substantially similar Representation or Relevant Representation could have been made about the application for the Provisional Statement. However, the Authority recognises that genuine and material changes may arise in the intervening period and the Authority reserves the right to entertain Representations and Relevant Representations that reflect changed circumstances.
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A Provisional Statement may not be sought for a vessel, a vehicle or a moveable structure.
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7.9 Minor Variations

7.9.1 The minor variations process allows licensees to make application to the Licensing Authority to make certain minor changes to an existing licence, without the need for a full application to vary the existing authorisation. Minor variations do not have to be copied to the Responsible Authorities by the applicant, the Licensing Authority will determine which Responsible Authorities, if any, shall be consulted and are only advertised by way of a white notice displayed at the premises for a period of ten working days starting on the first working day after the application was given to the Licensing Authority.

7.9.2 Minor variations can only be used in cases where the variation sought shall not impact adversely on the licensing objectives. There is no right to a hearing to take place to consider minor variations. The decision as to whether or not a minor variation is appropriate will be made by the officers of the Licensing Authority, and this decision shall be final. In making such decision, officers must have regard to any relevant representations received from other persons within the statutory time limit. Representations must be relevant where they relate to the likely effect of the grant of the application on one or more of the licensing objectives. Officers shall consult when and if necessary with the relevant Responsible Authorities.

7.9.3 If the Licensing Authority fails to respond to a request for a minor variation within fifteen working days, it is deemed refused and the Authority must return the fee to the applicant forthwith. However, the Licensing Authority and the applicant may agree instead that the undetermined application should be treated as a new application and that the fee originally submitted will be treated as a fee for the new application.

7.9.4 A minor variation should only be used in the following circumstances:

- Reductions in the hours during which licensable activities may take place
- Reduction in opening hours
- Minor changes to the layout of premises that do not impact on the licensing objectives, such as moving the location display cabinets for alcohol within a supermarket or shop.
- The removal of licensable activity
- Variation to the times alcohol is sold, where those times are between 07:00 hours and 23:00 hours.
- Adding conditions that will assist in promoting the licensing objectives
- Amending conditions that are badly worded
- Removing or amending conditions that are unenforceable
- Removing conditions that are obsolete.

7.9.5 Relevant Considerations:

- Whether the application increases the capacity for consuming alcohol on the premises
- Whether access to emergency exits or escape routes shall be blocked by the proposed

changes

- Whether the alterations might affect the operation of noise reduction measures such as an acoustic lobby
- Whether the addition of a licensable activity might impact on the promotion of the licensing objectives, e.g. the addition of live or recorded music on the prevention of public nuisance objective. The proximity of the unlicensed premises to residential accommodation
- Conditions volunteered by the applicant to mitigate the effects of any changes
- The previous history of the premises
- The likely effect on surrounding premises

7.9.6 Residents and businesses are able to raise representations (objections) to applications for, and variation to premises licences. These must relate to the four licensing objectives and the proposals made in the application.

7.9.7 Details of applications and variations to premise licences will be required to be displayed on or outside the premises concerned.

7.9.8 For variations that include layout changes and submission of a revised plan of the premises, the licence holder is encouraged to include provisions for disabled people, including disabled access, if not already accommodated.

7.10 Members as Interested Parties

7.10.1 The law has changed, giving elected members will be able to both make representations and potentially call for reviews of licences. There are some caveats, the foremost being evidence to support your case.

7.10.2 This is a significant change from the previous situation, where individual Members could only make such representations if they lived in or had a business in the vicinity of the premises, or had been specifically asked to represent a constituent at a hearing.

7.10.3 The statutory constraints on the reasons for representations or reviews still apply – they may only be made on the grounds of one or more of the licensing objectives, which are:

- the prevention of crime and disorder;
- the prevention of public nuisance;
- public safety;
- the protection of children from harm.

7.10.4 Representations or applications for review on other grounds cannot be considered. For instance, public health is not a statutory objective and cannot be considered.

7.10.5 All representations or reviews:

- must be in writing, showing the name and address of the writer (the representation or review application must be published as part of the process) – there is a prescribed form for reviews on the Licensing webpage;
- must clearly set out the likely effects the grant of the licence would have on the promotion of at least one of the licensing objectives;
- must present evidence in support of the representation or review.
- must clearly relate to the premises for which application is being made.
- For example, representations on the basis of general noise and disturbance, without evidence of a link to specific premises, will carry little or no weight with the Sub-Committee.

8 Operating schedules

8.1 General

8.1.1 The operating schedule is a key document and, if prepared comprehensively, will form the basis on which premises can be licensed without the need for additional extensive conditions.

8.1.2 The Authority expects an operating schedule to indicate the steps that the applicant proposes to promote the licensing objectives. It is particularly important that the operating schedules for appropriate premises should be precise and clear about measures that the management proposes to take to meet the licensing objectives.

8.1.3 The 'OS' series of policies indicates some of the issues that the Authority encourages

applicants to consider including in any operating schedule. They are intended to assist applicants in their consideration of how best to meet the licensing objectives and, in doing so, may help prevent Representations from Responsible Authorities that would otherwise result in a hearing.

8.2 Safety

- 8.2.1 Safety within premises to which the public are admitted is of fundamental concern and is therefore one of the licensing objectives. All these policies are designed to ensure that the objective is promoted as appropriate to the premises.
- 8.2.2 There are two aspects to safety to take into account, one being the form of construction of the premises, the other being the way in which the patrons are managed once in the premises.
- 8.2.3 The Authority will expect the premises to be constructed to the appropriate standards for the uses to which it is to be put. It expects applicants to have addressed the requirements of Health and Safety at Work and Fire Safety legislation. Where appropriate, applied standards set out in any technical guidance for construction of buildings for a particular purpose should also be met.
- 8.2.4 The Authority will expect the applicant to have considered provisions for disabled people, including disabled access to the premises.

Policy OS 1: Operating schedule – Safety

Those preparing operating schedules and Responsible Authorities should consider:

- (a) Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance ISBN 1 904031 11 0 (Entertainment Technology Press - ABTT Publications);
- (b) The Event Safety Guide - A guide to health, safety and welfare at music and similar events (HSE 199) ('The Purple Book') ISBN 0 7176 2453 6;
- (c) Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X;
- (d) 5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 07176 15804;
- (e) Guide to Fire Precautions in Existing Places of Entertainment and Like Premises (Yellow Guide) HMSO ISBN 0 11 340907 9; and
- (f) advice from the Fire Officer or Building Control Officer.
- (g) Guidance from the Equality Act 2010 regarding provisions for persons with protected characteristics.

Policy OS 2: Operating schedule – Premises management and maintenance

The Authority expects operating schedules to detail how premises will be properly managed and maintained at all times.

Where necessary the operating schedule must reflect the management structures necessary to deal with the variety of activities taking place on the licensed premises on different days, at different times and in different parts of the premises at the same time.

Policy OS 3: Operating schedule – Log book

The Authority expects the managers of appropriate premises to maintain a log of activities for the premises that records the details of the manager and supervisory staff and the times that they are on duty, with details of incidents such as where people have been ejected from the premises.

Policy OS 4: Operating schedule – Occupancy limits

The Authority expects the operating schedule for each of the following types of premises to state the occupancy limits:

- (a) cinemas;
- (b) theatres;
- (c) any premises where Regulated Entertainment is to be provided;
- (d) any other premises, on the advice of a Responsible Authority where there are particular reasons to do so.

The Authority expects the operating schedule to state the occupancy limits of each floor of such premises and, where appropriate, separate areas on each floor, or under different operating conditions.

Policy OS 5: Operating schedule – Free drinking water

The Authority expects applicants to indicate how supplies of free drinking water will be made available and clearly advertised at appropriate events and venues, particularly those where Regulated Entertainment takes place over a lengthy period of time.

Policy OS 6: Smoke free Premises

The Authority expects operating schedules to detail how premises will be able to comply with the Health Act 2006 without compromising any of the four licensing objectives (e.g. re-entry policies, drinks supervision, litter management and noise control etc. Applicants may wish to include additional plans to highlight any smoking areas they propose to use.

8.3 CCTV

- 8.3.1 The Authority seeks to further the licensing objective of prevention of crime and disorder through greater use of CCTV in licensed premises, as appropriate to the scale and type of licensable activities proposed. CCTV is in wide use in public areas and has been successful in bearing down on crime and disorder. CCTV has also been in use in nightclubs to complement the CCTV system in public areas and to record information for use in dealing with incidents in clubs.

Policy OS 7: Operating schedule – CCTV

For appropriate premises, the Authority expects the use of CCTV equipment to capture images of appropriate quality, location and frequency. The Authority expects applicants for licences for such premises to demonstrate in their operating schedules that the installation and operational procedures for the equipment at the premises comply with Thames Valley Police's 'Standard Minimum Closed Circuit Television Requirements'.

8.4 Drug control

- 8.4.1 The Authority seeks to minimise the availability of drugs in furtherance of the public safety and crime and disorder objectives. The Authority therefore expects venues to have a comprehensive management approach to eliminating drug use and possession.
- 8.4.2 There are many indications that an increasing number of people are taking illegal drugs and are using a wider range than ever before. This is particularly true of what are often referred to as 'recreational drugs'. Their use, sometimes in places where entertainment is taking place, has led to fatalities.
- 8.4.3 The Authority will actively seek ways in which it can assist in promotional initiatives to highlight the hazards of drug and alcohol abuse.
- 8.4.4 For those venues where drug misuse is an identified risk, measures need to be taken to combat supply, use and the effects of any use. There is advice available about how to control and mitigate the effect of drug-taking, which is relevant for entertainment venues in general and venues which provide intensive dancing, such as 'nightclubs', in particular.

Policy OS 8: Operating schedule – Drugs

The Authority expects licensees of venues where there is a risk of drug-taking, to take all appropriate steps to prevent drugs from being brought onto the premises and from being traded within the premises, in addition to implementing measures to prevent tragedies as a result of any drug misuse.

The Authority expects licensees of premises that hold 'rave-style' dance events, whether regularly, intermittently or as single events, to produce a drug policy statement. That statement may incorporate the guidance and recommendations in the 'Safer Clubbing' booklet.

The Authority expects the operating schedule to show how the whole management structure of the venue is trained and organised to follow the measures agreed for the venue to minimise use of drugs.

Premises that hold outdoor events are likely to be required to have Security Industry Authority (SIA) registered door staff on duty, so the drugs policy statement for the premises should be explicit about how the door staff will participate in systems to minimise drug use. In particular, the Authority expects such policies to include clear statements of the procedures for searching

customers as a condition of entry.

In appropriate cases the Authority will consider attaching, to the Premises Licence, conditions that are based upon recommendations detailed in approved guidance on drugs.

8.5 Door supervisors

- 8.5.1 The Authority supports the pro-active use of trained and registered door staff as part of the operational management of some types of premises, because this can reduce the risk of crime, disorder and anti-social behaviour occurring.
- 8.5.2 A Premises Licence that provides for the presence of door supervisors will include a mandatory condition that such door supervisors must be either registered by the Security Industry Authority (SIA) or part of the Approved Contractor Scheme (ACS).
- 8.5.3 The ACS is the mechanism by which the SIA implements the requirements of the Security Industry Act 2001 as it applies to companies. The purpose of the ACS is to “raise performance standards and to assist the private security industry in developing new opportunities “. It aims to achieve this by putting in place a system of inspection for providers of security services. Certification Bodies, like Security Systems Alarms Inspection Board, will undertake the inspection activities on behalf of the SIA to ensure that companies who achieve the required standard can be registered as approved.

Policy OS 9: Operating schedule – Door Supervisors

The Authority generally expects Premises holding regulated entertainment that continues beyond midnight to employ door supervisors in furtherance of the licensing objectives.

Where appropriate, the Authority will attach conditions to Premises Licences about the minimum numbers of male and female door supervisors on duty and their roles, which will reflect the layout of the premises, the location, the type of entertainment or function provided and the periods when regulated entertainment normally takes place.

Where a Representation or Relevant Representation has been made, the Authority may require premises to use door supervisors for particular types of regulated entertainment, which might potentially provoke disorder (e.g. broadcasts of sporting tournaments in pubs) and special promotional events in which the sale of alcohol is significant.

At premises that have regular entertainment, or where special events are taking place, other attendants who do not engage in security activities may be required to supervise areas within the premises.

The Authority expects door supervisors and other staff undertaking security or supervisory duties to be readily identifiable by members of the public and where appropriate to wear high visibility clothing.

8.6 Pub-watch and Late Night Business Partnership Schemes

- 8.6.1 Pub-watch and late night business partnership schemes are a pro-active means of promoting the licensing objectives. They support the exchange of information and collective agreement on persons being excluded from premises because of anti-social or disruptive behaviour. They also assist in helping to establish and grow strong and mutually beneficial relations between licensees and Responsible Authorities.
- 8.6.2 Responsible managers of appropriate licensed premises will wish to actively participate in such schemes, which are in operation in the Authority’s area.
- 8.6.3 The Authority fully supports Oxford’s “Nightsafe” partnership initiative to combat crime and disorder associated with the night-time economy.

Policy OS 10: Operating schedule – ‘Pub-Watch and Late Night Business Partnership’ Schemes

The Authority expects that all premises licensed to sell alcohol will participate in a pub-watch scheme, where there is one in place, and to become part of the system(s) that Pubwatch, and Nightsafe schemes may implement to alert members about potential troublemakers.

The Authority encourages such premises to join such schemes in order to promote closer working relations with the Licensing Officers, and other Responsible Authorities in a manner designed to address the needs of business and the promotion of the licensing objectives.

8.7 Drinks promotions

- 8.7.1 The Authority has concern about the potential for crime and disorder and public nuisance that might arise from sale of alcohol for consumption on the premises through discounts or special sales promotions. The Authority does not wish to deny consumers the opportunity to participate in responsible promotions, but in response to a Representation or Relevant Representation, will restrict activities where it appears that such sales are inadequately supervised, or the discounts encourage excessive consumption by individuals, or the period of the promotion too long.
- 8.7.2 Policy OS 11 enables the Authority to consider circumstances where drinks promotions are a regular feature for particular premises and to enable the Police and Authority to consider whether adequate controls are in place to limit or prevent disorder that may result.

Policy OS 11: Operating schedule – Discounting and sales promotions

The Authority expects any discounted drinks and sales promotions to be properly managed and take into account the guidance issued by the British Beer and Pub Association.

The Authority supports measures to promote sensible drinking including a commitment not to participate in drink promotions / happy hours etc., which encourage binge drinking. Premises licences are likely to be subject to review where they have led to any of the licensing objectives being undermined. Licence holders should not only consider the price of the alcohol sold on the premises but also in the manner in which it is promoted.

The Authority expects applicants to include in their operating schedules any proposals for discounting or sales promotions of alcohol and to provide the Authority with written procedures detailing how such promotions will be managed in order to further the licensing objectives, giving particular attention to any increased supervision that may be required.

Policy OS 12: Operating schedule – Public Nuisance Noise

In considering applications, the Responsible Authority would recommend evidence that the likelihood of public nuisance has been addressed for the premises. The use of outside areas can potentially cause public nuisance particularly during quieter periods of the day when background noise has diminished. It is anticipated that the Responsible Authority may on occasions request that the operating schedule address measures such as restricting the use of certain areas of the premises e.g. garden area.

8.8 Fly Posting and Distribution of Printed Matter

- 8.8.1 Problems can be caused by fly-posting. Some licence holders and / or promoters use fly-posting as a cheap way of advertising their venue(s). This is not only an eyesore but it creates a public nuisance and is illegal.
- 8.8.2 The Council can tackle fly-posting in many ways including use of the Town and Country Planning Act 1990, the Highways Act 1980 and the Anti-Social Behaviour Act 2003. Licence holders should also be aware that the new Cleaner Neighbourhoods and Environment Act 2005 give further powers to the Council to tackle this problem.
- 8.8.3 Licence Holders must be aware that the Authority considers that fly posting is a public nuisance and that they will be held accountable for any matter found promoting their venue.
- 8.8.4 The Authority strongly advises premises that wish to advertise their venue use the poster boards that have been supplied by the Council in partnership with Oxford Brookes and various local nightclubs. These boards are situated throughout the City and the full list is available on the City Council's website. Alternatively a premises may apply to the Council for consent to distribute free printed matter.

Policy OS 13: Operating schedule – Public Nuisance Fly Posting

The Authority would normally expect provisions to be made to prevent fly posting. We would expect within your operating schedule details of how promotions and special events will be publicised. We require venues and promoters using their venues to have the correct number of Distribution of Free Printed Matter licences should distribution of flyers take place.

8.9 Drink Spiking

- 8.9.1 Spiking has traditionally been the term for when alcohol or drugs are put into someone's drink without their knowledge or consent. More recently, another form of spiking has emerged that involves individuals being injected by a needle without their consent.
- 8.9.2 The number of spiking cases recorded has increased significantly to the extent that the Home Affairs Select Committee launched its own enquiry into spiking in December 2021.
- 8.9.3 The Authority is acutely aware that this is a very serious matter, and works in close partnership with the relevant authorities to ensure that licensed premises in Oxford are safe environments for members of the public. This includes working alongside Thames Valley Police with their Operation Vigilant, which was launched to target predatory behaviour in order to prevent sexual offences taking place.
- 8.9.4 The Authority has a procedure in place for when an officer suspects a case of spiking when out on enforcement operations.
- 8.9.5 The Authority expects applicants and licence holders to take a number of measures to ensure the safety of their customers in regards to spiking. These include having a written safeguarding and vulnerable person or duty of care policy, and to adopt such schemes as Ask Angela. All members of staff should be suitably trained in regards to this policy and to be able to identify potential spiking cases. A procedure and clearly defined response plan should be in place for suspected spiking incidents including collecting evidence, contacting the Police and facilitating any medical attention if necessary.

Policy OS 14: Operating schedule – Drink Spiking

The Authority would expect robust measures to be taken by applicants and licence holders to ensure the safety of their patrons. A written safeguarding and vulnerable person or duty of care policy should be provided that includes what process will be followed if a spiking incident occurs. All staff should be trained on this policy and a record kept of the date and the name of the person trained. The policy should state that if a spiking is suspected that the Police will be informed immediately and a medical response should be facilitated where appropriate.

It is also advisable that anti drink spiking products should be made available to customers as well as forensic kits that include drug testing equipment.

8.10 Equality Act 2010

- 8.10.1 The Authority actively encourages and supports any application that will enhance the provisions for persons with protected characteristics under the Equality Act 2010, be it the addition of disabled access or safe spaces for members of the LGBTQ+ community.
- 8.10.2 The Authority will expect applicants and licence holders to consider the Equality Act 2010 when compiling their operating schedule and where an application requires submission of a new or revised plan of the premises.
- 8.10.3 Public Safety, as one of the licensing objectives, is of utmost importance when submitting an application and applicants will be expected to provide information on how they intend to ensure the safety of their patrons. This may include the adoption of schemes such as Ask Angela or a policy on vulnerable persons.

Policy OS 15: Operating schedule – Equality Act 2010

The Authority encourages applicants to consider persons with protected characteristics listed under the Equality Act 2010 when submitting an application and to include robust policies and procedures in their operating schedule to ensure that members of the public are safe and supported whilst in their premises. Any application that requires the submission of a new or revised plan should take into account access and facilities for persons with protected characteristics.

9 Reviews and Enforcement Issues for Premises

9.1 Reviews

- 9.1.1 Under the 2003 Act it is possible for the Authority to review a Premises Licence at any time, if it receives a Representation from a Responsible Authority or a Relevant Representation from another person. The Authority may not initiate its own review without having received a Representation or Relevant Representation. Reviews may only arise in connection with a failure or failures in the premises connected to the licensing objectives.
- 9.1.2 Successful promotion of the licensing objectives relies on a partnership approach between the Authority, licence holders, other persons and Responsible Authorities. Reviews should not therefore be used as a commonplace way of securing adherence to licence conditions or of redressing perceived failures in management of licensed premises.
- 9.1.3 Reviews in connection with crime, could lead to revocation of the licence - even in the first instance.
- 9.1.4 The 2003 Act, as amended by Violent Crime Reduction Act 2006, enables the Authority, on the application of a senior police officer in serious cases of crime and disorder, to attach interim conditions to licences pending a full review.

Policy RE 1: Reviews (1)

Generally, unless the Authority regards the issue as serious, a review will only be conducted where there has been a failure to address matters previously raised.

Policy RE 2: Reviews (2)

Where a request for a review is made, the Authority will expect the person making the Representation or Relevant Representation to declare the nature of their interest and provide specific evidence to demonstrate why a review is necessary. The person seeking a review should in the first instance contact the Authority for guidance and visit the relevant page of the Council's website for further information.

Policy RE 3: Reviews (3)

The Authority will not review licences simply because a Representation or Relevant Representation may have failed on previous occasions or under other legislation.

Policy RE 4: Reviews (4)

If a request for a review is received from another person or Responsible Authority, the Authority will decide whether a reasonable interval has elapsed since a previous review, if any, has taken place. It will generally not expect to hold a review into a licence in response to a Relevant Representation from a particular person more often than annually, unless there are exceptional circumstances.

9.2 Inspection Regime

- 9.2.1 The 2003 Act does not require inspections to take place, save at the discretion of those charged with this role.
- 9.2.2 The Council will adopt the enforcement principles of risk assessment and targeting, taking into account the nature of the licensed activities, the extent to which the licensing objectives are met and the confidence in the management of the premises. This approach will ensure that enforcement is effectively concentrated on problem premises whilst monitoring the situation in other premises, and provide for efficient deployment of the Council's staff and Police officers.
- 9.2.3 The Licensing Authority will establish and maintain both proactive and reactive enforcement protocols / service level agreements with the local police and other enforcement agencies. Protocols will provide for the proportionate targeting of agreed problem and high-risk licensed activities needing greater attention and a corresponding lighter touch for well run, lower risk premises in the area.
- 9.2.4 The Licensing Authority believes that proportionate but vigorous enforcement will be a key

element in ensuring the successful implementation of the licensing regime and that the four licensing objectives are met. We intend to use our powers under the Licensing Act 2003 and other relevant legislation to ensure a proper balance is struck between the interests of the licensed trade and of the wider community.

9.2.5 Licensing Officers will use a graduated form of response in adherence to the Council's Corporate Enforcement Policy to assist in resolving issues of non-compliance, including drawing up action plans; although we recognise that in serious cases a prosecution or a review application will be the appropriate action.

9.2.6 The Council will also undertake pre-event inspections in appropriate locations.

Policy EN 1: Inspection Regime and Enforcement

The Council will establish and maintain protocols with the local Police and other enforcement agencies as appropriate for the management of both the day and night-time economy. Central to this would be the enforcement of the law relating to sales of alcohol to drunk and underage people and drunkenness or disorder on, or in the immediate vicinity of the licensed premises. The Council will seek to ensure that these protocols concentrate on targeting of mutually agreed problems and high-risk premises, while providing a lighter touch in respect of low-risk premises that are well run.

9.2.7 The following sets out how the inspection regime will work:

Type of Premises	Frequency of planned inspections
High risk (e.g. night-clubs/pubs with regulated entertainment, open after midnight, cinemas, theatres, indoor sports entertainments)	According to risk rating to be determined at first inspection
Medium risk (e.g. pubs, pubs with regulated entertainment not open after midnight, registered members' clubs, 'off-licences' not part of a shop, late night refreshment premises)	According to risk rating to be determined at first inspection
Low risk (e.g. off-licences that are part of a shop) restaurants, Village/community halls	According to risk rating to be determined at first inspection
Temporary event notices (which last for a maximum of 168 hours)	Prior to event starting
Outdoor Concerts/Events involving Regulated Entertainment and/or sale of alcohol	Prior to event starting

9.2.8 There may be occasions when additional inspections will be required, for example following premises alterations, complaints made by Interested Parties or requests by Responsible Authorities.

9.2.9 This inspection routine recognises that Premises Licences, unless issued for a specific period of time, have no end date once they have been granted.

9.2.10 The Authority is empowered to make 'Public Space Protection Orders' under the Anti-Social Behaviour, Crime and Policing Act 2014 to control the consumption of alcohol in a public place outside licensed premises.

9.3 Failure to pay Annual Fees – Licence Suspensions

9.3.1 The Police Reform and Social Responsibility Act 2011 amended the Licensing Act 2003 to allow us to suspend licences and certificates. We must suspend premises licences or club premises certificates when the annual fee is not paid.

9.3.2 Where an annual fee is not paid we will write to tell you that you have a period of 21 days from the date the fee became due to pay the outstanding fees. The period of 21 days

exists so as to allow for resolution as to a dispute, or as a result of an error. After this period the licence or certificate will be suspended. We will not send any further warning letters.

- 9.3.3 We will write to the licence holder advising you of the suspension and tell you the date on which the suspension will take effect. This will be 2 days after the day the notice is given
- 9.3.4 We will notify Thames Valley Police and the relevant responsible authorities as defined under the Act.
- 9.3.5 The lifting of a suspension will only take place from the day on which we receive the payment of the outstanding fee/fees. In all instances, we shall confirm that the suspension has been lifted in writing the following working day after the payment has been received. Notification will also be provided to Thames Valley Police, and the relevant responsible authorities as notified at the time the suspension notice was given.

10. Early Morning Restriction Orders and Late Night Levy

10.1 Early Morning Restriction Orders (EMRO)

- 10.1.1 The power for licensing authorities to introduce an EMRO is specified in sections 172A to 172E of the 2003 Act which was amended by Section 119 of the Police Reform and Social Responsibility Act 2011. These provisions came into force on 31st October 2012.
- 10.1.2 Regulations prescribing the requirements in relation to the process for making an early morning restriction orders (EMRO) were brought in force on 31st October 2012.
- 10.1.3 Guidance has been introduced by the Home Office in relation to:
- the EMRO process
 - the evidence base
 - introducing an EMRO
 - advertising an EMRO
 - dealing with representations
 - hearings
 - implementation
 - limitations
 - enforcement
- 10.1.4 The legislation gives licensing authorities discretion to restrict sales of alcohol by introducing an EMRO to restrict the sale or supply of alcohol to tackle high levels of alcohol related crime and disorder, nuisance and anti-social behaviour. The order may be applied to the whole or part of the licensing authority area and if relevant on specific days and at specific times. We must be satisfied that such an order would be appropriate to promote the licensing objectives.
- 10.1.5 The only exemptions relating to EMROs are New Year's Eve and the provision of alcohol to residents in premises with overnight accommodation by means of mini bars and room service. The decision to implement an EMRO should be evidence based and we may wish to outline the grounds which we will take into consideration when considering implementation of an EMRO. This should include consideration of the potential burden imposed as well as the potential benefits.
- 10.1.6 The function of making, varying or revoking an EMRO is specifically excluded from the delegation of functions and may not be delegated to the Licensing and Gambling Acts Committee. The Committee makes a recommendation to Council for the actioning of the recommendation.

10.2 Late Night Levy

- 10.2.1 The late night levy does not fall within the Licensing Act. However, in the future we may consider a levy and therefore we have set out some details about late night levies.
- 10.2.1 The legislative provisions relating to the late night levy are contained in sections 125 to 139 of the Police Reform and Social Responsibility Act 2011. The provisions came into force on 31st October 2012.

- 10.2.3 There are also Regulations in force setting out the way in which the levy must be applied; the way it will be administered, as well as arrangements for expenses, exemptions and reductions. There is also Guidance which sets out:
- implementing the levy and the consultation process
 - the design of the levy
 - exemptions from the levy
 - reductions in levy charges
 - how revenue raised from the levy may be spent
 - the levy charges
 - the levy collection process
- 10.2.4 We will have discretion as to whether we exempt certain premises but these can only be the types of premises set out in paragraphs 1.24 to 1.31 of the Guidance on the Late Night Levy. We also have discretion whether to reduce the amount of the levy by 30% for premises which participate in business-led best practice schemes [Guidance on the Late Night Levy, paragraphs 1.33 to 1.37].
- 10.2.5 Any revenue from the levy must be split between us, as the licensing authority, and the Police, with at least 70% of the 'net' levy (after expenses) paid to the Police. The Late Night Levy Guidance suggests at paragraph 1.40 that we may wish to use existing partnership arrangements with the Police to ensure that the police intentions for the share of the levy revenue paid to them are genuine.
- 10.2.6 These new powers enable us to charge a levy in relation to persons who are licensed to sell or supply alcohol late at night as a means of raising a contribution towards the costs of policing the night-time economy. It is a 'local' power that we can choose whether or not to exercise. Any decision to introduce, vary or cease the requirement for a levy has to be made by the full council. Other decisions in relation to how the levy is administered may be subject to delegation.
- 10.2.7 The Licensing Authority intends to continue to maintain a watching brief as to the feasibility of such a levy in Oxford, and in doing so we will look to work with the businesses involved in the night time economy and those impacted by those businesses in order to further assess whether a levy may be deemed appropriate and necessary in order to promote the licensing objectives.

Appendices

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Appendix 1 – The Authority’s area and licensable activities

Oxford is a major centre for education, tourism, business, culture, leisure activities and healthcare, and plays an important role in the southeast region of England. It is internationally renowned for its unique heritage and as a centre of learning and innovation. Alongside this, it is seen as an icon of excellence and a source of inspiration in both industry and the arts, providing jobs for almost 118,000 people and welcoming over 7 million visitors each year.

We are fortunate in our diversity and have a broad spectrum of communities and cultural influences that have become part of the vibrant, everyday life of the city. Our rich heritage and cultural life, which includes the festivals held in its parks and open spaces, has been recognised by the awarding of Centre of Culture status for 2008.

With a population of over 151,000, the pressures of success continue to challenge the city and its communities today. There are 33,000 students, boosting our 18-29 year old group to 32% of the population. This is the largest proportion of adults in full-time studies of any city in England and Wales. This affects the demand for entertainment facilities, which in turn must be balanced with the needs of other those living in the vicinity of those facilities.

There were ambitious plans for promoting a renaissance in Oxford by developing the unrealised potential of the city, with the re-development of the Westgate Centre, which provided significant opportunities to add leisure, cultural, and retail capacity to that part of the town centre. The importance of enhancing the celebrated quality of Oxford's historical built environment is paramount, along with the need to complement existing architecture with challenging design and public art.

Incorporating improvements to the transport infrastructure will also be a key ingredient of any major urban development. The city is at the centre of important national and regional road and rail networks so that managing transport pressures is a challenge as it is to all historic towns. Local bus services are a vital means of transport for many in the city. The first Park and Ride scheme in the country was established here in 1973 and has expanded to play a major part in managing travel within the city. The adequacy of late night bus, train, taxi and private hire services is a key consideration in developing an evening and late-night economy in which alcohol is consumed.

Oxford is prosperous but there remain challenging pockets of deprivation. According to the 2019 Index of Multiple Deprivation, 10 of Oxford's 83 neighbourhood areas ('Super Output Areas') were among the 20% most deprived areas in England. These areas experience multiple levels of deprivation – low skills, low incomes and relatively high levels of crime.

In June 2020 Oxford had 4,595 working-age residents claiming unemployment benefits (Jobseeker's Allowances or Universal Credit claimants who are out of work). The rate for June 2020 was over twice the rate for the same period the previous year but was still below the national and regional rates.

Oxford has a wide variety of venues for licensed activities, ranging from relatively isolated public houses in the countryside to open spaces that are used for large-scale public events and including night clubs, cinemas, theatres and large late-night supermarkets. In parts of the city centre and the Cowley Road there are significant concentrations of licensed premises.

We recognise that many of the challenges that face us in bringing together a successful city and its citizens are interlinked - housing to mental health, education to the economy, employment and leisure activities to the needs of local residents and so on - and we will work to respond to those connections more effectively in future.

There are increasing pressures on the urban environment and on the balance between providing buildings and enhancing open public spaces. Demands for growth and expansion have, however, always been a feature of life in Oxford and the city has, perhaps uniquely, managed to balance this with a preservation of its conservation areas and the natural environment.

We have distinctive areas of natural beauty such as the River Thames, Port Meadow, Wolvercote Common, and Shotover Park, all with an outstanding range of wildlife and biodiversity. The city is surrounded by a green belt and has 12 SSSIs (Sites of Special Scientific Interest) protected through designation by English Nature.

Our waterways and flood meadows are especially important for wildlife, with parks, domestic gardens, and cemeteries providing other valuable habitats. Access to these green spaces and the biodiversity they support significantly improves the quality of life for those who live in, work in, and visit the city.

We need to ensure that the success of Oxford as a globally recognised city is translated into tackling inequalities on our own doorstep and that we are responding to the diverse needs of local individuals and communities.

Further information on Oxford's demography, housing, economic activity, education and further statistics is available online at www.oxford.gov.uk.

Appendix 2 – Other Council policies and programmes

The Council has adopted the following local policies and programmes that will have a role in the promotion of regulated entertainment and other licensable activities:

- Oxford City Council Our Strategy 2020-2024
- Oxford Local Plan 2016-2036
- Oxford Transport Strategy
- Statement of Gambling Licensing Policy
- Street Trading Policy
- Safeguarding Children, Young People and Vulnerable Adults Policy
- Culture Strategy
- Green Spaces Strategy
- Corporate Enforcement Policy
- Pubwatch and Nightsafe Schemes

Commerce is one of the most important activities in Oxford. The characteristic clusters of commercial uses, such as shops, restaurants, banks and offices are found in a variety of locations throughout the City, from the City centre down to parades of a few shops within and just beyond the City boundary.

Shopping is the key activity in the centres. The City Council strategy aims to provide for it in a variety of locations and forms. Within the larger centres especially, the aim is also to maintain a varied mix of commercial uses to complement the main shopping function. Proposals for new developments, whether within or outside existing centres, are looked at carefully to ensure that they will support these aims in a neighbourly way and also be in accordance with Government policies to maintain the vitality and viability of existing centres and encourage use of public transport.

Adopted and emerging local plan policies seek to ensure an appropriate balanced mix of uses is promoted within the City centre and four District centres. The District centres include Cowley Road, Cowley centre, Headington and Summertown. These policies recognise the important role that Class A3 (food and drink) uses such as restaurants and public houses make to the vitality and viability of existing centres. However this should not generally result in a high proportion of Class A3 uses within these defined frontages at the expense of the retailing importance of the existing centres.

The service sector has grown considerably in Oxford in recent years, particularly in Class A3 (food and drink) uses. The emerging policies propose Class A3 uses for some allocated development sites and within defined shopping frontages, subject to the appropriate mix of uses being maintained. Whilst these uses make an important contribution to the vitality of the existing centres they can have an impact (both during the day and evening), particularly when outlets are clustered, leading to environmental problems, transport problems and loss of residential amenity. Policies therefore seek to direct Class A3 uses to designated centres, ensure that there is an appropriate mix of uses and do not result in unacceptable environmental problems that cannot be reasonably controlled by planning conditions.

Appendix 3 – BBFC Film Classification

Films would normally be classified by the British Board of Film Classification or the local authority in the following way:

- U** **Universal - suitable for all**
- PG** **Parental Guidance - some scenes may be unsuitable for young children.**
- 12A (PG12)** **Passed only for viewing by persons aged 12 years or older or younger persons accompanied by an adult.**
- 12** **Passed only for viewing by persons aged 12 years or older.**
- 15** **Passed only for viewing by persons aged 15 years and over.**
- 18** **Passed only for viewing by persons aged 18 years and over.**

In some cases, the PG rating may carry a recommended viewing age – e.g. PG8 would only be suitable for children over the age of 8, if accompanied by an adult.

Appendix 4 – Delegation of functions under the 2003 Act

The following functions have been delegated by the Licensing and Gambling Acts Committee to Licensing Casework Sub-Committees and to Officers:

Matter to be dealt with	Sub-Committee	Authorised Officers
Application for Personal Licence	Police objection (See Note 1)	All other cases
Application for Premises Licence or Club Premises Certificate	Relevant Representation (See Note 2)	All other cases
Application for Provisional Statement	Relevant Representation (See Note 2)	All other cases
Application to vary Premises Licence/Club Premises Certificate	Relevant Representation (See Note 2)	All other cases
Application for a Minor Variation to Premises Licence / Club Premises Certificate		All cases
Application to vary Designated Premises Supervisor	Police objection (See Note 1)	All other cases
Request to be removed as Designated Premises Supervisor		All cases
Application for transfer of Premises Licence	Police objection (See Note 1)	All other cases
Applications for interim authorities	Police objection (See Note 1)	All other cases
Application to review Premises Licence or Club Premises Certificate	All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, repetitious etc.		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of a Police and / or Environmental Health Representation to a Temporary Event Notice.	All cases	

Note 1 – ‘Police objection’ = If a Police objection has been made and not withdrawn.

Note 2 – For the purposes of this table ‘Relevant Representation’ above = If a Representation has been determined by a delegated officer as a Relevant Representation from any person or a Representation has been made by a Responsible Authority and at least one of those Representations or Relevant Representations has not been withdrawn with the agreement of all parties that a hearing is not necessary.

Appendix 5 – Deregulation of Schedule 1

The Live Music Act came into force on 1st October 2012 and is designed to encourage more performances of 'live' music. On 1st April 2015, elements of Schedule 1 of the Licensing Act 2003 (Regulated Entertainment) were deregulated in order to promote further the holding of events whilst reducing the burden placed on those seeking to host such events.

When is regulated entertainment not licensable?

Below is a brief guide as to when certain regulated entertainment is exempt from the need for a licence or temporary event notice.

Type of entertainment	When is it not licensable
Plays / Theatrical Performances	<ul style="list-style-type: none"> it takes place between 8am and 11pm; and the audience is no more than 500 people
Films (in Community Premises)	<ul style="list-style-type: none"> it takes place between 8am and 11pm; and is "not-for-profit"; and takes place to audiences of 500 or less; and is held in accordance with any age classification recommendations set by the BBFC, or where different, any age rating set by the Licensing Authority in whose area that exhibition takes place.
Indoor Sporting Events	<ul style="list-style-type: none"> it takes place between 8am and 11pm; and the audience is no more than 1000 people
Boxing / Wrestling (includes Mixed Martial Arts and Cage Fighting)	<ul style="list-style-type: none"> only if Olympic style Greco-Roman and Freestyle wrestling the audience is no more than 1000
Live Music (Amplified)	<ul style="list-style-type: none"> it takes place between 8am and 11pm; and it takes place at a licensed premises or workplace; and/or an unlicensed community premises; and/or non-residential premises the audience is no more than 500 people
Live music (Acoustic)	<ul style="list-style-type: none"> it takes place between 8am and 11pm anywhere
Recorded Music	<ul style="list-style-type: none"> it takes place between 8am and 11pm; and it takes place at a licensed premises; and/or an unlicensed community premises; and/or non-residential premises the audience is no more than 500 people
Dance	<ul style="list-style-type: none"> it takes place between 8am and 11pm; and the audience is no more than 500 people
Similar to Music and Dance	<ul style="list-style-type: none"> Karaoke Busking Incidental music or dancing as part of a wider event

Cross-activity Exemptions hosted by local authorities, hospitals, nurseries and schools on own premises	<ul style="list-style-type: none"> All regulated entertainments between 0800-2300 with no audience limitations
Activities held on local authority, hospital, nursery and school premises by others with their permission	<ul style="list-style-type: none"> Live and Recorded Music between 0800-2300 for audiences up to 500
Community premises (e.g.: church and village halls, community halls, etc.)	<ul style="list-style-type: none"> Live and Recorded Music between 0800-2300 for audiences up to 500
Circuses	<ul style="list-style-type: none"> Live and Recorded Music, Plays, Dance and Indoor Sports between 0800-2300 with no audience limitations

Other Exceptions:

No licence or temporary event notice is needed for:

- Films which are solely or mainly to demonstrate a product, advertise goods or services, or provide information, education or instruction
- Films as part of an exhibition in a museum or gallery
- TV and radio broadcasts, providing they are shown live and not recorded
- Religious meetings or services
- Entertainment in places of public religious worship
- Garden fetes (unless held for private gain)
- Entertainment provided in a moving vehicle
- Morris dancing
- 'Incidental entertainment' (i.e. background entertainment such as):
 - a supermarket playing background music (people go there to shop, not to listen to music)
 - music during keep-fit classes (people are there to exercise)
 - salsa dance classes (people are there to learn to dance)
 - a pub jukebox playing in the background (people are there to drink).

Appendix 6 – Proof of Age documents

The Licensing Authority also expects Designated Premises Supervisors/Personal Licence holders to ensure that unless it is permitted to do so, serving of alcohol to those under 18 shall not be permitted and that there will therefore be in place in the operating schedule a management protocol to check the age of persons seeking to be served with alcohol.

Similar proof of age should be required as appropriate in other circumstances.

Such checking may be carried out by requiring production of:

- (i) a valid passport;**
- (ii) a proof of age card approved by the 'Proof of Age Standards Scheme' (PASS);**
- (iii) a photocard driving licence issued by a country in the European Union;**
- (iv) a citizencard supported by the Home Office (details from www.citizencard.net);**
- (v) an official identity card issued by HM Forces or by a country in the European Union bearing a photograph and the date of birth of the bearer.**

Appendix 7 – The role of local Councillors and Other persons

Local Councillors

Local councillors play an important role in their local communities. They can make representations in writing and at a hearing on behalf of any person such as a resident or local business if specifically requested to do so. They can also make representations as ‘another person’ in their own right as an elected Ward Councillor or live in the vicinity of the premises in question.

Local councillors are subject to the Local Authorities (Model Code of Conduct) Order 2007 which restricts their involvement in matters, in which they have a ‘prejudicial’ interest (i.e. an interest that a member of the public would reasonably regard as so significant that it is likely to prejudice the member’s judgement of the public interest). The latest version of the Code, which came into force on 3 May 2007, has relaxed the rules on prejudicial interest.

In terms of licensing, this has the effect of allowing councillors with prejudicial interest in an application to attend relevant meetings, to make representations, answer questions or give evidence, provided the public are also allowed to attend for the same purpose, whether under the licensing legislation or otherwise and as long as they withdraw from the meeting immediately afterwards. Councillors have a duty to act in the interests of all their constituents. Their role as a community advocate must therefore be balanced with their ability to represent specific interests.

Other Persons (Formally Interested Parties)

Other persons are the bodies or individuals who are entitled to make representations to the Authority on new or variations to premises licences. In addition to this, any person may seek a review of a premises licence. Examples include:

- a person likely to be affected by the operation and impact of the premises,
- a body representing persons likely to be affected by the operation and impact of the premises,
- a person involved in a business likely to be affected by the operation and impact of the premises,
- a body representing persons involved in such businesses likely to be affected by the operation and impact of the premises,
- Elected Members of the Oxford City Council.
- Any other person

A representation would only be “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. A representation that fails to do this is not “relevant” for the purposes of the 2003 Act and cannot be accepted.

It is for the licensing authority to determine on its merits whether any representation by an interested party is frivolous or vexatious.

Representations must be received in writing or email at the licensing authority office by the last date for representations. Representations must be signed, dated, provide the grounds of representation in full and include the name and address of the person / body making the representation.

Any individual or group of people may specifically request a representative to make a representation on their behalf. For example, a legal representative, a friend, a Member of Parliament or a local ward councillor could all act in such capacity.

Appendix 8 – Other legislation and controls

The Secretary of State's Guidance proposes that policy statements should provide information on other relevant legislation and controls that apply to licensed premises. This is because the regulatory framework of the 2003 Act will not control all matters that are likely to arouse concern in connection with the operation of licensed premises, including the behaviour of persons away from the immediate vicinity of licensed premises. Other legislation relevant to licensed premises is as follows:

Planning

1. Planning controls are covered above in paragraph 2.8 and Policy GN 8.

Anti-Social Behaviour Act 2003

2. Section 40 of the Anti-Social Behaviour Act 2003 allows the Council's Chief Executive to make a Closure Order against a premises if he or she reasonably believes that a public nuisance is being caused by noise coming from the premises and it is necessary to close the premises to prevent it. This applies to any premises where there is a Premises Licence, a Temporary Event Notice, or no permission.

Regulatory Reform (Fire Safety) Order 2005

3. This Order reforms the law relating to fire safety in non-domestic premises. It replaces fire certification under the Fire Precautions Act 1971 with a general duty to ensure, so far as is reasonably practicable, the safety of employees, a general duty, in relation to non-employees to take such fire precautions as may reasonably be required in the circumstances to ensure that premises are safe and a duty to carry out a risk assessment. The Order imposes a number of specific duties in relation to the fire precautions to be taken.

Smoke Free Premises as defined under the Health Act 2006.

4. Smoke Free Premises came into effect on 1 July 2007 under the Health Act 2006. The legislation is aimed at ensuring a healthy environment, so everyone can socialise, relax, travel, shop and work free from second-hand smoke.

Violent Crime Reduction Act 2006

5. This Act introduces new measures to ensure the police and local communities have the powers they need to tackle guns, knives and alcohol related violence. Relevant measures include:
 - amendment to the Licensing Act to introduce an offence of persistently selling alcohol to children.
 - amendment to the Act which will enable licensing authorities, on the application of a senior police officer in serious cases of crime and disorder, to attach interim conditions to licences pending a full review.

Disability Discrimination Act 1995

6. The Disability Discrimination Act 1995 came fully into effect in October 2004 and includes widespread responsibilities not to treat people with disabilities in a less advantageous way than other people.
7. The Authority will not seek to duplicate the requirements of the Disability Discrimination Act 1995, however, in response to a Representation or Relevant Representation, the Authority will apply conditions where necessary to ensure the equal treatment of people with disabilities where they coincide with licensing objectives.

Gambling Act 2005

8. The Gambling Act 2005 came into force on 1 September 2007. Under the provisions of this Act public houses enjoy an automatic entitlement to a maximum of two gaming machines of category C or D on licensed premises. The Category of Gaming Machine Regulations 2007 defines the maximum stakes and maximum prizes permitted for category C and D machines. This is an automatic entitlement if the Premises Licence holder sends written notice along with the prescribed fee, to the Authority of his intention to make gaming machines available for use in the premises.

9. For more than two machines a Licensed Premises Gaming Machine Permit is needed. Applications are made to the Authority in the form and manner that the Authority directs for grant or variation. There is both an application and an annual fee. The notification of two machines or an application for a Licensed Premises Gaming Machine Permit, does not need to be made until the existing Section. 34 Permit is due to expire.

Censorship

10. The content of regulated entertainment is a matter that is already addressed by other laws governing indecency and obscenity.
11. The Authority will not seek to impose conditions that censor the content of any film or play in a way that cannot be related to the licensing objectives. Where the concern is about protecting children, their access will be restricted.

Clean Neighbourhoods and Environment Act 2005

12. The Clean Neighbourhoods and Environment Act 2005 includes measures for providing and maintaining clean and safe local environments. It covers a number of areas and introduces a number of measures to deal with crime and disorder, abandoned and nuisance vehicles, waste and fly-tipping, litter and graffiti, dogs, noise, nuisance from artificial lighting and insects.

Health and Safety Work Act 1974

13. Under the Health and Safety at Work Act 1974, employers have a duty to ensure, so far as is reasonably practicable, the health and safety of its workers and other persons who may be affected by the place of work. In addition, the Management of Health and Safety at Work Regulations (1999) require every employer to make a suitable and sufficient assessment of all the risks to the health and safety of workers and others arising at or from a work activity.

Local Government (Miscellaneous Provisions) Act 1982

14. Amongst other matters this addresses the issue of prohibited streets and consent streets in relation to street trading, and the licensing of Sex Establishments.

Drugs Act 2005

15. The Drugs Act 2005 brings about new police powers to test for class A drugs and more. The aim of the Drugs Act is to increase the effectiveness of the Drug Interventions Programme by getting more offenders into treatment. The Act aims to introduce a new civil order that will run alongside ASBOs for adults to tackle drug related anti-social behaviour.

Equalities Act 2010

16. Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, and to promote equality of opportunity and good relations between persons of protected characteristics.

Equality law (Equality Act 2010) applies to any business that provides goods, facilities or services to members of the public including licensed premises such as pubs, bars, nightclubs and restaurants. A licensed premises is required to make reasonable adjustments to ensure the premises is accessible to people with disabilities.

Business and Planning Act 2020

17. The Business and Planning Act 2020 received Royal Assent on 22 July 2020. The Act introduced temporary and permanent measures designed to help certain business sectors operate following the devastating effects COVID-19 had on the relevant sectors. In regards to licensing, these included the temporary permission to permit 'off-sales' to on 'on-sales' premises licences and the increase in the number of Temporary Event Notices permitted at any one location in 2022 and 2023, as well as the introduction of Pavement licences, which includes references to smokefree spaces and introduced the requirement of providing smokefree seating areas outdoors, if smoking areas are also provided.

Other Controls

18. There are other controls that can be applied in promotion of the four licensing objectives.

These include:

- Police enforcement of legislation concerning disorder and anti-social behaviour.
- powers of local authorities to designate parts of their area as places where alcohol may not be consumed publicly. (There are such areas in Oxford);
- prosecution of any Personal Licence holder or member of staff at premises, who is selling alcohol to a person who is drunk;
- test-purchasing to check on sale of alcohol to under-18s;
- litter legislation;
- confiscation of alcohol from anyone in designated areas and from persons under 18 in any public place;
- positive measures to create safe and clean town centre environments in partnership with transport operators, local businesses, the licensed trade etc.
- a by-law on touting;
- controls on fly-posting, and provision of official poster sites.

Appendix 9 – Responsible Authorities

Table 1 – Application copies required

	Responsible Authorities											
	Oxford City Council											
The type of application affects which Responsible Authorities must be sent a copy:												
A = Application C = Copy												
Type of Application	The Licensing Authority	The Planning Authority	Environmental Health	Health & Safety	Thames Valley Police	Fire and Rescue	Social and Health	Trading Standards	Public Health	Navigation Authority	Other Licensing Authority	Health and Safety

PERSONAL LICENCE

New	A	-	-	-	-	-	-	-	-	-	-	-
-----	---	---	---	---	---	---	---	---	---	---	---	---

PREMISES LICENCE

New	A	C	C	C	C	C	C	C	C	-	-	-
Variation	A	C	C	C	C	C	C	C	C	-	-	-
Minor Variation	A	-	-	-	-	-	-	-	-	-	-	-

PROVISIONAL STATEMENT

New	A	C	C	C	C	C	C	C	C	-	-	-
-----	---	---	---	---	---	---	---	---	---	---	---	---

CLUB PREMISES CERTIFICATE

New	A	C	C	C	C	C	C	C	C	-	-	-
Variation	A	C	C	C	C	C	C	C	C	-	-	-
Minor Variation	A	-	-	-	-	-	-	-	-	-	-	-

SPECIAL CASES

PREMISES: New (Boats)	A	C	C	C	C	C	C	C	C	C	C	-
PREMISES: 'Variation' or 'New'	A	C	C	-*	C	C	C	C	C	-	-	C*
CLUBS: 'Variation' or 'New'	A	C	C	-*	C	C	C	C	C	-	-	C*

(* note: Health and Safety matters for City and County Council premises and all Educational Institutions are dealt with by the Health and Safety Executive, not by the City Council)

Table 2 – Addresses		Contact details for preliminary discussions or follow-up enquiries	
Responsible Authority	Address	Phone	Email and website
The Licensing Authority	The Licensing Authority Oxford City Council St Aldate's Chambers, 109 St Aldate's, Oxford, OX1 1DS	01865 252565	licensing@oxford.gov.uk www.oxford.gov.uk/licensing
The Planning Authority	The Planning Authority, Oxford City Council St Aldate's Chambers, 109 St Aldate's, Oxford, OX1 1DS	01865 249811	planning@oxford.gov.uk www.oxford.gov.uk
Environmental Health	Environmental Protection, Oxford City Council St Aldate's Chambers, 109 St Aldate's, Oxford, OX1 1DS	01865 252862	noise@oxford.gov.uk www.oxford.gov.uk
Health and Safety	Health and Safety, Oxford City Council, St Aldate's Chambers, 109 St Aldate's, Oxford, OX1 1DS	01865 252862	foodsafety@oxford.gov.uk www.oxford.gov.uk
Thames Valley Police	Licensing, Thames Valley Police, Headquarters (South) Kidlington, OX5 2NX	01865 542059	licensing@thamesvalley.police.uk
Fire and Rescue Service	Fire Protection Department, Rewley Road Fire Station Oxford, OX1 2EH	01865 895999	Fire.service@oxfordshire.gov.uk www.oxfordshire.gov.uk
Children services	Oxfordshire County Council, New Road, Oxford, OX1 1ND	01865 792422	www.oxfordshire.gov.uk
Oxfordshire Safeguarding Children Board	Oxfordshire Safeguarding Children Board Officer Oxfordshire Safeguarding Children Board (OSCB), 3rd Floor, County Hall, New Road Oxford OX1 1ND		

Trading Standards	Oxfordshire County Council Trading Standards Service Electric Avenue, Ferry Hinksey Road, Oxford OX2 0BY	01865 895999	Duty.officer@oxfordshire.gov.uk
Public Health	Equality and Access Commissioner, Oxfordshire Clinical Commissioning	01865 336800	publichealthlicensing@oxfordshire.gov.uk
Health and Safety Executive (* see note)	Health and Safety Executive Priestley House, Priestley Road Basingstoke RG24 9NW	0300 003 1747	
Applications for licences for boats may need to be copied to others – see next page			

(* note: Health and Safety matters for City and County Council premises and all Educational Institutions are dealt with by the Health and Safety Executive, not by the City Council)

Applications for Premises Licences for boats that will be operated within other district council areas must also be copied to the Navigation Authority and other Licensing Authorities as appropriate:

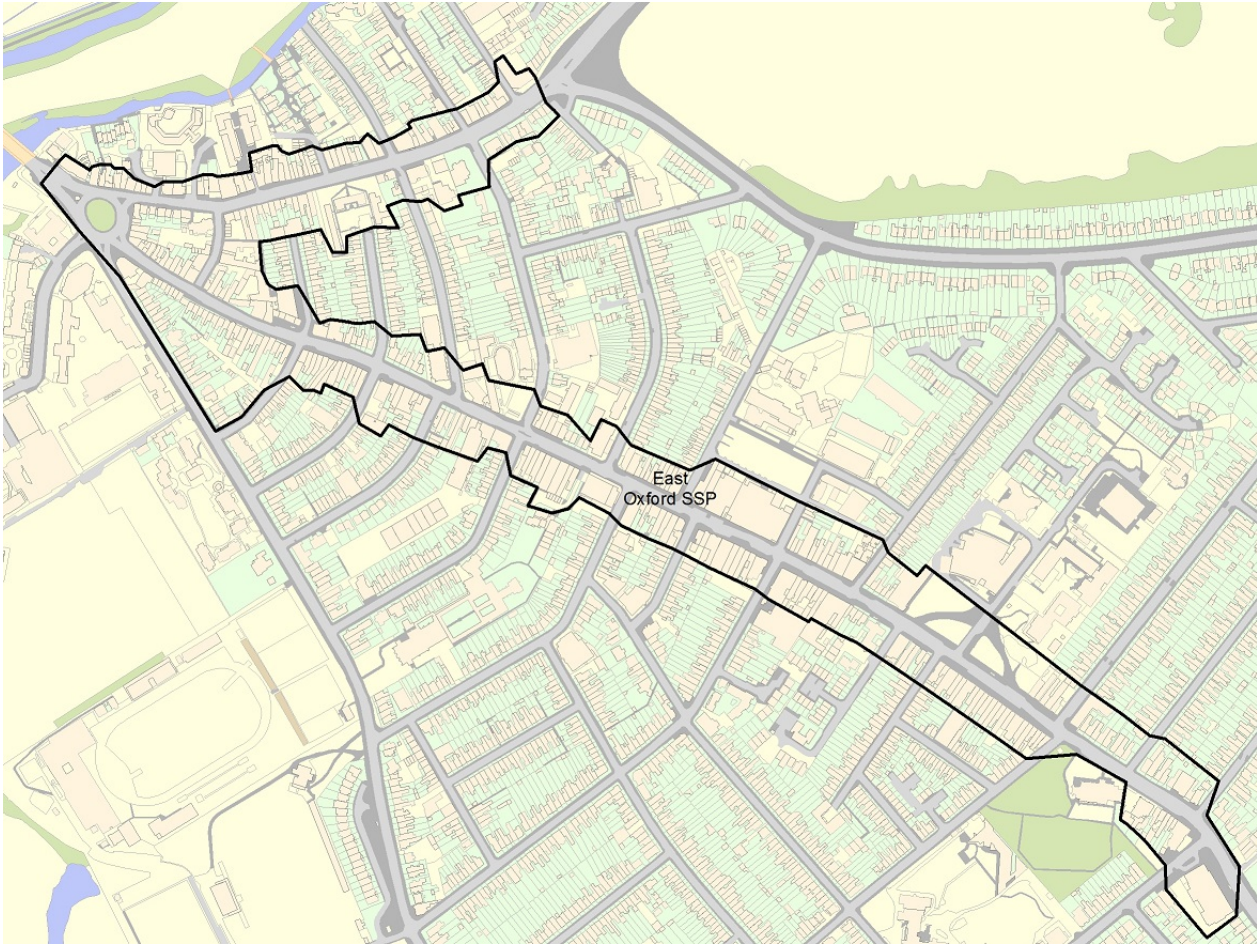
The Navigation Authority	Environment Agency Osney Yard Bridge Street Oxford OX2 0AZ	03708 506 506	enquiries@environment-agency.gov.uk
The Navigation Authority (Oxford Canal)	Canal and River Trust National Waterways Museum Ellesmere Port South Pier Road Ellesmere Port Cheshire CH65 4FW	0303 040 4040	

The Oxford Canal – North of Oxford			
The Licensing Authority	The Licensing Authority Cherwell District Council Bodicote House Bodicote Banbury OX15 4AA	01295 753744	licensing@cherwell-dc.gov.uk www.cherwell-dc.gov.uk
The River Thames – South of Oxford			
The Licensing Authority	The Licensing Authority South Oxfordshire District Council 135 Eastern Avenue Milton Park Milton OX14 4SB	01235 422556	licensing@southoxon.gov.uk www.southoxon.gov.uk
The River Thames – South or West of Oxford			
The Licensing Authority	The Licensing Authority Vale of White Horse D.C. 135 Eastern Avenue Milton Park Milton OX14 4SB	01235 422556	Licensing.unit@whitehorsedc.gov.uk www.whitehorsedc.gov.uk
The River Thames – West of Oxford			
The Licensing Authority	The Licensing Authority West Oxfordshire District Council Woodgreen Witney OX28 1NB	01993 861000	ers.licensingandapplications@publicagroup.uk www.westoxon.gov.uk

Appendix 10– Central Oxford Special Saturation Policy Area



Appendix 11 – East Oxford Special Saturation Policy Area



Appendix 12 – Special Saturation Policy Evidence

Contents

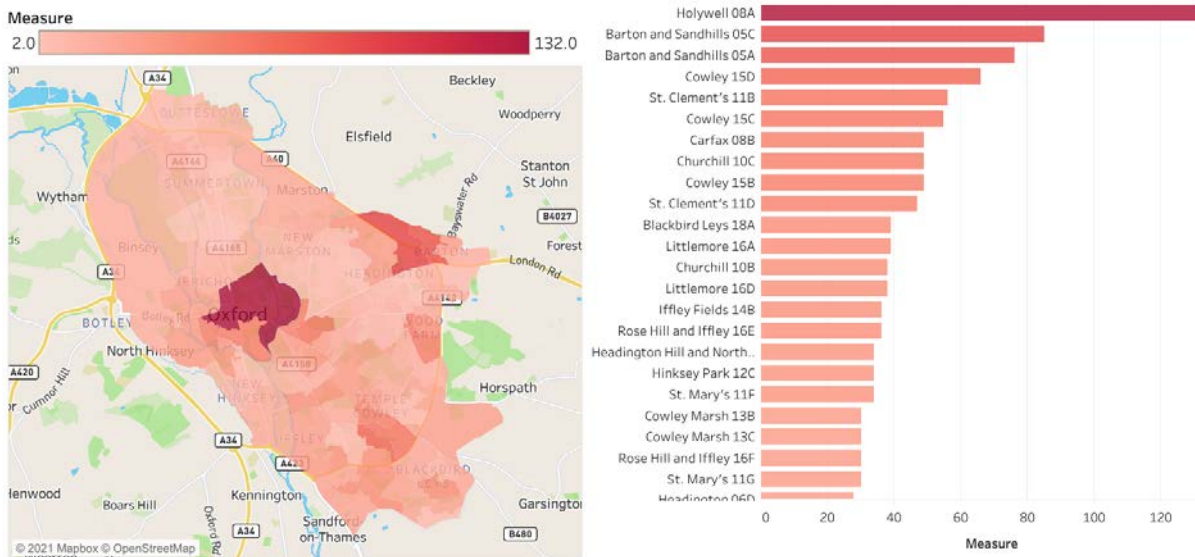
1. Police ASB incidents 2020 – LSOA level
2. Police Criminal damage crimes 2020 – LSOA level
3. Police Public Order crimes 2020 – LSOA level
4. Police Violent crime and sexual offences 2020 – LSOA level
5. Seasonal trends of top-4 LSOAs
6. CCTV incidents
7. Police data analysis methodology
8. Temporal analysis
9. Seasonal analysis
10. Geographic distribution: all NTE occurrences
11. Geographical distribution: serious violence occurrences
12. Public Health data – alcohol related admissions and mortality rates

Glossary

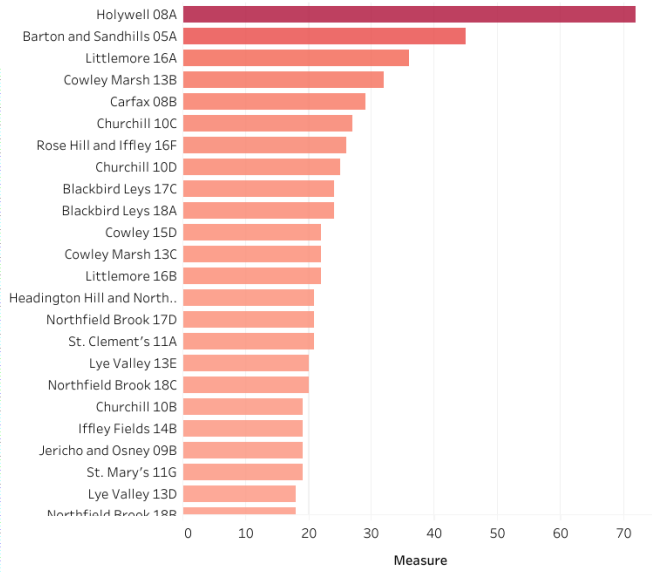
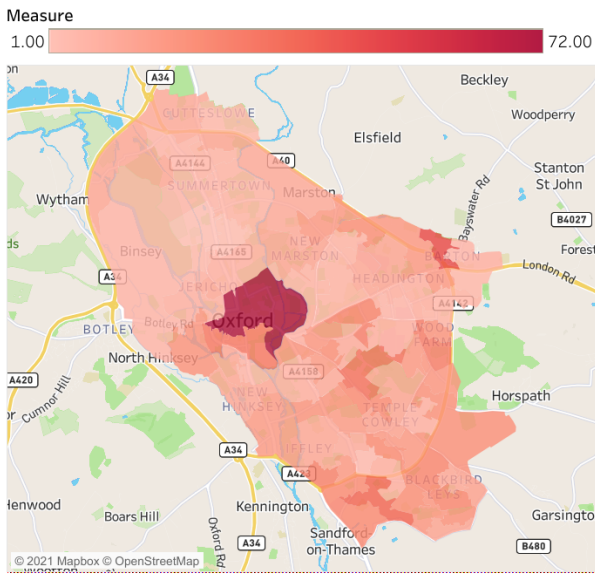
LSOA – Lower Super Output Area

ASB – Anti-social Behaviour

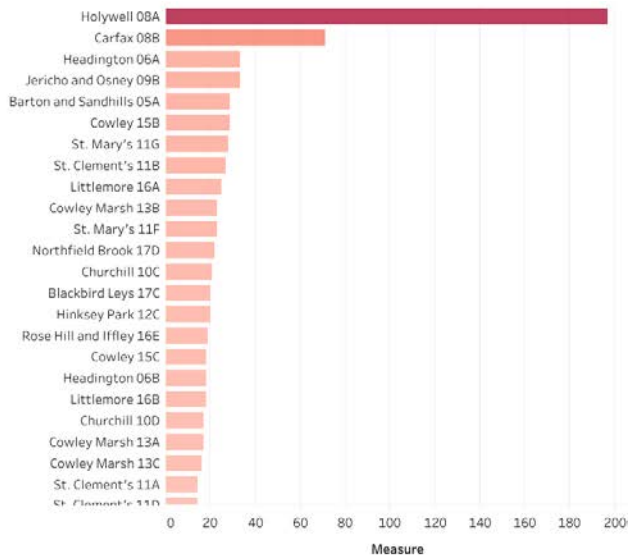
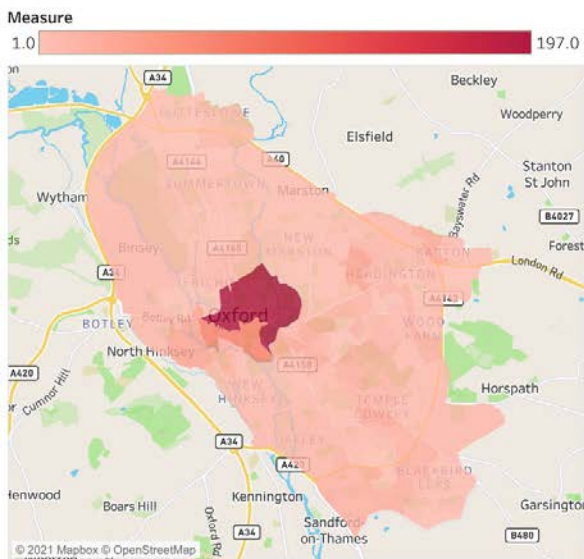
1. Police ASB incidents 2020 – LSOA level



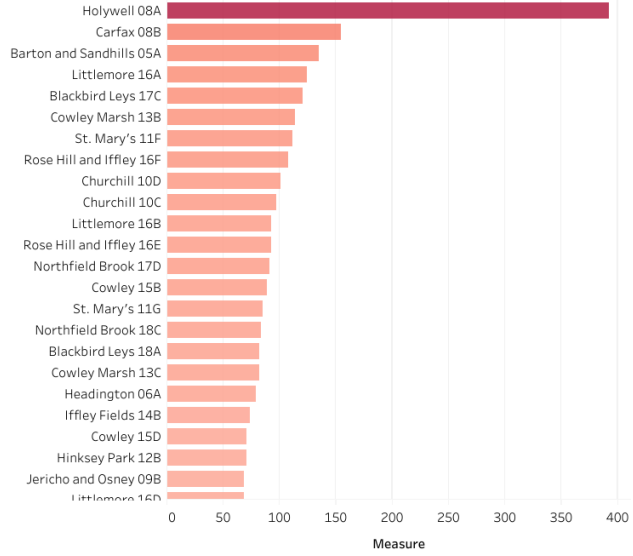
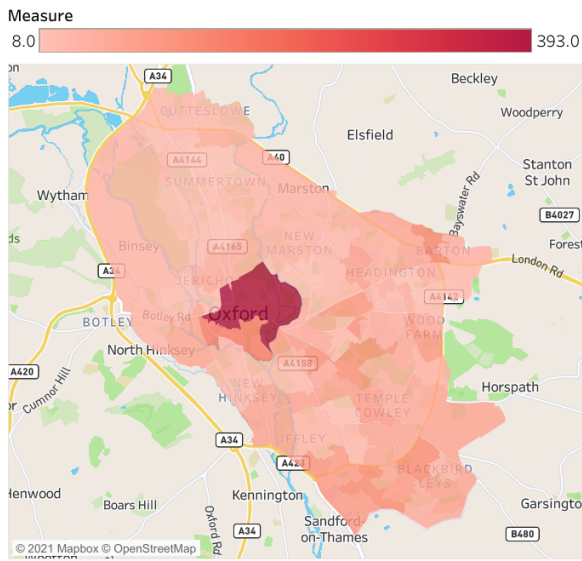
2. Police criminal damage and arson crimes 2020 – LSOA level



3. Police Public Order crimes 2020 – LSOA level



4. Police Violent crime and sexual offences 2020 – LSOA level



5. Police crime trend data – top 4 LSOAs

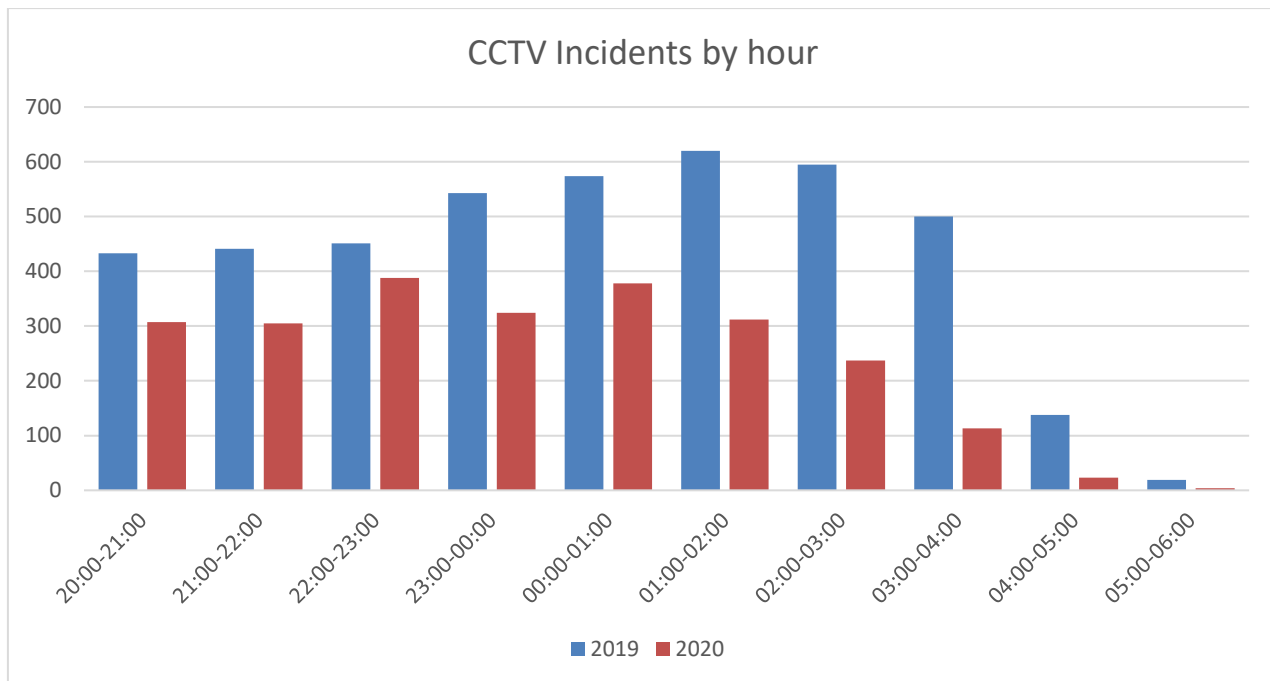
ASB incidents	2018		2019		2020		2021		Total				
	Jul - Sept	Oct - Dec	Jan - Mar	Apr - Jun	Jul - Sept	Oct - Dec	Jan - Mar	Apr - Jun					
Holywell 08A	73	83	66	72	48	52	38	21	30	43	22	43	591
Barton and Sandhills 05A	18	14	13	24	28	18	8	25	20	23	16	13	220
St. Clement's 11D	36	44	18	12	26	7	10	8	14	15	6	11	207
Carfax 08B	31	20	27	22	19	9	16	9	11	13	4	10	191

Criminal damage & arson	2018		2019		2020		2021		Total				
	Jul - Sept	Oct - Dec	Jan - Mar	Apr - Jun	Jul - Sept	Oct - Dec	Jan - Mar	Apr - Jun					
Holywell 08A	32	43	23	36	26	16	23	11	14	24	11	17	276
Barton and Sandhills 05A	9	5	6	12	12	4	13	12	13	7	9	11	113
Littlemore 16A	14	7	9	6	14	4	6	13	5	12	5	6	101
Carfax 08B	17	10	9	9	5	7	3	7	10	9	8	4	98

Public order	2018		2019		2020		2021		Total				
	Jul - Sept	Oct - Dec	Jan - Mar	Apr - Jun	Jul - Sept	Oct - Dec	Jan - Mar	Apr - Jun					
Holywell 08A	56	48	49	57	37	55	54	24	59	60	61	97	657
Carfax 08B	14	18	13	17	20	15	24	8	13	26	15	18	201
Jericho and Osney 09B	2	2	1	4	3	2		9	11	13	24	22	93
St. Mary's 11G	6	2	2	9	8	6	9	4	9	6	9	15	85

Violence & sexual	2018		2019		2020		2021		Total				
	Jul - Sept	Oct - Dec	Jan - Mar	Apr - Jun	Jul - Sept	Oct - Dec	Jan - Mar	Apr - Jun					
Holywell 08A	176	187	175	136	171	183	161	56	94	82	56	130	1607
Carfax 08B	29	36	35	30	38	39	39	24	44	48	31	67	460
Barton and Sandhills 05A	32	22	23	22	36	26	29	35	39	32	27	49	372
Littlemore 16A	24	35	34	27	39	17	35	34	26	30	27	31	359

6. CCTV incidents



The graph illustrates the peak hours of incidents monitored by public space CCTV cameras in the city. It is not possible to disaggregate the small number of cameras in neighbourhood areas from the cameras in the city centre.

This hourly breakdown is clearly linked to public space incidents during the night-time economy period.

7. Police Analysis of Violent Crime in the NTE: Methodology

Data from the police occurrence record keeping system for occurrences taking place within the Oxford Local Police Area with a reported date between 01/01/2017 and 26/04/2021 and with the Home Office Statistics Code 1 representing Violence Against the Person or Disorder.

Cancelled, historic or occurrences where the date was unknown were removed from the data set.

VAP and Disorder are very broad categories and include many occurrences unrelated to the NTE, attempts were made to refine the focus of the data by removing occurrences where the Location was recorded as a Dwelling or using the following criteria:

The data set resulting from the described initial search and filtering criteria comprised 4,523 occurrences which were considered to be related to Oxford’s Night Time Economy. This data set was then analysed using Microsoft Excel and Esri ArcMap.

8. Police Analysis of Violent Crime in the NTE: Temporal Distribution

The temporal distribution of the 4,514 occurrences for which a time could be determined is shown below. It should be noted that 314 of these had an Event Start Time recorded as 00:00 – upon further investigation 305 of these were changed to a more accurate time based on Recorded Time, Event End Time and times noted in the summary report.

Fig. 1	00:00 - 01:00	01:00 - 02:00	02:00 - 03:00	03:00 - 04:00	04:00 - 05:00	05:00 - 06:00	..	21:00 - 22:00	22:00 - 23:00	23:00 - 00:00	Grand Total
Monday	44	43	38	40	21	3		71	86	62	408
Tuesday	39	33	50	69	21	3		102	77	85	479
Wednesday	45	42	30	41	24			102	94	72	450
Thursday	60	44	61	42	18	4		99	61	68	457
Friday	52	47	64	56	29	3		94	114	122	581
Saturday	115	131	143	165	78	6		113	125	141	1017
Sunday	147	216	202	210	98	5		88	80	76	1122
	502	556	588	623	289	24		669	637	626	4514

Figure 1: Distribution of occurrences by time and day of week

Shows what we might expect intuitively: almost half (47%) of occurrences linked to Oxford’s NTE occur on either a Saturday or a Sunday. The busiest period is between 01:00 and 04:00 on a Sunday morning, with those 3 hours alone accounting for 14% of occurrences analysed.

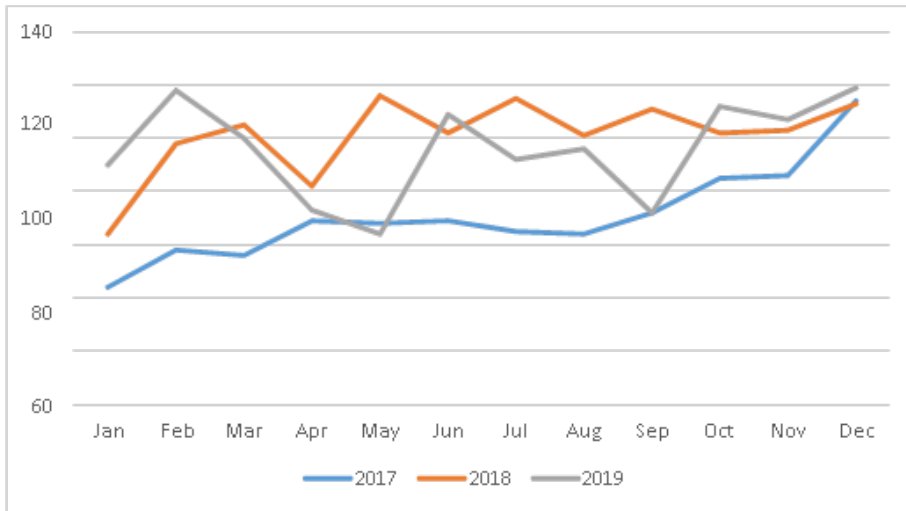
Fig. 2	00:00 - 01:00	01:00 - 02:00	02:00 - 03:00	03:00 - 04:00	04:00 - 05:00	05:00 - 06:00	..	21:00 - 22:00	22:00 - 23:00	23:00 - 00:00	Grand Total
Monday	12	9	7	5	5	1		3	4	3	49
Tuesday	11	6	12	18	16	8		2	5	7	85
Wednesday	7	8	5	5	3	3		2	2	7	42
Thursday	13	10	13	9	15	3		6	2	5	76
Friday	6	12	7	8	10	2		11	7	5	68
Saturday	15	27	32	28	40	16		10	5	14	187
Sunday	18	59	52	41	59	22		6	3	7	267
	82	131	128	114	148	55		40	28	48	774

Figure 2: Distribution of NTE-related hospitalisations to John Radcliffe AandE by time and day of week

Shows the distribution of admissions to the Accident and Emergency department of the John Radcliffe hospital between August 2017 and August 2020 which were classified as Apparent Assaults in which alcohol was believed to be a factor. The distribution largely mirrors the conclusion drawn from analysis of the temporal distribution of NTE-linked occurrences in Oxford, with an even greater focus on the early hours of Sunday morning (and to a lesser extent of Saturday morning).

9. Police Analysis of Violent Crime in the NTE: Seasonality

The count of NTE-linked occurrences taking place in each month of 2017, 2018, and 2019 is illustrated below. The chart does not suggest any great degree of predictable seasonality, although it appears that occurrence counts in November and December may be particularly high. These monthly counts were then compared to the expected level (based on the 12 month centred moving average) to determine whether any months appeared to have occurrence counts consistently above the expected count.



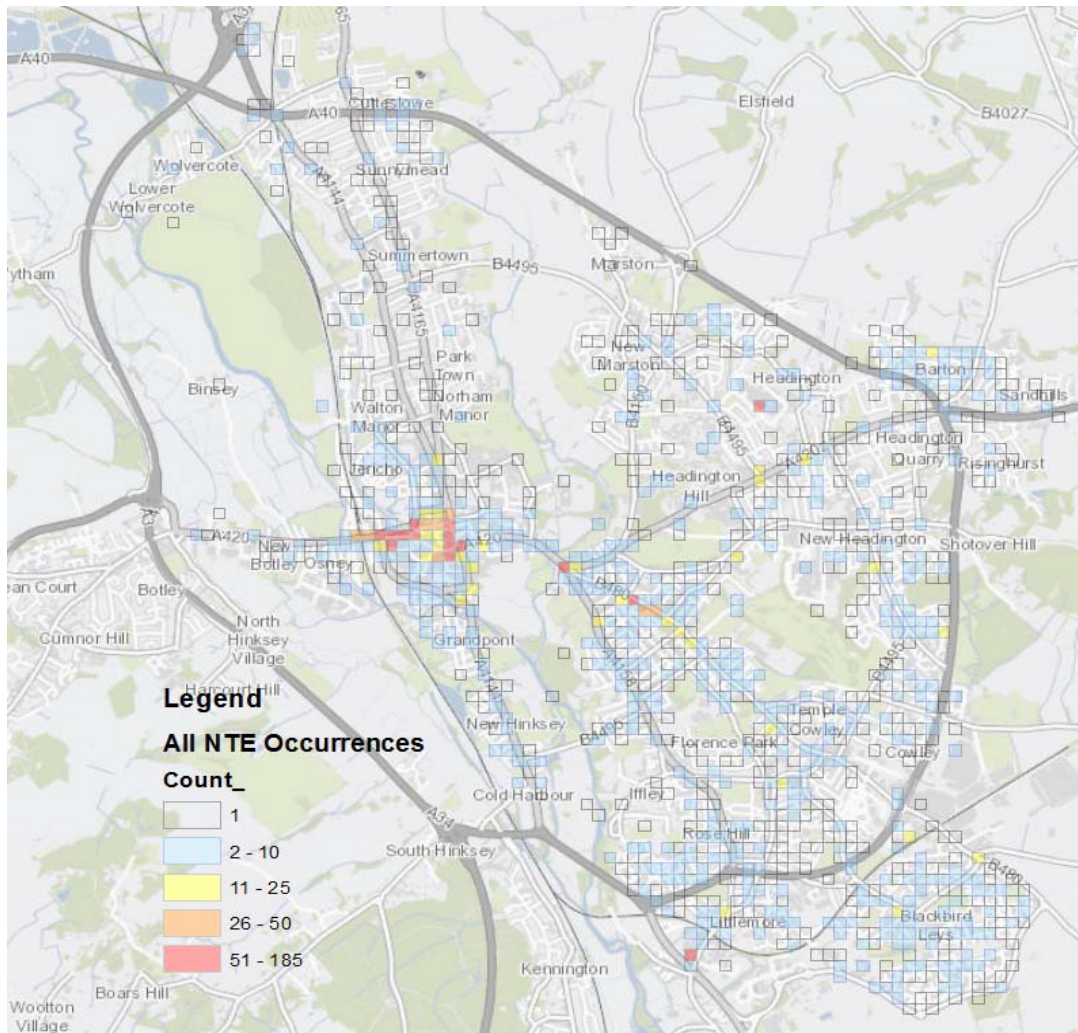
Month	2017	2018	2019
Jan	-27	-28	-8
Feb	-13	3	20
Mar	-15	7	6
Apr	-2	-18	-22
May	-3	15	-32
Jun	-2	1	13
Jul	-8	12	-6
Aug	-12	-4	-2
Sep	-8	7	-25
Oct	4	-2	18
Nov	1	4	13
Dec	26	13	28

This analysis accounts for changing trends (2017 saw a steadily rising number of monthly occurrence counts, leading to consistently higher levels in 2018). It clearly shows that December NTE-linked occurrence counts were higher than expected in every year from 2017 to 2019, and that January occurrence counts were lower than expected in every year. April and August were also consistently lower than expected, albeit to a lesser extent than January, and November was also associated with marginally higher than expected NTE occurrence counts.

10. Police Analysis of Violent Crime in the NTE: Geographic distribution

The following heat maps show locations of NTE occurrences in Oxford, using a 100m x 100m grid overlaid on a map of the police area with the count of occurrences recorded as taking place within each grid square being indicated by the colour of the square.

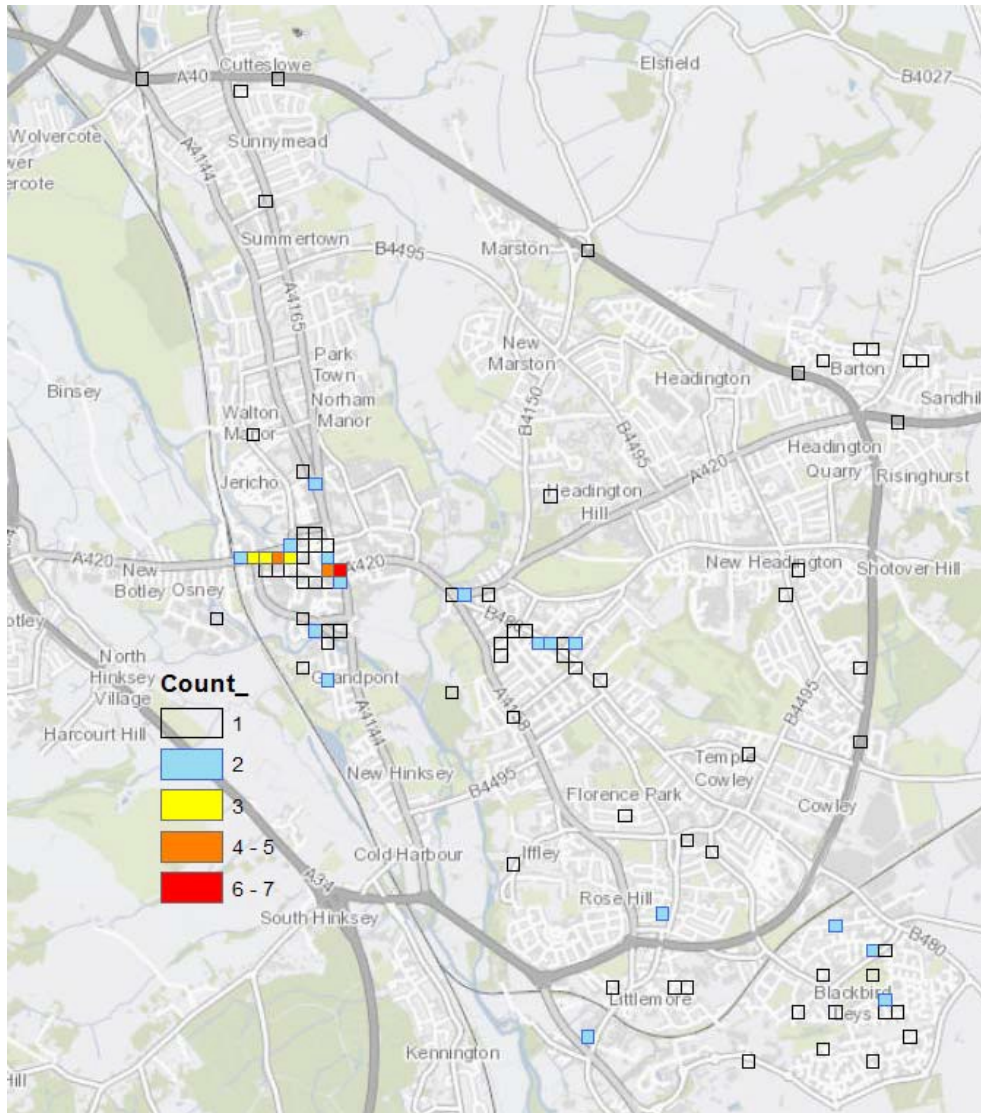
The map clearly indicates that the most notable areas in which NTE occurrences have taken place are: the city centre area focused on Park End Street, Hythe Bridge Street and Cornmarket; Magdalen roundabout, the Cowley Road between Union Street and East Avenue (O2 Academy and Cowley Retreat area); the A and E department of the John Radcliffe Hospital; and the Littlemore Mental Health Centre. It is possible (although not confirmed) that the hospital events may include occurrences that took place elsewhere and were reported from the hospital location.



11. Police Analysis of Violent Crime in the NTE: Geographic distribution

Serious violence offences.

Serious violence in Oxford's NTE appears to be highly focused in city centre areas, in particular: Queen Street / Cornmarket Street and Park End Street / Hythe Bridge Street.



12. Public Health Data

The table below shows the alcohol related hospital admissions and mortality rates for Oxford.

Compared to England: ■ better ■ similar ■ worse

Indicator	Period	England	Oxfordshire	Oxford
Alcohol related mortality	2018	46.5	41.1	48.6 ■
Admission episodes for alcohol related conditions	2018-19	664	526	640 ■
Admission episodes for alcohol specific conditions	2018-9	626	522	741 ■
Admission episodes for alcohol specific conditions -Under 18s	2016/17-18/19	31.6	31.7	50.0 ■
Hospital admissions of alcohol related cardiovascular disease (female)	2018/19	776	613	791 ■
Hospital admissions for mental and behavioural disorders due to alcohol	2018/19	75.6	52.2	97.9 ■
Hospital admissions for alcoholic liver disease	2018/19	131.2	96.0	138.4 ■

Source: PHE: Population Health Analysis (PHA) team using data from NHS Digital and ONS

The trend for hospital admissions for alcohol related conditions is increasing. There is also an increase in the trend for hospital admissions for alcohol related cardiovascular diseases.

Statement of Licensing Policy

Licensing Act 2003

February 2022 to February 2027

Licensing applications and enquiries:

The Licensing Authority
Oxford City Council
St. Aldate's Chambers
109 St. Aldate's
Oxford
OX1 1DS
Tel: 01865 252565
Email: licensing@oxford.gov.uk

BUILDING PRIDE IN OUR CITY

Licensing Authority

www.oxford.gov.uk



Statement of Gambling Licensing Policy

Gambling Act 2005



This statement will apply from 31st January 2022
until 30th January 2025

Contact details for licensing under the Gambling Act 2005
(in the Oxford City Council area)

Write to: The Licensing Authority
Oxford City Council
St. Aldates Chambers
109 St. Aldates
OXFORD
OX1 1DS

Email: licensing@oxford.gov.uk

Telephone: 01865 252565

You can also find much information and links to other sources of information on Oxford City Council's website: <http://www.oxford.gov.uk>

This document remains valid for three years, during which the Council is likely to amend its website. So, rather than providing a direct link to "gambling", we suggest either looking for links for "licensing" then "gambling", or using the website's "A-Z" search function.

	Date	Areas of revision
First published:	02 Jan 2007	-----
Corrections:	26 Mar 2007	p.14 Textual amendments p. 27 Update to Gaming machine table p. 30 Update HMCE contact details
Revised:	17 Nov 2009	Update on legislation
Revised:	01 Feb 2013	Update on legislation Amendment of Licensing Authority and Responsible Authority addresses
Republished:	31 Jan 2016	p.29 Update on Gaming Machines: Maximum Stakes and Prizes
Revised:	31 Jan 2019	p.8 The Licensing Process - Local risk assessments p.11 Location - Local Area profile
Revised:	29 June 2021	p.27 Amended Map of Oxford for new ward names and boundaries p.29 Update on Gaming Machines: Maximum Stakes and Prizes p.33 Amendment to Responsible Authority Address

IMPORTANT NOTE

In producing this statement, the Licensing Authority is aware that the Government may amend the Gambling Act 2005, subordinate legislation and statutory guidance. Any such amendments made in the future will only be incorporated into subsequent policy statements and not this document. Readers are advised to check on the Gambling Commission website to ensure they have the latest information.

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PART A: GENERAL MATTERS

1. The licensing objectives

The licensing objectives of the Gambling Act 2005 are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

The Licensing Authority must have regard to these licensing objectives in exercising most of its functions under the 2005 Act.

2. The Licensing Authority

The Gambling Act 2005 has made Oxford City Council the Licensing Authority for its district. From 31 January 2007 the Council has been responsible for granting premises licences for:

- Betting premises, including tracks;
- Adult Gaming Centres;
- Family Entertainment Centres;
- Bingo premises; and
- Casino premises.

3. The Oxford City Council area

Oxford City Council is one of the five district councils of Oxfordshire. The City of Oxford has a population of 151,584 (ONS 2020 mid-year estimate) in an area of 4,566 ha (17.6 square miles). A significant proportion of the land area within the city boundary is rural, with the population concentrated in the urban parts. The district is shown on the map in Appendix 1.

Oxford is one of the principal entertainment centres for Oxfordshire, however local road, bus and rail links foster a wider catchment area than this and also enable Oxford residents to use centres outside the county boundary, such as Aylesbury, Reading, Swindon and Newbury. Oxford residents also have reasonable access to the facilities offered by Bristol, London, Birmingham or Southampton.

Although Oxford is generally affluent, some of its wards are ranked amongst those of highest multiple-deprivation in the country. 10 out of its 83 neighbourhoods are amongst the 20% most deprived in England.

4. Glossary of terms

Within this Statement of Gambling Licensing Policy, the following words and terms are defined as stated:

Council	Oxford City Council
GC Guidance	The Gambling Commission's "Guidance to Licensing Authorities" under section 252(2)

Licensing Authority	Oxford City Council
The 2005 Act	The Gambling Act 2005
The 2003 Act	The Licensing Act 2003
LACORS	Local Authorities Co-ordinators of Regulatory Services

5. This Statement of Gambling Licensing Policy

The 2005 Act requires the Council to prepare and publish a statement of the principles that the Licensing Authority proposes to apply in exercising their functions under the 2005 Act before each successive period of three years.

In preparing this Statement of Gambling Licensing Policy, the Council has had regard to the licensing objectives and the Guidance issued by the Gambling Commission.

In determining the Statement of Gambling Licensing Policy, the Council had regard to the licensing objectives and the Guidance issued by the Gambling Commission, and had due regard to comments received as a result of the consultation process.

This statement must be reviewed from “time to time” and any revisions must be published before they take effect. The 2005 Act requires each Licensing Authority to consult the following parties when preparing a new statement or revision...

- The Chief Officer of Police.
- One or more persons who appear to the Licensing Authority to represent the interests of persons carrying on gambling businesses in the Licensing Authority’s area.
- One or more persons who appear to the Licensing Authority to represent the interests of persons who are likely to be affected by the exercise of the Licensing Authority’s functions under the 2005 Act.

Before finalising and publishing this policy statement, the Council consulted the following ...

- Thames Valley Police
- The Oxfordshire Safeguarding Children Board
- The management of all premises in Oxford with Gambling Premises Licences
- Gaming & Betting Organisations

The list of comments made and the consideration by the Council of those comments is available from the Licensing Authority or from the Council’s website (see inside front cover for contact details).

Consultation took place from 24th September 2021 for 3 weeks.

The Licensing Authority followed the best practice for consultation set out by the Department for Business Innovation and Skills. Revised Code of Practice(which came into effect in April 2015) and the Cabinet Office Guidance on consultations by the public sector.

If you have any comments about this Statement of Gambling Licensing Policy, please write to the Licensing Authority (details inside front cover).

6. Effective period

This Statement of Gambling Licensing Policy becomes effective on 31st January 2022.

It will remain effective for three years (or any longer period in accordance with the 2005 Act) although the Council may adopt revisions within that period.

At the date of publication, this licensing policy is expected to last until 30th January 2025.

7. Functions of the Licensing Authority

7.1 Functions

The 2005 Act gives Licensing Authorities the following functions...

- Licensing premises where gambling activities are to take place by issuing Premises Licences
- Issuing Provisional Statements
- Regulating members' clubs and miners' welfare institutes who wish to undertake certain gaming activities, by issuing Club Gaming Permits and/or Club Machine Permits
- Issuing Club Machine Permits to Commercial Clubs
- Granting permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receiving notifications of the use of two or fewer gaming machines, from premises licensed (under the 2003 Act) to sell/supply of alcohol (for consumption on the premises other than with a meal).
- Issuing Licensed Premises Gaming Machine Permits where more than two machines are required for premises licensed (under the 2003 Act) to sell/supply alcohol (for consumption on the premises other than with a meal).
- Issuing Prize Gaming Permits
- Receiving and endorsing Temporary Use Notices
- Receiving Occasional Use Notices
- Providing information to the Gambling Commission on details of licences issued (see section above on 'information exchange')
- Maintaining registers of permits and licences issued under these functions.

7.2 Delegation of functions

The 2005 Act (s154) delegates most licensing functions to the licensing committee, which can then further delegate to its sub-committees or to officers. Appendix 2 lists the lowest level to which decisions can be delegated.

From time-to-time the Licensing Authority may change the levels to which its decisions are actually delegated.

8. Functions of others

Under the 2005 Act, the role of the Gambling Commission includes the following matters, which are therefore not the responsibility of the Licensing Authority...

- Issuing and enforcing Operating Licences.
Operating Licences are required by organisations providing casinos, remote gambling, bingo, lotteries, facilities for betting and providing gaming machines etc. (There are exceptions within some of these categories.)
- Issuing and enforcing Personal Licences.
For each Operating Licence there must be at least one person who both occupies a specified management office in connection with that licence and holds a Personal Licence. Conditions may require more than one such person to hold a Personal Licence.

Conditions may also require persons performing specified operational functions to each hold a Personal Licence.
- Ensuring compliance by manufacturers, suppliers and repairers of gaming machines.

The Financial Services Authority regulates spread betting and the National Lottery Commission regulates the National Lottery under separate legislation.

9. General principles

This Statement of Gambling Licensing Policy will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each matter will be considered on its own merits and according to the statutory requirements of the 2005 Act.

10. Responsible Authorities

Appendix 5 provides details for all the Responsible Authorities under the 2005 Act that have a role in the Licensing Authority's area.

The latest version of those details can be found on the Council's website, and the Licensing Authority will also provide this information in printed form on request (see details inside front cover).

The Licensing Authority designates the Oxfordshire Safeguarding Children Board as the body that is competent to advise the authority about the protection of children from harm.

The principles on which it based this decision are the need for the body to:

- have broad experience of children's issues;
- be responsible for an area covering the whole of the Licensing Authority's area; and
- be answerable to democratically elected persons, rather than to any particular vested interest group. (The Licensing Authority notes that that body reserves the right to hold those persons to account on children's issues.)

11. Interested parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. However, the Licensing Authority has powers under the 2005 Act to determine whether a person is an interested party.

In doing so, the Licensing Authority will decide each case on its merits, based upon the following principles:

“a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person-

(a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,

(b) has business interests that might be affected by the authorised activities, or

(c) represents persons who satisfy paragraph (a) or (b)” (2005 Act s.158)

11.1 Proximity to premises

In accordance with GC Guidance, when determining what “sufficiently close to the premises” means the Licensing Authority may include consideration of:

- *“the size of the premises;*
- *the nature of the premises;*
- *the distance of the premises from the location of the person making the representation;*
- *the potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment); and*
- *the circumstances of the complainant. This is not the personal characteristics of the complainant, but the interests of the complainant which may be relevant to the distance from the premises. For example, it could be reasonable for an authority to conclude that “sufficiently close to be likely to be affected” could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) a residential hostel for vulnerable adults.” {GCG 8.14}*

The Licensing Authority will not generally view trade associations and trade unions, and residents’ and tenants’ associations as interested parties unless they have a member who lives sufficiently close to the premises to be classed as one.

11.2 ‘Business interests’

The Licensing Authority will also consider the GC Guidance that “has business interests” should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

However, the Licensing Authority considers that “has business interests” should not entitle an operator to make representations on an application for premises anywhere. The *“factors that are likely to be relevant include:*

- *the size of the premises;*
- *the ‘catchment’ area of the premises (i.e. how far people travel to visit); and whether the person making the representation has business interests in that catchment area, that might be affected.”*

11.3 Representatives of interested parties

Interested parties can be persons who are democratically elected such as councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represent the ward likely to be affected. Likewise, any parish councils that are likely to be affected will also be considered to be interested parties. Other than these however, the Licensing Authority will generally require written evidence that the representative has been appointed by the person likely to be affected. A letter from one of these persons, requesting the representation is sufficient.

The Licensing Authority does not permit councillors who either are, or represent, an interested party in a case to participate as a member of the Licensing Committee (or sub-committee) that considers that case.

If individuals wish to approach councillors to ask them to represent their views then care should be taken that the Councillors are not part of the licensing sub-committee dealing with that application. Licensing authority staff will help with this (contact details inside front cover).

12. Exchange of Information

The principle that the licensing authority will apply in respect of the exchange of information between it and the Gambling Commission and those bodies listed in Schedule 6 of the Act is that it will act in accordance with the provisions of the Gambling Act 2005 which includes the provision that the General Data Protection Regulations will not be contravened.

The licensing authority will also have regard to any guidance issued by the Gambling commission to Local Authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005

13. Enforcement

The Licensing Authority will apply the following principles in accordance with GC Guidance in exercising its functions about the inspection of premises (2005 Act, Part 15) and powers to institute criminal proceedings in respect of the offences specified (2005 Act, s.346).

The Licensing Authority will endeavour to be...

- **Proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
- **Consistent:** rules and standards must be joined up and implemented fairly;
- **Transparent:** regulators should be open, and keep regulations simple and user friendly; and
- **Targeted:** regulation should be focused on the problem, and minimise side effects.

The Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

The main enforcement and compliance role for the Licensing Authority under the 2005 Act will be to ensure compliance with the premises licences and other permissions that it authorises. The Gambling Commission is the enforcement body for other matters under the 2005 Act, as noted above.

The Licensing Authority will also keep aware of advice from the Better Regulation Executive on the regulatory functions of local authorities.

13.1 Risk methodology

The Licensing Authority will adopt a risk-based inspection programme and in order to comply with the principle of transparency, the Licensing Authority will make available, on request, details of its risk methodology, and its protocols or written agreements for enforcement and compliance. (For contact details, see inside front cover).

The general approach of risk-based inspection is to avoid routine inspections of all premises. Instead, high-risk premises are inspected more frequently than low risk ones.

Amongst other things, this approach considers risks related to the size of the premises, the range of activities that take place there, and the time that those activities take place. Larger, more active premises are likely to be classed as higher risk and are therefore likely to be inspected more frequently.

PART B: PREMISES LICENCES

14. General Principles

Premises Licences will be subject to the requirements set-out in the 2005 Act and regulations, and specific mandatory and default conditions detailed in regulations.

Where the Licensing Authority considers it appropriate, it may exclude default conditions; attach other conditions, or both.

In making decisions about premises licences, the 2005 Act (s.153) requires the Licensing Authority to aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with the authority's Statement of Gambling Licensing Policy.

The Licensing Authority is also aware that that unmet demand (for gambling facilities) is not a criterion for a Licensing Authority and that GC Guidance states "moral objections to gambling are not a valid reason to reject applications for premises licences". However, such reasons may be taken into account in considering any 'no casino resolution' (see the section on casinos below).

15. The Licensing Process

The powers of the Council as a Licensing Authority under the Act may be carried out by the Licensing and Gambling Act Committee and then put before Full Council. Applications under the Act will be dealt with in accordance with the Council's scheme of delegation. The attached table sets out how the Council will determine applications and other matters under the Act. (the table can be found as Appendix 2).

Application forms will be in the format prescribed by regulations. The form will need to contain information that describes the gambling activities to be provided, the operational procedures, hours, nature of the location, needs of the local community, etc. Most importantly, the applicant will have to detail the steps that will be taken to promote the three licensing objectives. Applicants must also carry out a local risk assessment before they apply for a licence in accordance with the Social Responsibility provisions of the Gambling Commission's Licence Conditions and Codes of Practice (code 10.1.1)

The Council will expect the local risk assessment to consider as a minimum:

- any Local Area Profile published by the licensing authority.
- the location of services for children such as schools, playgrounds, leisure/community centres and other areas where children will gather;
- the demographics of the area in relation to vulnerable groups. Information in this regard is available on the Council's website <https://www.oxford.gov.uk/info/20131/populations>;

- whether the premises is in an area subject to high levels of crime and/or disorder.

Local risk assessments should be shared with the Licensing Authority and demonstrate how any vulnerable people, including people with gambling dependencies, at risk from the proposed premises, will be protected.

Applicants are encouraged to fully consult the Police and other responsible authorities well in advance of submitting their applications. Application forms will be available on our website www.oxford.gov.uk this includes contact names for each of the responsible authorities that will be receiving applications. Most applications will require additional documentation and a fee to be included with the form. Incomplete applications will not be considered and will be returned to the applicant.

16. Definition of “premises”

Definition of “premises” – In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. A single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place.

The Gambling Commission states in its Guidance to Licensing Authorities that: “In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. The Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.”

The licensing authority will take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In

this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.

- Customers should be able to participate in the activity named on the premises licence.

The Gambling Commission's relevant access provisions for each premises type are reproduced below:

Adult Gaming Centre

- Customers must not be able to access the premises directly from any other licensed gambling premises

Betting Shops

- Access must be from a street or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

Tracks

- Customers must not be able to access the premises directly from:
 - a casino
 - an adult gaming centre

Bingo Premises

- Customers must not be able to access the premise directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Family Entertainment Centre

- Customers must not be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Part 7 of the Gambling Commission's Guidance contains further guidance on this issue, which this authority will also take into account in its decision-making.

(iii) Premises "ready for gambling"

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the Licensing Authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

17. Location

The Licensing Authority cannot consider the issue of demand for gambling facilities in any location, but will address considerations in terms of the licensing objectives that relate to the location of premises. The Licensing Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as to issues of crime and disorder that may relate to location.

Any existing Local Area Profile published by the Licensing Authority will be available from the authority directly or on its website. A Local Area Profile will assist applicants and operators by providing information on the local area and risks, including any sensitive locations within close proximity of proposed gambling premises.

Applicants will have to show that they have considered any potential impact of their proposed operation on the licensing objectives and provide information on how they plan to reduce or remove any likely adverse impact on them

The Licensing Authority will pay particular attention, having regard to the gambling licensing objectives, to any proposals for new gambling premises that are in close proximity to accommodation or centres catering for vulnerable people, including those with mental health or learning difficulties, and those with gambling problems or with alcohol or drug abuse problems

Such policies do not prevent submission of any application and each application will be decided on its merits. However, the Licensing Authority expects applicants to show how potential concerns would be overcome where location is an issue.

18. Duplication with other regulatory regimes

The Licensing Authority will seek to avoid any duplication with other statutory / regulatory systems where possible.

In considering a premises licence application the Licensing Authority will take no account of whether the premises is likely to be awarded planning consent or building regulations approval. However, the Licensing Authority will consider carefully any concerns about conditions that licensees would be unable to meet due to planning restrictions.

19. Licensing objectives

Premises licences granted must be reasonably consistent with the licensing objectives. The Licensing Authority has considered the GC Guidance on these objectives, and comments as follows...

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime:

The Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The GC Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, if an area has known high levels of organised crime this authority will consider carefully whether gambling premises should be located there and whether conditions, such as the provision of door supervisors, may be necessary.

The Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required at incidents and how threatening the behaviour was to those who could see it, so as to make that distinction.

Ensuring that gambling is conducted in a fair and open way:

The Licensing Authority notes that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.

However, tracks are different from other premises, as track operators will not necessarily have an operating licence, and the Premises Licence may then need to contain conditions to ensure that the environment in which betting takes place is suitable.”

Protecting children and other vulnerable persons from being harmed or exploited by gambling

The Licensing Authority notes the GC Guidance that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to them.

The Licensing Authority will consider, as suggested in the GC Guidance and in any Gambling Commission Code of Practice, whether specific measures are required at particular premises to further to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

The Licensing Authority notes that the Gambling Commission is not seeking to offer a definition for the term “vulnerable persons” but states that ...

“it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.”

The Licensing Authority will consider this licensing objective as it applies to each case on its merits. If a “vulnerable person” is adequately defined in future then the Licensing Authority will revise this Statement of Gambling Licensing Policy accordingly.

20. Representations

The Licensing Authority may determine an application for a Premises Licence without a hearing, if the parties agree or if it considers that the representations made are:

- vexatious
- frivolous, or
- will certainly not influence the authority's determination of the application.

If the Licensing Authority proposes to determine an application in this way, it will notify anyone who made a representation. (2005 Act s.162)

The Licensing Authority notes that the GC Guidance states that...

“Local authorities should be aware that moral objections to gambling are not a valid reason to reject applications for premises licences. This is because such objections do not relate to the licensing objectives. An authority's decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with the exception of the casino resolution powers). In deciding to reject an application, a licensing authority should rely on reasons that demonstrate that the licensing objectives are not being, or are unlikely to be, met.”

The Licensing Authority also notes that the GC Guidance states that...

“unlike the Licensing Act, the Gambling Act does not include as a specific licensing objective the prevention of public nuisance. There is however other relevant legislation which deals with public nuisance. It would be helpful if licensing authorities could explain that objections to new premises or requests for a review should be based on the licensing objectives of the Gambling Act.”

21. Conditions

There are three classes of conditions that attach to premises licences:

- **Mandatory conditions under s167 of the Act**, which must be attached to premises licences.
- **Default conditions under s168 of the Act**, which will apply unless the Licensing Authority decides to exclude them or substitute conditions with others that are more or less restrictive.

The Licensing Authority is aware that the Gambling Commission considers that these mandatory and default conditions will normally be sufficient to regulate gambling premises.

- **Individual conditions under s169 of the Act**: In exceptional cases, the Licensing Authority may consider attaching individual conditions related to the licensing objectives in order to deal with specific risks or problems associated with a particular locality, specific premises or class of premises.

Any conditions attached to licences will be proportionate and will be...

- Relevant to the need to make the proposed building suitable as a gambling facility;
- Directly related to the premises and the type of licence applied for;
- Fairly and reasonably related to the scale and type of premises; and
- Reasonable in all other respects.

The Licensing Authority will decide each application on its merits. Where appropriate it will consider using a number of control measures, such as the use of door supervisors or appropriate signage for 'adult only' areas etc.

The Licensing Authority expects the premises licence applicant to offer his/her own proposals to effectively meet the licensing objectives.

This policy includes specific comments on such issues under some of the licence types covered further below.

The Licensing Authority will also consider specific measures that may be required for buildings that are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with GC Guidance.

This authority will also ensure that where machines of category C or above offer in any premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

This Licensing Authority is aware that tracks may be subject to more than one premises licence, provided each licence relates to a specified area of the track. In such cases, the Licensing Authority will consider the impact upon the third licensing objective in accordance with GC Guidance and the need to ensure that entrances to each type of premises are distinct and that children are excluded from those gambling areas that they are not permitted to enter.

The Licensing Authority cannot attach certain conditions to premises licences. Those conditions are...

- Any condition on the premises licence that makes it impossible to comply with a condition on an operating licence;
- Conditions relating to gaming machine categories, numbers, or method of operation;

- Conditions that require membership of a particular club or body (the 2005 Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- Conditions about stakes, fees, winning or prizes.

22. Door Supervisors

The GC Guidance advises that licensing authorities may consider whether door supervisors are needed in order to further the licensing objectives of *“protection of children and vulnerable persons from being harmed or exploited by gambling”* and *“preventing premises becoming a source of crime”*.

Where supervision of entrances / machines is required for premises, the Licensing Authority will decide with operators whether door supervisors need to be licensed by the Security Industry Authority.

At premises such as betting offices, the Licensing Authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter, and that door supervision is both necessary and proportionate.

23. Specific types of premises

23.1 Adult Gaming Centres

For these premises, the Licensing Authority will have specific regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and expects the applicant to satisfy the Licensing Authority of the adequacy of measures to ensure, for example, that no-one under 18 years old has access to the premises.

The Licensing Authority may consider measures to meet the licensing objectives, such as ...

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

23.2 Licensed Family Entertainment Centres

For these premises, the Licensing Authority will have specific regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and expects the applicant to satisfy the Licensing Authority of the adequacy of measures to ensure, for example, that no-one under 18 years old has access to adult-only gaming machine areas.

The Licensing Authority may consider measures to meet the licensing objectives, such as ...

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

In accordance with GC Guidance, the Licensing Authority will check the Gambling Commission's website for any potential conditions on operating licences that cover delineation of areas containing category C machines.

23.3 Casinos

a) Casino proposals

The Licensing Authority did not submit any proposal for a casino to the Independent Casinos Advisory Panel in early 2006, so Oxford will not be chosen as a location for one of the first 17 new casinos permitted under the 2005 Act.

b) 'No casino' resolution

The Council passed a 'no casino' resolution (2005 Act, s.166) at its meeting on 20 November 2006 on the basis of a recommendation of the Licensing and Gambling Acts Committee, and this resolution has been maintained each time that this Policy has been renewed.

Potential licence applicants should note that, because the Council has passed a 'no-casino' resolution, the Licensing Authority will not consider any application for a casino premises licence. Any application received will be returned with a notification that a 'no-casino' resolution is in place.

The following paragraphs c), d) and e) appear in this Statement of Gambling Licensing Policy for consistency with other Licensing authorities. They have no role while a 'no casino' resolution remains in effect.

c) Casinos and competitive bidding

If circumstances arise where a number of operators want to run a casino in the area, the Council will run a 'competition' as required under the 2005 Act, Schedule 9 in line with any regulations issued under the 2005 Act.

d) Betting machines in casinos

The Licensing Authority notes that the section 181 of the 2005 Act contains an express power for licensing authorities to restrict the number of betting machines in casinos. {GCG 16.33} If the Licensing Authority receives an application for a casino premises licence it will take account of GC Guidance on this matter.

e) Credit

The Licensing Authority notes that section 177 of the 2005 Act does not prevent a casino licensee from permitting the installation of cash dispensers (ATMs) on the premises. If the Licensing Authority receives an application for a casino premises licence it will take account of GC Guidance on this matter.

23.4 Bingo premises

The Licensing Authority notes that the GC Guidance states that...

It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted licensing authorities should ensure that:

- *all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;*
- *only adults are admitted to the area where the machines are located;*
- *access to the area where the machines are located is supervised;*
- *the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and*
- *at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.*

The Licensing Authority will similarly note any further GC Guidance on the issues of suitability and layout of bingo premises.

23.5 Betting premises

a) Betting machines

When considering the number/nature/circumstances of betting machines an operator wants to offer, the Licensing Authority will follow the GC Guidance and take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by vulnerable people or by children or young persons.

This authority will consider limiting the number of machines only where there is evidence that such machines have been or are likely to be used in breach of the licensing objectives.

23.6 Tracks

The Licensing Authority notes that tracks are different from other premises in that:

- there may be more than one premises licence in effect provided each licence relates to a specified area of the track, and
- track operator may not be required to hold an operating licence as there may be several premises licence holders at the track which will need to hold their own operating licences.

The Licensing Authority will especially consider measures to ensure that children do not have access to 'adult only' gaming facilities.

The Licensing Authority notes that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, although not permitted to enter areas where gaming machines (other than category D machines) are provided. It will especially consider the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter, in furtherance of the licensing objective to ensure the protection of children and vulnerable persons from being harmed or exploited by gambling.

The Licensing Authority will consider measures to meet the licensing objectives, such as ...

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

a) Gaming machines at tracks

The Licensing Authority notes the GC Guidance that licensing authorities need to consider the location of gaming machines at tracks. An applicant for a track premises licence who plans to use any entitlement to four gaming machines (due to holding a pool betting operating licence) will need to demonstrate that machines (other than category D gaming machines) are located in areas from which children are excluded.

The Licensing Authority will similarly note any further GC Guidance on the location and supervision of gaming machines at tracks.

b) Betting machines at tracks

Licensing authorities have a power under the 2005 Act, to restrict the number of betting machines, their nature and the circumstances in which they are made available, by attaching a licence condition to a betting premises licence. The Licensing Authority notes that the GC Guidance states that...

“In relation to betting premises away from tracks, the Commission is proposing that licensing authorities should take into account the size of the premises and the ability of staff to monitor the use of the machines by vulnerable people when determining the number of machines permitted. Similar considerations apply in relation to tracks, where the potential space for such machines may be considerable, bringing with it significant problems in relation to the proliferation of such machines, the ability of track staff to supervise them if they are scattered around the track and the ability of the track operator to comply with the law and prevent children betting on the machine. Licensing authorities will want to

consider restricting the number and location of betting machines, in the light of the circumstances of each application for a track betting premises licence.”

c) Condition on rules being displayed

The Licensing Authority notes GC Guidance, which states that...

“...licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.”

d) Applications and plans –

The Licensing Authority notes the Gambling Commission's suggestion "... that licensing authorities gain a proper understanding of what they are being asked to license..."

Subject to regulations, which will set-out any specific requirements for applications for premises licences the Licensing Authority requires an application for a track betting premises licence to include detailed plans of:

- the racetrack itself;
- the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”);
- any area that will be used for fixed and mobile pool betting facilities operated by the Tote or track operator in the case of dog tracks and horse racecourses);
- areas proposed for any other gambling facilities.

Those plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.

The Licensing Authority notes that,

“In the Commission’s view, it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences. This would ensure that there was clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises”

23.7 Travelling Fairs

The 2005 Act allows travelling fairs to make available category D gaming machines and / or equal chance prize gaming without a permit, provided that they comply with the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair. The Licensing Authority has the power to decide whether travelling fairs comply.

The Licensing Authority may also consider whether the applicant falls within the statutory definition of a travelling fair.

Regardless of which travelling fairs occupy a site, if a site is used by fairs for more than the 27-day statutory maximum in a calendar year a permit is required for use of gaming machines and / or equal chance prize gaming. The Licensing Authority will liaise with adjoining authorities to ensure that statutory limits are not exceeded for land that straddles its area boundaries.

24. Provisional Statements

Developers may wish to apply to the authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or

- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

25. Reviews

Interested parties or responsible authorities can request a review of a Premises Licence. However, it is for the Licensing Authority to decide whether to review the licence. The Licensing Authority will consider whether the request is...

- Frivolous;
- Vexatious;
- Certain not to cause the Licensing Authority to wish to alter, revoke or suspend the licence; or
- Substantially the same as previous representations or requests for review.

The Licensing Authority will also consider whether the request is relevant to the following matters...

- In accordance with any relevant Code of Practice issued by the Gambling Commission;
- In accordance with any relevant guidance issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with this Statement of Gambling Licensing Policy.

The Licensing Authority can also initiate a review of a licence on the basis of any reason that it considers appropriate that is relevant to the same four matters.

PART C: PERMITS, TEMPORARY & OCCASIONAL USE NOTICES

26. Unlicensed Family Entertainment Centre gaming machine permits

(Statement of Principles on Permits (2005 Act, Schedule 10, para.7))

Where a premises has no Premises Licence but the user wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (2005 Act, s238).

The 2005 Act states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit; and that it shall have regard to the GC Guidance and may (but need not) have regard to the licensing objectives in preparing this statement or considering applications, or both.

The Licensing Authority notes that the GC Guidance states that...
“In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits ... licensing authorities will want to give weight to child protection issues.”

The GC Guidance also states:

“An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application. Licensing authorities might wish to consider asking applicants to demonstrate:

- *a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;*
- *that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and*
- *that staff are trained to have a full understanding of the maximum stakes and prizes.”*

The Licensing Authority cannot attach conditions to this type of permit.

Statement of Principles

The Licensing Authority expects each applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

The Licensing Authority will consider on their individual merits the efficiency of such policies and procedures, which may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with any unsupervised very young children on the premises, or children causing perceived problems on or around the premises.

In accordance with GC Guidance, the Licensing Authority will also expect applicants to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed Family Entertainment Centres; that the applicant has no relevant convictions (as set out in Schedule 7

of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

27. Alcohol-licensed premises gaming machine permits

(2005 Act, Schedule 13 para 4(1))

27.1 Notification for up to two gaming machines

The 2005 Act provides for premises licensed to sell alcohol for consumption on the premises (other than as part of a meal), to have up to 2 gaming machines of either category C or D or one of each. Authorisation is automatic if the person responsible for the premises notifies the Licensing Authority.

The Licensing Authority can remove the automatic authorisation for any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of s. 282 of the 2005 Act. (This requires a fee and written notice to be provided to the Licensing Authority, and compliance with any relevant code of practice issued by the Gambling Commission about the location and operation of the machine);
- the premises are mainly used for gaming; or
- an offence under the 2005 Act has been committed on the premises.

27.2 Permit for more than two gaming machines

A premises manager wanting more than 2 machines on the premises must apply for a permit and the Licensing Authority must base its consideration of that application based upon the licensing objectives, any GC Guidance, and “such matters as they think relevant.”

The Licensing Authority considers that “such matters” will be decided on the merits of each case. However, it will have general regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. It will expect the applicant to demonstrate use of adequate measures to ensure that persons under 18 years old do not have access to ‘adult only’ gaming machines.

For this purpose, the Licensing Authority may be satisfied of the adequacy of measures that may include...

- Siting all ‘adult’ machines in sight of bar staff, or of other staff who will prevent use of those machines by those under 18.
- Appropriate notices and signage

The Licensing Authority expects applicants to consider providing information leaflets or helpline numbers for organisations such as GamCare for the benefit of vulnerable persons.

A Licensing Authority can decide to grant a permit with fewer machines or a different category of machines than stated in the application. It can attach no conditions other than these.

The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machines.

The Licensing Authority will distinguish between those parts of premises that are licensed for the consumption of alcohol on the premises (other than as part of a meal) and other parts. Gaming machines may not be provided in those other parts of the premises without a premises licence for an Adult Gaming Centre.

28. Prize Gaming Permits

(Statement of Principles on Permits - Schedule 14 para 8 (3))

The 2005 Act states that a Licensing Authority may:
“prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the applicant for a permit”. {2005 Act Schedule 14 8 (1)}

The Licensing Authority has prepared a Statement of Principles, which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- and that the gaming offered is within the law.

In making its decision on an application for this permit the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any GC Guidance.

It should be noted that there are conditions in the 2005 Act by which the permit holder must comply, but that the Licensing Authority cannot attach further conditions.

The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

29. Club Gaming and Club Machines Permits

Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for either...

- a Club Gaming Permit, which will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in regulations; or
- a Club Gaming Machine Permit, which will enable the premises to provide gaming machines (3 machines of categories B, C or D) without other gaming.

The Licensing Authority notes GC Guidance that ...

“Members clubs must have at least 25 members and be established and conducted “wholly or mainly” for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members’ club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men’s clubs, branches of Royal British Legion and clubs with political affiliations.”

And that ...

“Before granting the permit the authority will need to satisfy itself that the premises meet the requirements of a members’ club and may grant the permit if the majority of members are over 18.”

The Licensing Authority notes that:

“Licensing authorities may only refuse an application on the grounds that:

- *the applicant does not fulfil the requirements for a members’ or commercial club or miners’ welfare institute and therefore is not entitled to receive the type of permit for which it has applied;*
- *the applicant’s premises are used wholly or mainly by children and/or young persons;*
- *an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;*
- *a permit held by the applicant has been cancelled in the previous ten years; or*
- *an objection has been lodged by the Commission or the police*

There is a ‘fast-track’ procedure available, under the 2005 Act, for premises that hold a Club Premises Certificate under the 2003 Act. The GC Guidance states...

“Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced”

And

“The grounds on which an application under the process may be refused are:

- *that the club is established primarily for gaming, other than gaming prescribed under schedule 12;*
- *that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or*
- *that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.”*

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

30. Temporary Use Notices

Temporary Use Notices are subject to a number of statutory limits.

The Licensing Authority is responsible for deciding what constitutes the extent of a 'set of premises' to which a Temporary Use Notice applies, where separate notices are received for different parts of the same building or site.

The Licensing Authority notes GC Guidance that...

"... the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises. A large exhibition centre, for example, would be likely to come within the definition as it is properly one premises, and should not be granted a temporary use notice for 21 days in respect of each of its exhibition halls. But in relation to other covered areas, such as shopping centres, the licensing authority will need to consider whether different units are in fact different "sets of premises", given that they may be occupied and controlled by different people. This is a new permission and licensing authorities should be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises."

31. Occasional Use Notices:

The Licensing Authority has very little discretion in determining Occasional Use Notices, other than ensuring that the statutory limit of 8 days in a calendar year is not exceeded.

However, the Licensing Authority will need to consider the definition of a 'track' and whether the applicant is permitted to use such a notice.

Appendix 2 – Licensing Authority delegations

The 2005 Act (s154) delegates most licensing functions to the licensing committee, which can then further delegate to its sub-committees or to officers. The table lists the lowest level to which decisions can be delegated.

The Licensing Authority will determine the levels to which its decisions are delegated and may change that delegation from time to time.

Matter to be dealt with	Full Council	Sub-committee of licensing committee	Officers
Final approval of three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)			X
Application for premises licence		Where representations have been received and not withdrawn	Where no representations received or all have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received or all have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received or all have been withdrawn
Review of a premises licence		X	
Application for club gaming/ club machine permits		Where objections have been made (and not withdrawn)	Where no representations received or all have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

Appendix 3 – Gaming machines

3.1 Gaming machine categories

This table is included for general guidance. However, the details may become outdated as a result of Government Regulations; the stakes are subject to change.

Category of Machine	Maximum Stake	Maximum Prize
A	Unlimited – no Category A gaming machines are currently permitted	
B1	£5	£10,000
B2	£2	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D- non money prize (other than a crane grab machine)	30p	£8
D- non money prize (crane grab machine)	£1	£50
D (money prize)	10p	£5
D – combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be a money prize)
D – combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)

The next page lists the numbers of machines in each category permitted in particular types of premises

3.2 Gaming machines – permitted numbers

The information in this table is subject to confirmation, and may become outdated as a result of Government Regulations.

Premises type	Machine category						
	A	B1	B2	B3	B4	C	D
Betting premises and tracks occupied by pool betting			Maximum of 4 machines categories B2 to D (except B3A machines)				
Bingo premises				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4**		No limit on category C or D machines	
Adult gaming centre				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4**		No limit on category C or D machines	
Family entertainment centre (with premises licence)						No limit on category C or D machines	
Family entertainment centre (with permit)							No limit on category D machines
Clubs or miners' welfare institute (with permits)				Maximum of 3 machines in categories B3A or B4 to D*			
Qualifying alcohol-licensed premises						1 or 2 machines of category C or D automatic upon notification	
Qualifying alcohol-licensed premises (with gaming machine permit)						Number of category C-D machines as specified on permit	
Travelling fair							No limit on category D machines

* On a day when no other facilities for gaming are provided

Appendix 4 – Summary of Gaming Entitlements for Clubs and Alcohol-Licensed Premises

This table is included for general guidance. However, the details may become outdated as a result of Government Regulations.

	Members' club or MW institute with club gaming permit	Bridge or whist club	Members' club or commercial club with club machine permit	Members' club, commercial club or MW institute without a club gaming permit or club machine permit	Pubs and other alcohol-licensed premises
Equal chance gaming	Yes	Bridge and/or Whist only	Yes	Yes	Yes
Limits on stakes	No limit	No limit	Poker £1000 per week £250 per day £10 per person per game	Poker £1000 per week £250 per day £10 per person per game	Poker £100 per premises per day Other gaming £5 per person
			Other gaming No limit	Other gaming No limit	per game Cribbage & dominoes No limit
Limits on prizes	No limit	No limit	Poker £250 per game Other gaming No limit	Poker £250 per game Other gaming No limit	Poker £100 per game Other gaming No limit
Maximum participation fees – per person per day	Bridge and/or whist* £20 Other gaming £3	£18 (without club gaming permit) £20 (with club gaming permit)	Bridge and/or whist* £18 Other gaming £3 (commercial club) £1 (members' club)	Bridge and/or whist* £18 Other gaming £1	None permitted
Bankers or unequal chance gaming	Pontoon <i>Chemin de Fer</i>	None permitted	None permitted	None permitted	None permitted
Limits on bingo	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	No bingo permitted	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.

* On a day when no other facilities for gaming are provided

Appendix 5 – Responsible Authorities

The Responsible Authorities for the Oxford City Council area under the 2005 Act, and their contact details are as follows.

Contact details may change, and other responsible authorities may be designated by regulations by the Secretary of State. For latest information, please check with the Licensing Authority (contact details below).

Responsible Authority	Address	Contact details for preliminary discussions or follow-up enquiries Phone, email and website
The Licensing Authority	The Licensing Authority Oxford City Council 109 St Aldate's Chambers St Aldate's OXFORD OX1 1DS	Tel: 01865 252565 licensing@oxford.gov.uk http://www.oxford.gov.uk/licensing
The Planning Authority	The Planning Authority Oxford City Council 109 St Aldate's Chambers St Aldate's OXFORD OX1 1DS	Tel: 01865 249811 planning@oxford.gov.uk www.oxford.gov.uk
Environmental Health	Environmental Protection Oxford City Council 109 St Aldate's Chambers St Aldate's OXFORD OX1 1DS	Tel: 01865 252296 foodsafety@oxford.gov.uk www.oxford.gov.uk
Gambling Commission	Gambling Commission Victoria Square House Victoria Square BIRMINGHAM B2 4BP	Tel: 0121 230 6666 info@gamblingcommission.gov.uk www.gamblingcommission.gov.uk
Thames Valley Police	Thames Valley Police Licensing Office Headquarters (South), Kidlington, OX5 2NX	Tel: 01865 266109 licensing@thamesvalley.pnn.police.uk
Fire and Rescue Service	Fire and Rescue Service Oxfordshire County Council Rewley Road Fire Station OXFORD OX1 2EH	Tel: 01865 242223 fire.service@oxfordshire.gov.uk

		Contact details for preliminary discussions or follow-up enquiries
Responsible Authority	Address	Phone, email and website
Oxfordshire Safeguarding Children Board	Oxfordshire Safeguarding Children Board (OSCB) 3rd Floor, County Hall New Road OXFORD OX1 1ND	Tel: 01865 815843 oscb@oxfordshire.gov.uk https://www.oscb.org.uk/
Her Majesty's Commissioners of Customs and Excise	HM Revenue and Customs Excise Processing Teams BX9 1GL United Kingdom	Tel: 0300 322 7072 Option 7 nru.betting&gaming@hmrc.gsi.gov.uk www.hmrc.gov.uk
Navigation Authority (Only applicable to vessels on the canal or a river)	Check with the Licensing Authority	
Any other person prescribed for the purpose by regulations made by the Secretary of State.	Check with the Licensing Authority	

Adjacent licensing authorities

Where premises straddle an area boundary, a licensing authority for the area in which the premises are partly situated is also a Responsible Authority.		
		Contact details for preliminary discussions or follow-up enquiries
Responsible Authority	Address	Phone, email and website
(The Licensing Authority)	The Licensing Authority Cherwell District Council Bodicote House Bodicote BANBURY OX15 4AA	Tel: 01295 753744 www.cherwell-dc.gov.uk licensing@cherwell-dc.gov.uk
(The Licensing Authority)	The Licensing Authority South Oxfordshire DC Benson Lane Crowmarsh Gifford WALLINGFORD OX10 8HQ	Tel: 01235 422556 www.southoxon.gov.uk licensing@southoxon.gov.uk

(The Licensing Authority)	The Licensing Authority Vale of White Horse DC Abbey House ABINGDON OX14 3JE	Tel: 01235 422556 www.whitehorsedc.gov.uk licensing.unit@whitehorsedc.gov.uk
(The Licensing Authority)	The Licensing Authority West Oxfordshire DC Wood Green WITNEY OX28 1NB	Tel: 01993 861000 https://www.westoxon.gov.uk/ers@westoxon.gov.uk

BUILDING PRIDE IN OUR CITY

Licensing Authority

www.oxford.gov.uk



Statement of Gambling Licensing Policy

Gambling Act 2005

The Licensing Authority,
Oxford City Council,
109 St Aldate's Chambers,
St Aldate's,
Oxford,
OX1 1DS
Email: licensing@oxford.gov.uk
Telephone: 01865 252565
Fax: 01865 252344

