



# Doncaster Council

## Agenda

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To all Members of the

## LICENSING COMMITTEE

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

**Venue:** Council Chamber, Civic Office Floor 2

**Date:** Thursday, 14th June, 2018

**Time:** 10.00 am

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### Items for Discussion:

#### Item

#### PageNo.

1. Apologies for absence
  2. To consider the extent, if any, to which the public and press are to be excluded from the meeting.
  3. Declarations of Interest, if any.
  4. Minutes of the Licensing Committee Meeting held on 22nd June, 2017 1 - 4
- A. Reports where the public and press may not be excluded**

**Jo Miller**  
**Chief Executive**

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Issued on: Wednesday, 6 June 2018

**Governance Services Officer for this meeting**

Sarah Maxfield  
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**Doncaster Metropolitan Borough Council**  
**www.doncaster.gov.uk**

**For decision and noting.**

- |    |   |         |
|----|---|---------|
| 5. | Terms of Reference Procedure and Delegations                        | 5 - 26  |
| 6. | Licensing Act 2003, Gambling Act 2005 and General Licensing Update. | 27 - 36 |

**Members of the Licensing Committee**

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

Councillors Duncan Anderson, Bev Chapman, Steve Cox, Neil Gethin, John Gilliver, Martin Greenhalgh, Charlie Hogarth, Nikki McDonald, Sue McGuinness, David Nevett, Ian Pearson and Frank Tyas.

## DONCASTER METROPOLITAN BOROUGH COUNCIL

### LICENSING COMMITTEE

THURSDAY, 22ND JUNE, 2017

A MEETING of the LICENSING COMMITTEE was held at the COUNCIL CHAMBER - CIVIC OFFICE on THURSDAY, 22ND JUNE, 2017, at 3.00 pm.

#### PRESENT:

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

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

#### APOLOGIES:

Apologies for absence were received from Councillor Neil Gethin.

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

There were no declarations made at the meeting.

#### 2 Minutes of the Licensing Committee Meeting held on 15th December, 2016

RESOLVED that the minutes of the Licensing Committee Meeting held on 15 December, 2016, be approved as a true record and signed by the Chair.

#### 3 Terms of Reference, Procedures and Delegations.

Members received a report that detailed the Terms of Reference for the 2017/18 Municipal Year, and also outlined the procedure to be followed for Licensing Hearings, as well as the agreement of the delegation of functions.

As the Licensing Authority, Doncaster Council was required to establish a Licensing Committee and Sub-Committee in order to discharge its duties under the Licensing Act 2003 and the Gambling Act 2005, thus allowing the Council to make the required licensing decisions.

The Terms of Reference had been approved by Full Council at its Annual Meeting on 19th May, 2017, a copy of which had been appended to the report for information.

RESOLVED that:-

- 1) The Licensing Committee note the Terms of Reference as detailed in Appendix A to the report;
- 2) The Licensing Committee note the Terms of Reference for the Licensing Sub-Committee as detailed in Appendix A to the report;

- 3) Members of the Licensing Committee approve the procedures set out in Appendices B1 and B2 to the report, and these be the procedures to be followed for the Licensing Committee and Licensing Sub-Committee Hearings held under the Licensing Act 2003 and the Gambling Act 2005 respectively;
- 4) The delegation of functions set out in Appendix C1 and C2 be agreed;
- 5) The appointment of Members to the Licensing Sub-Committee as set out in Appendix D be agreed; and
- 6) The procedure for dealing with settling appeals after the Sub-Committee Hearing but prior to an appeal hearing in the Magistrates Court be approved.

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

Members received a report that provided an update on any issues relating to the Licensing Act 2003, the Gambling Act 2005 and additionally, any significant licensing enforcement actions.

Members of the Licensing Committee had requested that they be provided with details of any developments and issues on a regular basis in order that they continue to be best placed to deal with future licensing decisions.

Members discussed the points of concern and any issues that they felt warranted further clarity. It had been noted that there had been a few revisions to the guidance by the Home Office since the last Inaugural Meeting of the Licensing Committee in 2016. The guidance was last reviewed in 2015, and changes that had now been brought about related to the Immigration Act 2016. The Licensing Authority was now required to check the eligibility of those applying for a license to work in the UK. This required the Licensing Authority to work alongside the Home Office Immigration Enforcement as well as the Police in order to prevent immigration crime. It was noted that Doncaster had long established links with these services in order to ensure that this was successfully managed. Members noted that this had already been applied to taxi licensing in the previous year and provided the option to provide a time restricted licence based on a person's eligibility to work in the country.

#### RESOLVED that:-

- 1) Members note that for the period 1 April, 2016 to 31 March, 2017, the following Committees were held:
  - 2 Licensing Committees
  - 14 Licensing Sub-Committees
- 2) The 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 1 April, 2016 to 31 March, 2017, be noted. (attached at Appendix A to the report); and
- 3) The recent changes to the Licensing Act 2003 and the Home Office Guidance as summarized in Appendix B be noted.

## 5 'Reduce the Strength' Campaign.

Andy Collins, Public Health Co-Ordinator, presented a report to the Committee which provided information relating to the 'Reduce the Strength' campaign that was due to be rolled out to Off Licences within Doncaster Town Centre in order to encourage the establishments to adopt a voluntary initiative to remove low price, high strength alcoholic products from the shelves.

Similar campaigns have been introduced in other areas of the country, including Ipswich and Portsmouth where its success has been acknowledged. Whilst Reduce the Strength Campaigns vary from place to place, they largely targeted white cider and super strength lager which were above 6.5% in volume.

It was reported that approximately 1.6 million adults in England were dependant on alcohol, which could lead to a wide range of conditions, including cancer, heart disease, strokes and liver disease, with the estimated cost to society of dealing with these conditions estimated to be around £21bn, with the NHS incurring £3.5bn a year alone.

The Committee noted that since the introduction of the scheme in Portsmouth there had been a 39% drop in street drinkers and a 43% drop in associated incidents and there had been a significant number of reductions in street drinking and alcohol related violence.

The Reduce the Strength would look to cover all off licences within the town centre, Broxholme Lane Christ Church Road, Copley Road, Highfield Road and Nether Hall Road where there was currently a Cumulative Impact Zone in place. Members noted that this area was the same area where the main focus of the 'complex lives' work was being undertaken in order to support vulnerable people.

Further to the presentation of the report, Members discussed the points raised and held a thorough debate on the issues and concerns that had become apparent. Whilst Members were largely supportive of the scheme and felt that this could bring some benefit to the targeted community, concern was voiced that they had not been made aware of the proposal to implement this scheme at an earlier point in the process of its development. As 'the Licensing Committee', they felt that they could have added depth to the consultation and insight and understanding that may not have been included as a result. Members agreed to support the campaign but felt that in future, they should be made aware of anything of this nature well in advance in order to ensure that the proper consultation and engagement took place.

Members noted that it was imperative that Public Health engaged effectively with the local shopkeepers in order to gain their support, as initially they could see this as having a potential effect on their business and therefore it was important to create a good relationship where they worked well together to tackle problems within the area.

The Committee were informed that both Councillor Nigel Ball, Portfolio Holder for Public Health, Leisure and Culture and the Health and Well Being Board had been consulted on the initiative and were wholly supportive of this scheme, and it was hoped that it would be implemented by the autumn.

RESOLVED that the Licensing Committee note the contents of the report.

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## Doncaster Council

### Report

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**Date: 14<sup>th</sup> June 2018**

**To the Chair and Members of the  
LICENSING COMMITTEE**

#### **TERMS OF REFERENCE, PROCEDURES AND DELEGATIONS**

#### **EXECUTIVE SUMMARY**

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

#### **RECOMMENDATIONS**

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

## WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER

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

## BACKGROUND

4. The terms of Reference of the Licensing Committee are unchanged from those that were noted by the Licensing Committee on the 22<sup>nd</sup> June 2017. A copy of the Terms of Reference is set out in the Appendix A to this report for the Committee to note.
5. The Licensing Act 2003 and the Gambling Act 2005 enables the Licensing Committee to determine its own procedure and those of its Sub-Committees subject to the provisions of the Licensing Act 2003 (Hearings) Regulations 2005 and the Gambling Act 2005 (Proceedings of Licensing Committees and Sub-committees) (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007 respectively. The procedures are set out in Appendix B1 and B2 of this report and are amended as summarised below and highlighted in the respective documents.
  - I. Reference to the interested parties expression removed (part 1 Licensing Act 2003 only)
  - II. Party/Parties to the hearing definition added (part 1 Licensing Act 2003 and Gambling Act 2005)
  - III. Reference to the consideration of an adjournment or extension request added. (part 2e Licensing Act 2003 and Gambling Act 2005)
  - IV. Reference to the presence of the note taker during deliberations/determination added (part 5a Licensing Act 2003 and Gambling Act 2005)
  - V. Role of the legal adviser during deliberations/determination added. (part 5a Licensing Act 2003 and Gambling Act 2005)
  - VI. Amended procedure for dealing with appeals. (Appendix E)
6. The Licensing Act 2003 provides that the functions of the Council as the Licensing Authority shall be carried out by its Licensing Committee, with the exception of the Statement of Licensing Policy. The Licensing Committee may delegate those functions to Sub-Committees or, where permitted, to officers. The delegation of functions, unchanged from the version agreed on 22<sup>nd</sup> June 2017, is 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, unchanged from the version agreed on 22<sup>nd</sup> June 2017, 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, as set out in Appendix D, is unchanged with the minimum number of Members required to be quorate being 3.
  9. For hearings held to consider matters relating to the Licensing Act 2003 or the Gambling Act 2005, where more than 3 Members attend those additional Members would be able to choose from the following options:
    - Stay and take part in the meeting and determine the outcome with the rest of the Sub-Committee Members;
    - Sit in the public area as an observer; or
    - Leave the meeting if they so wished.
  10. In the case of an appeal against a Sub-Committee decision there is no reason why mediation or other discussions should not be held between the Licensing Authority and the appellant, once an appeal has been lodged, to either settle the matter entirely or to resolve those issues that can be resolved or indeed to identify issues in dispute. The procedure for dealing with settling appeals after the Sub Committee hearing but before the appeal hearing in the Magistrates' Court is set out in Appendix E. The procedure has been revised to include reference to those who may be providing legal advice to licensing officers during the appeal process.

#### **OPTIONS CONSIDERED**

11. No other option was considered.

#### **REASONS FOR RECOMMENDED OPTION**

12. The Committee must note the Terms of Reference, may adopt its own Procedures, may establish one or more sub-committees and may determine the delegation of functions under the Licensing Act 2003 and the Gambling Act 2005.
13. The principles behind the delegation of functions for the Licensing Act 2003 and the Gambling Act 2005 are published in Doncaster Council's respective Statements of Licensing Policy. It is recognised that many of the decisions and functions will be purely administrative in nature and it is therefore the policy of Doncaster Council that functions, so far as possible, should be delegated in the interests of speed, efficiency and cost effectiveness. (*Section 13.1 of the Council's Statement of Licensing Policy – Licensing Act 2003 and Section 3.2 of the Council's Statement of Licensing Policy – Gambling Act 2005*)
14. The procedure for dealing with appeals has been revised to provide improved clarity.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

15.

	Outcomes	Implications
	<p><b>Doncaster Working:</b> Our vision is for more people to be able to pursue their ambitions through work that gives them and Doncaster a brighter and prosperous future;</p> <ul style="list-style-type: none"> <li>• Better access to good fulfilling work</li> <li>• Doncaster businesses are supported to flourish</li> <li>• Inward Investment</li> </ul>	
	<p><b>Doncaster Living:</b> Our vision is for Doncaster's people to live in a borough that is vibrant and full of opportunity, where people enjoy spending time;</p> <ul style="list-style-type: none"> <li>• The town centres are the beating heart of Doncaster</li> <li>• More people can live in a good quality, affordable home</li> <li>• Healthy and Vibrant Communities through Physical Activity and Sport</li> <li>• Everyone takes responsibility for keeping Doncaster Clean</li> <li>• Building on our cultural, artistic and sporting heritage</li> </ul>	<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><b>Doncaster Learning:</b> Our vision is for learning that prepares all children, young people and adults for a life that is fulfilling;</p> <ul style="list-style-type: none"> <li>• Every child has life-changing learning experiences within and beyond school</li> <li>• Many more great teachers work in Doncaster Schools that are good or better Learning in Doncaster prepares young people for the world of work</li> </ul>	<p>None</p>
	<p><b>Connected Council:</b></p> <ul style="list-style-type: none"> <li>• A modern, efficient and flexible workforce</li> <li>• Modern, accessible customer</li> </ul>	

	<p>interactions</p> <ul style="list-style-type: none"> <li>• Operating within our resources and delivering value for money</li> <li>• A co-ordinated, whole person, whole life focus on the needs and aspirations of residents</li> <li>• Building community resilience and self-reliance by connecting community assets and strengths</li> <li>• Working with our partners and residents to provide effective leadership and governance</li> </ul>	
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## **RISKS AND ASSUMPTIONS**

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

## **LEGAL IMPLICATIONS [Officer Initials HW and MCC Date 23/5/18]**

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. Whilst these sections do not apply to the Licensing Committee or Licensing Sub-Committees the Council has chosen to utilise the format as set out in these provisions to ensure the good governance of the committee. The Council is obliged by law to appoint a Licensing Committee under the Licensing Act 2003 and Gambling Act 2005. Further secondary Regulations determine the requirements of a licensing hearing and the process to follow. Any additional procedures the Licensing Committee chooses to recommend and the Council agrees must comply with these regulations. Therefore, care must be taken to ensure the procedure agreed and delegations comply with the relevant statutes.

## **FINANCIAL IMPLICATIONS [Officer R Taylor – 02.05.2018]**

18. There are no specific financial implications associated with this report. The costs associated with applications and their determinations are generally met from fees paid to the Council by applicants for Authorisations/Licences under the relevant licensing enactments and there are no further financial considerations.

## **HUMAN RESOURCES IMPLICATIONS [Officer D Knapp 09.05.2018]**

19. There are no human resource implications to this type of report.

## **TECHNOLOGY IMPLICATIONS [Officer P Ward – 03.05.2018]**

20. There are no technology implications to this report

## **HEALTH IMPLCATIONS [Officer C Temperton – 14.5.18]**

21. Evidence shows a strong correlation between problem gambling and problem drinking within areas of high deprivation. As Doncaster is has a significant number of ward areas that are some of the most deprived in the country Public Health would ask that Decision makers consider the impact on the health and wellbeing of individuals when assessing applications. Public Health would advise that continued use of tools such as Cumulative Impact Zones are utilised to ensure proliferation of licensed establishments is minimised.

### **EQUALITY IMPLICATIONS [Officer P Williams 23.04.2018]**

22. 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**

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

### **BACKGROUND PAPERS**

- 24.
- Report to Annual Council, Terms of Reference Report.
  - Licensing Act 2003
  - Gambling Act 2005
  - Licensing Act 2003 (Hearings) Regulations 2005
  - Gambling Act 2005 (Proceedings of Licensing Committees and Sub-committees) (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007
  - Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 – April 2018
  - Gambling Commission Guidance to licensing authorities 5<sup>th</sup> edition.
  - Doncaster Council's Statement of Licensing Policy (2016) – Licensing Act 2003
  - Doncaster Council's Statement of Licensing Policy (2016) – Gambling Act 2005

### **REPORT AUTHOR & CONTRIBUTORS**

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

## **LICENSING SUB-COMMITTEES**

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

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

### **Terms of Reference**

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

**DONCASTER METROPOLITAN BOROUGH COUNCIL****LICENSING ACT 2003**  
**LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005****1. Meaning of Expressions used in this Document**

- “the Act”* - Licensing Act 2003
- “the Regulations” or any particular reference to a “Regulation”* - The Licensing Act 2003 (Hearings) Regulations 2005
- “the Authority”* - Doncaster Metropolitan Borough Council, in its capacity as the relevant licensing authority under the Act, or where the context so admits the Committee
- “the Committee”* - the Sub-Committee of the Authority’s Licensing Committee constituted under the Act to determine the matter before it
- “the Chair”* - the member of the Committee appointed to act as Chairperson of the Committee
- “the Applicant”* - the party making the application e.g. the licence/certificate holder or prospective holder, or the party seeking a review
- “responsible authorities”* - the public or other bodies described in the Act as “responsible authorities” and who have made representations
- “party”* - means person(s) to whom notice of hearing is to be given (including their representatives) and “party” and “parties” shall be construed accordingly

## **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.
- (e) The Authority has the power to consider adjournments and an extension of time limits provided for within the Regulations on the basis it is in the public interest to do so. When a request for an adjournment or an extension of time is received the request is referred to the Chair for agreement provided the request can be accommodated in the statutory time frame. If this is not possible the matter shall be determined by the Committee at the prelisted hearing.

## **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 the presence of the note taker and legal adviser only, 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. The function of the legal adviser shall be to advise the Committee on points of law and procedure only.
- (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.
- (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 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
<i>“party”</i>	- means person(s) to whom notice of hearing is to be given (including their representatives) and “party” and “parties” shall be construed accordingly

## **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.
- (e) The Authority has the power to consider adjournments and an extension of time limits provided for within the Regulations on the basis it is in the public interest to do so. When a request for an adjournment or an extension of time is received the request is referred to the Chair for agreement provided the request can be accommodated in the statutory time frame. If this is not possible the matter shall be determined by the Committee at the prelisted hearing.

### **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 the presence of the note taker and legal adviser only, 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. The function of the legal adviser shall be to advise the Committee on points of law and procedure only.

- (b) Subject to paragraph (a) above, the Chair shall formally exclude the public including, the parties and their representatives from the meeting under Regulation 8(2), to enable the Committee to deliberate.
- (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 any appeal or judicial review).



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

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

**LICENSING COMMITTEE**

**Chair: Cllr 1, Vice-Chair: Cllr 2**

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

**LICENSING SUB-COMMITTEES**

**(Appointed under the Licensing Act 2003, section 10)**

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

Please note:

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

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

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

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



## Doncaster Council

### Report

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To the Chair and Members of the

## LICENSING COMMITTEE

Licensing Act 2003, Gambling Act 2005 and General Licensing Update

### EXECUTIVE SUMMARY

1. The purpose of this report is to update Members on the activities of the Committee and Sub Committee in the previous year, issues relating to the Licensing Act 2003, the Gambling Act 2005, upcoming matters and any significant licensing enforcement actions.

### RECOMMENDATIONS

2. It is recommended that Members note the matters referred to in points 2.1 to 2.5 and approve point 2.6 below.
  - 2.1 For the period 1<sup>st</sup> April 2017 to 31<sup>st</sup> March 2018 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.

- 2.2 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 1<sup>st</sup> April 2017 to 31<sup>st</sup> March 2018, are attached as Appendix A.
- 2.3 The recent changes to the Licensing Act 2003 and the Home Office guidance as summarised in section 5 and Appendix B.
- 2.4 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 2018). The Policy must be adopted by 3<sup>rd</sup> January 2019 to take effect from the 31<sup>st</sup> January 2019.

- 2.5 The Bawtry Cumulative Impact Policy has now been in effect for over 2 years and, as per the decision made at the time of adoption to review after 2 years, it is now due for review. Following a period of consultation the Licensing Committee will be required to make a determination and recommend to Council whether a policy regarding cumulative impact is required or not (expected to be presented to Council in Nov 2018).
- 2.6 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.

### **WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER**

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

### **BACKGROUND**

4. The Licensing Committee have historically requested that the Committee be furnished with details of the licensing decisions (Licensing Act 2003 and Gambling Act 2005), that are delegated outside the remit of the Committee and Sub-Committee, at least annually at the inaugural meeting. Statistical details of these decisions along with a summary of the significant enforcement actions taken by the Business Safety & Licensing service are attached at Appendix A. The figures are based on licence applications and enforcement actions that were received and completed respectively during the period 1<sup>st</sup> April 2017 to 31<sup>st</sup> March 2018. The figures relating to sub-committees refer to hearings that were convened during the above period but they also include decisions on some applications that were received in the latter part of the previous year.
5. Since the last meeting of the Licensing Committee the Home Office has issued revised Guidance under Section 182 of the Licensing Act 2003. The April 2018 version of the Guidance is published on the internet and Members will have had access to the Guidance at the recently convened hearings training. The Guidance contains a number of amendments, including:
  - a. There are several changes in relation to guidance on Temporary Event Notices (TEN's). These include clarification that TENS' users shall provide clear descriptions of locations when events are held in open spaces and particularly when adjacent plots are used and how the user will ensure that each 499 occupancy limit is maintained. There is also suggested good practice for local authorities to notify local Councillors and residents by putting their TENS' on the Council's website to facilitate public access. Doncaster Council has published an online register of TENS on its website for several years.

- b. There is confirmation about where the sale of alcohol takes place in relation to beer gardens, the sale is not outside unless there is an outdoor bar and that if the area is simply for consumption of alcohol then there is no requirement to put the outside area on the licensing plan.
  - c. There is some clarity on the hearing process and the use of adjournments to extend time limits if it is in the public interest and if the parties are in negotiation. There is further guidance with regard to the handling of appeals against decisions of the licensing committee/sub-committee.
  - d. There are new paragraphs relating to the changes that give cumulative impact assessments (CIAs) a statutory footing.
6. Details of the significant legislative change affecting the Licensing Act 2003 is summarised in Appendix B of this report.
7. 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 2019. It is within the remit of the Licensing Committee to advise on the preparation, content and implementation of these Policies.
8. The Bawtry Cumulative Impact Policy (CIP) has now been in effect for over 2 years and, as per the decision made at the time of adoption to review after 2 years, it is now due for review. As detailed in Appendix B, a legislative change has introduced the concept of 'Cumulative Impact' formally into the Licensing Act 2003 in the form of Cumulative Impact Assessments (CIA). The review of the Bawtry CIP will be undertaken in accordance with the new provisions.
9. The Council have responsibility for the licensing and regulation of the hackney carriage (taxi) and private hire trades. Whilst licensing decisions are delegated to officer level, it is within the remit of the Licensing Committee to determine policy and advise on the preparation, content and implementation of taxi licensing policies. The Council's existing policy and guidelines concerning the relevance of convictions for new and existing licence holders in the taxi and private hire trades was adopted in 2012 and is based on Home Office guidance issued in the early 1990s. Whilst each application must be considered on its individual merits, guidelines covering recommended minimum periods free of conviction for offences falling into broad categories act as a guideline to decision makers and afford potential applicants the ability to make an informed decision as to whether or not to apply. Following a period of consultation, the Institute of Licensing published new guidance, in April 2018, on determining the suitability of applicants and licences in the hackney carriage and private hire trades. With the Committee's consent it is proposed to undertake a period of consultation with all interested parties with a view to this new guidance being adopted by Doncaster Council. The results of the consultation will be reported back to the Licensing Committee for a determination at a later date. If, as is hoped, this guidance becomes widely adopted, this will result in a degree of national uniformity, which serves the public interest in consistency, certainty and confidence in the licensing

system.

## OPTIONS CONSIDERED

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

## REASONS FOR RECOMMENDED OPTION

11. N/A

## IMPACT ON THE COUNCIL'S KEY OUTCOMES

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

	<b>Outcomes</b>	<b>Implications</b>
	<p><b>Doncaster Working:</b> Our vision is for more people to be able to pursue their ambitions through work that gives them and Doncaster a brighter and prosperous future;</p> <ul style="list-style-type: none"> <li>• Better access to good fulfilling work</li> <li>• Doncaster businesses are supported to flourish</li> <li>• Inward Investment</li> </ul>	<p>It is recognised that licensed premises are, quite often, businesses and places of employment.</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><b>Doncaster Living:</b> Our vision is for Doncaster's people to live in a borough that is vibrant and full of opportunity, where people enjoy spending time;</p> <ul style="list-style-type: none"> <li>• The town centres are the beating heart of Doncaster</li> <li>• More people can live in a good quality, affordable home</li> <li>• Healthy and Vibrant Communities through Physical Activity and Sport</li> <li>• Everyone takes responsibility for keeping Doncaster Clean</li> <li>• Building on our cultural, artistic and sporting heritage</li> </ul>	<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><b>Doncaster Learning:</b> Our vision is for learning that prepares all children, young people and adults for a life that is fulfilling;</p> <ul style="list-style-type: none"> <li>• Every child has life-changing learning experiences within and beyond school</li> <li>• Many more great teachers work in Doncaster Schools that are good or better</li> </ul>	<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>



	Learning in Doncaster prepares young people for the world of work	
	<p><b>Doncaster Caring:</b> Our vision is for a borough that cares together for its most vulnerable residents;</p> <ul style="list-style-type: none"> <li>• Children have the best start in life</li> <li>• Vulnerable families and individuals have support from someone they trust</li> <li>• Older people can live well and independently in their own homes</li> </ul>	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><b>Connected Council:</b></p> <ul style="list-style-type: none"> <li>• A modern, efficient and flexible workforce</li> <li>• Modern, accessible customer interactions</li> <li>• Operating within our resources and delivering value for money</li> <li>• A co-ordinated, whole person, whole life focus on the needs and aspirations of residents</li> <li>• Building community resilience and self-reliance by connecting community assets and strengths</li> <li>• Working with our partners and residents to provide effective leadership and governance</li> </ul>	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..

## RISKS AND ASSUMPTIONS

13. None

## LEGAL IMPLICATIONS [Officer Initials HW Date 23/5/18]

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

## FINANCIAL IMPLICATIONS [Officer RT. Date: 23.05.2018]

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

## HUMAN RESOURCES IMPLICATIONS [Officer DK Date 24/05/2018]

There are no specific human resource implications to this type of report.

## TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 23.05.2018]

16. There are no specific technology implications in regards to this type of report. The Northgate M3 system is used to process applications and record the information.

## **HEALTH IMPLICATIONS [Officer Initials CT Date 23.05.2018]**

17. As a consultee, Public Health welcomes the opportunity to contribute to the:
- Review of the Statement of Licensing Policy (Gambling Act 2005). Problem gambling can have significant negative impacts on individuals and families and any measure to ensure that this is minimised is welcomed.
  - Consultation about the changes to the Hackney Carriage and Private Hire Licensing Policy. Public Health welcomes the changes to the guidance in relation to convictions; it is imperative the public are secure in the knowledge that they are safe using this mode of transport.
  - The review of the Bawtry Cumulative Impact Policy.

## **EQUALITY IMPLICATIONS [Officer Initials DDS Date 11 May 2018]**

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. N/A

## **BACKGROUND PAPERS**

20. [Home Office, Revised Guidance issued under section 182 of the Licensing Act 2003](#)
21. [Institute of Licensing Guidance on determining suitability of applicants and licensees in the hackney and private hire trades.](#)

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**Peter Dale**  
**Director of Regeneration and Environment**

## Part 1

Statistical Summary of licence applications (Licensing Act 2003) and notices received by the Authority for the period 1<sup>st</sup> April 2017 to 31<sup>st</sup> March 2018.

Application Type	Number of Applications	Number of applications determined by the Licensing Sub-Committee	Comments
Personal Licence (New)	199	0	199 granted
Premises Licence (New)	65	7	7 applications were granted by the LSC
Premises Licence (Transfer)	106	0	105 granted, 1 withdrawn.
Premises Licence (Review)	10	9	1 application withdrawn.  1 licence suspended and 8 licences revoked by the LSC.
Premises Licence (Variation)	17	1	1 application granted by LSC.
Premises Licence (Minor Variations)	17	N/A	17 granted.
Premises Licence (Change of DPS)	182	0	179 granted, 2 rejected/ incomplete application and 1 withdrawn.
Club Certificate (New)	1	0	1 granted
Club Certificate (Minor Variation)	1	N/A	1 granted
Standard Temporary Event Notice (TEN)	236	1	230 accepted.  1 counter notice issued by the LSC
Late TEN	137	N/A	119 accepted
<b>Total Number of Applications</b>	<b>971</b>	<b>18</b>	1.9% of all applications received were determined by the LSC.

**Key:** LSC – Licensing Sub-Committee

**Part 2**

Statistical Summary of Premises Licence applications (Gambling Act 2005) received by the Authority for the period 1<sup>st</sup> April 2017 to 31<sup>st</sup> March 2018.

Application Type	Number of Applications	Number of applications determined by the Licensing Sub-Committee	Comments
Premises Licence - Betting Non Track (New)	0	0	
Club Gaming Permit	0	N/A	
Club Machine Permit	2	N/A	1 new, 1 renewal. Both granted.
Small Society Lotteries (New)	21	N/A	20 granted, 1 withdrawn.

**Part 3**

Statistical summary of the main licensing enforcement actions taken/commenced by Business Safety & Licensing during the period 1<sup>st</sup> April 2017 to 31<sup>st</sup> March 2018.

Enforcement Action Taken	Number of Actions
Licensed Taxi/Private Hire vehicle suspended from service	184
Licensed Taxi/Private Hire driver suspended	181
Taxi/Private Hire driver licences revoked	5
Taxi/Private Hire driver licence applications refused (new applications & applications to renew)	3
Premises Licence suspended (Licensing Act 2003)	111
Unauthorised licensable activity – Licensing Act 2003 (Prosecutions/Cautions)	6
Taxi licensing prosecution/caution	6

## Change introduced by the Policing and Crime Act 2017

“Cumulative Impact” has been described within the Section 182 Guidance and used by licensing authorities within their statement of licensing policy since the commencement of The Licensing Act 2003. With effect from 6<sup>th</sup> April 2018, ‘Cumulative impact assessments’ (CIAs) were introduced into the 2003 Act by the Policing and Crime Act 2017 thereby giving them a basis in law.

A Cumulative Impact Assessment (CIA) may be published by a licensing authority to help it to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. CIAs relate to applications for new premises licences and club premises certificates and applications to vary existing ones in a specified area or zone.

Under the new provisions, after publishing a CIA the licensing authority must, within 3 years, review decision. The 3 year period for reviewing a CIA begins with the original date of publication of the CIA or the date that it was last revised.

Doncaster currently has 3 Cumulative Impact Policies (CIP’s) which came in to effect in January 2016. As CIPs were not part of the 2003 Act, there are no transitional provisions that apply to CIP’s that were in place before 6 April 2018. Guidance states that any existing CIP’s should be reviewed at the earliest practical opportunity to ensure they comply with the legislation. It is recommended that the review should take place within 3 years of the commencement of the legislation on CIAs (i.e. before April 2019) or when the licensing policy statement is next due for review, whichever is sooner. This will ensure that any CIP’s in place before the commencement of the provisions on CIAs adhere to the principles in the legislation (in particular concerning relevant evidence and consultation).

Doncaster Council has 3 areas which are subject to a Cumulative Impact Policy –

### **Area 1 – Doncaster Town Centre** (To be reviewed before April 2021)

- Bradford Row
- Cleveland Street
- Hall Gate
- High Street
- Market Place
- Priory Walk
- Silver Street

### **Area 2 – Part of the Town Ward** (To be reviewed before April 2021)

- Broxholme Lane
- Christ Church Road
- Copley Road
- Highfield Road
- Nether Hall Road

### **Area 3 – Bawtry Town Centre** (To be reviewed after January 2018)

- Church Street
- Grasswood Lane / Dower House Square

- High Street
- Market Place
- Scot Lane
- Swan Street
- Wharf Street