

DONCASTER METROPOLITAN BOROUGH COUNCIL

LICENSING COMMITTEE

THURSDAY, 14TH JUNE, 2018

A MEETING of the LICENSING COMMITTEE was held at the COUNCIL CHAMBER - CIVIC OFFICE on THURSDAY, 14TH JUNE, 2018, at 10.00 am.

PRESENT:

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

Councillors Duncan Anderson, Steve Cox, John Gilliver, Charlie Hogarth, Sue McGuinness, David Nevett, Ian Pearson and Frank Tyas

APOLOGIES:

Apologies for absence were received from Councillors Bev Chapman, Neil Gethin, Martin Greenhalgh and Nikki McDonald.

1 **Declarations of Interest, if any.**

There were no declarations made at the meeting.

2 **Minutes of the Licensing Committee Meeting held on 22nd June, 2017**

RESOLVED that the minutes of the meeting of the Licensing Committee, held on 22nd June, 2017, be approved as a true record and signed by the Chair.

3 **Terms of Reference, Procedure and Delegations**

The Licensing Committee were presented with a report that provided information on the Terms of Reference of the Committee, and its procedure and delegations in terms of dealing with Licensing and Gambling applications and appeals.

Members noted that the Terms of Reference of the Committee had been agreed by Full Council at the Annual Meeting in May, and remained unchanged from the previous year and were presented to the Licensing Committee for their information. A copy of the Terms of Reference had been attached as Appendix A to the report.

With regard to the Procedure for hearings, Members were advised by Officers that this had been revised, with the role of the legal advisor clarified in order to provide greater clarity and transparency. Their role during the hearing and deliberations was that of an advisor and they were not there to assist in the final decision.

A number of concerns were raised by Members with regard to the possibility of any individuals undertaking covert recordings during the deliberations at a hearing and it was agreed that a revision be made to make this clear that it would not be allowed to happen, and that all attendees would be requested to move their personal belongings from the room during this process unless directed otherwise.

A number of other points were raised by Members, with concerns raised on issues regarding quality of evidence presented by Responsible Authorities at hearings. However, Members were informed that there was little that could be done in respect of this other than advise that any evidence provided needed to be of high quality.

Member's attention was also brought to a number of typographical errors within the report which would be amended within the documents prior to their use. These referred to the following:-

- The last line of paragraph 10 of the report be deleted (page 7 of the agenda);
- The amendment of The Gambling Act 2007 to read as The Gambling Act 2005 within Appendix D to the report (page 25 of the agenda); and
- The addition of the following point after 5(b) to the procedures for Licensing Hearings as attached at Appendix B1 and B2 to the report:-

'All persons required to vacate the room during deliberations shall be required to take all their personal belongings out of the room except as may directed by the Committee'

RESOLVED that:-

- 1) The Terms of Reference for the Licensing Committee and the Licensing Sub-Committees as attached at Appendix A to the report be noted;
- 2) The revised procedures set out in Appendices B1 and B2 be the procedures for Licensing and Sub-Committee hearings held under the Licensing Act 2003 and the Gambling Act 2005 respectively be agreed subject to the addition of an additional point after 5(b) to read as follows:-

"All persons required to vacate the room during the deliberations shall be required to take all their personal belongings out of the room except as may be directed by the Committee"

- 3) The Committee agree the delegation of functions as set out in Appendices C1 and C2;
- 4) The appointment of Members to the Licensing Sub-Committee as asset out in Appendix D be noted; and
- 5) The procedure for dealing with settling appeals after the Sub-Committee hearing but before the appeal hearing in the Magistrates Court is decided as set out in Appendix E be agreed

4 Licensing Act 2003, Gambling Act 2005 and General Licensing Update

The Committee considered a report that provided an update to Members on the activities of the Committee and Sub-Committee over the previous year, as well as issues which related to the Licensing Act 2003, the Gambling Act 2005, and any matters of importance that were due for consideration in the coming Municipal Year.

Members were informed that during the period from 1st April, 2017 to 31st March, 2018, the Licensing Sub Committee had met on 18 occasions along with the formal Committee on 1 occasion. The Licensing Committee was one of the busiest Committees within the Council, and only Cabinet had met more frequently.

The report informed Members that there had been some changes to the Licensing Act 2003 and the Home Office Guidance, a summary of which was provided within the report and accompanying appendices. This guidance had also been published on the internet, and Members had received briefings on it at their recent training sessions.

With regard to the Statement of Licensing Policy (Gambling Act 2005), the Committee were informed that this was due for its triennial review, and it was anticipated that this would be adopted by Council prior to 3 January 2019, following consideration by both the Licensing Committee and the Executive who would look to recommend its approval by Full Council.

Member's attention was also drawn to the Bawtry Cumulative Impact Policy that had now been in effect for over 2 years and would be soon subject to review. Officers advised that consultation would be undertaken and the outcome would be presented to the Committee for a determination and ultimate recommendation for approval by Council.

Finally, the last issue to raise was that of the Council's hackney carriage and private hire licensing policy. This was to be reviewed in terms of determining the suitability of applicants and licensees, looking in particular at any relevant convictions people may hold. It was expected that this would be brought to the Licensing Committee in the latter part of 2018, and would take account of new guidance recently published.

Following consideration of the report and the points raised within it, Members were given the opportunity to voice any concerns or questions they had to Officers.

A brief discussion was held in relation to the Hackney Carriage and Private Hire Licensing Policy, as a number of concerns were voiced in relation to drivers from other areas but who operated within the Doncaster boundary. Members were informed that following the introduction of additional local conditions, these were not now known as 'out of town' taxis operating for Doncaster Private Hire companies. Members were informed that it was however, legitimate and common practice for customers, particularly those living in the outlying districts, to book a private hire vehicle with a private hire operator based in another Council area with the proviso that the booking was made lawfully.

Finally Members' attention was brought to an error within the report. On page 35 of the agenda when speaking of reviewing the Cumulative Impact Area, it advised that this should be done before April 2012. However, Members noted that this should state that the review be undertaken before April 2021 instead.

RESOLVED that

- 1) For the period 1st April 2017 to 31st March 2018, it was noted that the following committees were convened:-

- Licensing Committee – 1 occasion
- Licensing Sub-Committee - 18 occasions

A total of 18 applications / notices were determined by the Licensing Sub-Committee, all of which were applications made under the Licensing Act 2003.

- 2) Statistical details of all other licence applications (Licensing Act 2003 and Gambling Act 2005) determined by the Authority and a summary of significant licensing enforcement actions, for the period 1st April 2017 to 31st March 2018, attached as Appendix A to the report , be noted;

- 3) The recent changes to the Licensing Act 2003 and the Home Office guidance as summarised in section 5 and Appendix B of the report be noted;
- 4) It be noted that following a period of consultation the Licensing Committee would consider the reviewed Licensing Policy to the Executive for adoption by Council which must be adopted by 3rd January 2019 to take effect from the 31st January 2019.
- 5) The Bawtry Cumulative Impact Policy was due for review. And would be subject to a period of consultation, following which it would be brought back to the Licensing Committee for consideration; and
- 6) It was agreed that following the publication of new guidance, the Council's existing hackney carriage and private hire licensing policy is to be reviewed with regard to the guidelines on determining the suitability of applicants and licensees with particular regard to the relevance of convictions. Following a period of consultation with all stakeholders it is planned to bring the matter to the Licensing Committee in the latter part of 2018 for a determination on any proposed changes.