

Licensing Acts Committee Report

Report of Head of Environmental Services

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To: Licensing Acts Committee

DATE: 22 November 2007

AGENDA ITEM NO 3

Licensing Act 2003 - Review of Licensing Policy.

Recommendations

1. That the Licensing Acts Committee recommends Council to approve the revised Statement of Licensing Policy.

Purpose of Report

1. To present to the committee a revised Licensing Policy in accordance with the Licensing Act 2003.

Strategic Objectives

2. The proposal contributes to three of the Council's strategic objectives:

Strategic Objective 3: Crime; key aim- Reduce the number of people feeling unsafe after dark and in daylight: The policy actively promotes the reduction of crime and disorder that can be associated with licensable activities.

Strategic Objective 4: Health and Well-Being; key aim- Promote health and well-being: The policy promotes responsible drinking and addresses anti social behaviour that can be associated with poor health and well being.

Strategic Objective 5: Economy; key aim-Promote vibrant towns: The policy supports licensable activities that can assist towns in providing vibrant lifestyle and economy.

Background

3. South Oxfordshire District Council is designated as the Licensing Authority under the Licensing Act 2003, and as such is required to produce a licensing policy which must be reviewed every three years. The first policy was adopted on the 16 December 2004 and is required to be reviewed by 16 December 2007.
4. There have been no significant changes to the Licensing Act legislation, guidance or local circumstances since the Licensing Policy was first adopted. The revised policy has been amended to take into account new supplementary legislation and remove transitional policies which are no longer required. The policy has been revised in conjunction with relevant authorities and their views have been incorporated into the policy. The revised policy is in Appendix A and the policy changes are highlighted for ease of reference in Appendix B.
5. The draft policy was sent out for consultation to all relevant authorities, parish councils and other trade organisations. The consultation period finishes on 12 November 2007 and a list of consultees is in Appendix C. This report was written during the period of consultation, therefore any representation received after this date will be brought to the Licensing Acts Committee on the 22 November 2007.
6. The Licensing Statement of Policy has been reviewed in line with statutory guidance and the amendments have been approved by the Oxfordshire Licensing Group and Legal Services.

Financial Implications

7. There are no financial implications.

Legal Implications

8. The Licensing Act places a duty on the Council to review the Licensing Policy every three years. Failure to undertake the review could result in a Judicial Review.

Human Resource Implications

9. There are no human resource implications.

Conclusion

10. By adopting the above proposals the Licensing Statement Policy will comply with the requirements of Licensing Act 2003.

Appendix A

Reviewed Licensing Policy

Appendix B

LICENSING ACT 2003 DRAFT STATEMENT OF LICENSING POLICY FOR REVIEW

SCHEDULE OF KEY AMENDMENTS

Page	Amendment	Reason for Amendment
Throughout the Policy	Remove all references to the Fire Precautions Act 1971 and replace with the relevant section of the Regulatory Reform (Fire Safety) Order 2005.	Changes in Fire Safety Regulations mean that the 1971 Act has been repealed and replaced with the 2005 Order.
Page 1	Replace current date of adoption with new date of adoption.	This date will be inserted after adoption at full Council.
Page 4	Include the following pieces of legislation within the list of those that may be taken into account by the Licensing Authority in determining applications <ul style="list-style-type: none"> Noise Act 1996 Fire & Safety Order 2005 Violent Crime and Disorder Act 2006 Health Act 2006 	These are new pieces of legislation that will have an impact on licensing decisions and specifically relate to the four licensing objectives, <ul style="list-style-type: none"> prevention of crime and disorder public safety prevention of public nuisance protection of children from harm.
Page 6	Change web address link to; www.drugs.gov.uk/ReportsandPublications/Communities/1034174284	The document referred to in the body of the text has changed location so an update of the link is required.
Not Applicable Section Deleted	Delete references to "Grandfather Rights" applications	"Grandfather Rights" applications could only be made during the transitional period 7 February 2005 to 6 August 2005.
Page 14	Amend the wording to say (amendments in bold italics); Where appropriate the Authority would normally expect 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.	The Licensing Authority cannot insist that such a notice is displayed, however the Oxfordshire Licensing Group felt that this element of the policy should remain because a notice displaying operating hours can be of benefit to enforcement agencies.
Page 18	With reference to entertainment for children replace the section which states; The Authority expects licensees to	The operating schedule (which accompanies the application for grant or variation of licence) the premises licence holder cannot anticipate such activities. The Oxfordshire Licensing Group felt

	<p>include in the operating schedule of the premises details of how they will ensure the safe access and egress of children.</p> <p>With; The Authority expects that as part of the risk assessment where regulated entertainment includes performances specially presented for children, applicants will indicate the number of attendants that will be on duty, to ensure that children are protected from harm, for example by controlling access and egress.</p>	that undertaking a risk assessment would allow premises licence holders to have such activities without expensive or unnecessary variation applications.
Page 23 Page 31	Replace the section titled "Rave-Style Events" with the title "Safer Clubbing " and replace reference to "such events" with "large scale and outdoor events"	See above
Page 23	Add policy about hypnotism;	Whilst hypnotism is not a regulated activity under the Licensing Act it is an activity often carried out on licensed premises. Many premises that converted their old style Public Entertainment Licence will still have conditions relating to hypnotism on their converted licence. Under the public safety objective the Oxfordshire Licensing Group felt that a policy covering hypnotism should be included in the policy document.
Page 27	Insert new section relating to internet sales, mail order & home delivery.	There has been confusion surrounding this type of sales transaction. The Oxfordshire Licensing Group has recommended this section within the policy document to address the issues.
N/A as deleted	Delete section and policy relating to casinos and bingo clubs.	The Gambling Act 2005 now regulates these issues.
Page 31	Insert new section relating to Large Scale and/or Outdoor Events.	The Oxfordshire Licensing Group have recommended a revised policy to offer better advice in line with specific guidance from Lacors and DCMS.
Page 31	Replace policy title "Open-Air Events" with "Large Scale and/or Outdoor Events " and	It was considered by the Oxfordshire Licensing Group that large scale events held indoors or out could have an

	replace references within the policy to “open-air events” with “large scale and outdoor events”	impact on the licensing objectives.
Page 32	Remove from the Designated Premises Supervisors section, the line; “This policy clarifies the uncertainty about whether or not a Designated Premises Supervisor is required to be present at the premises”.	When the current policy document was published there was a great deal of confusion about the need for the Designated Premises Supervisor to be on the premises at all times. The Secretary of State has since clarified that it is not a requirement of the licence.
Page 36	Add the Smoke Free Premises Regulations.	The Oxfordshire Licensing Group recommended that the new Smoke Free Regulations should be included in the policy and will be assessed as part of the licensing objectives.
Page 36	Insert the Health Act 2006 in “Other Legislation” section.	
Page 40	Insert section in “Other Legislation” about the Gambling Act 2005 and delete all references to the previous regimes dealing with amusements with prizes machines.	The Gambling Act 2005 now regulates these issues.
Throughout the Policy	Replace all references to “Pubwatch” with “Pubwatch and Nightsafe”.	The Oxfordshire Licensing Group recommend the promotion of the local Nightsafe Schemes in addition to Pubwatch as it promotes best practice within the licensed trade.
N/A as deleted	Remove reference to Connexions card	Connexions card scheme no longer operates.
<p>Various minor amendments to enhance clarify or correct terminology or spelling of existing statements within the Policy.</p> <p>Update references made to “implementing” the policy document to read “reviewing” the policy document.</p>		

Appendix C

Consultees: Organisation

All Relevant Authorities : environmental protection, planning, police, environmental health, trading standards, social services, fire services

Transport Police (British Transport police, Reading, RG1 1LT)

Hospitals (South East Primary Care Trust, Wallingford, OX10 9DU)
(South West Primary Care Trust, Abingdon, OX14 1AG)

Henley, Wallingford and Didcot Pubwatch

Henley Partnership

Thame Chamber of Trade

Wallingford Business 2000

Transport Companies (Tappins, Peaces Hire, Stage Coach, Thames Valley Travel Chiltern)

Tourism S.O.D.C (Tourism South East, Eastleigh, Hampshire, S050 5JH)

Wallingford Town Council

Didcot Town Council

Henley Town Council

All Parish Councils within South Oxfordshire District Council

Pub Companies (Scottish and Newcastle, Green King, Griffin Brewery, Breakspears Brewery and British Beer & Pub Association).

