

Public Document Pack

To all Members of the

LICENSING COMMITTEE

AGENDA

Notice is given that a Meeting of the above Committee is to be held as follows:

VENUE Council Chamber - Civic Office Floor 2
DATE: Thursday, 22nd June, 2017
TIME: 3.00 pm

Items for Discussion:

	PageNo.
1. Apologies for absence	
2. To consider the extent, if any, to which the public and press are to be excluded from the meeting.	
3. Declarations of Interest, if any.	
4. Minutes of the Licensing Committee Meeting held on 15th December, 2016	1 - 4
A. A. Reports where the public and press may not be excluded	
<u>For noting</u>	
5. Terms of Reference, Procedures and Delegations.	5 - 26
6. Licensing Act 2003, Gambling Act 2005 and General Licensing Update.	27 - 34
7. 'Reduce the Strength' Campaign.	35 - 40

Jo Miller
Chief Executive

Issued on: Wednesday, 14 June 2017

Democratic Services Officer
for this meeting:

Sarah Maxfield
Tel: 01302 736723

Members of the Licensing Committee

Chair – Councillor Ken Keegan
Vice-Chair – Councillor Linda Curran

Councillors Lani-Mae Ball, Iris Beech, Bev Chapman, Steve Cox,
Neil Gethin, John Gilliver, Martin Greenhalgh, Charlie Hogarth,
Mark Houlbrook, Nikki McDonald, David Nevett and Ian Pearson.

Agenda Item 4

DONCASTER METROPOLITAN BOROUGH COUNCIL

LICENSING COMMITTEE

THURSDAY, 15TH DECEMBER, 2016

A MEETING of the LICENSING COMMITTEE was held at the COUNCIL CHAMBER - CIVIC OFFICE on THURSDAY, 15TH DECEMBER, 2016, at 10.00 am.

PRESENT:

Vice-Chair - Councillor Linda Curran

Councillors Iris Beech, Bev Chapman, Neil Gethin, James Hart, Rachel Hodson and Sue McGuinness

APOLOGIES:

Apologies for absence were received from the Chair, Councillor Kenneth Keegan, and Councillors Elsie Butler, Steve Cox, Charlie Hogarth, Majid Khan and Clive Stone.

7 DECLARATIONS OF INTEREST, IF ANY.

There were no declarations made at the meeting.

8 MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 28TH JUNE, 2016.

RESOLVED that the Minutes of the Meeting of the Licensing Committee held on 28th June, 2016, be approved as a true record and were signed by the Chair.

9 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY - APPENDIX 6: C PRIVATE HIRE VEHICLE - VEHICLE SPECIFICATIONS (10. TINTS TO WINDOWS).

The Business Safety and Licensing Manager presented the report which detailed the proposed amendment to the Hackney Carriage and Private Hire Licensing Policy – Appendix 6: C Private Hire Vehicle Specifications (10. Tints to Windows). The Committee noted that the policy that they were being asked to review, contained details of vehicle specifications, licence conditions and the pre-requisite requirements that must be met before a licence was granted.

Members noted that within the current policy, it stated that tinted rear windows inhibited the ability to see passengers from the outside of the vehicle, and therefore these were not currently permitted on private hire vehicles. However, the report presented to members now sought a change due to the increasing difficulty in applying the policy as a result of the large number of vehicles now manufactured with darkened glass in the rear passenger windows. In the past, windows had to let in 70% light through all windows, with some discretion allowed, but over the period of the last 12-18 months, it has become apparent that the Policy needed amending as a result of the vast amount of cars now issued with tinted windows as standard. The Business

Safety and Licensing Manager informed the Committee that research had been undertaken across other Local Authorities, and within South Yorkshire, 2 neighbouring authorities already permitted tinted windows. In addition, it was noted that in the London Borough, where 40% of the Country's licensed Private Hire Vehicles were located, there was already the provision for licenses to be issued to vehicles with tinted glass in the rear windows.

Following the presentation of the report, a few concerns were raised which the Licensing and Business Safety Manager endeavoured to answer.

RESOLVED that the

- 1) The Council's Private Hire Vehicle Specifications be revised to permit all vehicles, manufactured with dark tinted rear windows to be licensed to operate as private hire vehicles with immediate effect;
- 2) To facilitate this revision, it is recommended that Section 10 (Tints to Windows) of Appendix 6: C Private Hire Vehicle – Vehicle Specifications of the HC & PH Policy be replaced with:

Tinted Windows

All tinted and anti-glare windows must comply with the relevant Road Traffic Act and/or Construction and Use Regulations requirements.

Only tinted and anti-glare windows fitted by or equivalent to those fitted by the vehicle's manufacturer are acceptable.

- 3) Licensing Committee note there are no proposed changes to the to the existing Hackney Carriage Specification i.e. all rear windows must allow at least 70% transmission of light (HC & PH Licensing Policy – Appendix 6: A)

10 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY - HACKNEY CARRIAGE DRIVER, PRIVATE HIRE DRIVER AND PRIVATE HIRE OPERATOR LICENSING - SAFEGUARDING AWARENESS TRAINING.

The Committee considered a report that detailed proposals to make changes to the Hackney Carriage and Private Hire Licensing Policy, with emphasis on the suitability test for Licensed Drivers and Operators. It was noted that further to the existing requirements, both new and existing licence holders would now be required to undertake mandatory safeguarding awareness training, provided by an approved training provider and be able provide evidence as such that they were deemed fit and proper to hold a licence.

The decision to introduce this training had come about further to the publication of the Jay report into Child Sexual Exploitation in Rotherham, and the subsequent Casey report, which looked into Rotherham's exercise of its functions in terms of Governance, children and young people and taxi and private hire licensing. Since 2015, Doncaster Taxi Drivers had been offered the training on a voluntary basis, arranged by the Licensing and Business Safety Team as part of a wider initiative to improve the safety of the travelling public, but now the decision had been made to make this mandatory.

Members noted that at the time of the publication of this report, around 85% of Doncaster's licensed drivers had already undertaken the training on a voluntary basis, and of those who hadn't, if they hadn't undertaken the training by 31st March, 2017, it would result in their licence being suspended until this was completed.

Concerns were voiced by the Committee, as to the provision of the training sessions, particularly in relation to those for new applications. Sessions for the new applicants were being provided by the CSE Team but they were currently only able to provide these on a bi-monthly basis which Members did not feel was adequate, and there should in fact, be one at least every month. Whilst the Members agreed with the principle of the training introduced as being a mandatory undertaking, they felt there had to be an adequate provision for people to ask, and currently, this was not the case.

RESOLVED that

- 1) The Hackney Carriage and Private Hire Licensing Policy be amended as per Appendix 1 to the report;
- 2) The Licensing Committee request that training sessions for new applicants be provided on a monthly basis to ensure adequate provision; and
- 3) The implementation of the Policy be effective from 1st January, 2017.

11 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY - APPENDIX 10
PRIVATE HIRE OPERATOR - CONDITIONS OF LICENCE.

A report was presented to the Committee that detailed an amendment to the Hackney Carriage and Private Hire Licensing Policy – Conditions of Licence. This related to the ability of licensed hackney carriage drivers from different areas being able to work as Private Hire vehicle drivers in different areas. Recently, more and more taxis from out of town areas were being seen in Doncaster, working for local private hire companies. Whilst this was their legal right to do so, Members noted that other Local Authorities did not have the same stringent checks in place that Doncaster had prior to granting licences and therefore it was a concern. Therefore, additional conditions were being added to the licensing policy, whereby, it was necessary that local operators using out of town drivers had to notify the Authority and their customers of this in order to ensure that they were happy to use the service and ensure the relevant safety of customers was in place, which was paramount.

Members queried how this would be enforced, and whilst it was reliant on the operators to notify them, it was welcomed as a way of keeping tighter control on private hire drivers and ensuring that the conditions put into place in Doncaster were adhered to.

RESOLVED that:-

- 1) The Private Hire Operator Licence Conditions contained within the Hackney Carriage and Private Hire Licensing Policy be amended as per Appendix 1 of the report;
- 2) For all new licences or renewals these additional condition shall take effect immediately upon grant; and
- 3) For existing licence holders, steps shall be taken to apply the additional conditions as expediently as lawfully possible with the proviso that once applied; existing

licence holders will have a period of 3 months to comply with the new requirements.

12 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY - POLICY AMENDMENTS FOLLOWING THE DRIVER AND VEHICLE STANDARDS AGENCY (DVSA) DECISION TO STOP PROVIDING TAXI DRIVING ASSESSMENTS.

The Business Safety and Licensing Manager presented a report to the Committee that detailed the requirement for all new hackney carriage and private hire drivers to pass the Driver and Vehicle Standards Agency (DVSA) taxi assessment prior to being granted a licence for a taxi or private hire vehicle. However, in September, 2016, the DVSA had announced that would no longer be providing the practical driving assessments for Local Authorities with effect from 31 December, 2016 and as result alternative assessors had been sourced to facilitate this requirement.

It was therefore proposed, that the Transport Services Team at Doncaster Council complete these assessments in-house at the North Bridge Depot. Doncaster Council already has its own Road Transport Industry Training Board competent assessors who could undertake the assessments, and following the announcement by the DVSA, had put into place the necessary requirements to be able to offer this service in-house and prevent new applicants from being faced with unnecessary delays and barriers.

Members welcomed the proposal, and on the proviso that any costs incurred by the Council were being met, they were happy to endorse the report.

RESOLVED that:-

- 1) the provision of driving assessments for all new Hackney Carriage and Private Hire Vehicle drivers be facilitated in-house by Transport Services within Doncaster Council and the Hackney Carriage and Private Hire Licensing Policy be amended to reflect this with immediate effect; and
- 2) the discretional requirement for existing drivers to undertake a practical assessment where serious concerns are raised about their standard of driving and/or following a conviction for a driving offence be amended to state that these assessments are now provided in-house by one of Doncaster's competent driver assessors.

TO THE CHAIR AND MEMBERS OF THE LICENSING COMMITTEE

TERMS OF REFERENCE, PROCEDURES AND DELEGATIONS

EXECUTIVE SUMMARY

1. The purpose of this report is for the Licensing Committee to note the Terms of Reference for the discharge of licensing functions, to agree the procedure for hearings, to agree the delegation of functions, to agree the appointment of Members to the Licensing Sub-Committee and to agree the procedure for dealing with appeals.

RECOMMENDATIONS

2. a) It is recommended that Members note:
 - (i) The Terms of Reference for the Licensing Committee as detailed in Appendix A to this report.
 - (ii) The Terms of Reference for the Licensing Sub-Committees as detailed in Appendix A.
- b) It is recommended that Members agree:
 - (i) The procedures set out in Appendices B1 and B2 continue to be the procedures for Licensing Committee and Sub-Committee hearings held under the Licensing Act 2003 and the Gambling Act 2005 respectively.
 - (ii) The delegation of functions set out in Appendix C1 and C2.
 - (iii) The appointment of Members to the Licensing Sub-Committee as set out in Appendix D.
 - (iv) The procedure for dealing with settling appeals after the Sub Committee hearing but before the appeal hearing in the Magistrates' Court is decided.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER

3. Doncaster Council as the licensing authority is required to establish a licensing committee and sub-committee(s) in order to discharge its duties under the Licensing Act 2003 and the Gambling Act 2005. The establishment of defined terms of reference, clear procedures and delegations allows the Council to make licensing decisions.

BACKGROUND

4. The terms of Reference of the Licensing Committee are unchanged from those that were noted by the Licensing Committee on the 28th June 2016. A copy of the Terms of Reference is set out in the Appendix A to this report for the Committee to note.
5. The Licensing Act 2003 and the Gambling Act 2005 enables the Licensing Committee to determine its own procedure and those of its Sub-Committees subject to the provisions of the Licensing Act 2003 (Hearings) Regulations 2005 and the Gambling Act 2005 (Proceedings of Licensing Committees and Sub-committees) (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007 respectively. The procedures are set out in Appendix B1 and B2 of this report and are unchanged.
6. The Licensing Act 2003 provides that the functions of the Council as the Licensing Authority shall be carried out by its Licensing Committee, with the exception of the Statement of Licensing Policy. The Licensing Committee may delegate those functions to Sub-Committees or, where permitted, to officers. The delegation of functions is unchanged other than to recognise the Home Office as a responsible authority and to include the new power to revoke or suspend a personal licence. Details of these delegations are found at Appendix C1. *[It is recognised that many of the decisions and functions will be purely administrative in nature and it is, therefore, Council policy that the delegation of functions will be determined in the interests of speed, efficiency and cost effectiveness. Section 13.1 of the Council's Statement of Licensing Policy – Licensing Act 2003]*
7. The Gambling Act 2005 provides that all decisions relating to premises licences are, with the exception of those listed below, delegated to the Licensing Committee that has been established under the Licensing Act 2003. The Licensing Committee may delegate those functions to the Sub-Committee or, where permitted, to officers. Details of these delegations are found at Appendix C2. *[It is recognised that many of the decisions and functions will be purely administrative in nature and it is, therefore, Council policy that the delegation of functions will be determined in the interests of speed, efficiency and cost effectiveness. Section 3.2 of the Council's Statement of Licensing Policy – Gambling Act 2005]*

Exceptions:

 - A resolution not to issue casino licences (Full Council decision only)
 - Functions in relation to the Statement of Policy (Full Council decision)
 - Setting of fees (Full Council)
8. The appointment of the Licensing Sub-Committee and Member make-up process, as set out in Appendix D, is unchanged with the minimum number of Members required to be quorate being 3.

9. For hearings held to consider matters relating to the Licensing Act 2003 or the Gambling Act 2005, where more than 3 Members attend those additional Members would be able to choose from the following options:
 - Stay and take part in the meeting and determine the outcome with the rest of the Sub-Committee Members;
 - Sit in the public area as an observer; or
 - Leave the meeting if they so wished.
10. In the case of an appeal against a Sub-Committee decision there is no reason why mediation or other discussions should not be held between the Licensing Authority and the appellant, once an appeal has been lodged, to either settle the matter entirely or to resolve those issues that can be resolved or indeed to identify issues in dispute. The procedure for dealing with settling appeals after the Sub Committee hearing but before the appeal hearing in the Magistrates' Court is set out in Appendix E.

OPTIONS CONSIDERED

11. No other option was considered.

REASONS FOR RECOMMENDED OPTION

12. The Committee must note the Terms of Reference, may adopt its own Procedures, may establish one or more sub-committees and may determine the delegation of functions under the Licensing Act 2003 and the Gambling Act 2005.
13. The principles behind the delegation of functions for the Licensing Act 2003 and the Gambling Act 2005 are published in Doncaster Council's respective Statements of Licensing Policy. It is the policy of Doncaster Council that functions, so far as possible, should be delegated in the interests of speed, efficiency and cost effectiveness.
14. The procedure for dealing with appeals has been revised to:
 - (a) to ensure that licensing officers are aware of the minimum necessary agreement;
 - (b) to provide proper protection to licensing officers;
 - (c) to ensure that those whose interest in the decision has been asserted continues to be recognised in the decision making process,
 - (d) to ensure that all sources of expertise which may be available to the licensing authority are properly within the scope of potential consultation, and
 - (e) to expressly include the chair of the licensing committee.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

15.

	Outcomes	Implications
	<p>All people in Doncaster benefit from a thriving and resilient economy.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Be a strong voice for our veterans</i> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	<p>Functions are delegated in the interests of speed, efficiency and cost effectiveness wherever possible. This ensures that licensing decisions can be made in a timely manner.</p>
	<p>People live safe, healthy, active and independent lives.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	<p>None</p>
	<p>People in Doncaster benefit from a high quality built and natural environment.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	<p>None</p>
	<p>All families thrive.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	<p>None</p>
	<p>Council services are modern and value for money.</p>	<p>Functions are delegated in the interests of speed, efficiency and cost effectiveness wherever possible.</p>
	<p>Working with our partners we will provide strong leadership and governance.</p>	<p>None</p>

RISKS AND ASSUMPTIONS

16. It is a requirement of the Licensing Authority, under the Licensing Act 2003 and the Gambling Act 2005, to adopt Terms of Reference, the procedure for hearings and approve the delegation of functions.

LEGAL IMPLICATIONS

17. Sections 101 and 102 of the Local Government Act 1972 empower the Council to arrange for the discharge of any of its functions by a Committee or Sub-Committee.

Sections 101 and 102 of the Local Government Act 1972 do not apply to the Licensing Committee or Licensing Sub-Committees. The Council is obliged by law to appoint a Licensing Committee under the Licensing Act 2003 and Gambling Act 2005.

Care must be taken to ensure the procedure agreed and delegations comply with the relevant statutes.

It is important to note that if a matter is listed for determination by a Sub-Committee, but it is not heard within the requisite timescales, statute determines the outcome and, therefore, the procedures should ensure we meet the relevant timescales and statutory requirements.

FINANCIAL IMPLICATIONS

18. There are no specific financial implications associated with this report.

EQUALITY IMPLICATIONS

19. Decision makers must consider the Council's duties under the Public Sector Equality Duty at s149 of the Equality Act 2010. The duty requires the Council, when exercising its functions, to have 'due regard' to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the act, and to advance equality of opportunity and foster good relations between those who share a 'protected characteristic' and those who do not share that protected characteristic. There are no specific equality implications arising from this report. However, any activities arising from this report will need to be the subject of separate 'due regard' assessments.

CONSULTATION

20. Consultation has taken place between Democratic Services, Legal Services and the Licensing Officer.

BACKGROUND PAPERS

- 21.

- Report to Annual Council, Terms of Reference Report.

- Licensing Act 2003
- Gambling Act 2005
- Licensing Act 2003 (Hearings) Regulations 2005
- Gambling Act 2005 (Proceedings of Licensing Committees and Sub-committees) (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007
- Doncaster Council's Statement of Licensing Policy (2016) – Licensing Act 2003
- Doncaster Council's Statement of Licensing Policy (2016) – Gambling Act 2005

REPORT AUTHOR & CONTRIBUTORS

Paul Williams, Business Safety & Licensing Manager

Tel: (01302) 737837

E: mail: pj.williams@doncaster.gov.uk

Helen Wilson, Senior Legal Officer

Telephone: 01302 734688

Email: Helen.wilson@doncaster.gov.uk

Richard Taylor, Finance Manager

Telephone: 01302 737984

Email: richard.taylor@doncaster.gov.uk

Peter Dale
Director of Regeneration and Environment

LICENSING COMMITTEE

This Committee is a Committee of the Council constituted:

- (1) In relation to its functions under the Licensing Act 2003, under Section 6 of that Act.
- (2) In relation to its functions under the Gambling Act 2005.
- (3) In relation to its other functions, under Sections 101 and 102 of the Local Government Act 1972.

Terms of Reference

FOR RECOMMENDATION TO COUNCIL:-

1. In respect of the relevant prescribed period to consider the adoption of the Statement of Licensing Policy.
2. During the relevant prescribed period to keep the Statement of Licensing Policy under review, and to recommend any revisions to it.

FOR RECOMMENDATION TO THE EXECUTIVE:-

1. In respect of the relevant prescribed period to advise on the preparation, content and implementation of the Statement of Gambling Policy.
2. During the relevant prescribed period to keep the Statement of Gambling Policy under review, and to recommend any revisions to it.

DELEGATED MATTERS:-

1. To discharge the functions of the Council which are licensing functions within the meaning of the Licensing Act 2003.
2. To discharge the functions of the Local Authority as set out in the Gambling Act 2005.
3. The appointment of Licensing Sub-Committees under Section 10 of the Licensing Act 2003.
4. To determine Policies that are relevant to the Council's functions under Part 3 of the Constitution which relate to those licensing and registration functions unless the policy must be determined by Full Council.
5. To exercise the Council's functions under Part 3 of the Constitution which relate to those licensing and registration functions except where the function has been delegated to Officers of the Council

LICENSING SUB-COMMITTEES

These are Sub-Committees of the Licensing Committee appointed by that Committee under Section 10 of the Licensing Act 2003 and constituted:

- (1) In relation to their functions under the Licensing Act 2003, under Section 6 of that Act.
- (2) In relation to their functions under the Gambling Act 2005.
- (3) In relation to their other functions, under Sections 101 and 102 of the Local Government Act 1972.

Terms of Reference

1. To determine applications under the Licensing Act 2003, where relevant representations are received.
2. To determine applications under the Gambling Act 2005, where relevant representations are received.
3. To determine applications in relation to the Council's functions under Part 3 of the Constitution which relate to those licensing and registration functions, where relevant representations are received.

DONCASTER METROPOLITAN BOROUGH COUNCIL

LICENSING ACT 2003

LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005

1. Meaning of Expressions used in this Document

- | | |
|--|---|
| <i>“the Act”</i> | - Licensing Act 2003 |
| <i>“the Regulations” or any particular reference to a “Regulation”</i> | - The Licensing Act 2003 (Hearings) Regulations 2005 |
| <i>“the Authority”</i> | - Doncaster Metropolitan Borough Council, in its capacity as the relevant licensing authority under the Act, or where the context so admits the Committee |
| <i>“the Committee”</i> | - the Sub-Committee of the Authority’s Licensing Committee constituted under the Act to determine the matter before it |
| <i>“the Chair”</i> | - the member of the Committee appointed to act as Chairperson of the Committee |
| <i>“the Applicant”</i> | - the party making the application e.g. the licence/certificate holder or prospective holder, or the party seeking a review |
| <i>“responsible authorities”</i> | - the public or other bodies described in the Act as “responsible authorities” and who have made representations |

2. Rights of attendance, assistance and representation at hearings

- (a) A party may attend the hearing and may be assisted or represented by any other person. There is no requirement that a party's representative is legally or otherwise professionally qualified.
- (b) The hearing shall take place in public, unless the Authority decides to exclude the public from all or part of the hearing because it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing taking place in public. A party and any person assisting or representing a party, may be treated as a member of the public.
- (c) The Authority may exclude from a public hearing any person attending who acts in a disruptive manner, and refuse to re-admit that person, or impose conditions on his/her re-admission. Any such excluded person may, before the end of the hearing, submit to the Authority in writing any such information that he/she would have been entitled to give orally.
- (d) The Authority may dispense with a hearing if all of the persons required by the Act agree that a hearing is unnecessary, have given notice to the Authority that they consider a hearing to be unnecessary, and the Authority have given notice to all parties that the hearing has been dispensed with.

3. Non-attendance of a party at the hearing

- (a) If a party has informed the Authority that he/she does not intend to attend the hearing, or be represented at the hearing, the hearing may proceed in his/her absence.
- (b) If a party who has not so notified the Authority does not attend either in person or by his/her representative, the Authority shall adjourn the hearing to a specified date if it considers it in the public interest to do so, but it shall otherwise proceed with the hearing in that party's absence.
- (c) Where the hearing proceeds in the absence of a party, the Authority shall consider the application, representations or notice made by that party.
- (d) Where the hearing is adjourned, the Authority shall forthwith, notify the parties of the date, time and place to which the hearing has been adjourned.

4. Procedure at the Hearing

The hearing shall take the form of a discussion led by the Authority. The following procedure is intended to give form to such a discussion to ensure that all parties are able to put their case. Each party shall have equal maximum time in which to address the Committee. The Committee may take into account documentary or other information provided by a party before the hearing, or with the consent of all other parties at the hearing. The Committee may change the procedure in individual cases, upon the application of a party, or upon its own motion, if it considers it necessary to properly determine the business before it.

- (a) At the commencement of the hearing, the Chair will make introductions and establish that all parties understand the procedure to be followed. The Committee will then receive and determine any application that a party may wish to make to permit another person to appear at the hearing, and any application that any party wishes to make to vary the following order of addresses.
- (b) The Applicant may then address the Committee and provide any further information that the Authority have requested. At the conclusion of the Applicant's address, members of the Committee may ask the Applicant questions. Following questions by Committee members, any other party that wishes to question the Applicant may request permission to do so. If granted, the party or parties receiving permission may question the Applicant.
- (c) Other parties entitled to address the Committee or given permission to do so under paragraph (a) above, may then do so; and also provide to the Committee any information that the Authority have requested. Following the address, the members of the Committee may question the party addressing the Committee. Following any Committee questions, any other party wishing to question the party that has addressed the Committee may seek the Committee's permission to do so. If granted, the party or parties receiving permission may question the Applicant.

Order of Addresses under paragraph (c)

Subject to any direction given by the Committee under paragraph (a) above, the order of addresses by other parties, under paragraph (c) above, shall be:-

- [1] Any representative of a "responsible authority" (as defined in the Act)
- [2] Any other party opposing the Applicant
- [3] Any other party not falling within category [1] or [2] above, or category [4] below

[4] Any other party supporting the Application

Permission to question or cross-examine the Applicant or other party

A party may question any other party appearing if given permission by the Authority.

The Committee will determine any application by a party to question another party on its merits.

Cross examination shall not be permitted unless the Authority considers that cross examination is required for it to consider the representations, application or notice, as the case may require.

The Committee shall determine any application by one party to permit cross examination of another on its merits.

Normally, permission will be given to one party to question or cross-examine another, only where:-

- (i) a material fact put forward by one party is disputed by another party and the dispute can be properly determined, only if cross examination is permitted; or
- (ii) the question that one party wishes to put to the other is non contentious and is for the purpose of clarification only.

5. The Committee's Deliberations and Determination

- (a) The Authority considers that normally, it will be in the public interest that the deliberations of the Committee are conducted in private. Deliberations will take place in private unless an application is made by any party present for these to be conducted in public. If any such application is made, the Committee shall determine such application.
- (b) Subject to paragraph (a) above, the Chair shall formally exclude the public including, the parties and their representatives from the meeting under Regulation 14(2), to enable the Committee to deliberate in private. The Committee shall deliberate only in the company of its legal adviser. The function of the legal adviser shall be to advise the Committee on points of law and procedure only.
- (c) If during its deliberations, the Committee require any further information from any party in order to assist in its deliberations, the Chair shall reconvene the public hearing for the purpose of attempting to secure that further information.
- (d) Following the Committee's deliberations, the public shall be re-admitted to the hearing, whereupon the Chair shall announce

the determination of the Authority, where the provisions of the Act or the Regulations require a determination to be made at the conclusion of the hearing or otherwise where the Committee is unable to announce its determination.

- (e) Following the announcement of any determination of the application, representations or notice before the Committee, the hearing shall conclude.

6. Record of proceedings

A record of the hearing will be taken in a permanent and intelligible form. Any such record will be kept for a period of six years from the date that the application or review is finally determined (including, in either case, any appeal or judicial review).

DONCASTER METROPOLITAN BOROUGH COUNCIL
HEARING PROCEDURE

Gambling Act 2005

The Gambling Act 2005 (Proceedings of Licensing Committees and Sub-committees) (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007

1. Meaning of Expressions used in this Document

<i>“the Act”</i>	- Gambling Act 2005
<i>“the Regulations” or any particular reference to a “Regulation”</i>	- The Gambling Act 2005 (Proceedings of Licensing Committees and Sub-committees) (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007
<i>“the Authority”</i>	- Doncaster Metropolitan Borough Council, in its capacity as the relevant licensing authority under the Act, or where the context so admits the Committee
<i>“the Committee”</i>	- the Sub-Committee of the Authority’s Licensing Committee constituted under the Act to determine the matter before it
<i>“the Chair”</i>	- the member of the Committee appointed to act as Chairperson of the Committee
<i>“the Applicant”</i>	- the party making the application e.g. the licence holder or prospective holder, or the party seeking a review
<i>“responsible authorities”</i>	- the public or other bodies described in the Act as “responsible authorities” and who have made representations

2. Rights of attendance, assistance and representation at hearings

- (a) A party may attend the hearing and may be assisted or represented by any other person. There is no requirement that a party's representative is legally or otherwise professionally qualified.

In conducting a hearing the relevant committee must ensure that each party is given the opportunity to—

- i. address the relevant committee on any matter that is relevant to the application or review, or any representations made on the application or review;
 - ii. call witnesses to give evidence on any matter that is relevant to the application or review, or any representations made on the application or review;
 - iii. provide further information on, or explanation of, any matter on which the relevant committee has indicated that it will want further clarification.
- (b) The hearing shall take place in public, unless the committee direct that all or part of a hearing must be in private if it is satisfied that it is necessary in all the circumstances of the case, having regard to—
- (a) any unfairness to a party that is likely to result from a hearing in public; and
 - (b) the need to protect as far as possible, the commercial or other legitimate interests of a party. A party and any person assisting or representing a party may be treated as a member of the public.
- (c) The Authority may exclude from a public hearing any person attending who acts in a disruptive manner and refuse to re-admit that person, or impose conditions on his/her re-admission. Any such excluded person may, before the end of the hearing, submit to the Authority in writing any such information that he/she would have been entitled to give orally.
- (d) The Authority may dispense with a hearing if all of the persons required by the Act agree that a hearing is unnecessary, have given notice to the Authority that they consider a hearing to be unnecessary, and the Authority have given notice to all parties that the hearing has been dispensed with.

3. Non-attendance of a party at the hearing

- (a) If a party has informed the Authority that he/she does not intend to attend the hearing, or be represented at the hearing, the hearing may proceed in his/her absence.
- (b) If a party who has not so notified the Authority does not attend either in person or by his/her representative, the Authority may adjourn the hearing to a specified date if it considers it in the public interest to do so, but it may otherwise proceed with the hearing in that party's absence.
- (c) Where the hearing proceeds in the absence of a party, the Authority shall consider the application, representations or notice made by that party.
- (d) Where the hearing is adjourned, the Authority shall forthwith, notify the parties of the date, time and place to which the hearing has been adjourned.

4. Procedure at the Hearing

The hearing shall take the form of a discussion led by the Authority. The following procedure is intended to give form to such a discussion to ensure that all parties are able to put their case. Each party shall have equal maximum time in which to address the Committee. The Committee may take into account documentary or other information provided by a party before the hearing, or with the consent of all other parties at the hearing. The Committee may change the procedure in individual cases, upon the application of a party, or upon its own motion, if it considers it necessary to properly determine the business before it.

- (a) At the commencement of the hearing, the Chair will make introductions and establish that all parties understand the procedure to be followed. The Committee will then receive and determine any application that a party may wish to make to permit another person to appear at the hearing, and any application that any party wishes to make to vary the following order of addresses.
- (b) The Applicant may then address the Committee and provide any further information that the Authority have requested. At the conclusion of the Applicant's address, members of the Committee may ask the Applicant questions. Following questions by Committee members, any other party that wishes to question the Applicant may request permission to do so. If granted, the party or parties receiving permission may question the Applicant.
- (c) Other parties entitled to address the Committee or given permission to do so under paragraph (a) above, may then do so; and also provide to the Committee any information that the Authority have requested. Following the address, the members of the Committee may question the party addressing the Committee. Following any Committee questions, any other

party wishing to question the party that has addressed the Committee may seek the Committee's permission to do so. If granted, the party or parties receiving permission may question the Applicant.

Order of Addresses under paragraph (c)

Subject to any direction given by the Committee under paragraph (a) above, the order of addresses by other parties, under paragraph (c) above, shall be:-

- [1] Any representative of a "responsible authority" (as defined in the Act)
- [2] Any other party opposing the Applicant
- [3] Any other party not falling within category [1] or [2] above, or category [4] below
- [4] Any other party supporting the Application

Permission to question or cross-examine the Applicant or other party

A party may question any other party appearing if given permission by the Authority.

The Committee will determine any application by a party to question another party on its merits.

Cross examination shall not be permitted unless the Authority considers that cross examination is required for it to consider the representations, application or notice, as the case may require.

The Committee shall determine any application by one party to permit cross examination of another on its merits.

Normally, permission will be given to one party to question or cross-examine another, only where:-

- (i) a material fact put forward by one party is disputed by another party and the dispute can be properly determined, only if cross examination is permitted; or
- (ii) the question that one party wishes to put to the other is non-contentious and is for the purpose of clarification only.

5. The Committee's Deliberations and Determination

- (a) The Authority considers that normally, it will be in the public interest that the deliberations of the Committee are conducted in private. Deliberations will take place in private unless an application is made by any party present for these to be

conducted in public. If any such application is made, the Committee shall determine such application.

- (b) Subject to paragraph (a) above, the Chair shall formally exclude the public including, the parties and their representatives from the meeting under Regulation 14(2), to enable the Committee to deliberate in private. The Committee shall deliberate only in the company of its legal adviser. The function of the legal adviser shall be to advise the Committee on points of law and procedure only.
- (c) If during its deliberations, the Committee require any further information from any party in order to assist in its deliberations, the Chair shall reconvene the public hearing for the purpose of attempting to secure that further information.
- (d) Following the Committee's deliberations, the public shall be re-admitted to the hearing, whereupon the Chair shall announce the determination of the Authority, where the provisions of the Act or the Regulations require a determination to be made at the conclusion of the hearing, or otherwise where the Committee is unable to announce its determination, notification will be given to all parties within five days.
- (e) Following the announcement of any determination of the application, representations or notice before the Committee, the hearing shall conclude.

6. Record of proceedings

A record of the hearing will be taken in a permanent and intelligible form. Any such record will be kept for a period of six years from the date that the application or review is finally determined (including, in either case, any appeal or judicial review).

Matters to be dealt with	Sub Committee	Officers
Application for personal licence	If a police or Home Office objection	If no objection made
Application for personal licence with unspent convictions which come to light after grant.	If a police or Home Office objection	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection	All other cases
Applications for interim authorities	If a police objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a representation is irrelevant frivolous vexatious etc		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of an objection to a temporary event notice	All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition	If a police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application		All cases
Determination of minor variation application		All cases
Suspension of premises licences and club premises certificates for non-payment of annual fees		All cases
Revoke or suspend personal licence	All cases	Required actions before the final decision is made.

Matters to be dealt with	Sub-Committee	Officers
Application for premises licences	Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence	Where representations have been received and not withdrawn	Where no representations received/ representations 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/ representations have been withdrawn
Review of a premises licence	All cases	
Application for club gaming /club machine permits	Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits	All cases	
Applications for other permits		All cases
Cancellation of licensed premises gaming machine permits		All cases
Consideration of temporary use notice		All cases
Decision to give a counter notice to a temporary use notice	All cases	

LICENSING COMMITTEE

Chair: Cllr 1, Vice-Chair: Cllr 2

Members: Cllr 3, Cllr 4, Cllr 5, Cllr 6, Cllr 7, Cllr 8, Cllr 9, Cllr 10, Cllr 11, Cllr 12, Cllr 13, Cllr 14

LICENSING SUB-COMMITTEES

(Appointed under the Licensing Act 2003, section 10)

In the event of there being a Hearing required under the Licensing Act 2003, the Gambling Act 2007 or other relevant statutory provision then the Chair of the Licensing Committee shall be asked to Chair the Sub-Committee and all other Members shall be asked if they can attend. 3 Members shall be enough to be quorate but 4 Members shall be asked to attend to ensure the Hearing can go ahead in the event of Member illness or other incapacity.

Please note:

1. There is no need for the Sub-Committee to be balanced politically or for Members to be barred from taking part in the Hearing when the event or premises etc. is in their Ward,
2. If the Chair is unavailable the Vice Chair will be asked to Chair the Sub-Committee. If neither is available a chair shall be appointed at the Hearing.

APPENDIX E

The procedure for dealing with settling appeals after the Sub Committee hearing but before the appeal hearing in the Magistrates' Court is decided.

Licensing Officers are authorised to conduct discussions with an appellant or other party to appeal. No agreement is to be made with an appellant reflecting a departure from a decision made by the licensing authority or licensing subcommittee without the approval of either the chair of the licensing committee or the chair of the relevant licensing subcommittee.

The relevant sub-committee is the sub-committee which made the decision subject to appeal. Where possible, and in any event where either the licensing officer or the chair of the licensing committee or the chair of the relevant licensing sub-committee considers it appropriate, responsible authorities and other persons who made relevant representations, together with any other responsible authority and other members of the relevant sub-committee are to be consulted as to the proposed departure.

TO THE CHAIR AND MEMBERS OF THE LICENSING COMMITTEE

Licensing Act 2003, Gambling Act 2005 and General Licensing Update

EXECUTIVE SUMMARY

1. The purpose of this report is to update Members on issues relating to the Licensing Act 2003, the Gambling Act 2005 and any significant licensing enforcement actions.

RECOMMENDATIONS

2. It is recommended that Members note the following:
 - 2.1 For the period 1st April 2016 to 31st March 2017 the following committees were convened
 - Licensing Committee – 2 occasions
 - Licensing Sub-Committee - 14 occasions

A total of 16 applications / notices were determined by the Licensing Sub-Committee, all of which were applications made under the Licensing Act 2003.

- 2.2 Statistical details of all other licence applications (Licensing Act 2003 and Gambling Act 2005) determined by the Authority and a summary of significant licensing enforcement actions, for the period 1st April 2016 to 31st March 2017, are attached as Appendix A.
- 2.3 The recent changes to the Licensing Act 2003 and the Home Office guidance as summarised in Appendix B.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER

3. By noting the recommendations of this report, the Licensing Committee are kept aware of the latest developments and forthcoming issues thereby ensuring they continue to be best placed to make future licensing decisions.

BACKGROUND

4. The Licensing Committee have requested that the Committee be furnished with details of the licensing decisions (Licensing Act 2003 and Gambling Act 2005), that are delegated outside the remit of the Committee and Sub-Committee, at least annually at the inaugural meeting. Statistical details of these decisions along with a summary of

the significant enforcement actions taken by the Business Safety & Licensing service are attached at Appendix A. The figures are based on licence applications and enforcement actions that were received and completed respectively during the period 1st April 2016 to 31st March 2017. The figures relating to sub-committees refer to hearings that were convened during the above period but they also include decisions on some applications that were received in the latter part of the previous year.

5. Since the last inaugural meeting of the Licensing Committee the Home Office has issued revised Guidance under Section 182 of the Licensing Act 2003. The April 2017 version of the Guidance is published on the internet and Members will have had access to the Guidance at the recently convened hearings training.
 - a. The Guidance was last revised in 2015 and one of the key areas of change has been to include amendments brought about by the Immigration Act 2016. The Licensing Service is now required to check eligibility to work in the UK when considering certain applications. The Guidance now includes the directive that Licensing Authorities should work with the Home Office Immigration Enforcement, as well as the Police, in respect of the prevention of immigration crime including the prevention of illegal working in licensed premises. Doncaster Council has long established links with these services and routinely actively participates in joint operations.
 - b. Another key change is the introduction of a new chapter 12, which deals with Summary Reviews. Until this version of the Guidance was published, we had not had any statutory guidance from the Home Office on the most impactful of enforcement powers within the legislation. The Chapter goes on to deal with what the Licensing Authority needs to do in considering Interim Steps, pending the determination of the final review hearing.
 - c. The Guidance now deals with the introduction of new powers for Licensing Authorities to revoke or suspend Personal Licences, with effect from 6th April 2017.
6. Details of the significant legislative changes affecting the Licensing Act 2003 are summarised in Appendix B of this report.

OPTIONS CONSIDERED

7. It is recommended that the Committee note the recommendations in section 2.

REASONS FOR RECOMMENDED OPTION

8. N/A

IMPACT ON THE COUNCIL'S KEY OUTCOMES

9. This effective operation of the Licensing Authority is a key part of the Council's statutory responsibility.

	Outcomes	Implications
	<p>All people in Doncaster benefit from a thriving and resilient economy.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Be a strong voice for our veterans</i> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	<p>Keeping the Committee up to date assists in ensuring that licensing decisions can be made fairly and in a timely manner with the overriding aim of protecting the public.</p>
	<p>People live safe, healthy, active and independent lives.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	<p>Keeping the Committee up to date assists in ensuring that licensing decisions can be made fairly and in a timely manner with the overriding aim of protecting the public.</p>
	<p>People in Doncaster benefit from a high quality built and natural environment.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	<p>Keeping the Committee up to date assists in ensuring that licensing decisions can be made fairly and in a timely manner with the overriding aim of protecting the public.</p>
	<p>All families thrive.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	<p>None</p>
	<p>Council services are modern and value for money.</p>	<p>Keeping the Committee up to date assists in ensuring that licensing decisions can be made fairly and in a timely manner with the overriding aim of protecting the public.</p>
	<p>Working with our partners we will provide strong leadership and governance.</p>	<p>None</p>

RISKS AND ASSUMPTIONS

10. None

LEGAL IMPLICATIONS

11. There are no specific legal implications associated with this report. All necessary steps are taken to ensure the Licensing Committee and sub Committee exercise their functions in accordance with that relevant Legislation.

FINANCIAL IMPLICATIONS

12. There are no specific financial implications associated with this report.

EQUALITY IMPLICATIONS

13. Decision makers must consider the Council's duties under the Public Sector Equality Duty at s149 of the Equality Act 2010. The duty requires the Council, when exercising its functions, to have 'due regard' to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the act, and to advance equality of opportunity and foster good relations between those who share a 'protected characteristic' and those who do not share that protected characteristic. There are no specific equality implications arising from this report. However, any activities arising from this report will need to be the subject of separate 'due regard' assessments.

CONSULTATION

14. N/A

BACKGROUND PAPERS

15. Home Office, Revised Guidance issued under section 182 of the Licensing Act 2003

REPORT AUTHOR & CONTRIBUTORS

Paul Williams, Business Safety & Licensing Manager
Tel: (01302) 737837
E: mail: pj.williams@doncaster.gov.uk

Helen Wilson, Senior Legal Officer
Telephone: 01302 734688
Email: Helen.wilson@doncaster.gov.uk

Richard Taylor, Finance Manager
Telephone: 01302 737984
Email: richard.taylor@doncaster.gov.uk

Peter Dale
Director of Regeneration and Environment

Part 1

Statistical Summary of licence applications (Licensing Act 2003) and notices received by the Authority for the period 1st April 2016 to 31st March 2017.

Application Type	Number of Applications	Number of applications determined by the Licensing Sub-Committee	Comments
Personal Licence (New)	233	0	233 granted
Premises Licence (New)	48	10	7 applications were granted and 3 applications were refused by the LSC
Premises Licence (Transfer)	87	0	
Premises Licence (Review)	2	2	2 Premises licences revoked by the LSC
Premises Licence (Variation)	20	4	1 application was granted and 3 refused by LSC.
Premises Licence (Minor Variations)	31	N/A	1 withdrawn, 1 refused, 29 granted.
Premises Licence (Change of DPS)	221	0	220 granted, 1 rejected/incomplete application
Club Certificate (New)	2	0	
Standard Temporary Event Notice (TEN)	238	0	226 accepted
Late TEN	98	N/A	92 accepted
Total Number of Applications	980	16	1.5% of all applications received were determined by the LSC.

Key: LSC – Licensing Sub-Committee

Part 2

Statistical Summary of Premises Licence applications (Gambling Act 2005) received by the Authority for the period 1st April 2016 to 31st March 2017.

Application Type	Number of Applications	Number of applications determined by the Licensing Sub-Committee	Comments
Premises Licence - Betting Non Track (New)	1	0	1 granted – 2 transfers
Club Gaming Permit	1	N/A	1 granted
Club Machine Permit	1	N/A	1 granted
Small Society Lotteries (New)	16	N/A	All granted

Part 3

Statistical summary of the main licensing enforcement actions taken/commenced by Business Safety & Licensing during the period 1st April 2016 to 31st March 2017.

Enforcement Action Taken	Number of Actions
Licensed Taxi/Private Hire vehicle suspended from service	198
Licensed Taxi/Private Hire driver suspended	151
Taxi/Private Hire driver licences revoked	10
Taxi/Private Hire driver licence applications refused (new applications & applications to renew)	4
Premises Licence suspended (Licensing Act 2003)	114
Unauthorised licensable activity – Licensing Act 2003 (Prosecutions/Cautions)	4
Taxi licensing prosecution/caution	1

Licensing Act 2003 – Update on recent legislative changes

Changes introduced by the Immigration Act 2016

Licensing authorities are now required to play an active role in respect of the prevention of immigration crime including the prevention of illegal working in licensed premises.

- From 6th April 2017, the Secretary of State Home Office Immigration Enforcement is now a responsible authority and, where applicable, e.g. all new applications for Premises Licences and Personal Licences or applications to transfer a Premises Licence, the application must also be served on the Secretary of State (Home Office Immigration Enforcement - (HOIE))
- Any individual applying for a Premises Licence for the supply of alcohol or late night refreshment must be entitled to work in the UK and provide supporting evidence.
- Any individual seeking to transfer a Premises Licence for the supply of alcohol or late night refreshment must be entitled to work in the UK and provide supporting evidence.
- In a situation where an individual is no longer entitled to work in the UK then the Premises Licence will lapse immediately. There is an option to transfer the licence and resurrect it but this must be done within 28 days.
- An individual applying for a Personal Licence must be entitled to work in the UK and provide supporting evidence.
- Where a Personal Licence Holder is no longer entitled to work in the UK then their Personal Licence will lapse automatically.

Change introduced by the Police and Crime Act 2017

From 6th April 2017 all licensing authorities have a new power to revoke or suspend Personal Licences. This is a discretionary power. When a licensing authority that granted the Personal Licence becomes aware that the licence holder has been convicted of a relevant offence, foreign offence or been required to pay an immigration penalty, the Licensing Authority may revoke the licence or suspend it for a period of up to six months. This has been introduced into the legislation due to the fact that the Magistrates were not using their powers when relevant prosecutions were taken. This is effectively the additional ability for a licensing authority to review such instances and determine in the circumstances whether a suspension or revocation should be considered.

This page is intentionally left blank

To the Chair and Members of the LICENSING COMMITTEE

REDUCE THE STRENGTH CAMPAIGN

Relevant Cabinet Member(s)	Wards Affected	Key Decision
Nigel Ball Chris McGuiness	Town	No

1 EXECUTIVE SUMMARY

As a response to street drinking, anti-social behaviour and alcohol related health in Doncaster, Public Health recommends that DMBC Licensing Committee support a campaign for off licences within Doncaster Town centre to adopt a voluntary initiative to remove from sale low price high-strength alcohol products. Similar "Reduce the Strength" campaigns have proved successful in other parts of the country, most notably in Ipswich and Portsmouth. Reducing the Strength models used vary from place to place, but target white cider and super strength lager above 6.5 per cent alcohol by volume (abv).

The Health and Social Care Information Centre estimates that about 1.6 million adults in England are dependent on alcohol, and alcohol misuse can lead to a wide range of conditions, including cancer, heart disease, strokes and liver disease. The total annual cost to society of alcohol-related harm is estimated to be £21bn. The NHS incurs £3.5bn a year in costs related to alcohol (Public Health England 2014).

In Doncaster there were an estimated 59,827 alcohol-related admissions and attendances costing an estimated £17.2m in 2012 (Department of Health 2013, Local Alcohol Profiles England 2014). Much of this can be linked to the availability of "super-strength" alcohol.

As of May 2017, the town centre Ward has 45 premises that sell alcohol for consumption off the premises in a population of 19,535 (DMBC 2015). Lower Wheatley which makes up 28.4% of the Doncaster Town Centre Ward Profile fares significantly worse than the rest of Doncaster in a number of health and social indicators. Alcohol Specific Admissions to DRI for residents in this area is the second worse in Doncaster Borough and both Emergency Admissions to DRI and Emergency Admissions for Self Harm are significantly worse the Doncaster Average.

2. EXEMPT REPORT

Not applicable

3. RECOMMENDATIONS

The Committee are asked to receive, note and comment on the content of the report.

4. WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

There is a small cohort of people with complex needs and vulnerabilities who are either homeless or living in hostels within the footprint of the town centre ward. Although this group of people are small in comparison to the wider Doncaster population they place a high level of demand on public services. A successful Reduce the Strength campaign would see benefits to the town centre as local businesses in other areas which have similar initiatives reporting declines in anti-social behaviour and street drinking.

5. BACKGROUND

The most effective approach for councils to take in managing alcohol will be to use their health and licensing roles to target specific issues and problems arising from the consumption of alcohol, rather than taking a universal approach that affects those who are drinking responsibly (Local Government Association 2016).

The Portsmouth campaign started in November 2013 and now has over 112 stores signed up and in the 12 months between October 2013 and October 2014, saw a 39% drop in street drinkers in Portsmouth and a 43% drop in associated incidents.

The Ipswich approach to street drinking involved the provision of treatment, education and alternative accommodation in addition to removing selected products from the shelves. It is this comprehensive package that has achieved the significant reductions in street-drinking and alcohol-related violence in the town

I propose the “Reduce The Strength” campaign cover all off-licences within the town centre, Broxholme Lane, Christ Church Road, Copley Road, Highfield Road and Nether Hall Road where we have a Cumulative Impact Zone in place. This is also where the main focus of the complex lives work is also being undertaken and like the Ipswich model will include other interventions to pro-actively identify and flexibly support these vulnerable people. Taking high strength, low cost beers and ciders off the shelves will add to the other work being undertaken to make Doncaster a safer and healthier place.

6. OPTIONS CONSIDERED

An alternative approach would be for identified street drinkers in and around the town centre be made known to local off-licences in the town centre Ward to ensure those individuals are not served. However this would require provision of community safety and policing support to help shopkeepers refuse sales.

7. REASONS FOR RECOMMENDED OPTION

Since December 2016 Team Doncaster has had a strategic focus on people with complex dependencies including homelessness, drug and alcohol misuse, offending behaviour, mental ill health and poor physical health. This new way of working of a multi-agency outreach and engagement service for people with complex needs aims to reduce anti-social behaviour, begging and homelessness in Doncaster town centre.

In April 2017, Doncaster was chosen to take part in a Home Office Initiative focussing on reducing crime and disorder related to alcohol particularly within the town centre. The Local Alcohol Action Area initiative will run for two years with support from Home Office mentors who have successfully tackled the issues that they face and will come together to problem solve and share best practice. This Home Office backed initiative and the on-going complex lives work taking place in the town centre makes this an ideal time and opportunity to implement this campaign.

8. IMPACT ON THE COUNCIL'S KEY OUTCOMES

	Outcomes	Implications
	<p>All people in Doncaster benefit from a thriving and resilient economy.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Be a strong voice for our veterans</i> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	<p>Public Health wants to contribute to the Licensing process in a constructive and proportional way that is not to the detriment of the local economy. Since 2013 public health have been included as one of the responsible authorities under the Licensing Act 2003.</p> <p>Public Health can contribute to the licensing regime and likewise licensing can contribute to public health (PHE 2013)</p>
	<p>People live safe, healthy, active and independent lives.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	<p>Public Health can contribute expertise and intelligence to the Licensing process to limit alcohol-related violence, anti-social behaviour and the protection of children from harm.</p>
	<p>People in Doncaster benefit from a high quality built and natural environment.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	<p>The recommended approach will make a direct contribution the quality of the environment in the town centre.</p>

	All families thrive. <ul style="list-style-type: none"> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	
	Council services are modern and value for money.	
	Working with our partners we will provide strong leadership and governance.	

9. RISKS AND ASSUMPTIONS

There is a risk that street drinkers will drink more of lower strength alcohol products to attain the same affect or disperse to where the initiative is not in place. Evidence suggests from others areas who have similar schemes that street drinkers are more likely to engage in alcohol services and get support for their drinking once the higher strength products are not available. The initiative will be closely monitored with premises on the edge of the proposed area regularly consulted with whether they are seeing more people buying high strength products.

10. LEGAL IMPLICATIONS

In considering introducing such a scheme care must be taken to ensure that the rules set out in the Competition Act 1998 are not breached. This legislation states that engaging in undertakings within the meaning of competition law that result in anticompetitive behaviour can incur significant penalties, including significant fines. However, the definition of undertaking is limited to firms or other entities that are engaged in commercial activity. While there is clearly a risk to retailers and the Council arising from some aspects of Reducing the Strength schemes, the risk is manageable if the Council builds in certain features to their schemes. The key point is to ensure that retailers are aware they must make individual and independent decisions about whether to participate in such schemes.

In addition the Licensing Act also places restrictions on the development of such schemes. Reducing the Strength conditions on licences should be approached with caution and never as part of a blanket approach. Two key considerations are that conditions should promote the licensing objectives. Standard conditions should be avoided: conditions should relate to individual premises. If these two criteria are met, then the wording of the clause should be carefully considered. It must be: appropriate, proportionate, understandable, achievable, enforceable, not duplicated in other primary legislation, individual and tailored to the premises.

The LGA have issued detailed guidance on the set up of such schemes and it is advised that consideration is given to this guidance when setting up the Scheme as well as ensuring appropriate legal advice is sought.

11. FINANCIAL IMPLICATIONS

This initiative will be funded from the Public Health grant, within the approved budget for 2017/18 £20k has been allocated against substance misuse discretionary budgets. This initiative is expected to cost approx. £1k for print and design costs. There is also a dedicated communications post funded from the Public Health budget and this role will actively deal with this proposal.

12. HUMAN RESOURCES IMPLICATIONS

No human resource implications

13. TECHNOLOGY IMPLICATIONS

No technology implications

14. EQUALITY IMPLICATIONS

No equality implications

15. CONSULTATION

Engaging with local retailers and businesses throughout the design process is key to a successful initiative. An approach where retailers are seen as a partner in the scheme which actively encourages feedback will be adopted. Equally, it is important to engage with local partners including the police, health services, support agencies and the third sector. A letter has been drafted outlining the scheme and the benefit to the retailers with a follow up visit to be arranged with Andy Steele SYP, DMBC Licensing and Public Health. Also a marketing campaign will be launched to promote the scheme with an identifiable Reduce the Strength logo for retailers to display.

16. BACKGROUND PAPERS

Alcohol Policy UK (2016) Evaluation of Reduce the Strength schemes in two London Boroughs

<http://www.alcoholpolicy.net/2016/06/evaluation-of-reduce-the-strength-schemes-in-two-london-boroughs.html>

Local Government Association (2016) Reducing the strength; Guidance for councils considering setting up a scheme

<http://www.local.gov.uk/sites/default/files/documents/reducing-strength-guidanc-795.pdf>

Home Office (2016) Modern Crime Prevention Strategy

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/509831/6.1770_Modern_Crime_Prevention_Strategy_final_WEB_version.pdf

Alcohol Concern (2011) White Cider and street drinkers. Recommendations to reduce harm

<https://www.alcoholconcern.org.uk/Handlers/Download.ashx?IDMF=82e506be-e44d-4094-b81a-7444414ed1e3>

Public health and the Licensing Act 2003 – guidance note on effective participation by public health teams (PHE 2013)
<http://www.nta.nhs.uk/uploads/phe-licensing-guidance-2014.pdf>

REPORT AUTHOR & CONTRIBUTORS

Andy Collins, Public Health Co-ordinator (andy.collins@doncaster.gov.uk)

Dr Rupert Suckling
Director of Public Health