

To all Members of the

LICENSING COMMITTEE

AGENDA

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

VENUE: Council Chamber - Civic Office Floor 2
DATE: Thursday, 25th June, 2015
TIME: 2.00 pm

Items for Discussion:

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 18 December, 2014 (*Pages 1 - 2*)

For noting

5. Minutes of the Licensing Sub-Committee 'A' Meetings held on 1 April and 14 April 2015, and the Licensing Sub-Committee 'B' Meetings Held on 8 December, 2014 and 7 April, 2015. (*Pages 3 - 16*)
- A. Reports where the public and press may not be excluded**
6. Terms of Reference, Procedure and Delegations. (*Pages 17 - 40*)
 7. Hackney Carriage and Private Hire Licensing Policy - Amendment to Section 3 - Character Referees. (*Pages 41 - 46*)
 8. Sexual Entertainment Venue (SEV) Licensing Policy. (*Pages 47 - 72*)

Jo Miller
Chief Executive

Issued on: Wednesday, 17 June 2015

Governance Officer
for this meeting:

Sarah Maxfield
Tel. 01302 73671623

9. Licensing Act 2003, Gambling Act 2005 and General Licensing Update. (*Pages 73 - 80*)

MEMBERSHIP OF THE LICENSING COMMITTEE

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

Councillors Councillor Iris Beech, Councillor Rachael Blake, Councillor Elsie Butler, Councillor Bev Chapman, Councillor Steve Cox, Councillor Neil Gethin, Councillor James Vincent Hart, Councillor Charlie Hogarth, Councillor John McHale, Councillor David Nevett, Councillor Tony Revill and Councillor Clive Stone

DONCASTER METROPOLITAN BOROUGH COUNCIL

LICENSING COMMITTEE

18TH DECEMBER, 2014

A MEETING of the LICENSING COMMITTEE was held at the CIVIC OFFICE, WATERDALE, DONCASTER on THURSDAY, 18TH DECEMBER, 2014 at 10.00 a.m.

PRESENT:

Vice-Chair, Councillor Linda Curran (In the Chair)

Councillors Iris Beech, Elsie Butler, James Hart, Deborah Hutchinson and Sue McGuinness.

APOLOGIES:

Apologies for absence were received from the Chair, Councillor Ken Keegan and Councillors Neil Gethin, Susan Phillips, Patricia Schofield, Austen White and Paul Wray.

10. DECLARATIONS OF INTEREST, IF ANY

There were no declarations of interest made at the meeting.

11. MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 18TH SEPTEMBER, 2014

RESOLVED that the minutes of the Licensing Committee meeting held on 18th September, 2014, were approved as a correct record and signed by the Chair.

12. MINUTES OF THE LICENSING SUB-COMMITTEE 'A' MEETINGS HELD ON 18TH JULY, 2014 AND 12TH NOVEMBER, 2014

RESOLVED that the minutes of the Licensing Sub-Committee 'A' meetings held on 18th July, 2014 and 12th November, 2014, be noted.

13. PUBLIC HEALTH OVERVIEW FOR THE LICENSING COMMITTEE

The Committee received a presentation from Nick Germain, Public Health Improvement Coordinator (Alcohol), on the work being carried out by Public Health to support the national and local strategies for responsible alcohol consumption. It was noted that Public Health worked closely with the local Licensing authority on developing local policies and solutions. Successfully delivered such policies should see a reduction in health related issues and crime related to alcohol consumption. It was further noted that during 2013/14, in Doncaster there had been over 900 clients who had received treatment for excess alcohol consumption with a good rate of successful exits. Members were also advised that from April, 2016, the service would be more integrated,

covering support for both drug and alcohol addiction. The service would be subject to a competitive tendering process.

In response to questions raised by Members following the presentation, the Committee was advised:-

- That the statistical information held by Public Health reflected those people who 'self-reported' and accessed the support services provided. Based on national figures, Doncaster's self-reporting was high compared to many other parts of the country.
- Work was on-going with schools and children's Centres to help pinpoint at an early stage, those children and families that needed help.
- Doncaster Town Centre had restrictions in place to reduce drinking in public places. Whilst the restrictions were working well, if a Member had any concerns about excessive drinking in public places, they could report them directly to the Police.
- A copy of the slide presentation from the meeting, would be circulated to all Members of the Committee for information.
- Public Health would look to include in its work programme for 2015, a safe drinking awareness campaign during the summer months.
- Test purchasing was undertaken by Trading Standards and the Police to identify if licences premises were selling alcohol to under age persons. This initiative had reduced such sales by 10%. Members were advised to give details of any licence holders selling alcohol to under age persons, to the Licensing Officer who would pass this information on to the Police.
- Members were also informed of a community alcohol partnership pilot that had been established in Askern, Campsall and Norton, which operated on a monthly basis and had an action plan in place. The aim of the partnership was to work with alcohol retailers to communicate the message of underage sales of alcohol and for them to report those retailers that were breaking the law. It was envisaged that this initiative would be rolled out to other areas of the Borough.

To conclude, the Chair on behalf of the Committee thanked the Public Health Improvement Coordinator (Alcohol) for his interesting and informative presentation.

RESOLVED that the report and presentation, be noted.

DONCASTER METROPOLITAN BOROUGH COUNCIL

LICENSING SUB-COMMITTEE 'A'

1ST APRIL, 2015

A MEETING of the LICENSING SUB-COMMITTEE 'A' was held in ROOM 8, CIVIC OFFICE, DONCASTER, on WEDNESDAY, 1ST APRIL, 2015, at 10.00 A.M.

PRESENT:

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

Councillor Sue McGuinness

1. DECLARATIONS OF INTEREST

Councillor Sue McGuinness declared a non-pecuniary interest in relation to Agenda item No. 4, by virtue of her daughter-in-law worked at the William Hill branch in Stainforth.

Councillor Linda Curran declared a non-pecuniary interest in relation to Agenda item No. 4, by virtue that she had worked for William Hill Bookmaker in the late 1980's.

2. MINUTES OF THE MEETING HELD ON 12TH NOVEMBER, 2014

RESOLVED that the Minutes of the meeting held on 12th November, 2014, be approved as a correct record and signed by the chair.

3. GAMBLING ACT 2005 – APPLICATION FOR A NEW PREMISES LICENCE (BETTING- NON TRACK) – WILLIAM HILL, 3 STATION ROAD, ASKERN, DONCASTER DN6 0JB

The Sub-Committee considered an application for a new premises licence in respect of William Hill, 3 Station Road, Askern, Doncaster, DN6 0JB, following representations received from Askern Town Council, St Peter's Church and a local business, Mark Jarvis .

The Sub-Committee Members, persons making representations, the applicant's representative and Responsible Authorities, had received the Agenda prior to the meeting.

The Chair made introductions and outlined the procedure to be followed.

The Solicitor acting on behalf of the Applicant, made representations and answered questions followed by the Objectors representations and questions.

All parties were then asked to leave the room whilst the Sub-Committee deliberated on the Application and reached a decision.

RESOLVED that the Licensing Sub-Committee 'A', having considered an Application for a new Premises Licence under the Gambling Act 2005 in respect of William Hill, 3 Station Road, Askern, Doncaster, and having taken into account the written representations made and the evidence presented at the meeting, the steps that are appropriate to promote the Licensing Objectives, Gambling Commission Guidance and the Council's Statement of Licensing Policy (Gambling Act 2005) decided to grant the Application in the terms set out in Appendix B of the agenda and made a direction that Section 208 (1) of the Gambling Act 2005 shall not apply.

The Sub-Committee made its decision for the following reason:-

The application for the licence and the verbal representations made at the meeting, meets the three licensing objectives.

4. APPLICATION FOR A NEW PREMISES LICENCE – FIKA COFFEE LOUNGE, 15 STATION ROAD, ROSSINGTON, DONCASTER DN11 0XZ

The Sub-Committee considered an application for a new premises licence in respect of Fika Coffee Lounge, 15 Station Road, Rossington, Doncaster DN11 0XZ.

The Sub-Committee Members, persons making representations, the Applicant and Responsible Authorities, had received the Agenda prior to the meeting.

The Chair made introductions and outlined the procedure to be followed.

The applicant made representations and answered questions followed by the objectors representations and questions.

All parties were then asked to leave the room whilst the Sub-Committee deliberated on the Application and reached a decision.

RESOLVED that the Licensing Sub-Committee 'A', having considered an Application for a Premises Licence for Fika Coffee Lounge, 15 Station Road, Rossington Doncaster DN11 0XZ, and having taken into account the written representations made and the evidence presented at the meeting, decided to grant the Application in the terms set out in Appendix B of the agenda, subject to the following condition:-

1. Litter bins and ash trays be provided and maintained outside the premises

The Sub-Committee made its decision for the following reason:-

The application for the licence together with the additional condition and the verbal representations made at the meeting, meets the four licensing objectives.

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DONCASTER METROPOLITAN BOROUGH COUNCIL

LICENSING SUB-COMMITTEE 'A'

14TH APRIL, 2015

A MEETING of the LICENSING SUB-COMMITTEE 'A' was held in the COUNCIL CHAMBER, CIVIC OFFICE, DONCASTER, on TUESDAY, 14TH APRIL, 2015, at 9.40 A.M.

PRESENT:

Chair – Councillor Ken Keegan

Councillors Iris Beech, Neil Gethin and James Hart.

1. DECLARATIONS OF INTEREST

No declarations of interest were made at the meeting.

2. APPLICATION FOR THE REVIEW OF THE PREMISES LICENCE FOR ALCOHOL OFF SALES - HOLMES MARKET FOOD STORE, 9-10 HOLMES MARKET, WHEATLEY, DONCASTER, DN1 2NE

The Sub-Committee considered an Application for the review of the premises licence for alcohol off sales in respect of Holmes Market Food Store, 9-10 Holmes Market, Wheatley, Doncaster, DN1 2NE, by Doncaster Trading Standards (the Applicant) following action undertaken by the Department's Officers.

The Sub-Committee Members, the Applicant, persons making representations, the Premise's Licence Holder's representative and Responsible Authorities, had as at 13th April, 2015, received the Agenda prior to the meeting. However, it was reported that Premises License Holder was no longer being represented by John Gaunt & Partners Solicitors.

The Chair made introductions and outlined the procedure to be followed.

As the Premises Licence Holder was not in attendance at the commencement of the meeting, the Officer representing the Applicant made representations and answered questions.

All parties were then asked to leave the room whilst the Sub-Committee deliberated on the Application and reached a decision.

During the Sub-Committee's deliberations, the Chair, Councillor Ken Keegan, was subsequently informed by the Council's Legal Officer that the Premises Licence Holder had arrived and wished to attend the meeting.

3. ADJOURNMENT OF MEETING

In light of the representations made, the Chair adjourned the proceedings at 10.15 a.m., in order to allow the Council's Legal Officer to confer with the Premises Licence Holder.

RESOLVED that in accordance with Council Procedure Rule 17(I), the meeting stood adjourned at 10.15 a.m.

4. RECONVENING OF MEETING

The meeting reconvened at 10.20 a.m.

In the presence of the Premises Licence Holder and his associate, the Chair stated the hearing would start again from the beginning. The Chair made introductions and outlined the procedure to be followed.

The Officer representing the Applicant made representations and answered questions.

The Officer representing the Licensing Authority made representations and answered questions.

The Premises Licence Holder made representations and answered questions.

The Premises Licence Holder was given the opportunity to make a closing statement.

All parties were then asked to leave the room whilst the Sub-Committee deliberated on the Application and reached a decision.

RESOLVED that the Licensing Sub-Committee 'A', having considered an Application for the review of the Premises Licence for alcohol off sales in respect of Holmes Market Food Store, 9-10 Holmes Market, Wheatley, Doncaster, DN1 2NE, and having taken into account the relevance of the written representations made and the evidence presented at the meeting, the steps that are appropriate to promote the Licensing Objectives, The Home Office Guidance and the Council's Statement of Licensing Policy, decided to revoke the Premises License.

The Sub-Committee made its decision for the following reasons:-

The Committee believe the premises have been used for the purpose of crime contrary to the Licensing Objective of the Prevention of Crime and Disorder.

Also, several breeches of Licensing Conditions have occurred.

DONCASTER METROPOLITAN BOROUGH COUNCIL

LICENSING SUB-COMMITTEE 'B'

8TH DECEMBER, 2014

A MEETING of the LICENSING SUB-COMMITTEE 'B' was held in the COUNCIL CHAMBER, CIVIC OFFICE, DONCASTER, on MONDAY, 8TH DECEMBER, 2014, at 10.00 A.M.

PRESENT:

Chair – Councillor Linda Curran

Councillors Sue McGuinness, Sue Phillips and Paul Wray.

1. DECLARATIONS OF INTEREST

No declarations of interest were made at the meeting.

2. MINUTES OF THE LICENSING SUB-COMMITTEE 'B' MEETING HELD ON 26TH FEBRUARY, 2014

RESOLVED that the Minutes of the Licensing Sub-Committee 'B' meeting held on 26th February, 2014, be approved as a correct record and signed by the Chair.

3. APPLICATION FOR A NEW PREMISES LICENCE IN RESPECT OF 'DONNY FOOD EXPRESS', 7 BASS TERRACE, THORNE ROAD, DONCASTER, DN1 2HZ

The Sub-Committee considered an application for a new premises licence in respect of 'Donny Food Express', 7 Bass Terrace, Doncaster, DN1 2HZ, following representations received from members of the public.

The Sub-Committee Members, persons making representations, the Applicant's representative and Responsible Authorities, had received the Agenda prior to the meeting.

Subsequent to the despatch of the agenda papers, additional documentary evidence, from the Solicitor acting on behalf of the Applicant, including, a photograph of the proposed location of the premises, a floor plan of the premises, photographs of CCTV monitoring system in operation at the premises, copies of certificates of award for the Personal licence holders and amendments to the conditions to the application on page 28 of the agenda papers, had been circulated to Members of the Sub-Committee, the persons making representations, the applicant and Responsible Authorities, prior to the meeting and was also tabled at the meeting.

The Chair made introductions and outlined the procedure to be followed.

The Solicitor acting on behalf of the applicant addressed the Sub-Committee and answered questions. The Applicant had submitted additional documentary evidence, amending his application, thereby removing the conditions within the operating schedule on page 28 of the agenda papers and replacing them with the following terms, as set out on page 7 of the additional documentary evidence, which had been circulated to Members prior to the meeting:-

1. That CCTV cameras are installed and directed at any points of sale of alcohol.
2. At all times when the premises operate under the terms of the premises licence, that CCTV cameras serving the premises shall:-
 - be maintained fully operational and in good working order;
 - make and retain clear images that include points of sale of alcohol and the facial images of the purchasers of alcohol; and
 - show an accurate date and time of when the images were made.
3. All CCTV images shall be retained for a period of not less than 28 days and shall be made available for viewing by any Police Officer or other authorised person upon request.
4. Copies of CCTV recordings shall be provided in a format that can be viewed on readily available equipment without the need for specialised software.
5. No alcohol shall be sold if the CCTV equipment is inoperative for an unreasonable amount of time, without having taken steps to ensure without due delay that repairs have been commissioned.
6. The premises shall operate in accordance with the "Challenge 21" and all customers attempting to purchase alcohol who appear to be under the age of 21, shall be required to produce a valid proof of age. Notice to this effect shall be displayed in a clear and prominent position at the premises.
7. The only proof of age accepted in respect of the sale of alcohol shall be:-
 - a proof of age card bearing the "PASS" hologram logo;
 - a passport;
 - an EU photo driving licence; or
 - any other form of identification approved in writing by the Licensing Authority

8. A refusals book, or similar record, shall be kept at the premises in which must be recorded forthwith the date, time and circumstances under which any attempted purchase by a young customer has been refused. This book, or other form of record, must be made available for inspection, upon request by any Police Officer or authorised person.
9. Staff shall receive regular training on the responsible retailing of alcohol, including the prevention of underage sales, and the use of the premises CCTV system. Such training shall take place on induction, and at least once a year thereafter.
10. Signs shall be displayed inside and outside of the premises warning adults that it is an offence to buy alcohol on behalf of anyone under 18 years.

The individual, who had made written representations, made representations and answered questions.

Three interested Parties, Councillors Eva Hughes, John Sheppard and Dave Shaw, (Wheatley ward Members) addressed the Sub-Committee and were in support of the representations made in opposition to the application.

All parties were then asked to leave the room whilst the Sub-Committee deliberated on the Application and reached a decision.

RESOLVED that the Licensing Sub-Committee 'B', having considered the amended Application for a New Premises Licence in respect of Donny Food Express, 7 Bass Terrace, Thorne Road, Doncaster, and having taken into account the written representations made and the evidence presented at the meeting, decided to grant the Application in the terms set out in Appendix B of the agenda, subject to the following conditions:-

1. To provide a waste bin and be responsible for the removal of the waste.
2. Add to Condition 9, on page 7 of the documents in support of the application, that a training log be kept.

The Sub-Committee made its decision for the following reason:-

We, the Committee feel that the four Licensing objectives have been met.

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DONCASTER METROPOLITAN BOROUGH COUNCIL

LICENSING SUB-COMMITTEE 'B'

7TH APRIL, 2015

A MEETING of the LICENSING SUB-COMMITTEE 'B' was held in the ROOM 7a, CIVIC OFFICE, DONCASTER, on TUESDAY, 7TH APRIL, 2014, at 10.00 A.M.

PRESENT:

Chair – Councillor Linda Curran

Councillors James Hart and Sue McGuinness

1. DECLARATIONS OF INTEREST

No declarations of interest were made at the meeting.

2. MINUTES OF THE LICENSING SUB-COMMITTEE 'B' MEETING HELD ON 8TH DECEMBER, 2014

RESOLVED that the Minutes of the Licensing Sub-Committee 'B' meeting held on 8th December, 2014, be approved as a correct record and signed by the Chair subject to the amendment of item 2 of the additional documentation circulated to read as follows:-

be maintained fully operational and in good working order;
make and retain clear images that include points of sale of alcohol and the facial images of the purchasers of alcohol;
and show an accurate date and time of when the images were made.

3. APPLICATION FOR A NEW PREMISES LICENCE IN RESPECT OF CZECH MINI MARKET, 1 SHEARDOWN STREET, HEXTHORPE

The Sub-Committee considered an application for a new premises licence in respect of Czech Mini Market, 1 Sheardown Street, Hexthorpe, Doncaster, following representations received from members of the public.

The Sub-Committee Members, persons making representations, the Applicant and Responsible Authorities, had received the Agenda prior to the meeting.

The Chair made introductions and outlined the procedure to be followed.

The applicant made representations and answered questions followed by the objectors representations and questions.

All parties were then asked to leave the room whilst the Sub-Committee deliberated on the Application and reached a decision.

RESOLVED that the Licensing Sub-Committee 'B', having considered the amended Application for a New Premises Licence in respect of Czech Mini Market, 1 Sheardown Street, Hexthorpe, Doncaster, and having taken into account the written representations made and the evidence presented at the meeting, decided to grant the Application in the terms set out in Appendix B of the agenda, subject to the following conditions:-

1. the additional conditions as set out in Appendix F;
2. No alcohol shall be sold if the CCTV equipment is inoperative for an unreasonable amount of time;
3. Litter bin be provided and is the shop owner to be responsible for the daily removal of waste;
4. the only proof of age accepted in respect of the sale of alcohol shall be:-
 - (a) proof of age card bearing the PASS hologram logo;
 - (b) a Passport;
 - (c) EU photo driving licence
 - (d) any other form of identification approved in writing by the Licencing Authority

The Sub-Committee made its decision for the following reason:-

The application for the licence together with the additional conditions and the verbal representations made at the meeting, meets the four licensing objectives.

4. APPLICATION FOR A NEW PREMISES LICENCE IN RESPECT OF MURPHY'S SPORTS BAR, BRUNEL ROAD, OFF YORK ROAD

The Sub-Committee considered an application for a new premises licence in respect of Murphy's Sports Bar, Brunel Road, off York Road, following representations received from members of the public.

The Sub-Committee Members, persons making representations, the Applicant and Responsible Authorities, had received the Agenda prior to the meeting.

The Chair made introductions and outlined the procedure to be followed.

The applicant made representations and answered questions followed by the objectors representations and questions.

All parties were then asked to leave the room whilst the Sub-Committee deliberated on the Application and reached a decision.

RESOLVED that the Licensing Sub-Committee 'B', having considered the amended Application for a New Premises Licence in respect of Murphy's Sports Bar, Brunel Road, off York Road, and having taken into account the written representations made and the evidence presented at the meeting, decided to grant the Application in the terms set out in Appendix B of the agenda, subject to the following conditions:-

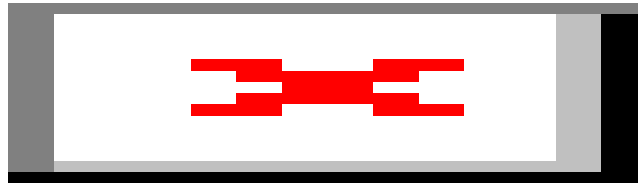
1. CCTV equipment to be installed inside and outside the premises;
2. A staff training record be kept
3. A refusal of entry record be kept
4. Music to be allowed up to midnight 7 days a week with the following exceptions:-

Bank Holidays	–	midnight
Christmas Eve	–	midnight
Boxing Day	–	midnight
New Years Eve	-	1.00 a.m.
New Years Day	-	midnight

The Sub-Committee made its decision for the following reason:-

The application for the licence together with the additional conditions and the verbal representations made at the meeting, meets the four licensing objectives.

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**Agenda Item No. 6
25th June, 2015**

**TO THE CHAIR AND MEMBERS OF THE
LICENSING COMMITTEE**

TERMS OF REFERENCE, PROCEDURE 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 note the procedure for hearings, to agree the delegation of functions and to agree the appointment of Members to the Licensing Sub-Committee Divisions.

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.
 - (iii) 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.
 - (iv) The procedure for dealing with settling appeals after the Sub Committee hearing but before the appeal hearing in the magistrates' court is decided.
- b) It is recommended that Members agree:
 - (i) The delegation of functions set out in Appendix C1 and C2.

- (ii) The appointment of Members to the Licensing Sub-Committee as set out in Appendix D.

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. Terms of Reference of the Licensing Committee are unchanged from those that were noted by the Licensing Committee on the 26th June 2014. 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.
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. Details of these delegations are found at Appendix C1.
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

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 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, 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 agree 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. For hearings held to consider matters relating to the Gambling Act 2005, the current Statement of Policy does not allow more than the minimum of 3 Members to take part in the meeting. Where more than 3 Members attend those additional Members would be able to choose from the following options:
- Sit in the public area as an observer; or
 - Leave the meeting if they so wished.
11. In the case of an appeal of 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 question is how these may be dealt with. The options are:
- 1) Refer back to the Sub-Committee**
This is only possible where there is ample time between the offer to settle and the appeal hearing. The views of interested parties and responsible authorities will also need to be canvassed.
 - 2) Give the Licensing Officer discretion to settle**
The Licensing Officer must understand the scope of any discretion. It may be that the discretion is only within guidelines/limits from the Licensing Committee or perhaps a decision made by the Licensing Officer in conjunction with the Chair of the Sub-Committee.

OPTIONS CONSIDERED

12. No other option was considered.

REASONS FOR RECOMMENDED OPTION

13. 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.

14. Guidance issued by the Secretary of State recommends that functions, so far as possible, should be delegated in the interests of speed, efficiency and cost effectiveness.

IMPACT ON THE COUNCIL’S KEY PRIORITIES

15.

	Priority	Implications
	<p>We will support a strong economy where businesses can locate, grow and employ local people.</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>We will help people to 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>We will make Doncaster a better place to live, with cleaner, more sustainable communities.</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:</i> 	<p>None</p>

	<i>Bringing down the cost of living</i>	
	<p>We will support all families to thrive.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	None
	We will deliver modern value for money services.	Functions are delegated in the interests of speed, efficiency and cost effectiveness wherever possible.
	We will provide strong leadership and governance, working in partnership.	None

RISKS AND ASSUMPTIONS

16. It is a requirement of 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 Governance Services, Legal Services and the Licensing Officer.

BACKGROUND PAPERS

21. Report to Annual Council, Terms of Reference Report.
- Gambling Act 2005
- Licensing Act 2003
- 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
- Statement of Licensing Policy 2011
- Statement of Gambling Policy 2013

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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 that are licensing functions within the meaning of the Licensing Act 2003 as amended.
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 Sub-Committees 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 objection	If no objection made
Application for personal licence with unspent convictions which come to light after grant.	If a police 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
Mediation or other discussions between the Licensing Authority and the appellant once an appeal has been lodged against a sub-committee decision to either settle the matter entirely or to resolve those issues that can be resolved or indeed to identify issues in dispute.		In all cases in consultation with the Chair of the Licensing Committee

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.

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TO THE CHAIR AND MEMBERS OF THE LICENSING COMMITTEE

Hackney Carriage and Private Hire Licensing Policy – Amendment to Section 3 – Character Referees

Relevant Cabinet Member(s)	Wards Affected	Key Decision
Cllr C McGuinness	All	N/A

EXECUTIVE SUMMARY

1. The Doncaster Council Hackney Carriage and Private Hire Licensing Policy (HC & PH Licensing Policy) currently requires all new applicants for a PH or HC driver licence to supply 2 character referees who have known the applicant for at least 2 years and who are not relatives or connected to the taxi trade.
2. Whilst there are no proposed changes to the suitability test for licensed drivers, this report seeks to amend the Policy to the effect that character referees must not be existing elected members of Doncaster Council.

RECOMMENDATIONS

3. It is recommended that:

Section 3 of the HC & PH Licensing Policy, in so far as it relates to the matters to be included with a new driver application, be amended as follows and that the amendment be effective immediately:

Existing:

10. 2 character references from persons who have known the applicant for at least 2 years and who are not relatives or connected to the hackney carriage and/or private hire trade (new applications only).

Replace the above with:

- 10.2 character referees. Each referee must have known the applicant for at least two years, must not be related to the applicant, must not be connected to the taxi/private hire trade and must not be an elected member of Doncaster Council. (New applications only)

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER

4. By implementing the recommendation of this report, the licensing of private hire and hackney carriage drivers will be less susceptible to suggestion that it could be affected by political influence. This recommendation will be an additional safeguard towards ensuring that all applications are considered on their own merit and that decisions are made in line with the Council's Policy.

BACKGROUND

5. The HC & PH Licensing Policy (the Policy) was adopted by Council on 19th January 2012. It is within the remit of the Licensing Committee 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. The Policy was last revised by the Licensing Committee on the 18th September 2014.
6. A recent review of the Council's taxi driver licensing processes following the Independent Inquiry into Child Sexual Exploitation in Rotherham has identified that other Councils have ceased accepting references from elected members and, as a result, a request was made to review our own policy with regard to character references.
7. It is Doncaster Council's policy that all new applicants for taxi driver licences are required to supply the details of 2 character referees in support of their application. The current Policy does not preclude a reference from an elected member.
8. Doncaster Council has delegated all taxi licensing decisions to officer level. Whilst character references are an essential part of every new application they are only one of the checks and safeguards that are in place.
9. Elected members of the Council are seldom nominated as character referees in support of a new taxi driver licence application and there is no evidence or suggestion that an elected member has sought to influence a licensing decision.

OPTIONS CONSIDERED

10. Option 1
Recommend that the existing Policy be amended so as to prohibit existing elected member of Doncaster Council from being nominated as a character referee in support of a new taxi driver licence application.
11. Option 2
Recommend that the existing Policy be unchanged in so far as it relates to character referees.
12. Option 1 is the preferred option.

REASONS FOR RECOMMENDED OPTION

13. Character references play one, albeit essential, part in the decision making process for taxi driver licensing. Whilst there is no evidence or suggestion that elected members of Doncaster Council have sought to influence licensing decisions, amending the Policy, to prevent applicants from nominating elected members as referees, will provide an additional safeguard for the Council and the travelling public. Furthermore, new applicants for taxi driver licences will not be adversely affected or unduly burdened by this change to the Policy.

IMPACT ON THE COUNCIL'S KEY PRIORITIES

14.

	Priority	Implications
	<p>We will support a strong economy where businesses can locate, grow and employ local people.</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>The Policy ensures that licensing decisions can be made fairly and in a timely manner with the overriding aim of protecting the public.</p>
	<p>We will help people to 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>The Policy ensures that licensing decisions can be made fairly and in a timely manner with the overriding aim of protecting the public.</p>

	<p>We will make Doncaster a better place to live, with cleaner, more sustainable communities.</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 Policy ensures that licensing decisions can be made fairly and in a timely manner with the overriding aim of protecting the public.</p>
	<p>We will support all families to thrive.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	<p>None</p>
	<p>We will deliver modern value for money services.</p>	<p>Functions are delegated in the interests of speed, efficiency and cost effectiveness wherever possible.</p>
	<p>We will provide strong leadership and governance, working in partnership.</p>	<p>None</p>

RISKS AND ASSUMPTIONS

15. It is accepted good practice that a Licensing Authority adopts a statement of licensing policy in respect of taxi licensing. By not having a Policy decisions of the Licensing Authority are more open to challenge.

LEGAL IMPLICATIONS

16. Section 57(1) of the Local Government (Miscellaneous Provisions) Act 1976, states that a district council may require any applicant for a licence under the Town Police Clauses Act 1847 or under this part of this act to submit to them such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to any such licence..

FINANCIAL IMPLICATIONS

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

EQUALITY IMPLICATIONS

18. 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

19. Consultation has taken place with the Mayor and the Chief Executive of Doncaster Council.

BACKGROUND PAPERS

20. Doncaster Council's Hackney Carriage and Private Hire Licensing Policy.

REPORT AUTHOR & CONTRIBUTORS

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Peter Dale
Director of Regeneration and Environment

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TO THE CHAIR AND MEMBERS OF THE LICENSING COMMITTEE

SEXUAL ENTERTAINMENT VENUE (SEV) LICENSING POLICY

Relevant Cabinet Member(s)	Wards Affected	Key Decision
Cllr C McGuinness	All	N/A

EXECUTIVE SUMMARY

1. The purpose of this report is for the Licensing Committee to review the existing Sexual Entertainment Venue (SEV) Licensing Policy.

RECOMMENDATIONS

2. It is recommended the Committee review and approve the existing Policy (Appendix A), subject to minor administrative updates that have been made to contact details and addresses etc. contained in the Policy, and determine that it should next be reviewed again no later than June 2018.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER

3. Doncaster Council wish to support both the local community and businesses by ensuring that these types of premises are properly managed and that they integrate where possible into the local community.
4. With regard to community safety the Licensing Authority have the power to control the location, activities, opening time etc. of these premises and also monitor the impact on local crime and disorder, noise and other public nuisance.
5. The SEV Policy sets out the Council's requirements for premises to be licensed as Sex Establishments within the meaning of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by Section 27 of the Policing and Crime Act 2009).

BACKGROUND

6. The Local Government (Miscellaneous Provisions) Act 1982 was amended by the by section 27 of the Police and Crime Act 2009 to allow local authorities to control places of sexual entertainment, such as lap dancing and pole and table dancing, other than through a premises licence.
7. This provision was adopted by Doncaster Council in October 2010.
8. In order to establish the Authority's proposed stance on such premises a policy is advised by the Home Office guidelines to allow businesses to understand the requirements, in general, that will be required in order to run this type of establishment although every application will be considered on its merits.
9. The Policy (Appendix A) was initially adopted, by Doncaster Council, in November 2011 following a period of consultation. The Policy is based on the Home Office guidance document detailing the application process, reasons for refusal and our standard conditions.
10. On adoption it was determined that the Policy should be reviewed 3 yearly.

OPTIONS CONSIDERED

11. Option1
Recommend that the existing Policy continue in to be adopted, subject to minor administrative amendments to contact details and addresses where these have changed since the Policy was originally adopted, with a review date of June 2018.
12. Option 2
Recommend that a wider consultation is undertaken before the Policy is adopted.
13. Option 1 is the preferred option.

REASONS FOR RECOMMENDED OPTION

14. There is no statutory requirement to adopt a Policy and as such there are no statutory requirements to consult periodically. Extensive consultation took place in 2011 with all parties who were considered to have an interest. Any comments that were received were taken into consideration before the final Policy was adopted.
15. Since the adoption of the Policy there have been no relevant legislative changes and the licensing process is unchanged.

16. Prior to the adoption of the SEV licensing provision and the SEV Licensing Policy there were 2 venues in Doncaster. On adoption of the licensing provision and Policy the number of venues reduced to 1 and it has remained at this level.
17. Since its initial adoption in 2011, the Policy has not been subject to challenge and the Licensing Authority has not received any request for it to be amended.

IMPACT ON THE COUNCIL'S KEY PRIORITIES

18.

	Priority	Implications
	<p>We will support a strong economy where businesses can locate, grow and employ local people.</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>The policy clearly demonstrates what businesses can expect in setting up a venue.</p> <p>The Policy ensures that licensing decisions can be made fairly and in a timely manner.</p>
	<p>We will help people to 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>.</p>
	<p>We will make Doncaster a better place to live, with cleaner, more sustainable communities.</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>Doncaster Council wish to support both the local community and businesses by ensuring that these types of premises are properly managed and that they integrate where possible into the local community.</p> <p>With regard to community safety the Licensing Authority have the power to control the location, activities, opening time etc. of these premises and also monitor the impact on local crime and disorder,</p>

		noise and other public nuisance.
	We will support all families to thrive. • <i>Mayoral Priority: Protecting Doncaster's vital services</i>	None
	We will deliver modern value for money services.	Functions are delegated in the interests of speed, efficiency and cost effectiveness wherever possible.
	We will provide strong leadership and governance, working in partnership.	None

RISKS AND ASSUMPTIONS

19. It is accepted good practice that a Licensing Authority adopts a statement of licensing policy in respect of sexual entertainment venues. By not having a Policy decisions of the Licensing Authority are more open to challenge.

LEGAL IMPLICATIONS

20. The Home Office Guidance on sexual entertainment venues states that on resolving to adopt the sexual entertainment venue provisions introduced by the Policing and Crime Act 2009, local authorities should ensure that their licensing policies for sex establishments are up to date, which could mean producing a policy specific to the regulation of sexual entertainment venues.
21. It is within the remit of the Licensing Committee 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.

FINANCIAL IMPLICATIONS

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

EQUALITY IMPLICATIONS

23. 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

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

BACKGROUND PAPERS

25. Home Office Guidance on Sexual Entertainment Venues.

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Doncaster
Metropolitan Borough Council

Sexual Entertainment Venue Licensing Policy

Commencing Date: 23rd November 2011

**Business Safety & Licensing
Doncaster Council
Civic Office
Waterdale
Doncaster
DN1 3BU
Tel: 01302 737590**

Or email us at: licensing@doncaster.gov.uk
Or visit our website at: www.doncaster.gov.uk/licensing

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1. Foreword

The increase in the number of lap dancing venues nationally since the implementation of the Licensing Act 2003 has become a concern for many local communities.

Previously, premises only needed to be licensed under the Licensing Act 2003 for music and dancing. Responsible Authorities (Police / Fire Service etc.) and Interested Parties (residents / businesses in the vicinity) could only make representation based on the four licensing objectives, namely:-

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

As a result of this, licensing authorities could not consider the objections of local people and businesses that were based on matters outside the scope of the four objectives. For example, a representation based on whether the venue was appropriate given its character and locality of the area (next to a church or school) would not be able to be considered.

Section 27 of the Policing and Crime Act 2009 introduced a new category of sex establishment called “sexual entertainment venues” which allows licensing authorities to regulate lap dancing clubs and similar venues.

The introduction of these new legislative powers gave a Licensing Authority greater control over these types of premises.

The Licensing Authority can impose standard conditions and also ‘premises specific’ conditions to help control the activities taking place at the premises. The legislation also gives an opportunity to the local community to make comments with regard to specific applications.

2. Introduction

Doncaster Council wish to support both the local community and businesses by ensuring that these types of premises are properly managed and that they integrate where possible into the local community.

With regard to community safety the Licensing Authority have the power to control the location, activities, opening time etc. of these premises and also monitor the impact on local crime and disorder, noise and other public nuisance.

This Sexual Entertainment Venue Policy Statement sets out the Council's requirements for premises to be licensed as Sex Establishments within the meaning of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by Section 27 of the Policing and Crime Act 2009).

3. Key Definitions

The following terms are used frequently throughout the Statement of Licensing Policy document:

- **'The Council/Licensing Authority'** refers to Doncaster Metropolitan Borough Council
- The **"2009 Act"** refers to the Policing and Crime Act 2009
- The **"1982 Act"** refers to the Local Government (Miscellaneous Provisions) Act 1982
- The **"2003 Act"** refers to the Licensing Act 2003
- **"Section 27"** refers to section 27 of the Policing and Crime Act
- **"Schedule 3"** refers to schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982
- **'The Licensing Committee'** refers to the committee of Doncaster Council.

4. Consultation

In developing this Policy, the Council has consulted widely and given due consideration to the views of all those who responded to that consultation process.

There are many organisations and people who have a stake in the leisure industry, including providers, customers, residents, law enforcers and the emergency services, all of whom have views and concerns that require consideration as part of the licensing function.

The Council / Licensing Authority is committed to consulting with as wide and varied an audience as possible regarding this and any future Licensing Policy.

The Licensing Authority has consulted with the following:-

- a) the Chief Officer of Police in the area;
- b) the Fire Authority;
- c) stakeholders in the sexual entertainment industry;
- d) local residents;
- e) holders of Premises Licences and Club Premises Certificates under the Licensing Act 2003, in the Borough of Doncaster.

It has actively sought the views of all stakeholders on its proposals and not just those persons who are representative of the

The Licensing Authority has conducted a full consultation of its Sexual Entertainment Venue Policy by way of writing to / emailing consultees, providing relevant information on its website, publishing a statement in the local press and attending meetings when requested.

The views of all our consultees will be considered and given proper weight when writing and / or reviewing this Policy.

5. The Council's Legal Obligations

There are a number of statutory provisions which apply to every action the Council takes as a public authority. These include, for example:

- a. duty to have regard to the interest of Doncaster's tax payers;
- b. its Human Rights Act obligations;
- c. its duty to have due regard to the need to promote race equality and to the need to eliminate unlawful race discrimination and the statutory obligations in relation to disability, age and gender.

The Council is committed to fulfilling all of its obligations when exercising its Licensing Functions.

The Council will consider the use of its full range of powers in order to do so. It will engage all relevant responsibilities, including planning controls, transport controls and crime and disorder policies. Accordingly, the Council will enter appropriate partnership arrangements, working closely with the police, fire authority, local businesses, community representatives and local people in meeting these objectives.

6. Meaning of Sexual Entertainment Venue

Section 27 of the Policing and Crime Act 2009 introduced a new type of sex establishment called a 'sexual entertainment venue'.

These venues require a sexual entertainment licence and the Council will regulate them as such under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

'Sexual entertainment venue' is defined as, "any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer" (Paragraph 2A of Schedule 3).

Schedule 3 defines relevant entertainment as, "any live performance or live display of nudity which is of such nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether verbal or by other means)". An audience can consist of just one person, e.g. in a private booth.

Each case will be determined on its merits but "relevant entertainment" will generally apply to the following forms of entertainment:

- Lap dancing
- Pole dancing
- Table dancing
- Strip shows
- Peep shows
- Live sex shows

This list is not exhaustive and should only be treated as indicative. Ultimately, decisions whether premises require a licence will be based upon the content of the entertainment provided and not the name it is given.

7. Location of Licensed Premises

There are specific grounds for refusing sexual entertainment venue licences set out in Paragraph 12 of Schedule 3 to the 1982 Act. These provisions allow for local authorities to refuse applications based on an assessment of the “relevant locality”.

The council acknowledges that a concentration of licensed premises (sexual entertainment venues) in a particular area can result in a potential fear of crime, anti social behaviour, noise pollution and other disturbance to residents. In such cases the amenity of local residents can be placed under severe pressure.

Whilst the council has not imposed a numerical limit on the number of premises that may be licensed in any area, and whilst it will treat each application upon its own merits, the council may not licence premises that it feels are in close proximity to:-

- a) a school, nursery or other premises substantially used by or for children under 16 years of age;
- b) a park or other recreational area used by or for children under 16 years of age;
- c) a church or other place of religious worship;
- d) a central gateway to the Borough or other landmark, historic building or tourist attraction.

The Council will also consider the following factors when deciding if an application is appropriate:-

- a) cumulative adverse impact of existing sex related activities in the vicinity of the proposed premises;
- b) proximity to areas with the highest levels of crime;
- c) whether the premises have met the relevant planning requirements;
- d) the design of the premises frontage (signage/images etc.).

The Council may refuse an application if it is satisfied that the number of sex establishments or of a particular kind e.g. Sex Entertainment Venues in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality. The Council is able to determine that the appropriate number for a locality is nil.

The Council may choose to set a guidance upper limit on the number of SEVs which it considers appropriate in any locality within the Council’s administrative area but each application will be considered on its merits.

8. Making an Application

Applicants must state the full address of the premises for which they are making the licence application.

An application for the grant, renewal, transfer or variation must be made in writing by using the Council’s standard application form and in accordance with the requirements set out below.

In keeping with the Council's policy on the introduction of e-Government the Council is happy to accept applications and other notices electronically. The address at which the Council will accept applications and notices is:-

- (a) by post/personal service to Business Safety & Licensing, The Civic Office, Waterdale, Doncaster DN1 3BU
- (b) by email to licensing@doncaster.gov.uk;
- (c) on-line

For all enquiries please contact the Licensing team on 01302 737590

To apply for the grant of a sexual entertainment venue licence an applicant must send to the Council:-

- a) A completed application form;
- b) The fee;
- c) A plan of the premises to which the application relates (to the scale of 1:100) showing all means of ingress and egress to and from the building, layout of the premises showing areas where licensable activities are to take place;
- d) A site plan detailing the location of their premises in relation to the surrounding area and other premises (to the scale of 1:1250);
- e) Drawings showing the front elevation of the premises as existing and as proposed (to the scale of 1:50);

And must also:

- f) Display a notice at or on the premises (see 9 below);
- g) Place a public notice in a local newspaper (see 9 below)
- h) Serve a copy of the application on the Chief Officer of Police at Doncaster Police Station, College Road, Doncaster.

Applications forms are available from www.doncaster.gov.uk/licensing

9. Public Notices

A notice must be displayed at or on the premises to which the application relates for a period of not less than 21 consecutive days from the day following the day the application was given to the council. The notice must be able to be conveniently read from the exterior of the premises.

Large premises must display identical notices every 50 metres along the external perimeter of the premises abutting the highway.

The full regulations regarding the size, content and font to be used on public notices can be obtained from the Licensing Service.

A notice must also be placed in a local newspaper circulating in the area where the premises are situated within 7 days of serving the application on the Council (Example the Doncaster Star or Doncaster Free Press)

A copy of the newspaper containing the advertisement must be sent to the Licensing Authority as soon as is reasonably practicable.

10. Fees

Application fees will be set annually by the Licensing Authority and will only recover the reasonable cost of the licensing service in administering and enforcing this licensing system.

11. Advice & Guidance

The council will seek to liaise with applicants and/or mediate between applicants and others who make objections, to achieve a satisfactory outcome for all involved, where possible and resources permit.

Where an applicant considers that mediation and liaison may be likely or probable, it is recommended that the applicant discuss his proposal with the licensing service and those from who they think objections are likely prior to submitting their application.

12. Grant of a Licence

The Council may grant to any applicant a licence for the use of a premises as a sexual entertainment venue on such terms and conditions as specified by the Council.

A licence will remain in force for one year, or such shorter period specified in the licence, unless previously cancelled or revoked.

13. Variation of a Licence

The holder of a sexual entertainment venue licence may apply at anytime to vary the terms, conditions or restrictions of that licence.

The process to apply for a variation is the same as that for applying for an initial grant except a plan of the premises would not be required if changes are not being made to the structure or layout of the premises.

Application forms are available from www.doncaster.gov.uk/licensing

14. Renewal of a Licence

The holder of a sexual entertainment venue licence may apply for renewal of the licence.

In order for the licence to continue to have effect during the renewal process, a valid application form together with the appropriate fee must be submitted before the current licence expires.

Application forms are available from www.doncaster.gov.uk/licensing

15. Transfer of a licence

A person(s) may apply for the transfer of a licence at any time.

The process of applying for the transfer of a licence is the same as that for applying for an initial grant except that the applicant does not have to submit any plans of the premises.

Application forms are available from www.doncaster.gov.uk/licensing

16. Objections

An objection to an application can be made by any person but it must be relevant to the grounds set out set out in Appendix “B” of this Policy.

Objections that are not based on these grounds cannot be considered by the Licensing Authority.

Objections should not be based on moral grounds or values.

An objection must be made in writing (including electronic mail) stating the general terms of the objection.

Objections may only be made within the period of 28 days following the date on which the application was made to the Council.

17. Determining Applications

When determining an application the Licensing Committee will have regard to:

- (a) the application;
- (b) any objections received;
- (c) the Local Government (Miscellaneous Provisions) act 1982;
- (d) this statement of Licensing Policy;
- (e) any other associated regulations; and
- (f) any comments/representations/evidence given at the Licensing Committee hearing.

This does not undermine the right of any person to apply for a licence and have the application considered on its own individual merits. Nor does it override the right of any person to make objections on any application where they are permitted to do so under the Act.

18. Conditions

The Licensing Authority recognises that all applications should be considered on an individual basis and any condition attached to a licence should be necessary and proportionate and tailored to the individual premises.

The Licensing Authority is permitted under the 1982 Act to make regulations prescribing standard conditions.

The standard conditions that may be attached on an individual basis are attached at Appendix C. This is not an exhaustive list of conditions and the Licensing Authority reserves the right to grant and/or renew a licence on such terms and conditions and subject to such restrictions as may be so specified.

19. Refusal of an Application

Except where the Council are prohibited from granting, renewing, varying or transferring a licence, the Council will not refuse a licence without first:-

- notifying the applicant or holder of the licence in writing of the reasons;

- giving the applicant or holder of the licence the opportunity of appearing and making representations before the Licensing Committee.

The mandatory grounds for refusal of an application are set out in Appendix “A”.

20. Revocation of Licences

The Council may revoke a licence:-

- on any mandatory ground specified in Appendix “A” of this policy; or
- on either of the first two of the discretionary grounds (paragraph (a) and (b) specified in Appendix “B” of this policy).

The Council will not revoke a licence without first giving the holder of the licence the opportunity of appearing and making representations before the Licensing Committee.

21. Cancellation of Licences (Surrender)

The licence holder can cancel (surrender) the licence at any time by putting the request in writing to the Licensing Authority.

22. Hearings

Should any objections be received in relation to an application to the grant, renewal, variation or transfer of a licence, applicants will be given the opportunity to appear before the Licensing Committee.

Any hearing will take place within 20 working days of the day after the day which is the deadline for making objections.

Where the Licensing Committee determine to refuse to grant, renew or transfer the licence, they shall give a written statement of the reasons for their decision.

23. Appeals

In the event that an application for the grant, renewal or transfer of a sexual entertainment venue licence is refused, the applicant may appeal to the magistrates’ court within 21 days of receiving notification of the decision.

If the application was refused on paragraph (c) or (d) of the discretionary grounds specified in Appendix “B” of this policy, there is no right of appeal.

24. Complaints

The Licensing Authority does understand the difficulty for some residents to follow up issues with particular premises due to concerns for their safety. In these circumstances please contact either the Licensing Section, elected councillors or your local Area Team, who may assist you in these matters.

The Licensing Authority and the police will work closely in order to ensure consistency, transparency and proportionality in their enforcement activities. The Licensing Authority will continue to investigate complaints and conduct proactive enforcement exercises to ensure that licences and the conditions attached to the authorisations are complied with

and that unlicensed activity is dealt with as appropriate to ensure the highest standards of licensees and premises in the Borough.

Therefore the Licensing Authority will investigate general complaints regarding premises. This will allow us to give an early warning to licence holders of any concerns about problems identified at their premises and the need for improvement.

25. Enforcement

The Licensing Authority will work very closely with South Yorkshire Police relating to the enforcement. The Licensing Authority will have particular regard to the Statutory Code of Practice for Regulators; and the following principles:-

- The targeting of high risk premises or activities which require greater attention;
- Consistency of approach;
- Transparency; and
- Proportionality.

The Licensing Authority also works very closely with the Planning Service
The Licensing Authority will operate a light touch inspection regime for well managed and well maintained premises.

DATA SHARING

Subject to the provisions of the Data Protection Act 1998, the Council and police will share information about licensees, licensed premises and activities associated with them. Such information sharing is permitted under Section 185 of the Act. Further open access to data will be given to those Police Officers and Licensing Authority Officers discharging their functions under this Act.

26. Planning Permission

Applicants must ensure that they have the appropriate planning permission in place to operate their business. The Licensing Authority will check with the Planning Service before granting a licence. A licence will not be granted until all the relevant permissions are in place from the Planning Service.

The Council's licensing functions will be discharged separately from its functions as the "Local Planning Authority". However, the Licensing Authority recognises the need for the two services to work in partnership.

Therefore, the Licensing Authority expects that applicants for a premises licence and/or variations under this legislation will have already obtained any necessary planning consent.

This helps to avoid unnecessary confusion within the local community. The granting, or variation of a licence will not override any requirement of the planning system or vice-versa.

Applicants should make themselves aware of the relevant planning policies. The Council's Unitary Development Plan (UDP), adopted in July 1998 and the proposed Doncaster Local Development Framework which is published and available on the Council Web site, contains planning policies which control the location and activities of

entertainment uses to safeguard residential amenity, local environmental quality and the established character and function of the various parts of the Borough.

Applicants for licences should have regard to the relevant planning policies when determining the nature of the activities proposed and consider their impacts on the local environment and community in which the premises are situated.

27. Review

This policy will be reviewed in 2018.

28. Useful Information and Contact Details

Licensing Authority

Business Safety & Licensing
Doncaster Council
Civic Office
Waterdale
Doncaster
DN1 3BU

Tel: 01302 737590

Or e-mail us at: licensing@doncaster.gov.uk
Or visit our website: www.doncaster.gov.uk/licensing

Or visit our reception service in the Civic Office where you can come and discuss your query with one of our Licensing Officers. The Licensing General Section is open Monday – Friday 8:30am to 5.00 pm:

OTHER RELEVANT AUTHORITIES

South Yorkshire Police

South Yorkshire Police
Sheffield Licensing Team
60 Attercliffe Common
Sheffield
S9 2AD

Tel: 0114 252 3948 / 0114 252 3617
Email: don_licensing@southyorks.pnn.police.uk

South Yorkshire Fire and Rescue

South Yorkshire Fire and Rescue Authority
Doncaster District Community Safety Office
Leicester Avenue
Doncaster
DN2 6AZ

Telephone: 0114 253 2802

Planning Consent

Planning Department
Doncaster Council
Civic Office
Waterdale
Doncaster
DN1 3BU

Telephone: 01302 736000

Environmental Health - (Public Nuisance and Health & Safety)

Doncaster Council
Civic Office
Waterdale
Doncaster
DN1 3BU

Telephone: 01302 737539

E-mail: nuisance.team@doncaster.gov.uk and health&safety@doncaster.gov.uk

Doncaster Safeguarding Children Board

Doncaster Safeguarding Children Board
Wellbeck Room
The Mary Woollett Centre
Danum Road
Doncaster
DN4 5HF

Telephone: 01302 734747

Doncaster Trading Standards

Doncaster Council
Civic Office
Waterdale
Doncaster
DN1 3BU

Telephone: 01302 737539

Email: trading.standards@doncaster.gov.uk

Local Ward Councillors

Details of your local ward councillor can be found at the attached link or by telephoning 01302 736710

www.doncaster.gov.uk/db/chamber/default.asp?NavMemblast

Appendix A

Mandatory Grounds for Refusing a Licence

Notwithstanding the other factors mentioned within this Policy the Council would not be able to consider granting a licence in the following circumstances:-

- (a) To a person under the age of 18;
- (b) To a person who is for the time being disqualified due to the person having had a previous licence revoked by Doncaster Council in the last twelve months;
- (c) To a person, other than a corporate body, who is not resident in an EEA State or was not so resident throughout the period of six months immediately preceding the date when the application was made;
- (d) To a body corporate that is not incorporated in an EEA State;
- (e) To a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, unless the refusal has been reversed on appeal.

Appendix B

Discretionary Grounds for Refusing a Licence

The Council may not consider granting a licence in the following circumstances:-

- (a) The applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- (b) If the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
- (c) The applicant has had a licence refused by another authority;
- (d) The number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality;
- (e) The grant or renewal of the licence would be inappropriate, having regard—
 - (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

Nil may be an appropriate number for the purposes of (d) above.

Appendix C

Sexual Entertainment Venues

STANDARD CONDITIONS

General Conditions

1. Rules shall be produced by the licensee for customers indicating conduct that is deemed acceptable. These rules shall be prominently displayed on all tables, in the bar area, and at other appropriate locations within the club.
2. None of the performers nor any entertainment provided will be visible from the street and any person who can be observed from the outside of the premises must be properly and decently dressed. Scantily-clad individuals employed in the premises must not exhibit themselves in the entrance or in the vicinity of the premises.
3. There shall not be displayed outside the premises, in the immediate vicinity, or elsewhere on public view, any advertisements, photographs or images that indicate or suggest that striptease-type dancing takes place on the premises.
4. The availability of relevant entertainment shall not be marketed or advertised in any of the following ways:
 - (i) by means of personal solicitation in the locality of the licensed premises;
 - (ii) by means of leafleting in the locality;
 - (iii) by means of externally displayed advertisement (such as on billboards or posters) in any part of the Council's administrative area.
5. There shall be prominently and legibly displayed a comprehensive tariff of all charges and prices which shall be illuminated and placed in such a position that it can easily and conveniently be read by persons before entering the premises. No employee shall stand in such a position as to obscure the notice.
6. Where a charge is to be made for the company of a hostess or other companion this shall be identified on the tariff of charges to the satisfaction of the Council.
7. No order shall be accepted unless the customer has been provided with a copy of the said tariff and has been given sufficient time and opportunity to read it.
8. No charge shall be made to the customer for any drink provided for a hostess or companion unless that customer has specifically ordered it having first been made aware of the cost.

The Premises

1. Colour CCTV will be provided and maintained throughout the premises, the positioning of such cameras will be in liaison with the Police Licensing Officer and Crime Prevention Department and in conjunction with the minimum specification of the South Yorkshire Police.
2. CCTV recorded material should be kept secure and disclosure to authorised persons only.

3. No CCTV footage is to be copied, given away or sold (except as required by Council / Police for investigation / enforcement purposes).
4. Except in accordance with the requirements for CCTV as described above, no photographs, films or video recordings shall be taken of the performances. Nor shall electronic transmissions of performance take place.
5. Notices will be displayed informing customers of the presence of CCTV.
6. An appropriate room shall be available as a change and rest area for performers. Access to this room shall be restricted to performers only whilst the performers are on the premises. This room shall be marked on the plans.
7. The licence holder or his nominated deputy (who is authorised in writing), or door-supervisors shall carry out regular monitoring of all areas of the premises to which the public have access and shall intervene promptly, if necessary, to ensure compliance with licence conditions by customers and performers.

Management Standards

1. Suitable and sufficient training must be provided to all management and staff, including the licensee. The training must be recorded and these records are to be made available upon request to both the authorised officers of the Council and Police.
2. The licensee shall not employ any person less than 18 years of age in the business or establishment.
3. No dancer may perform at the premises until such time as photographic proof of identity showing date of birth is provided, confirming that the dancer is over the age of 18 years.
4. A record of the performer's name, address, national insurance number, photograph and date of birth will be retained. Such details are to be checked and verified by the venue Premises Licence Holder or Designated Premises Supervisor against other forms of identity. Performers' details as outlined above, are then to be retained at the premises for at least 12 months from the date of their last performance and made available to both and authorised officers of the Council and Police Officers
5. A 'Signing-In' Register shall be kept at the premises that records the date and the time that the performer starts and finishes at the premises. This shall be made available for immediate inspection by authorised officers of the Council (who will provide identification) or a Police Officer.
6. The Premises Licence Holder and / or the Designated Premises Supervisor shall, where available, be members of a local Pub Watch or similar scheme and maintain registration, annual membership and attendance at appropriate meetings.
7. When the premises are open for licensable activity no person under the age of 18 shall be permitted to be on the premises. The licensee shall operate a Challenge 21 Policy and a notice to this effect shall be displayed on the premises in an appropriate position.

8. The premises licence holder must maintain an incident log and a refusals log of persons under the age of 18 who were not allowed on the premises and make such logs available to any authorised officer of the Council or Police Officer on request.
9. A code of conduct for dancers, approved in writing by the Council, shall be produced by the licensee together with a disciplinary procedure for breaches of the code which shall be implemented. The code of conduct for dancers shall prohibit activities that might be thought to lead to prostitution or other unlawful activities. No amendments shall be made to the code or disciplinary procedure without the prior written consent of the Council.

The Protection of Performers / Prevention of Crime and Disorder

1. Prior to performers carrying out any activity on the premises, they shall be briefed verbally, or in writing, by the licence holder or his nominated deputy (authorised in writing) as to the conditions that pertain to these particular premises, including the fact that their activities will be recorded on CCTV. The performer(s) shall sign that they have been briefed.
2. During any performance there must be no physical contact between the performer and any member of the viewing public, except for the placing of money / tokens in a garter worn by a performer or into the performer's hand at the beginning or end of the performance and a customary kiss on the cheek of the patron by the performer at the conclusion of the performance. A brief handshake at the beginning or end of a performance is permitted.
3. A minimum 1 metre separation should be maintained between performers and customers during all performances.
4. Customers will remain seated whilst watching a performance.
5. No performance shall include any sexual act with objects.
6. No performance shall show performers touching their own sexual organs.
7. Performances of pole / table / lap dancing shall be undertaken only by the performers / entertainers and the audience shall not be permitted to participate.
8. The audience must at all times remain fully-clothed.
9. At the completion of the dance the performers shall dress themselves immediately and leave the designated performance area. Performers not engaged in performing shall not remain in any public area in a state of undress.
10. Performers are not to solicit, exchange addresses or telephone numbers with customers, or liaise with customers of the premises.

Safety and Security

1. The licensee shall maintain good order in the premises at all times and shall ensure that persons entering or leaving the licensed premises conduct themselves in an orderly manner and do not in any way cause annoyance to residents and persons passing by.

2. Sexual entertainment may only take place in 'designated areas' that are marked on the plan of the premises.
3. When performers leave the premises they are to be escorted to their cars or taxi by a member of staff.
4. The licensee is to implement a policy to ensure the safety of the performers when they leave the premises after a period of work.

The licensee or a nominated manager (in writing) shall be present on the premises at all times whilst the entertainment is taking place.

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TO THE CHAIR AND MEMBERS OF THE LICENSING COMMITTEE

Licensing Act 2003, Gambling Act 2005 and General Licensing Update

Relevant Cabinet Member(s)	Wards Affected	Key Decision
Cllr C McGuinness	All	N/A

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 other upcoming matters.

RECOMMENDATIONS

2. It is recommended that Members note the following:
 - 2.1.1 For the period 1st April 2014 to 31st March 2015 the following committees were convened
 - Licensing Committee – 3 occasions
 - Licensing Sub-Committee - 4 occasions

A total of 5 premises licence applications were determined by the Licensing Sub-Committee, all of which were applications made under the Licensing Act 2003.

- 2.1.2 Statistical details of all other licence applications (Licensing Act 2003 and Gambling Act 2005) determined by the Authority and a summary of licensing enforcement actions, for the period 1st April 2014 to 31st March 2015, are attached as Appendix A.
- 2.1.3 The Statement of Licensing Policy (Licensing Act 2003) is due for its quinquennial review. Following a period of consultation the Licensing Committee will be asked to recommend the reviewed Policy to Council for adoption (expected to take place in Nov 2015). The Policy must be adopted by 7th January 2016.
- 2.1.4 The Statement of Licensing Policy (Gambling Act 2005) is due for its triennial review. Following a period of consultation the Licensing

Committee will be asked to recommend the reviewed Policy to the Executive for adoption by Council (expected to take place in Nov 2015). The Policy must be adopted by 3rd January 2016 to take effect from the 31st January 2016.

- 2.1.5 Doncaster Council's Public Health Improvement Coordinator (Alcohol), has requested that the Chair consider a request to update the Licensing Committee on the work that Public Health are undertaking in Askern, Campsall and Norton as part of the Community Alcohol Partnership.
- 2.1.6 The Business Safety and Licensing Team have received 2 separate proposals, from the taxi trade, to increase the existing hackney carriage (taxi) fare tariff. Taxi fare tariffs are set by the Council, with the last tariff change being made in 2008. A consultation has been undertaken with the all the existing holders of hackney carriage licences to seek their views on the proposals. The feedback from the consultation is currently being considered and it is planned to bring this matter to the Licensing Committee in the near future for a recommended decision regarding any proposed change to the existing tariff.
- 2.1.7 The Institute of Licensing are hosting a 'Licensing Hearings' training course in Doncaster on the 17th September 2015. The training is aimed predominantly at Councillors sitting on a licensing committee; the training will also be open to other parties who may take part in a hearing such as responsible authorities and council solicitors.

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. A request was received from a member of the Licensing Committee that the Committee be furnished with details of the licensing decisions that are delegated outside the remit of the Committee and Sub—Committee. 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 commenced during the period 1st April 2014 to 31st March 2015.
- 5. The Licensing Act 2003 requires that a Licensing Authority adopt a Statement of Policy and that the Policy must be reviewed at least every 5 years. The existing Policy must be reviewed before January 2016.

6. Similarly, the Gambling Act 2005 requires that a Licensing Authority adopt a Statement of Policy and that the Policy must be reviewed at least every 3 years. The existing Policy must be reviewed before January 2016.
7. It is within the remit of the Licensing Committee to advise on the preparation, content and implementation of these Policies.
8. With regard to the work being undertaken by Doncaster Council's Public Health department, this relates to work they are undertaking in Askern, Campsall and Norton as part of the Community Alcohol Partnership to reduce underage sales of alcohol and the associated anti-social behaviour. It is suggested that this may be appropriate to include on the agenda for the next Licensing Committee meeting.
9. Taxi fare tariffs are set by the Council, with the last tariff change being made in 2008, whereas private hire fares are determined by each individual operator. In response to the receipt of two trade proposals to increase the tariff, a consultation has been undertaken with the all the existing holders of hackney carriage licences to seek their views on the proposed tariffs. The feedback from the consultation is currently being considered and it is planned to bring this matter to the Licensing Committee in the near future for a recommended decision regarding any proposed change to the existing tariff.
10. The Licensing Hearing course is designed to provide training opportunities for all parties involved in licensing hearings. The training will take the format of a mornings training involving face to face training on the key principles of the Licensing Act 2003, the Section 182 National Guidance, the inter-relationship of The Licensing Act 2003 and other legislation and the conduct of hearings including evidential burden and providing reasons. The afternoon session will take the format of a number of workshops in small groups, dealing with specific scenarios, followed by a mock hearing. The fee for the course is £125 per delegate.

OPTIONS CONSIDERED

11. It is recommended that the Committee note the recommendations in section 2 (2.1.1 to 2.1.7)

REASONS FOR RECOMMENDED OPTION

14. N/A

IMPACT ON THE COUNCIL'S KEY PRIORITIES

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

	Priority	Implications
	<p>We will support a strong economy where businesses can locate, grow and employ local people.</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>We will help people to 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>We will make Doncaster a better place to live, with cleaner, more sustainable communities.</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>We will support all families to thrive.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	<p>None</p>
	<p>We will deliver modern value for money services.</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>We will provide strong leadership and governance, working in</p>	<p>None</p>

	partnership.	
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RISKS AND ASSUMPTIONS

16. None

LEGAL IMPLICATIONS

17. 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. Separate legal advice needs to be sought on the reviews of the various polices and taxi fare increases.

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. N/A

BACKGROUND PAPERS

21. N/A

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Part 1

Statistical Summary of licence applications (Licensing Act 2003) received by the Authority for the period 1st April 2014 to 31st March 2015.

Application Type	Number of Applications	Number of applications determined by the Licensing Sub-Committee	Comments
Personal Licence (New)	235	0	235 granted
Personal Licence (Renewal)*	47	0	47 granted. *See notes
Premises Licence (New)	49	7	48 granted, 1 application withdrawn.
Premises Licence (Transfer)	106	0	
Premises Licence (Review)	1	1	Premises licence revoked
Premises Licence (Variation)	30	1	30 granted
Premises Licence (Minor Variations)	21	N/A	21 granted
Premises Licence (Change of DPS)	200	0	199 granted (1 refused due to failing to meet application requirements)
Club Certificate (Minor Variation)	1	N/A	1 granted
Total Number of Applications	691	9	<2% of all applications come before the Licensing Sub-Committee.

Notes:

* From Personal Licences that expire on after 1st April 2015 no longer need to be renewed. (Section 69, Deregulation Act 2015)

Part 2

Statistical Summary of licence applications (Gambling Act 2005) received by the Authority for the period 1st April 2014 to 31st March 2015.

Application Type	Number of Applications	Number of applications determined by the Licensing Sub-Committee	Comments
Premises Licence - Betting Non Track (New)	1	1	Granted by LSC.
Premises Licence (Transfer)	1	0	Bingo premises
Club Machine Permit	3	0	

Part 3

Statistical summary of the licensing enforcement actions taken/commenced by the Business Safety & Licensing during the period 1st April 2014 to 31st March 2015.

Enforcement Action Taken	Number of Actions
Licensed taxi/private hire vehicle suspended from service	249
Licensed taxi/private hire driver suspended	71
Taxi/Private hire driver licence revoked	7
Premises Licence suspended (Licensing Act 2003)	158
Private hire operator licence renewal refused/revoked	1
Private hire operator prosecuted	1
Unlicensed private hire driver prosecuted	1
Licensed taxi/private hire driver prosecuted	1