

Tuesday, 13 May 2025

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## LICENSING COMMITTEE

You are summoned to a meeting of the Licensing Committee which will be held at Council Offices, Woodgreen, Witney, Oxfordshire OX28 1NB on **Wednesday, 21 May 2025 at the rising of the Audit and Governance Meeting.**



Giles Hughes  
Chief Executive

To: Members of the Licensing Committee

Councillors: To be appointed at Annual Council

Recording of Proceedings – The law allows the public proceedings of Council, Executive, and Committee Meetings to be recorded, which includes filming as well as audio-recording. Photography is also permitted. By participating in this meeting, you are consenting to be filmed.

As a matter of courtesy, if you intend to record any part of the proceedings please let the Democratic Services officers know prior to the start of the meeting.

# AGENDA

1. **Election of Chair**

Purpose:

To appoint a Chair for the Civic Year 2025/26.

Recommendation:

That a Chair of the Licensing Committee be elected for the Civic Year 2025/26.

2. **Election of Vice Chair**

Purpose:

To appoint a Vice Chair for the Civic Year 2025/26.

Recommendation:

That a Vice Chair of the Licensing Committee be elected for the Civic Year 2025/26.

3. **Apologies for Absence**

To receive any apologies for absence.

4. **Declarations of Interest**

To receive any declarations of interest from members of the Licensing Committee on any items to be considered at the meeting.

5. **Minutes of Previous Meeting (Pages 3 - 6)**

To approve the minutes of the previous meeting held on Monday 19 November 2024.

6. **Appointment of Licensing Sub Committees (Pages 7 - 12)**

Purpose:

To invite the Licensing Committee to appoint Sub-Committees for the Civic Year 2025/26.

Recommendations:

That the Licensing Committee resolves to:

1. Appoint five members of the Committee to the Miscellaneous Licensing Sub-Committee in accordance with political proportionality and the wishes of political groups (2 Liberal Democrat, 1 Conservative, 1 Labour, 1 Green), as set out in Annex A (to follow);
2. Note that Licensing Panel membership will comprise the Chair or Vice Chair of the Licensing Committee and two other members of the Licensing Committee drawn on an alphabetical rota basis from the remaining members of the Licensing Committee (subject to their availability and completion of licensing training prior to participation in a Licensing Panel meeting), as detailed in paragraph 3.3.

(END)

## WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the

### **Licensing Committee**

Held in the Committee Room 1, Council Offices, Woodgreen, Witney, Oxfordshire OX28  
INB at 10.00 am on **Tuesday, 19 November 2024**

### PRESENT

Councillors: , David Jackson (Vice-Chair), Andrew Lyon, David Melvin and Tim Sumner

Officers: Mandy Fathers (Business Manager - Environmental, Welfare & Revenue Service),  
Andrea Thomas, (Environmental Resident Services Officer), Anne Learmonth (Democratic  
Services Officer), Maria Harper (Democratic Services Assistant).

Other Councillors in attendance: None

#### **15 Apologies for Absence and Temporary Appointments**

Apologies for absence were received from Councillors Mark Walker, Jane Doughty, Edward James, Dan Levy and Paul Marsh.

#### **16 Declarations of Interest**

There were no declarations of interest made by members of the Committee.

#### **17 Minutes of Previous Meeting**

Councillor Tim Sumner proposed that the minutes of the previous Committee meeting, held on 24 September 2024, be signed by the Chair as a true and accurate record. This was seconded by Councillor Andrew Lyon, was put to the vote, and was agreed by the Committee.

The Committee **Resolved** to:

1. Agree the minutes of the previous meeting, held on 24 September 2024, as a true and accurate record.

#### **18 Participation of the Public**

There was no public participation at the meeting.

#### **19 Gambling Act 2005 Statement of Principles (Policy) Review 2024**

Mandy Fathers, Business Manager for Environment, Welfare and Revenue Services, introduced the report which provided details of the proposed revisions to the Council's Statement of Principles (Gambling Act 2005), based on legislative requirements, statutory guidance and any amendments following public consultation.

Section 349 of the Gambling act 2005 (the "Act) requires licensing authorities before each successive period of three years to:

19/November2024

- a) Prepare a statement of the principles that they propose to apply in exercising their functions under this Act during that period, and
- b) Publish the statement.

The next successive period would start on 31 January 2025. However the statement needed to be adopted by 31 December 2024 as it must be published at least 4 weeks before the date on which it would come into effect on the authority's website and also be available for inspection by the public.

Before the Policy could be determined, the Authority was required to consult with the police, persons who represented the interests of the gambling businesses and those who represented the interests of persons who were likely to be affected by the gambling businesses.

The draft statement of principles had been subjected to a 6-week consultation period which ended on Friday 8 November 2024. All consultees were written to and were invited to make written comments. The consultation was advertised on the Council's website. There were no comments made during the consultation period by any of the consultees.

Under section 166 of the Act the Licensing Authority is empowered, to make a 'no casino' resolution if it wished to do so. This would mean at this time the Council did not wish to have a casino in its area. The decision had to be reviewed every 3 years. Full Council had resolved not to issue licences to casinos in 2006, and this had been reviewed at meetings in 2009, 2012, 2015, 2018 and 2021.

The benefit of making a 'no casino' resolution if it wished to do so would mean that any applications for a casino in West Oxfordshire District area would be determined by Full Council. If a 'no casino' resolution was not renewed, then if the operator had the necessary planning permission, it would be likely that the application for a casino would automatically be granted.

The Business Manager for Environment, Welfare and Revenue Services recommended the report be submitted to Full Council.

Members asked for clarification on the consultees. The Business Manager for Environment, Welfare and Revenue Services confirmed that all consultees had had the opportunity to comment, however no comments were submitted.

Councillor Andrew Lyon proposed that the Committee agree the recommendations as set out in the report. This was seconded by Councillor David Melvin, was put to the vote and was unanimously agreed by the Committee.

The Committee **Resolved** to:

Licensing Committee


19/November2024

1. Approve the Statement of Principles; and
2. Agree that the Council continues to adopt a “no-casino resolution” for inclusion in the published Gambling Act 2005 Licensing Policy Statement.

The Meeting closed at 10.06 am

CHAIR

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 <p><b>WEST OXFORDSHIRE DISTRICT COUNCIL</b></p>	<p><b>WEST OXFORDSHIRE DISTRICT COUNCIL</b></p>
<p>Name and date of Committee</p>	<p><b>LICENSING COMMITTEE - 21 MAY 2025</b></p>
<p>Subject</p>	<p><b>APPOINTMENT OF LICENSING SUB-COMMITTEES</b></p>
<p>Wards affected</p>	<p>None</p>
<p>Accountable member</p>	<p>Chair of the Licensing Committee</p>
<p>Accountable officer</p>	<p>Andrew Brown, Head of Democratic and Electoral Services (shared)  Email: <a href="mailto:Andrew.Brown@westoxon.gov.uk">Andrew.Brown@westoxon.gov.uk</a></p>
<p>Report author</p>	<p>Anne Learmonth – Democratic Services Officer.  Email: <a href="mailto:anne.learmonth@westoxon.gov.uk">anne.learmonth@westoxon.gov.uk</a></p>
<p>Summary/Purpose</p>	<p>To invite the Licensing Committee to confirm the appointment of Sub-Committees for the 2025/26 municipal year.</p>
<p>Annexes</p>	<p>Annex A - Extract of full Council supplement (sub-committee nominations)(to follow)</p>
<p>Recommendation(s)</p>	<p>That the Licensing Committee resolves to:</p> <ol style="list-style-type: none"> <li>1. Appoint five members of the Committee to the Miscellaneous Licensing Sub-Committee in accordance with political proportionality and the wishes of political groups (2 Liberal Democrat, 1 Conservative, 1 Labour, 1 Green), as set out in the full Council supplement.</li> <li>2. Note that Licensing Panel membership will comprise the Chair or Vice Chair of the Licensing Committee and two other members of the Licensing Committee drawn on an alphabetical rota basis from the remaining members of the Licensing Committee (subject to their availability and completion of licensing training prior to participation in a Licensing Panel meeting), as detailed in paragraph 3.3.</li> </ol>
<p>Corporate priorities</p>	<ul style="list-style-type: none"> <li>• Working Together for West Oxfordshire</li> </ul>
<p>Key Decision</p>	<p>NO</p>

Exempt	NO
Consultees/ Consultation	Political groups that are entitled to seats on the sub-committee have been asked to nominate members.



## **1. BACKGROUND**

- 1.1** The Council's Constitution provides that the Licensing Committee will have two Sub-Committees which have certain functions and responsibilities:
- Miscellaneous Licensing Sub-Committee
  - Licensing Panel
- 1.2** The power to appoint members to Sub-Committees lies with the parent committee i.e. the Licensing Committee.

## **2. MISCELLANEOUS LICENSING SUB-COMMITTEE**

- 2.1** This Sub-Committee is responsible for determining taxi, private hire and street trading applications in certain circumstances e.g. where the applicant has previous convictions. The provisions of the Local Government Act 1972 relating to Sub-Committees apply to the Miscellaneous Licensing Sub-Committee, meaning the membership must be appointed for a specified period of time (usually the duration of a municipal year), in accordance with political proportionality.
- 2.2** It is proposed that the Licensing Committee appoints five members of the committee (as in previous years) to the Miscellaneous Licensing Sub-Committee for the 2025/26 municipal year, in accordance with political proportionality, as set out in Table 1 below.

**Table 1: Political proportionality on a five member Sub-Committee**

<b>Group</b>	<b>Liberal Democrat</b>	<b>Conservative</b>	<b>Labour</b>	<b>Green</b>	<b>Total</b>
Real entitlement	2.24	1.33	1.02	0.41	5
Rounded entitlement	2	1	1	0	4
<b>Seats allocated</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>5</b>

- 2.3** The miscellaneous licensing sub-committees has one seat vacant after all groups have received their full proportional entitlement of seats. Of the four political groups, the Green Group has the strongest proportional entitlement to the unallocated seat (0.41), higher than the Conservative Group (0.33), the Liberal Democrat Group (0.24) and the Labour and Co-Operative Group (0.02). The Green Group therefore gains the final seat.

- 2.4** The Constitution provides that all Members of each political group not appointed to a particular Sub-Committee, shall be named as substitute Members for the Member(s) of that group who have been appointed to that Sub-Committee, subject to provision that substitute Members for Sub-Committees are restricted to Members of the 'parent' Committee.

### **3. LICENSING PANEL**

- 3.1** The Licensing Panel is responsible for determining Personal Licenses and Premises Licenses where representations are received, and for considering whether to grant Temporary Event Notices where objections are received from the Police or Environmental Health.
- 3.2** The Licensing Panel is a Sub-Committee which is governed by the provisions of the Licensing Act 2003 rather than the Local Government Act 1972. Under the Licensing Act 2003, a Licensing Committee must establish one or more Sub-Committees comprising three members of the Licensing Committee. Licensing Panels are not subject to political proportionality and the membership does not have to be fixed for a specified period of time. It is a requirement of the Council's Constitution that the members participating in Licensing Panel meetings have completed licensing training.
- 3.3** On 4 June 2014 the Licensing Committee resolved that the Licensing Panel will be appointed as follows and these provisions were more recently included in the Council's Constitution:
- The Chair or Vice-Chair of the Licensing Committee shall sit on and chair each meeting of the Panel.
  - The other two members of each meeting of the Panel shall be drawn on an alphabetical rota basis from the remaining members of the Licensing Committee.
  - In the event of a Member being unavailable or otherwise unable to sit for a particular hearing, the next Member on the rota be approached, with the former being eligible to sit at the next meeting instead.
  - In the event of the Chair or Vice-Chair being unable to sit on a particular hearing the third member of the Panel shall be drawn from the membership of the Committee under the usual rota system and the Panel shall appoint a Chair for the hearing(s) from that membership as its first item of business.
  - That no Member who has not attended appropriate training shall be permitted to sit at a meeting of the Licensing Panel.

### **4. CONCLUSIONS**

- 4.1** The Licensing Committee is asked to confirm the appointment of members to the Miscellaneous Licensing Sub-Committee and note the membership arrangements for the Licensing Panel.

## **5. FINANCIAL IMPLICATIONS**

- 5.1** There are no financial implications arising directly from the recommendations in this report.

## **6. LEGAL IMPLICATIONS**

- 6.1** The legal issues relating to licensing sub-committees are detailed in the body of the report, specifically paragraphs 2.1 and 3.2.

## **7. RISK ASSESSMENT**

- 7.1** Appointing sub-committees in accordance with the provisions of the law and the Constitution will help to ensure that licensing applications can be determined in a timely fashion and reduce the risk of challenge to decisions.

## **8. EQUALITIES IMPACT**

- 8.1** The Committee is advised to have due regard to the need to promote equality when appointing sub-committees with responsibility for determining licensing applications.

## **9. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS**

- 9.1** There are no climate or ecological implications arising directly from the recommendations in this report.

## **10. ALTERNATIVE OPTIONS**

- 10.1** If the Licensing Committee wishes to change the size of the Miscellaneous Licensing Sub-Committee or membership arrangements for the Licensing Panel it could pass a resolution requesting that officers bring a report to a future meeting with alternative proposals.

## **11. BACKGROUND PAPERS**

- 11.1** None

(END)

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