



Doncaster Council

Agenda

To all Members of the

LICENSING COMMITTEE

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

Venue: Virtual Meeting via Microsoft Teams

Date: Thursday, 17th September, 2020

Time: 10.00 am

The meeting will be held remotely via Microsoft Teams. Members and Officers will be advised on the process to follow to attend the Licensing Committee. Any members of the public or Press wishing to attend the meeting by teleconference should contact Governance Services on 01302 736723/737462/736716 for further details.

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**Damian Allen
Chief Executive**

Issued on: Wednesday, 9 September 2020

Governance Services Officer for this meeting

Sarah Maxfield
01302 736723

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 18th June 2020.	1 - 4
A. Reports where the public and press may not be excluded	
<u>For Decision and Noting</u>	
5. Statement of Licensing Policy 2021 - Licensing Act 2003.	5 - 54
6. Temporary Pavement Licence Application Process and Fee (Business & Planning Act 2020).	55 - 94

Members of the Licensing Committee

Chair – Councillor Ken Keegan
 Vice-Chair – Councillor Iris Beech

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

Agenda Item 4

DONCASTER METROPOLITAN BOROUGH COUNCIL

LICENSING COMMITTEE

THURSDAY, 18TH JUNE, 2020

A MEETING of the LICENSING COMMITTEE was held at the VIRTUAL MEETING VIA MIRCROSOFT TEAMS on THURSDAY, 18TH JUNE, 2020, at 10.00 am.

PRESENT:

Vice-Chair - Councillor Iris Beech

Councillors Duncan Anderson, Steve Cox, Neil Gethin, John Gilliver, Martin Greenhalgh, Charlie Hogarth, David Nevett and Frank Tyas.

APOLOGIES:

Apologies for absence were received from Councillors Kenneth Keegan, Bev Chapman, Nikki McDonald and Ian Pearson.

3 DECLARATIONS OF INTEREST, IF ANY.

There were no declarations made at the meeting.

4 MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 1ST APRIL, 2020.

RESOLVED that the minutes of the meeting held on Wednesday, 1st April, 2020 be approved as a true record.

5 STATEMENT OF LICENSING POLICY - LICENSING ACT 2003 CUMULATIVE IMPACT ASSESSMENT.

Members considered a report that outlined the outcome of the consultation undertaken regarding the existing Cumulative Impact Area in Doncaster. There were three areas to be reviewed, with the Committee required to make a decision as to whether these remain in place or be removed, or amended.

These areas had to be reviewed every three years, and these had now reached the time for determination by the Licensing Committee. The three cumulative impact areas covered specific streets and areas, which, when a licensing application was made in this area, could provide further strength in refusing or improving an application.

There were three areas currently within the Cumulative Impact Zone, these being as detailed below:-

Area 1 Doncaster Town Centre –

- Bradford Row

A. 1

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

Area 2 Town Ward –

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

Area 3 Bawtry Town Centre –

- Church Street
- Grasswood Lane / Dower House Square
- High Street
- Market Place
- Scot Lane
- Swan Street
- Wharf Street

Members were provided with information from Andy Collins; Public Health was in attendance at the meeting and was able to provide a wealth of information of alcohol statistics across Doncaster and in the three Cumulative Impact Areas (CIA). Through the course of the consultation South Yorkshire Police and Public Health had both responded in favour of keeping these in place as it was reported that alcohol admissions to hospital and other related health issues and complications were continuing to rise as well as anti-social behaviour and alcohol related crimes.

Members of the Committee discussed at length the three areas individually and raised a number of questions and concerns that were answered by officers present at the meeting in depth.

A number of questions were raised, including what effect alfresco drinking following the end of the current Covid-19 lockdown would have on problems in the area and if it would further amplify the number of people drinking on the streets and such like. However, Members were assured that the number of people would remain steady as no new licences would be granted, it would just be temporary amendments to those already in place to allow alfresco licences. Additionally, this would hopefully not be long-term and only in the short term whilst the country recovered from the pandemic.

Questions were also posed as to how many licences had been granted in the past three years, and if these had caused any problems. However, Members were informed that the CIA did not allow for blanket refusals and actually looked to strengthen the quality of those applications coming forward in order that the conditions were stronger and more stringent.

The discussion held by the Committee was thorough and covered all the issues of concern that Members had either collectively about Doncaster as a whole or each individual area.

RESOLVED that the Committee considered the evidence received during the consultation and made the following decision in relation to each respective Cumulative Impact Area:-

- 1) Area 1 – The Committee resolved to keep the Cumulative Impact Area in Place for the Town Centre area due to the rising figures of alcohol related crime and health issues in this area of town. By keeping this in place, it would look to ensure that the risk of these figures rising further were minimised and controlled;
- 2) Area 2 – with regard to the Lower Wheatley Area, Members resolved to keep the Cumulative Impact Area in place due to the rising figures of alcohol related crime and health problems in this area of the Borough. By keeping the CIA in place, it would look to ensure that the risk of these figures rising further was minimised and kept under control; and
- 3) Area 3 – Members resolved that the Cumulative Impact Area in Bawtry Town Centre remain in place as it would look to ensure that the quality of the establishments opening in Bawtry was good and would control the rising crime statistics in this area as well as the alcohol related health problems that were rising across the Borough.

6 GENERAL LICENSING UPDATE - COVID 19.

Members considered a report that provided an update on the steps taken by the Licensing Authority during the Covid-19 Pandemic to maintain a number of services.

The report outlined a number of points to the Committee as to how this was being done and in particular highlighted the following points:-

- All licensing applications to be done on line
- More information provided on the Licensing web pages to ensure that the public were kept updated with regard to applications
- Members and Parish Councillors were provided with the correct link to check for applications being submitted on regular basis
- The use of virtual technology had enabled the Committee to move to virtual meetings during this period ensuring that applications could still be heard within the relevant timeframes.

One of the main points highlighted to Members was the issue of Vehicle Testing for licensed hire vehicles. As a result of measures brought in by the Government in light of Covid-19, MOTs that fell in the period had been given a six-month extension to allow for the closure of motor garages throughout the pandemic.

As a result of this, there was now a large backlog of licensed vehicles requiring their MOTs / Vehicle test undertaking. Licences were issued on the understanding that the vehicles were properly checked and obviously now there was the concern that vehicles were not roadworthy. However, the Committee were assured that whilst the

North Bridge depot, who were responsible for undertaking the checks were still limited in the number of cars they could see each week, they were now working through the backlog. In response to concerns from Members with regard to where the liability fell if an accident occurred, Officers assured the Committee that it was expected that the driver was still held responsible and their licence, and their employers licence would be at risk. They would be held to account if this occurred, as they would be in a position where they were risking public safety.

Members noted that a list of all drivers whose vehicles had fallen into this category would be prioritised and it was endeavoured that progress be made in a timely manner.

RESOLVED that Members note the steps detailed within the report that have been taken by the Authority with regard to the ongoing situation with Covid-19 in order to allow businesses and services to adapt and therefore continue to operate.



Doncaster Council

Report

Date: 17 September 2020

To the Chair and Members of the Licensing Committee

Statement of Licensing Policy 2021 – Licensing Act 2003

Relevant Cabinet Member(s)	Wards Affected	Key Decision
Cllr Christopher McGuinness	All	Function of Full Council

EXECUTIVE SUMMARY

1. To request that the members of the Licensing Committee note and consider the adoption of the Statement of Licensing Policy 2021 - Licensing Act 2003 following its quinquennial review.

EXEMPT REPORT

2. There are no confidential issues.

RECOMMENDATIONS

3. It is recommended that the members of the Licensing Committee consider the responses received during the consultation period, agree the reviewed statement of policy – Licensing Act 2003 and make a recommendation to Council for its adoption.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

4. Doncaster Council is required by the Licensing Act 2003 to produce a Statement of Licensing Policy and to review its Policy every 5 years. This is the fifth Statement of Policy produced by Doncaster Council, under the Licensing Act 2003, which will set out the basis for all relevant licensing decisions to be taken by the Authority over the next five years.

BACKGROUND

5. One of the key functions of the Council, in its capacity as the Licensing Authority, is to prepare and publish a Statement of Licensing Policy which sets out the basis upon which the Authority will make its licensing decisions in relation to the following licensable activities:
 - The sale by retail and/or supply of alcohol;
 - The provision of regulated entertainment; and
 - The provision of late night refreshment.
6. The duty to do this is contained within Section 5 Licensing Act 2003 which also provides for the Licensing Authority to keep its Policy Statement under review generally and to determine its Policy at least every 5 years, including undertaking a period of statutory consultation. The existing five year period began on 7th January 2016 and the revised Licensing Policy will replace the current policy on 7th January 2021.
7. In the interim the licensing service have compared the re-issued Home Office Guidance, made under Section 182 of the Act, with our existing policy statement and made amendments to reflect the new statutory guidance and other legislative changes. In addition, suggested changes were received from the Police. These changes, along with the inclusion of locally adopted schemes, have now been incorporated into the revised policy statement.
8. There are four licensing objectives set out in the Act and these must be addressed within the Authority's Statement of Licensing Policy, namely:
 - Prevention of Crime and Disorder;
 - Public Safety;
 - Prevention of Public Nuisance;
 - Protection of Children from Harm.
9. The Policy sets out, with reference to these four objectives, the steps that need to be taken by applicants to address these issues. It also sets out how the Licensing Committee will conduct hearings for applications that cannot be resolved. The delegation of duties to the Licensing Committee is prescribed within the Act and members of that Committee and any Sub Committee will have to have a detailed knowledge of the Policy and its implications for applicants. Decisions of the relevant committees must state how decisions have been made and how the relevant parts of the Policy have been used to make that decision.
10. Before determining its policy the Act places a duty on the Authority to consult with prescribed persons. This consultation has taken place and four relevant responses have been received. The responses and suggested actions are summarised in Appendix A.
11. The consultative policy document is attached at Appendix B.
12. A summary of the amendments from the existing 2016 policy is attached as Appendix C.

OPTIONS CONSIDERED

13. Although largely unchanged, the policy has been updated to ensure it is relevant to Doncaster in 2021 and beyond, having taken in to account the latest Home Office guidance. If the policy was to remain in its current form it would be outdated.
14. The objective of the amendments are to ensure that the policy remains up to date, relevant and in line with the latest guidance.

REASONS FOR RECOMMENDED OPTION

15. The Licensing Authority is required, under the Licensing Act 2003, to produce a Statement of Licensing Policy and to review the policy at least every 5 years and to consider any relevant comments received during the consultation period prior to the adoption.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

16.

	Outcomes	Implications
	<p>Doncaster Working: 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"> • Better access to good fulfilling work • Doncaster businesses are supported to flourish • Inward Investment 	<p>It is recognised that licensed premises are, quite often, businesses, places of employment and potential assets to the community. The Council, via its Licensing Committee/Sub-Committee, subject to the general principles set out in the Council's Statement of Licensing Policy and the overriding need to promote the 4 licensing objectives, will have regard to this priority when making licensing decisions.</p>
	<p>Doncaster Living: 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"> • The town centres are the beating heart of Doncaster • More people can live in a good quality, affordable home • Healthy and Vibrant Communities through Physical Activity and Sport • Everyone takes responsibility for keeping Doncaster Clean • Building on our cultural, artistic and sporting heritage 	<p>It is recognised that licensed premises are, quite often, businesses, places of employment and potential assets to the community. The Council, via its Licensing Committee/Sub-Committee, subject to the general principles set out in the Council's Statement of Licensing Policy and the overriding need to promote the 4 licensing objectives, will have regard to this priority when making licensing decisions.</p>
	<p>Doncaster Learning: Our vision is for learning that prepares all children,</p>	<p>None</p>

	<p>young people and adults for a life that is fulfilling;</p> <ul style="list-style-type: none"> • Every child has life-changing learning experiences within and beyond school • Many more great teachers work in Doncaster Schools that are good or better • Learning in Doncaster prepares young people for the world of work 	
	<p>Doncaster Caring: Our vision is for a borough that cares together for its most vulnerable residents;</p> <ul style="list-style-type: none"> • Children have the best start in life • Vulnerable families and individuals have support from someone they trust • Older people can live well and independently in their own homes 	<p>The Council, via its Licensing Committee/Sub-Committee, subject to the general principles set out in the Council's Statement of Licensing Policy and the overriding need to promote the 4 licensing objectives (see above), will have regard to this priority when making licensing decisions.</p>
	<p>Connected Council:</p> <ul style="list-style-type: none"> • A modern, efficient and flexible workforce • Modern, accessible customer interactions • Operating within our resources and delivering value for money • A co-ordinated, whole person, whole life focus on the needs and aspirations of residents • Building community resilience and self-reliance by connecting community assets and strengths • Working with our partners and residents to provide effective leadership and governance 	<p>None</p>

RISKS AND ASSUMPTIONS

17. Failure to adopt and or review a Statement of Licensing Policy would create a risk by exposing the Council to a legal and financial liability brought about by the Council's inability to discharge its functions under the Licensing Act 2003.

LEGAL IMPLICATIONS [Officer Initials HW Date 20/7/20]

18. The Authority must have a Statement of Licensing Policy (Policy) which must be reviewed and published every five years (section 5 Licensing Act 2003). The Policy was last adopted to be effective in January 2016 and therefore it should be reviewed and then that revised Policy should be implemented by 7th January 2021. There are issues that may arise if the policy is not in place by that date if the licensing authority is required to deal with any licence applications between the date the licensing statement

should be in force and the date it actually comes into force.

19. The Statement of Licensing Policy sets out the authority's policy in relation to the exercise of its licensing functions under the Licensing Act 2003 and associated legislation. There is no requirement to make any revisions, however the Home Office have issued revised statutory guidance in respect of the Licensing Act 2003. The revised Policy takes account of these statutory changes. The request for a change to the Policy from the Police has also been incorporated following the Licensing Committee determining it should be included as part of the amended Policy.
20. The legislation sets out the consultation requirement when amending the Statement of Licensing Policy. The revised Policy has been subject to consultation in accordance with the legislation the outcome of which forms part of this report.
21. Agreement to the terms of the Statement of Licensing Policy is a function of full Council.

FINANCIAL IMPLICATIONS [Officer Initials JB Date 29/07/2020]

22. There are no financial implications associated with this decision.

HUMAN RESOURCES IMPLICATIONS [Officer Initials DK Date 21/07/2020]

23. There are no direct HR Imps in relation to this report, but if in future staff are affected or additional specialist resources are required then further consultation will need to take place with HR.

TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 17/07/20]

24. There are no technology implications in relation to this report.

HEALTH IMPLICATIONS [Officer Initials RS Date 16/07/2020]

25. There has been a 15% increase in all alcohol-attributable admissions to DRI from April 2013 to March 2020. Alcohol-related cardiovascular disease has seen an increase over the last 5 years of 27% and alcoholic liver disease an increase of 174%. Many of these increases have become concentrated in males and females over age 50 and who live in deprived areas. Efforts to reduce the impact of alcohol on health have been included in the Statement of Licensing Policy through initiatives such as One Can Ban, Reduce the Strength and Best Bar None. Going forward Public Health will be working closely with Trading Standards and Licensing to make sure that all levers possible are used to ensure that our approach to alcohol licensing are put in place to ensure the safety of our population. This includes regular reviews of what the data is telling us in relation to the impacts of alcohol locally, using the data to highlight where any interventions by Trading Standards and/or Licensing are required and to identify and monitor Cumulative Impact Areas. As part of this work the Responsible Authorities are working with Public Health England to develop an interactive mapping system which will provide an evidence based view of behaviour across the borough to assess the impacts of alcohol and put the necessary measures in place to address the negative impacts of alcohol.

EQUALITY IMPLICATIONS [Officer Initials DDS Date 15/07/2020]

26. 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

27. A formal consultation took place between the 1st and 30th April 2020. Those consultees included:

- Club and Institute Union (CIU)
- Doncaster Pubwatch
- Director of Public Health and all Responsible Authorities under the Act.
- Doncaster Premises Licence Holders
- Elected Members
- Parish Councils
- Licensing Solicitors and Alcohol related groups / associations
- Members of the Public

BACKGROUND PAPERS

28. The consultative Policy document is attached as Appendix B.
29. A summary of amendments is attached as Appendix C.

REPORT AUTHOR & CONTRIBUTORS

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Peter Dale
Director of Economy and Environment

Statement of Licensing Policy 2021 – Consultation Responses

1. Public Health (Responsible Authority):

Acknowledges that efforts to reduce the impact of alcohol on health have been included in the Statement of Licensing Policy through initiatives such as ‘The One Can Ban’, ‘Reduce the Strength’ and ‘Best Bar None’.

- Suggested Action: No change to draft policy required.

2. South Yorkshire Police (Responsible Authority):

Comments are that the Policy covers everything very well and especially favourable to the inclusion of the section on Bare Knuckle Fighting due to previous issues experienced.

- Suggested Action: No change to draft policy required.

3. Doncaster Premises Licence Holder, Personal Licence Holder & Designated Premises Supervisor (Town Centre premises):

In general agreement with the proposals contained within the Policy.

- Suggested Action: No change to draft policy required.

4. Doncaster Premises Licence Holder, Personal Licence Holder & Designated Premises Supervisor (Hotel and events premises):

- i. Suggested the requirement to advertise applications in a local paper should be removed and replaced by advertising applications on the Councils website.
- ii. Requested that the Policy should prevent licensed premises from holding events which include an ‘all you can drink’ package.

Response

- i. The requirement to advertise applications in a local newspaper is contained within the Licensing Act 2003 and cannot be amended by local Policy. Applications have been advertised on the local authority website for a number of years.

- Suggested Action: No change to draft policy required.

- ii. All premises licences, which permit the sale of alcohol, already contain a number of mandatory conditions, which include the prevention of irresponsible drinks promotions on licensed premises. Responsible, well managed drinks promotions are not prohibited and to include a restriction within a local authority policy could face a legal challenge.

- Suggested Action: No change to draft policy required.

Route to adoption

Directors Meeting 3 August 2020

- No changes identified.

Executive Board 18 August 2020

- No changes identified.

Overview & Scrutiny 3 September 2020

- No changes identified

Licensing Committee 17 September 2020

-

Council 19 November 2020

-



Doncaster Council

Statement of Licensing Policy 2021 - 2026

Licensing Act 2003

Further advice and guidance can be obtained from:

Trading Standards & Licensing
Doncaster Council
Civic Office
Waterdale
Doncaster
DN1 3BU
Tel: 01302 737590

Email: licensing@doncaster.gov.uk
Web: www.doncaster.gov.uk/licensing

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Executive Summary

The Licensing Act 2003

Doncaster Council is the Licensing Authority for the Doncaster Metropolitan Borough area.

Section 5 of the Licensing Act 2003 (the Act) requires the Licensing Authority to prepare a statement of its licensing policy (the policy) that it is proposed to apply in exercising its functions under the Act. The policy must be reviewed at least every five years, but may be reviewed within that period and revised as appropriate.

Any decision taken by the Council in regard to determination of licences, certificates and notifications should aim to promote the licensing objectives which are:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

The policy covers the licensable activities as specified in the Act which are:

- Sale by Retail or Supply of Alcohol
- Regulated Entertainment
- Late Night Refreshment

Licensable activities are carried out under 'authorisations', which can be:

- Premises Licence
- Club Premises Certificate
- Temporary Event Notice

The policy also has regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. Additionally the Council has regard for a number of other local strategies such as the Safer Doncaster Partnership and Crime Reduction strategy.

The Licensing Authority has the remit to determine Premises Licences, Club Premises Certificates, Personal Licences and Temporary Event Notices.

Applicants for Premises Licences should be aware of the expectations of the Licensing Authority and the Responsible Authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Where appropriate the Council consults with the Responsible Authorities as described in the Act.

Applicants should have regard to the Secretary of State guidance issued under Section 182 of the Licensing Act 2003 and refer to the Councils website www.doncaster.gov.uk/licensing for further information, applications and guidance.

Local people and elected members of the Council are able to have their say and their opinion heard through public consultation on this policy and by making representations about applications or requesting reviews of licences for problem premises.

Enforcement of the legislation is a requirement of the Act that is undertaken by the Council. This policy describes the Council's enforcement principles and the principles underpinning the right of review.

Section 1 Purpose of the Policy

- 1.1 This policy is prepared under Section 5 of the Licensing Act 2003 and was approved by Doncaster Council as Licensing Authority on **[date of approval]** and is effective from 7th January 2021. It will be kept under review and as a minimum will be revised no later than 2025, with a new policy in place by January 2026, unless statute changes. Unless otherwise stated any references to the Council are to the Doncaster Licensing Authority.
- 1.2 In preparing this policy the Council has consulted with and considered the views of a wide range of people and organisations including:
- Representatives of local business
 - Local residents and their representatives
 - Representatives of local Premises Licence holders
 - Representatives of local Club Certificate holders
 - Representatives of local Personal Licence holders
 - Local licensing solicitors
 - Charitable organisations that deal with the social impact of alcohol misuse
 - The Responsible Authorities namely:
 - Chief officer of South Yorkshire Police
 - Chief officer of South Yorkshire Fire and Rescue Service
 - Doncaster Council – Environmental Health
 - Doncaster Council – Health & Safety
 - Doncaster Council – Safeguarding Children & Adults
 - Doncaster Council – Planning
 - Doncaster Council – Director of Public Health
 - Doncaster Council – Trading Standards
 - Home Office (Immigration Services)
- 1.3 This policy also has regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.
- 1.4 The Council will carry out its functions under the Licensing Act 2003 with a view to promoting the licensing objectives namely:
- The Prevention of Crime and Disorder
 - Public Safety
 - The Prevention of Public Nuisance
 - The protection of Children from Harm
- 1.5 The Council adopts the overall approach of permitting the responsible promotion of licensed activities. However, in the interests of all its residents and other businesses, irresponsible licensed activity will not be tolerated. Following relevant representations the Council will refuse applications, restrict hours and activities or impose conditions where it is appropriate to do so to promote the licensing objectives. Effective and proportionate enforcement, in partnership with Responsible Authorities and other agencies, will be used to address premises where there are problems.
- 1.6 This policy is concerned with the regulation of licensable activities on licensed premises, by qualifying clubs and at temporary events. The conditions that the Council attaches to the various licences will focus on matters that are relevant to the four licensing objectives and will centre upon the premises that are being used for licensable activities.
- 1.7 The Council is aware that the prevention of public nuisance is not narrowly defined in

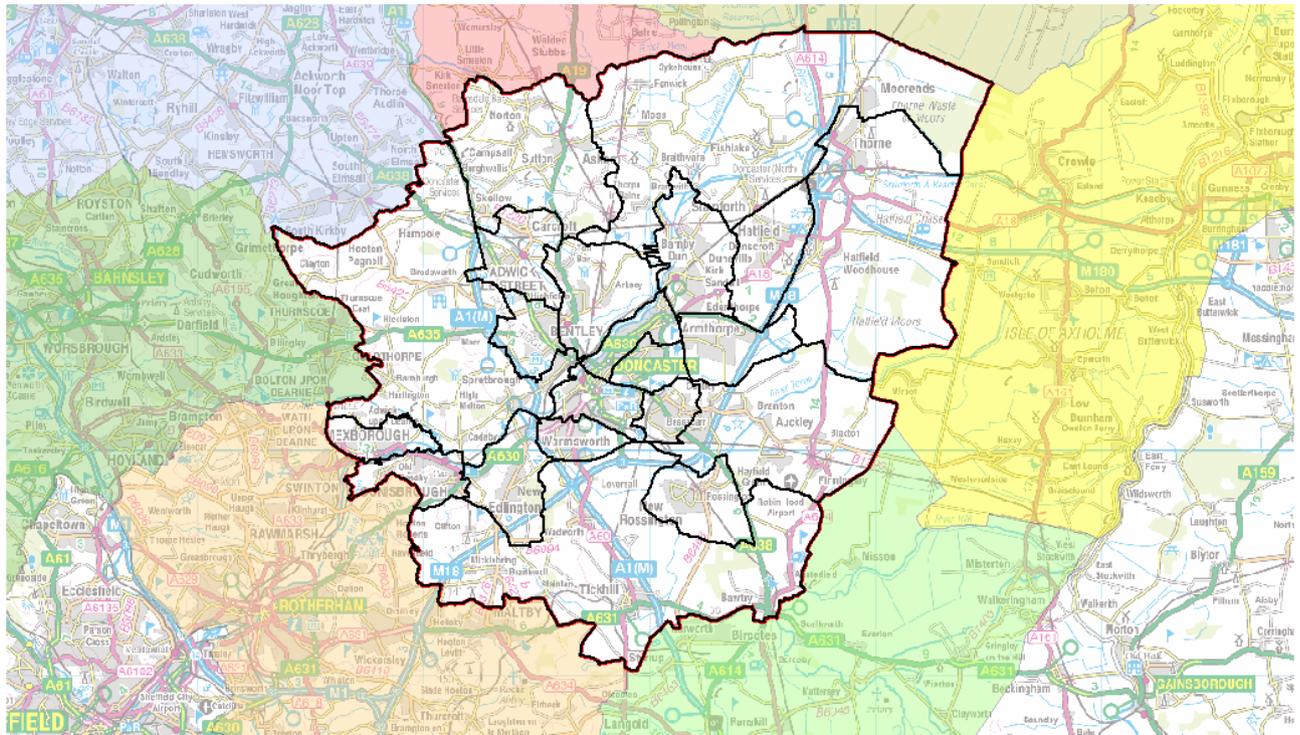
the Act and can include low-level nuisance perhaps affecting a few people living locally as well as major disturbance affecting the whole community. It may also include, in appropriate circumstances, the reduction of the living and working amenity and environment of other people living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

- 1.8 The Council will monitor the effect of this policy throughout the period it covers through licensing liaison meetings with representatives of licence holders such as Pub-Watch meetings and also by way of regular meetings with the Responsible Authorities.

Scope of the Policy

- 1.9 This policy covers licensable activities within the Doncaster district as defined by the Licensing Act 2003. These are:
- The Sale by Retail or Supply of Alcohol
 - The Provision of Regulated Entertainment
 - The Provision of Late Night Refreshment
- 1.10 Advice on whether a licence is required for premises or an event can be obtained from the Licensing Office at Doncaster Council.
- 1.11 Throughout this policy the wording will refer to ‘applicants’ for licences. However it should be noted that the principles set out within this policy apply equally to new applications, applications for variations and consideration of any request to review a licence.
- 1.12 The scheme of the Licensing Act is that applicants should make applications and assess what matters, if any, need to be included within the operating schedule to address the licensing objectives. If an application is lawfully made and no relevant representations are received then the Council must grant the application. Only if relevant representations are made will the Council’s discretion be engaged.
- 1.13 Applicants for premises licences should be aware of the expectations of the Licensing Authority and the Responsible Authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. This policy seeks to provide advice to applicants about the approach they should take to making applications and the view the Council is likely to take on certain key issues where representations have been made.

Section 2 The Doncaster District



- 2.1 Doncaster has a wide range of leisure and entertainment facilities, including town centre bars, village pubs, clubs, hotels, restaurants and major venues such as Doncaster Racecourse, Cast theatre and performance venue, Keepmoat Stadium, The Dome and Robin Hood Airport providing excellent facilities for residents and visitors.
- 2.2 The Doncaster Metropolitan Borough extends over 58,000 hectares (224 square miles) and has a population of 302,400 (taken from the 2011 census). It includes the town centre and the urban areas that surround it, the more rural villages and the towns of Thorne, Mexborough and Bawtry.
- 2.3 Each area of the district has its own character and challenges. The Council has provided general advice in this policy to assist applicants in preparing applications. Applicants are also expected to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Applicants may consult with the Licensing Office to ensure they have as much information as possible before making their application.

Section 3 Integrating other Guidance, Policies, Objectives and Strategies.

- 3.1 The Council (through its Licensing Committee) may, from time to time, receive reports on other policies, strategies and initiatives that may impact on licensing activity within the remit of the committee. Subject to the general principles set out in this policy and the overriding need to promote the four licensing objectives it may have regard to them when making licensing decisions.
- 3.2 The Committee may, after receiving such reports, make recommendations to the Council or other bodies about the impact of the licensing policy on such policies, strategies and initiatives. Equally the Committee may make recommendations relating to the impact of such policies, strategies and initiatives on the licensing policy. This may include recommendations to amend the licensing policy itself.

Consultation Document

Section 4 Promotion of the Licensing Objectives

- 4.1 The Council will carry out its functions under the Licensing Act 2003 with a view to promoting four licensing objectives:
- The Prevention of Crime and Disorder
 - Public Safety
 - The Prevention of Public Nuisance
 - The Protection of Children from Harm
- 4.2 Each objective is of equal importance, and the four objectives will be paramount considerations for the Council at all times.
- 4.3 It is for the applicant to decide what, if any, measures to suggest in its operating schedule in order to address any potential concerns that might arise in the promotion of the licensing objectives. Applicants are reminded that measures proposed in the operating schedules will be converted into conditions on their licence.
- 4.4 The Council recommends that applicants risk assess their operation against the four licensing objectives to identify potential areas of concern.
- 4.5 Applicants are reminded that Responsible Authorities or other persons may make representations if they feel that the applicant's proposals do not adequately promote the licensing objectives. An applicant who proposes no measures to promote the licensing objectives may therefore face more representations than an applicant who risk assesses their operation and proposes necessary and proportionate measures.
- 4.6 The Council recommends early consultation with Responsible Authorities. Many Responsible Authorities would be prepared to discuss matters with an applicant with a view to reaching agreement on measures to be proposed. Contact details for the responsible authorities are available from the Licensing Office or from the Licensing website.

Crime and Disorder

- 4.7 Under the Crime and Disorder Act 1998, the Council must exercise its functions, having regard to the likely effect on crime and disorder in its area, and must do all it can to prevent crime and disorder.
- 4.8 Where its discretion is engaged, the Council will seek to promote the licensing objective of Preventing Crime and Disorder in a manner which supports the Safer Doncaster Partnership, and any local crime reduction strategy.
- 4.9 There are many steps an applicant may take to prevent crime and disorder. The Council will look to the Police for the main source of advice on these matters. In accordance with the Secretary of State's Guidance, Police views on matters relating to crime and disorder will be given considerable weight.
- 4.10 If relevant representations are made in relation to a Premises Licence or Club Premises Certificate, the Council will consider whether it is necessary to impose conditions to regulate behaviour on the premises and access to them where this relates to licensable activities, and the licensing objectives. Any conditions attached will not seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, their staff or agents, but may seek to impact on the behaviour of customers on or in the immediate vicinity of premises as they seek to enter or leave.

4.11 Conditions will be targeted on deterrence and the prevention of crime and disorder. The Council may consider:

- The need for and location of CCTV cameras;
 - It is recommended that CCTV should be a digital system covering all areas where alcohol is sold and consumed, entrances and to cover queues. Recordings should display correct time and date, be available within 48 hours of a request from any Responsible Authority and retained for a minimum of 28 days. (Consideration will be given to the code of practice for CCTV issued by Information Commissioner's Office)
- The need for door supervision;
 - Where appropriate an adequate number of door supervisors should be provided at premises. Whenever security supervisors are employed at licensed premises to carry out a security function they must be licensed by the Security Industries Authority (SIA).
- The need to be a part of a Radio-link scheme or similar;
 - Where there is a high concentration of night-time economy premises (e.g. Town Centre) a radio scheme can be beneficial for sharing 'real time' information with participating venues.
- The need to limit the capacity of a premises;
 - To prevent overcrowding that is likely to lead to disorder and violence, it is recommended that applicants in certain classes of licensed premises to state in their operating schedule a maximum safe capacity for their premises and the management arrangements to ensure it is not exceeded.
- Membership of a recognised pub watch or similar scheme;
 - The ability to share information with participating venues can help to highlight problematic persons or events and give the opportunity for a joined-up approach.
- Schemes such as 'The One Can Ban', 'Reduce The Strength' and 'Best Bar None';
 - Where the availability of high strength alcohol products (6.5% or above) from the off-trade, such as singular sales of cans of high strength lager, beer or cider usually favoured by street / problem drinkers, has an impact on anti-social behaviour, crime and disorder and public health, a limit on the strength of products available for purchase and a minimum purchase of 4 cans, can assist in reducing potential for incidents in problematic areas.
 - Best Bar None is an accreditation scheme which is aimed primarily at promoting responsible management and operation of alcohol licensed premises.

4.12 Crime and disorder conditions will not seek to control adult entertainment involving striptease and lap dancing, which will be governed by laws in relation to indecency and obscenity and will be licensed under the Local Government (Miscellaneous Provisions) Act 1982. However, conditions for such adult entertainment may be imposed for reasons of public safety or the protection of children from harm if they relate to occasional use of the premises for adult entertainment.

Public Safety

4.13 The public safety objective is concerned with the physical state of people using the premises. Public safety includes safety of staff and performers appearing at any premises.

4.14 On 1 October 2006 the Regulatory Reform (Fire Safety) Order 2005 replaced previous fire safety legislation. The Council will not seek to impose fire safety conditions as

conditions on licences where the Order applies.

- 4.15 Capacity limits will only be imposed where appropriate for the promotion of public safety or for reasons of crime and disorder. Capacity limits will not be imposed as a condition of the licence on fire safety grounds.
- 4.16 Applicants are advised to consult with the Council's Environmental Health Officers (Health & Safety Enforcement) who can offer advice as to appropriate measures to be included in risk assessments and potentially in operating schedules. They can also offer advice in relation to workplace health and safety matters including compliance with the smokefree legislation.
- 4.17 Conditions requiring possession of certificates on the safety or satisfactory nature of equipment or fixtures on premises will not normally be imposed as those are dealt with by other legislation. However, if it is considered necessary in light of the evidence on each individual case, conditions may be imposed requiring checks on the equipment to be conducted at specified intervals and evidence of the checks to be retained. Conditions may also seek to require equipment of particular standards to be maintained on premises.
- 4.18 Special considerations will apply to night clubs and similar venues. Applicants are encouraged to consider the Safer Nightlife guide published by the Home Office which gives advice on these issues.
- 4.19 Special events in the open air or temporary structures raise particular issues. Applicants are referred to other sections of this document where guidance on holding these types of event is given.

Public Nuisance

- 4.20 In considering the promotion of this licensing objective, applicants need to focus on the effect of licensable activities on persons living and working in the area around the premises which may be disproportionate and unreasonable.
- 4.21 Public nuisance in this context is not narrowly defined and can include low level nuisance affecting a few people living locally, as well as a major disturbance affecting the whole community.
- 4.22 Issues will mainly concern noise nuisance, light pollution, noxious smells and litter. These include issues arising from the implementation of the smoking ban where customers may now be more inclined to use external areas of premises.
- 4.23 Where applicants are completing operating schedules the Council encourages them to have regard to the location of the proposed or actual premises and, in particular, whether proposals may have a disproportionate impact in dense residential areas or near to sensitive premises such as nursing homes, accommodation for the elderly, hospitals, hospices or places of worship.
- 4.24 Applicants are recommended to consult the Environmental Health Service for advice on measures that may need to be incorporated into an operating schedule.
- 4.25 If relevant representations are made, the Council will consider whether it is necessary to impose conditions to regulate behaviour on the premises and access to them where this relates to licensable activities and the licensing objectives. Any conditions attached will not seek to manage the behaviour of customers once they are beyond the direct

management of the licence holder, their staff or agents but may seek to reduce the impact of the behaviour of customers entering or leaving the premises on people living or working near to the premises. The Council considers that patrons who are using external smoking areas or shelters are there as a direct result of the licensed premises and are within the control of the licensee.

- 4.26 The Council will consider whether issues relating to public nuisance can be effectively dealt with by necessary and appropriate conditions. These conditions will normally focus on the more sensitive periods, for example, noise from premises in the late evening or early morning when residents may be attempting to sleep.
- 4.27 When considering such matters, the Council will have particular regard to representations made by the Environmental Health Service and by local residents.
- 4.28 The Council may consider the following matters:
- Whether doors and windows will or can be kept closed after a particular time.
 - Whether other noise control measures such as acoustic curtains or other speaker mounts are required.
 - The fact that lighting outside the premises may help to prevent crime and disorder, but may give rise to light pollution for neighbours.
 - Signs placed at the exit to buildings can encourage patrons to be quiet until they leave the area, and to respect the rights of residents.
 - The size and location of smoking areas and any facilities provided may encourage patrons to use the external areas more extensively than for just smoking and returning to the inside of the premises.
 - Provision of litter bins in the vicinity of premises serving hot food after 11pm.
 - Display of contact details or a direct telephone link to a private hire/taxi firm.
- 4.29 The Council recognises that it is necessary to balance the rights of local residents, businesses and others with those wishing to provide licensable activities and those who wish to use such facilities.
- 4.30 Ultimately if it is necessary for the prevention of public nuisance where conditions do not adequately address the issues an application can be refused.

Protection of Children from Harm

- 4.31 The Council recognises the Doncaster Safeguarding Children Board as the responsible authority for the protection of children from harm.
- 4.32 The protection of children from harm includes protection from physical and psychological harm.
- 4.33 The Council notes that the admission of children to premises holding a Premises Licence or Club Premises Certificate should normally be freely allowed unless there is good reason to restrict entry or exclude children completely.
- 4.34 Issues relating to access of children to premises may give rise to concern:
- where adult entertainment is provided on an occasional basis and is not already licensed under other legislation;
 - where there have been convictions of the current management for serving alcohol to minors;

- where the premises have a reputation for allowing under-age drinking;
- where requirements of proof of age is not the norm;
- where premises have a known association with drug taking or dealing;
- where there is a strong element of gambling on the premises; and
- where the supply of alcohol consumption on the premises is the exclusive or primary purpose of the services provided.

- 4.35 Such situations can be identified through a risk assessment of the operation. In these circumstances, applicants are advised to consider offering appropriate conditions through their operating schedule. In addition licensees may identify that the access of children to particular parts of the premises poses more risk than others and seek only to exclude children from areas of highest risk.
- 4.36 On receipt of relevant representations, the Council will consider whether conditions are necessary. If conditions are necessary these may include:
- limitations on the hours when children will be present;
 - limitation upon the presence of children of certain ages when specified activities are taking place;
 - limits on the parts of the premises to which children may have access;
 - age limitations;
 - limitations or exclusions only when certain activities are taking place;
 - requirements for an accompanying adult;
 - full exclusion of people under the age of 18 when any licensable activities are taking place.
- 4.37 In such cases, representations by the Doncaster Safeguarding Children Board and the Police will be given considerable weight where they address issues regarding the admission of children.
- 4.38 The Council recognises that conditions requiring the admission of children to any premises cannot be attached to licences or certificates. Where no licensing restriction is appropriate, this should remain a matter for the discretion of the individual licence holder, club or premises user.
- 4.39 It is mandatory for premises which sell or supply alcohol to have an age verification policy in place. The Council favours the Challenge 25 type scheme and such a scheme volunteered as part of an operating schedule will be given the appropriate weight when the Council determines the licence application.

Section 5 General Principles

- 5.1 In determining a licensing application the overriding principle will be that each application will be determined on its own merit, having regard to the need to promote the four licensing objectives and taking into account this licensing policy and the guidance issued under Section 182 by the Secretary of State. Where it is necessary to depart from the guidance or this policy the Council will give clear and cogent reasons for doing so.
- 5.2 Nothing in this policy will undermine any person's right to apply for a variety of permissions under the Act.
- 5.3 Applicants are reminded of the Government's Alcohol Strategy. Matters set out in the strategy may be relevant to general licensing principles and to one or more of the licensing objectives.

Human Rights

- 5.4 Human Rights Act 1998 and The European Convention on Human Rights makes it unlawful for a public authority to act in a way that is incompatible with a Convention right. The Council will have particular regard to the following relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights:
- Article 6 that in determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.
 - Article 8 that everyone has the right to respect for his home and private life.
 - Article 1 of the first protocol that every person is entitled to the peaceful enjoyment of his or her possessions.

Impact of Licensed Activity

- 5.5 Where no representations are made the Council must grant a licence subject to conditions consistent with the operating schedule.
- 5.6 When determining any application where relevant representations are made, the Council will consider it in the light of the four licensing objectives and in order to support a number of other key aims and purposes as set out in this policy. The requirement to promote the licensing objectives will be the paramount consideration. The Council will focus upon the impact of the activities taking place on members of the public living, working or engaged in normal activity near the premises.
- 5.7 Where relevant representations are made in relation to a Premises Licence, Club Premises Certificate or Temporary Event Notice the following factors will normally be taken into account when the Council is looking at the impact of the activities concerned:
- the style of operation, the numbers of customers and customer profile likely to attend the premises;
 - the location of the premises and the proximity of noise sensitive properties;
 - the proposed hours of operation;
 - the transport arrangements for customers attending or leaving the premises and any possible impact on local residents or businesses;
 - any proposed methods for the dispersal of customers;
 - the scope for mitigating any impact;

- the extent to which the applicant has offered conditions to mitigate the impact;
- how often the activity occurs.

5.8 In considering any application for a Variation to a Premises Licence or Club Premises Certificate where a relevant representation has been received, the Council may take into account, in addition to the above matters, any evidence:

- of past demonstrable adverse impact from the activity especially on local residents or businesses;
- that, if adverse impact has been caused, appropriate measures have been agreed and put into effect by the applicant to mitigate that adverse impact.

5.9 Other relevant matters may be considered as the individual case dictates.

Special Events in the Open Air or in Temporary Structures

5.10 The promotion and the organisation of live musical and similar entertainment in the open air or in temporary structures like marquees etc. can provide opportunities for community involvement, civic pride and can attract visitors to the district.

5.11 However, the success of such events by way of contribution to the Council's cultural and tourist strategies depends upon the quality, levels of safety and consideration for the rights of people who live or work in the vicinity and the standard of provision of facilities for those coming to enjoy the event.

5.12 In recognition of the special factors that are relevant, particularly with respect to major open air events such as a music festival, the Council has established a multi-agency forum (Safety Advisory Group) to assist organisers in co-ordinating such events. This includes Council departments who have an interest in or legislative role relevant to such events together with representatives of the various emergency services.

5.13 Members of the forum are notified about all proposals to hold such events and where necessary a special meeting will be organised in order to consider any issues that will require to be addressed and to open up lines of communication with organisers.

5.14 A useful document which organisers are recommended to obtain is 'The Event Safety Guide' (known as the purple guide), published by the Health & Safety Executive.

5.15 Guidance on the planning of such events is available to organisers but it is important that substantial notice is given so that proper preparations and precautions can be put in place for the event. This also applies if the event is proposed under a Temporary Event Notice.

Community Applicants

5.16 Whilst this policy is aimed at all licensable activities under the Licensing Act 2003 it should be noted that the Council sees a distinction between large or permanent activities, such as those proposed by commercial operators and small or temporary activities such as those which might be proposed by cultural or community groups.

5.17 Where events are proposed by cultural or community groups, it is recognised that those groups may not have the same skill or expertise or access to professional advice. Such groups may seek assistance and guidance from the Council by contacting the Licensing Office.

- 5.18 Whatever the nature of the applicant and activity proposed, the overriding matter is that the Council will consider the individual merits of the application and act so as to promote the licensing objectives.

Other Regulatory Regimes

- 5.19 The licensing policy is not intended to be the primary mechanism for the general control of nuisance, anti-social behaviour and environmental crime but nonetheless is a key aspect of such control and the licensing policy and licensing decisions are intended to be part of an holistic approach to the delivery of the Council plan and the management of the evening and night time economy of the Doncaster district.
- 5.20 In preparing this policy the Council has sought to avoid unnecessary duplication of existing legislation and regulatory regimes. However, on occasions, it has been necessary to set out some of the detail in this policy for ease of understanding. Nothing in this policy is intended to revoke or replace the need for applicants to act in accordance with legal requirements. All applicants are advised to seek proper advice to ensure that the activities they propose are within the boundaries set by existing legislation and regulations.
- 5.21 During the review of this policy we were also faced with the challenging effects of the Covid-19 pandemic. We are mindful, that in the future we may face similar challenges which require us to adapt to changes in local and national advice and regulations. There is scope within this policy and national legislation for this to happen. All licence holders and new applicants will be expected to comply and, where required, evidence their compliance.

Application Process

- 5.22 Applications must be made to the Council in the form prescribed by Regulations. Guidance is available to applicants setting out the detail of the process. The Council actively supports the ability for applications, where permitted, to be submitted electronically.

Advertising Applications

- 5.23 Where an application is required to be advertised in a local newspaper, e.g. a new application or an application to vary an existing authorisation, it is the policy of the Council that the chosen newspaper should be one which is published daily or weekly and is widely available in the vicinity of the premises to which the application relates.

Licensing Committee

- 5.24 The Council appoints a Licensing Committee and licensing functions will often be delegated to a Licensing Subcommittee or, in appropriate cases to officers of the Council. Further details on the administration, exercise and delegation of functions can be found in section 13 of this policy.
- 5.25 Councillors will have regard to the Council Code of Conduct for Members. Where a Councillor who is a member of the Licensing Committee or Subcommittee discloses a pecuniary interest in the application before them, in the interests of good governance, they will disqualify themselves from any involvement in the decision making process in respect of that application.
- 5.26 The Terms of Reference, Procedure for Hearings and Scheme of Delegation of the

Licensing Authority is agreed annually by the Licensing Committee and is published on the Council website.

Representations

- 5.27 Depending on the type of application representations may be made by a Responsible Authority or other persons (as defined by the Licensing Act 2003). The Council has agreed protocols with Responsible Authorities and issued guidance to other persons making representations, setting out the detail of the process. Guidance is available on the Council website or by contacting the Licensing Office.
- 5.28 Members of the public who wish to submit a representation in regards to a Premises Licence or Club Premises Certificate application need to be aware that their personal details will be made available to the applicant. If this is an issue they may contact a local representative such as a ward, parish or town Councillor or any other locally recognised body such as a residents association about submitting the representation on their behalf. The Council is not able to accept anonymous representations. Representations must include your full name, address and contact information (telephone number, email address).
- 5.29 Where a representation is received which is not from a Responsible Authority the Council will in the first instance make a judgement on whether it is relevant, i.e. based upon one or more of the four licensing objectives.
- 5.30 'Relevant representations' are representations:
- about the likely effect of the premises licence on the promotion of the licensing objectives;
 - which have not been withdrawn and are not, in the opinion of the Council, frivolous or vexatious.
- 5.31 Where relevant representations are received about an application the Council will hold a hearing to consider them unless the Council, the applicant and everyone who has made representations agree that the hearing is not necessary. Applicants and those making representations should seek, in advance of any hearing, to try to reach agreement or to narrow the areas in dispute, particularly where both are professionally represented.

Petitions

- 5.32 The Licensing Authority will accept petitions, but there are some important factors to consider before organising a petition:
- The instigator of the petition must identify themselves as the 'single point of contact'.
 - If we are unable to make contact with the single point of contact in order to verify certain matters this will invalidate the petition.
 - Each page of the petition must contain information as to the purpose of the petition so that all persons are aware of what they are signing.
 - Each person signing the petition must include their full name and address.
 - The single point of contact must inform all persons signing the petition that a copy will be supplied to the applicant and a copy will be contained within the Committee report which may be published on the Councils website.
 - Should the application proceed to a hearing, we will only write to the single point of contact giving notice of the hearing date.
 - It is expected that the single point of contact will represent all persons who signed

- the petition at the hearing and speak on their behalf.
- Failure to attend the hearing and answer any questions which the Committee may have will limit the amount of weight the Committee can give to the petition.
- We will only write to the single point of contact to inform them of the final outcome of the application.

Reasons for Decisions

5.33 Every decision made by the Licensing Committee, Subcommittee or Officers shall be accompanied by clear reasons for the decision.

Promotion of Equality

- 5.34 The Council recognise that the Equality Act 2010 places a legal obligation on public authorities to have regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and foster good relations, between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 5.35 At Doncaster Council we use a range of data and information when we develop policies, set strategies, design and deliver our services. By using equality information we can make sure we have thought about opportunities to promote equality, eliminate discrimination and foster good relations across all the protected groups when making decision. Equality information is used when we develop our corporate plans and it gives us an understanding of what our equality objectives should be.
- 5.36 We continuously review and provide equalities information in line with our commitment to the Equality Act and Transparency Code of Practice.
- 5.37 Equality data and information is published on the Council website www.doncaster.gov.uk. The Doncaster Data Observatory aims to provide information and intelligence that:
- informs the development of policies and plans across Doncaster;
 - increases understanding to support the main population based needs assessment reports;
 - improves the sharing of research, best practice, data and intelligence among partners and minimises duplication;
 - improves the commissioning of Public Services.

Section 6 Applications for Premises Licences and Club Premises Certificates

- 6.1 A Premises Licence and Club Premises Certificate authorises the sale or supply of alcohol, regulated entertainment and late night refreshment (sale of hot food and drink after 11pm and before 5am). Businesses wishing to apply for a licence or certificate must use the prescribed form which includes details of the hours of operation, any hours for licensable activities and an operating schedule.

Planning

- 6.2 The use of premises for the sale or provision of alcohol, regulated entertainment or late night refreshment is subject to planning control. Such use will require planning permission or must otherwise be lawful under planning legislation. Planning permission is generally required for the establishment of new premises or the change of use of premises.
- 6.3 In line with the S182 Guidance the planning and licensing regimes involve consideration of different (albeit related) matters. Licensing Committees are not bound by decisions made by a Planning Committee, and vice versa.
- 6.4 Where businesses have indicated, when applying for a licence under the Act, that they have also applied for planning permission or that they intend to do so, Licensing Committees and officers will consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.
- 6.5 Where relevant representations are received, any decision on a licence application will not consider whether any decision to grant or refuse planning permission or building consent was lawful and correct. It will take into account what the impact of granting the application will be on the four licensing objectives.

Licensing Hours

- 6.6 The Government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas. The Act gives the Council the power to make decisions regarding licensed opening hours based on local knowledge and in consultation with other Responsible Authorities.
- 6.7 In some circumstances, staggered licensing hours with regards to the sale of alcohol are important to ensure that the concentration of customers leaving premises simultaneously is reduced. The intention behind this is to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which may lead to disorder and disturbance.
- 6.8 Providing the customers with greater choice is an important consideration in the development of a thriving and safe evening and night-time economy in Doncaster. However any licensable activity has the potential to impact adversely on the surrounding area due to disturbance or crime and disorder. Customers may be noisy when leaving, leave litter or use on-street car parking. The impact of these activities can be particularly intrusive at night when ambient noise levels are much lower.
- 6.9 The Council supports the development of a wide ranging and culturally diverse night-time economy where this can be achieved whilst promoting the four licensing objectives and without compromising the ability to resource local services associated with the night-time economy such as street cleansing.

- 6.10 Under the Act there are no permitted hours for the sale of alcohol. Applicants are able to suggest in their operating schedule the hours they wish to open and to apply to vary their existing authorisation if they wish to open beyond their current permitted hours. However, there is no general presumption in favour of lengthening licensing hours and the four licensing objectives will be the paramount consideration at all times.
- 6.11 If relevant representations are made the Council will only grant the hours of use proposed where the operating schedule and any risk assessment adequately demonstrates that:
- the applicant has properly considered what is appropriate for the local area when considering what hours and activities to apply for;
 - the potential effect on the licensing objectives is not significant;
 - the agreed operating schedule demonstrates that the applicant is taking appropriate steps to minimise any adverse impact on local residents and businesses.
- 6.12 Restrictions may be made to the proposed hours of use where, after receiving relevant representations, the Council considers it appropriate for the promotion of the licensing objectives to do so.
- 6.13 As a general rule shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

Local, National and International Occasions

- 6.14 It should be possible for applicants for Premises Licences and Club Premises Certificates to anticipate special occasions which occur regularly each year, for example bank holidays, and to incorporate appropriate opening hours for these occasions in their operating schedules.
- 6.15 Additional occasions for which extensions may be required may be covered by a Temporary Event Notice.

Drinking Up Time

- 6.16 The traditional 'drinking up time' was not carried over into the Licensing Act 2003. However the hours during which applicants are licensed to sell or supply alcohol and the opening hours need not be identical and therefore applicants of premises licensed for the on-sale of alcohol are recommended to consider a drinking up/cooling down period during which music volume may be reduced, customers may consume their drinks and make arrangements for transport from the premises. The Council considers that a 30 minute drinking up time will assist in the gradual dispersal of customers and consequently reduce impact on the area.
- 6.17 Where relevant representations are made the Council will consider imposing a condition on drinking up time where such a condition is appropriate in order to promote the licensing objectives in any individual case.

Operating Schedules

- 6.18 Under the Licensing Act 2003 applicants are required to complete an 'operating schedule'. Applicants are expected to have regard to the Council's Statement of

Licensing Policy. They must also be aware of the expectations of the Licensing Authority and the Responsible Authorities as to the steps that are appropriate for the promotion of the licensing objectives and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives.

- 6.19 Operating schedules are the key to ensuring that the four licensing objectives are promoted. An operating schedule should include enough information to enable any Responsible Authority or other person to assess whether the steps to be taken to promote the licensing objectives are satisfactory.
- 6.20 Whilst applicants are not required to seek the views of Responsible Authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. The Council encourages co-operation between applicants, Responsible Authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.
- 6.21 Other publicly available sources which may be of use to applicants include:
- the Crime Mapping website;
 - Neighbourhood Statistics websites;
 - websites or publications by local Responsible Authorities;
 - websites or publications by local voluntary schemes and initiatives; and
 - online mapping tools.
- 6.22 Applicants should make their own enquiries and demonstrate how they have considered the following in their operating schedule:
- The layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children and young persons may congregate;
 - Any risk posed to the local area by the applicants' proposed licensable activities; and
 - Any local initiatives (for example, local crime reduction initiatives or voluntary schemes such as local taxi-marshalling schemes, street pastors and other schemes), which may help mitigate potential risks.
- 6.23 The Council expects individual applicants to complete the operating schedule in a manner that is specific to the application being made in respect of those premises and the licensable activity to be carried on rather than in general or standard terms. Information should be given to demonstrate how the individual application proposes to address and promote the licensing objectives. Applicants are referred to the section below which contains information on carrying out a risk assessment.
- 6.24 Any application or operating schedule not completed in accordance with the Act and the regulations may be returned to the applicant unprocessed with a request to complete the forms correctly before the application is accepted by Council.

Risk Assessments

- 6.25 The Council recommends that applicants complete a risk assessment of their business in order to understand what steps are required to complete the operating schedule in a manner which enables the Council and Responsible Authorities to assess how they will seek to promote the licensing objectives.

- 6.26 The Council is aware that any risk assessment will vary according to the nature of the business. It is for applicants to decide what is appropriate in each case.
- 6.27 It is recognised that some areas of the risk assessment may duplicate issues which applicants have previously addressed in order to satisfy other legislation. Where this does occur the operating schedule may cross reference to alternative documents.
- 6.28 The Council recognises that it cannot insist on a risk assessment. However an applicant who decides not to complete or provide a risk assessment may face additional representations and the expense of hearings as a result. If a risk assessment is not completed then applicants will need to demonstrate how these matters have been addressed through the operating schedule provided.

Excessive Consumption of Alcohol

- 6.29 The Council is acutely aware that certain 'irresponsible' drinks promotions give rise to a significant risk of breaching one or more of the four licensing objectives.
- 6.30 The Council also recognises the impact that excessive or binge drinking can have on public health and that positive action on promoting the licensing objectives is equally likely to have an indirect impact on public health.
- 6.31 The Council as the licensing authority will use the powers contained within the Licensing Act to ensure operators' promotional activities do not undermine the licensing objectives.
- 6.32 Applicants should be aware of the specific mandatory conditions, attached to all licences authorising the sale or supply of alcohol for consumption on the premises, which effectively:
- Ban irresponsible promotions;
 - Ban the dispensing of alcohol directly into the mouth; and
 - Ensure that customers have access to free drinking water if they ask for it.
- 6.33 As a consequence any on-trade premises that participates in irresponsible drinks promotions will be breaching licence conditions and will be dealt with in accordance with the appropriate legislation.

Conditions

- 6.34 The Council recognises it may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing that it is appropriate to impose conditions to promote one or more of the four licensing objectives.
- 6.35 The Council recognises that the only conditions that should be imposed on a licence are those which are appropriate and proportionate to the promotion of the licensing objectives. There may be circumstances where existing legislation and regulations already effectively promote the licensing objectives and no additional conditions are required.
- 6.36 Where conditions are imposed they will be tailored to the individual style and characteristics of the premises and events concerned.
- 6.37 Applicants are strongly encouraged to make early contact with the appropriate

Responsible Authorities to discuss proposed conditions in advance of the submission of their application to the Council.

Designated Premises Supervisor (DPS)

- 6.38 An applicant for a Premises Licence which includes the sale and supply of alcohol must nominate a Designated Premises Supervisor (DPS). That person will normally have been given day to day responsibility for running the premises. The DPS will also be in possession of a Personal Licence. The Act does not require the presence of the DPS at all material times; however the Responsible Authorities will expect the DPS to be available to discuss the conduct of the premises at reasonable times.
- 6.39 The DPS will be readily identifiable on the premises as a person in a position of authority. No sale or supply of alcohol may be made at a time when no DPS has been specified on the licence or at a time when the DPS does not hold a Personal Licence.

Staff Training

- 6.40 The Council recommends that all persons employed on licensed premises who are engaged in the sale and supply of alcohol be encouraged to attend training programmes to raise awareness of their responsibility and particularly of the offences contained within the Act. Similarly persons employed at on-licensed premises should be encouraged to attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises and that suitable training is extended to all staff involved in managing or supervising the premises.
- 6.41 It is also strongly recommended that persons employed on licensed premises, in particular those providing facilities and or entertainment for children and youths, receive appropriate training covering the safeguarding of children and other vulnerable groups and, if appropriate, have the necessary DBS checks.
- 6.42 All persons employed on licensed premises should be provided with in-house training on basic public safety and the housekeeping arrangements relative to those premises.

Club Premises Certificates

- 6.43 The Act recognises that premises to which public access is restricted and where alcohol is supplied other than for profit, give rise to different issues for licensing law than those presented by commercial enterprises selling direct to the public. For this reason qualifying clubs may apply for a Club Premises Certificate as an alternative to a Premises Licence.
- 6.44 A Designated Premises Supervisor and Personal Licence Holder are not required where a Club Premises Certificate is in force. However, an applicant for a Club Premises Certificate is still required to act in a manner which promotes the licensing objectives. An application for a Club Premises Certificate must be in the form prescribed by regulations.
- 6.45 Any qualifying club may choose to obtain a Premises Licence if it decides that it wishes to offer its facilities commercially for use by the public, including the sale of alcohol. Any individual on behalf of the club may also provide Temporary Event Notices. The Council has issued guidance to clubs on applying for a Club Premises Certificate.

Minor Variations

- 6.46 It is possible to make small changes to premises licences or club premises certificates through the minor variation process which is cheaper, easier and quicker than the full variation process. The test for whether a proposed variation is 'minor' is whether it could impact adversely on any of the four licensing objectives. The Government has issued guidance on this process which can be accessed via the Council's website. Anyone considering submitting an application for minor variation may first seek to discuss the proposed variation with the Licensing Office prior to submitting the application.

Alcohol Deliveries

- 6.47 An applicant seeking a licence that will enable them to provide alcohol as part of an alcohol delivery service should consider including in their operating schedule the procedures they intend to operate to ensure that:
- The person they are selling alcohol to is over the age of 18;
 - That alcohol is only delivered to a person over the age of 18;
 - That a clear document trail of the order process from order, despatch from the licensed premises and delivery to the customer is maintained (with times and signatures) and available for inspection by an authorised officer;
 - The time that alcohol is sold on the website/over the phone and the time the alcohol is delivered is within the hours stated on the licence for the sale of alcohol.

Children and Cinemas

- 6.48 In relation to premises giving film exhibitions, the Council expects licence holders or clubs to include in their operating schedules arrangements for restricting children from viewing age-restricted films.

Combined Fighting Sports and Bare Knuckle Fighting (Boxing)

- 6.49 The Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013 amended the existing descriptions of regulated entertainment to make it clear that both an indoor boxing or wrestling entertainment cannot also be an indoor sporting event, and that any contest, exhibition or display combining boxing or wrestling with one or more martial arts ('combined fighting sports') is – whether indoors or not – a boxing or wrestling entertainment.
- 6.50 Bare Knuckle Boxing ("BKB") can be considered as "boxing or wrestling entertainment" under the Licensing Act 2003. Boxing is regulated entertainment under the Licensing Act, both indoors and outdoors. So whether an event can go ahead, or not, is primarily a licensing question.
- 6.51 A Licensing Authority would need to consider the licensing objectives in determining whether to grant a Premises Licence for a BKB event. However, Hansard at the time of the Licensing Bill shows that the Government at the time did not consider the health of the participants to be a factor for a Licensing Authority to consider when ensuring public safety is promoted. In other words it is not the job of a Licensing Authority to make boxing safer for the boxers. However, the degree of violence and the likelihood of serious injury to the boxers could still be factors for a Licensing Authority to consider in assessing an application.
- 6.52 More relevant are the licensing objectives in relation to preventing disorder and public

nuisance. The crowds at boxing events have generally been considered more of a threat to those objectives than performances of other martial arts. Which is why indoors and outdoors boxing has historically been licensed. Licence conditions could be imposed to minimise the risk to the licensing objectives, including restrictions on the sale and consumption of alcohol, timing of the event and the provision of medical facilities.

- 6.53 Professional boxing in the UK is licensed by the British Boxing Board of Control (BBFC). The term 'unlicensed fight' often therefore refers to fights involving fighters of bouts not licensed or otherwise approved by the BBFC. Licensed fights must follow the guidelines set out by the BBFC (such as allowing knocked-down fighters time to get up, and the provision of medical services for injured boxers). Such fights have generally been deemed legal boxing contests; however it does not necessarily follow that all boxing events must be licensed by the BBFC to be legal. The BBFC is a national governing body for a sport. The BBFC does not condone or support Bare Knuckle Boxing.
- 6.54 In terms of criminal law, the legality of boxing contests has grown out of the historical treatment of contests by case law. 'Prize fighting', akin to BKB, was considered illegal under public policy grounds in a 19th century case. However, the covering of the knuckles by cloth, and properly ordered rules, referees and medical staff arguably makes modern contests (such as Ultimate Fighting Championship) potentially legal. However much depends on the circumstances of the fight and whether the degree of violence and injuries inflicted is excessive to the extent that the Police should put a stop to it and arrest the participants. Evidently, it is difficult for the Police to assess whether the degree of violence involved is criminal in advance. This is why bare knuckle boxing remains a legally grey area and why Responsible Authorities do not permit it.
- 6.55 In terms of an authorisation under the Licensing Act 2003, it is a matter for Doncaster Council as the Licensing Authority.
- 6.56 In the absence of any definitive legal position and in order to promote the four licensing objectives under the licensable activity of boxing, it is the Policy of Doncaster Council that 'Bare Knuckle Fighting', is not considered to be a regulated entertainment activity under the Licensing Act 2003, therefore, the Licensing Authority will not grant authority for:
- Any Bare Knuckle Boxing event in the Borough.
 - Any Bare Knuckle Combined Fighting Sport in the Borough.
 - Any event advertised or promoted as Bare Knuckle Boxing or Bare Knuckle Fighting in the Borough.

Section 7 Cumulative Impact

- 7.1 Cumulative Impact has been included within the Section 182 guidance issued by the Home Office since the commencement of the Act. Cumulative Impact Assessments were introduced at Section 5A of the Act by the Police and Crime Act 2017, with effect from 6 April 2018. This provides provision for Licensing Authorities to publish a document, 'Cumulative Impact Assessment', stating that the Licensing Authority considers that a number of relevant authorisations in respect of premises in one or more parts of its area, described in the assessment, is such that it is likely that it would be inconsistent with the authority's duty under the Act to grant any further relevant authorisations in respect of premises in that part or those parts.
- 7.2 Relevant authorisations means:
- Premises Licence
 - Club Premises Certificate
- 7.3 Cumulative Impact means the potential impact on the promotion of the licensing objectives where there are a significant number of licensed premises concentrated in one area. Cumulative Impact Policies (CIPs) may relate to premises licensed to carry on any licensable activity, including the sale of alcohol for consumption on or off the premises, and the provision of late night refreshment. This includes late night fast food outlets which are not licensed to sell alcohol.
- 7.4 The licensing policy is not the only means of addressing such problems. Other controls include:
- planning controls
 - CCTV
 - provision of transport facilities including taxi ranks
 - Public Space Protection Orders (PSPO)
 - Police powers
 - closure powers
 - positive measures to create safer, cleaner and greener spaces.
- 7.5 The Council encourages the development of a variety of premises providing a range of licensed activities catering for a wide range of users. Any policy adopted from time to time on the cumulative impact of licensed premises imposes restrictions only to the extent that they are justified by the available evidence having regard to the guidance issued by the Secretary of State.
- 7.6 In order to make a decision to include a CIP within this statement of policy there must be an evidential basis. Local Community Safety Partnerships and Responsible Authorities, such as the Police and the local authority exercising Environmental Health functions, may hold relevant information which would inform Licensing Authorities when establishing the evidence base for introducing a special policy relating to cumulative impact into their licensing policy statement. Information which licensing authorities may be able to draw on to evidence the cumulative impact of licensed premises on the promotion of the licensing objectives includes:
- local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
 - statistics on local anti-social behaviour offences;

- health-related statistics such as alcohol-related emergency attendances and hospital admissions;
- environmental health complaints, particularly in relation to litter and noise;
- complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations;
- residents' questionnaires;
- evidence from local Councillors; and
- evidence obtained through local consultation.

Effect of Special Policies

- 7.7 A Cumulative Impact Policy creates a rebuttable presumption that those applications within the designated Cumulative Impact area for new premises licences or variations that are likely to add to the existing Cumulative Impact will normally be refused if relevant representations are received. It is for the applicant to demonstrate that their application would not add to the Cumulative Impact of such licensed premises in the area.
- 7.8 An applicant wishing to obtain a new or varied licence for premises falling within any Cumulative Impact area must identify, through the risk assessment process (if used) and operating schedule, the steps that he or she intends to take so that the Council and Responsible Authorities can be satisfied that granting a new licence will not add to the impact already being experienced.
- 7.9 To assist this process applicants are encouraged to submit a full and thoroughly considered application at the earliest opportunity. The onus is on the applicant to demonstrate to the Responsible Authorities the suitability and detail for their site. The applicant is encouraged to make early contact with the Responsible Authorities to discuss their plans, and suggested control measures. Applicants should also have particular regard to the guidance issued by the Home Office under section 182 of the Act.
- 7.10 Despite the presumption against grant, Responsible Authorities and other persons will still need to make a relevant representation before the Council may lawfully consider giving effect to its Cumulative Impact Policy. The Licensing Authority, in its role as a Responsible Authority may make a representation to any application received in respect of a new premises licence or a full variation of an existing premises licence, in a Cumulative Impact area. This representation will include the latest evidence in relation to that Cumulative Impact Policy area. Any other representations, from Responsible Authorities and members of the public, which are based on the negative effects of Cumulative Impact will stand in their own right, but will also support and strengthen the Licensing Authority representation.
- 7.11 The Council recognises that a Cumulative Impact Policy should not be absolute. The circumstances of each application will be considered properly and application for licences that are unlikely to add to the Cumulative Impact on the licensing objectives may be granted. After receiving representations in relation to a new application or for a variation of a licence, the Licensing Authority will consider whether it would be justified in departing from its Cumulative Impact Policy in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. If the Council decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of the licensing objectives and that necessary conditions would be ineffective in preventing the problems involved

Rebutting the Presumption against Grant in a Cumulative Impact Policy Area

- 7.12 When considering the presumption against grant in a CIP area, the Council will need to be satisfied that the grant will not impact on the Cumulative Impact of existing licensed premises in the area. Applicants will often suggest measures which they assert will demonstrate there will be no impact.
- 7.13 Examples of factors the Council may consider as demonstrating there will be no impact may include, though are not limited to:
- Small premises who intend to operate before midnight.
 - Premises which are not alcohol led and only operate during the day time economy
 - Instances where the applicant is relocating their business to a new premises but retaining the same style of business.
 - Conditions which ensure that the premises will operate in a particular manner such as a minimum number of covers or waiter/waitress service to secure a food led operation.
- 7.14 Examples of factors the Licensing Authority will not consider as meeting the standard of rebuttal include:
- That the premises will be well managed and run, as all licensed premises should meet this standard
 - That the premises will be constructed to a high standard
 - That the applicant operates similar premises elsewhere, such as in another Licensing Authority area, without complaint
- 7.15 Any relevant representation of support will be taken into consideration by the Council when making its determination.
- 7.16 Doncaster Council first adopted a Cumulative Impact Policy in January 2008.

Cumulative Impact Assessment (CIA)

- 7.17 As required by the Act, Doncaster Council has reviewed the Cumulative Impact areas and has published its first Cumulative Impact Assessment. This document is available on the Council's website or from the Licensing Office. The assessment will be reviewed at least every three years as required by the Act, revisions will be approved by the Licensing Committee prior to publication.
- 7.18 As required by the Act the Council has formally consulted on the assessment.
- 7.19 By publishing the assessment Doncaster Council is setting down a strong statement of intent about its approach to considering applications for grant and variation of Premises Licences or Club Premises Certificates in the area described. The Council must have regard to the assessment when determining or revising this Statement of Licensing Policy. The assessment does not change the fundamental way that a licensing decision is made, each application will be considered on its own merits. It is open for the Council to grant an application where it is considered appropriate and where the applicant can demonstrate in the operating schedule that they would not be adding to the Cumulative Impact. Applications in the area covered by the assessment should therefore give consideration to potential Cumulative Impact issues when setting out the steps that will be taken to promote the licensing objectives. Where relevant representations are received and the Council determines to grant an application, reasons for granting the

application will be given to the applicant, the Chief Officer of Police and all parties who made relevant representation, with the reasons for departing from the policy.

- 7.20 Where no relevant representations are received an application within the Cumulative Impact area will be granted in terms consistent with the operating schedule.
- 7.21 Applications for new Premises Licences or variations for premises situated within the Cumulative Impact area that are likely to add to the Cumulative Impact already experienced will normally be refused if relevant representations are received. The applicant must demonstrate through the operating schedule, the steps that they intend to take so that the Council and Responsible Authorities can be satisfied that granting a new or varied licence will not add to the Cumulative Impact already being experienced.
- 7.22 The onus is on the applicant to demonstrate to the Responsible Authorities the suitability of how their proposal will not add to the Cumulative Impact. To assist this process the Council recommends early consultation with Responsible Authorities.

Section 8 Early Morning Restriction Order (EMRO)

- 8.1 The power conferred on Licensing Authorities to make, vary or revoke an Early Morning Restriction Order (EMRO) is set out in section 172A to 172E of the Licensing Act 2003. The government has provided guidance as part of the S182 Guidance to Licensing Authorities.
- 8.2 An EMRO enables a Licensing Authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.
- 8.3 EMROs are designed to address recurring problems such as high levels of alcohol related crime and disorder in specific areas at specific times; serious public nuisance and other instances of alcohol related anti-social behaviour which is not directly attributable to specific premises.
- 8.4 It is the Council's intention to support businesses rather than hinder them whilst ensuring promotion of the licensing objectives. However where this has deemed to fail then an EMRO could be considered as a possible solution.
- 8.5 An EMRO:
- Applies to the supply of alcohol authorised by Premises Licences, Club Premises Certificates and Temporary Event Notices;
 - Applies for any period beginning at or after 12am and ending at or before 6am. It does not have to apply on every day of the week and can apply for different time periods on different days of the week;
 - Applies for a limited or unlimited period (for example, an EMRO could be introduced for a few weeks to apply to a specific event);
 - Applies to the whole or any part of the Licensing Authority's area
 - Will not apply to any premises on New Year's Eve (defined as 12am to 6am on 1 January every year);
 - Will not apply to the supply of alcohol to residents by accommodation providers between 12am and 6am, provided the alcohol is sold through mini-bars/room service; and
 - Will not apply to a relaxation of licensing hours by virtue of an order made under section 172 of the Licensing Act 2003.
- 8.6 It is anticipated that any request to consider introducing an EMRO would be referred to the Licensing Office where a designated procedure will be applied to determine if an EMRO is appropriate. If appropriate, the request would be referred to the Licensing Committee for consideration. Ultimately it would be for full Council to approve the final order.

Current Position

- 8.7 There are currently no EMROs in place in the geographical area administered by Doncaster Council.

Section 9 Late Night Levy

- 9.1 The Late Night Levy is a tool conferred on Licensing Authorities by provision in the Police Reform and Social Responsibility Act 2011. This enables Licensing Authorities to charge a levy to persons who are licensed to sell alcohol late at night in the authority's area as a means of raising a contribution towards the costs of policing the late-night economy.
- 9.2 The decision to introduce the levy is an option available to all Licensing Authorities in the whole of their respective areas. The levy will be payable by the holders of any Premises Licence or Club Premises Certificate in relation to premises in the authority's area, which authorise the sale or supply of alcohol on any days during a period beginning at or after midnight and ending at or before 6am.
- 9.3 The decision to introduce the levy is for a Licensing Authority to make should it consider it appropriate to do so. The Licensing Authority would be expected to consult with the Chief Officer of Police and Police and Crime Commissioner.
- 9.4 Local residents can use existing channels and forums to put forward views and call for the implementation or not of the levy in their area.
- 9.5 When considering whether to introduce a levy, Licensing Authorities should note that any financial risk (for example lower than expected revenue) rests at a local level and should be fully considered prior to implementation.
- 9.6 The decision to introduce, vary or end the requirement for the levy must be made by the full Council. Other decisions in relation to the introduction and administration of the levy may be delegated in the manner which the Licensing Authority considers most appropriate.
- 9.7 A Late Night Levy can only be introduced following a statutory consultation with all parties affected including licences holders and the Council must take into account any representations made.

Current Position

- 9.8 There is currently no Late Night Levy applied in the Doncaster Council area.
- 9.9 Any future consideration of a Late Night Levy will be made in accordance with the relevant legislation and Home Office Guidance.

Section 10 Personal Licences

- 10.1 Every supply of alcohol under a Premises Licence must be made or authorised by a person who holds a Personal Licence. The Act does not require the presence of a Personal Licence holder at all material times but if any sales are made when a Personal Licence holder is not present, then they must have been authorised by somebody who holds a Personal Licence. Regardless of whether a Personal Licence holder is present or not he will not be able to escape responsibility for the actions of those he authorises to make such sales.
- 10.2 The Council recommends that authorisations for the sale of alcohol be made in writing to ensure that those authorised are clear what their legal responsibilities are. Any premises at which alcohol is sold or supplied may employ one or more Personal Licence holders.
- 10.3 The Council recognises it has no discretion regarding the granting of Personal Licences where:
- the applicant is 18 or over,
 - possesses a licensing qualification,
 - has not had a licence forfeited in the last five years and
 - has not been convicted of a relevant offence.
- 10.4 An application for a Personal Licence to sell alcohol must be made in the form specified in government guidance or regulations. The application form must be accompanied by the requisite fee. The applicant must also be able to produce evidence of the relevant qualifications.
- 10.5 Applicants must produce a Disclosure & Barring Service (DBS) certificate along with the application form. The certificate must be current and comply with the regulations on Personal Licence applications. Applicants are also expected to make a clear statement as to whether or not they have been convicted outside England and Wales of a relevant offence or a similar offence.
- 10.6 Where the application discloses relevant unspent convictions the Council will notify the Police of that application and the convictions. The Police may make objection on the grounds of crime and disorder. If an objection is lodged the applicant is entitled to a hearing before the Council. If the Police do not issue an objection notice and the application otherwise meets the requirements of the 2003 Act, the Council must grant it.
- 10.7 The Council will, at such a hearing, consider carefully whether the grant of the licence will compromise the promotion of the crime prevention objective. It will consider the seriousness and relevance of the conviction(s), the period that has elapsed since the offence(s) were committed and any mitigating circumstances. The Council will normally refuse the application unless there are exceptional and compelling circumstances which justify granting it.

Section 11 Temporary Event Notices (TENs)

- 11.1 The system of permitted temporary activities is intended as a light touch process, and as such, the carrying on of licensable activities does not have to be authorised by the Licensing Authority on an application. Instead a person wishing to hold an event at which such activities are proposed to be carried on (the “premises user”) gives notice to the Licensing Authority of the event (a “Temporary Event Notice” or TEN).
- 11.2 There are two types of TENs; a Standard TEN and a Late TEN. These have different notice periods. A Standard TEN is given no later than 10 clear working days before the event to which it relates; a Late TEN is given not before 9 and not later than 5 clear working days before the event. Where the required notice period is not given it will be returned as void and the activities to which it relates will not be authorised.
- 11.3 TENs are subject to various limitations:
- Working days do not include bank holidays, Saturday or Sunday, the day of the event or the day the notice is given.
 - Anyone aged 18 or over can give a maximum of 5 Standard or 2 Late TENs per calendar year.
 - Personal Licence holders can give a maximum of 50 Standard or 10 Late TENs per calendar year.
 - Late TENs count towards the total permitted number of TENs a person is permitted to give per year.
 - The maximum number of persons must not exceed 499.
 - The maximum number of hours must not exceed 168.
 - No more than 15 TENs can be given in respect of any particular premises in any calendar year.
 - Any particular premises can have a maximum aggregate duration of 21 days in any calendar year.
 - There must be a minimum of 24 hours between events at the same premises.

Additional Limitations

- 11.4 The Council, on receiving a TEN, will check that the requirements of the Act as to duration and numbers of notices are met. For these purposes, a notice is treated as being from the same premises user if an associate gives it.
- 11.5 The Act defines an associate as being:
- the spouse or civil partner of that person;
 - a child, parent, grandchild, grandparent, brother or sister of that person; or
 - an agent or employee of that person;
 - the spouse or civil partner of a person listed in either of the two preceding bullet points.
- 11.6 A person living with another person as his or her husband or wife is treated for these purposes as his or her spouse.
- 11.7 The most important aspect of the TEN system is that no permission is required for these events from the Council. In general only the police or Environmental Health may intervene to prevent such an event or modify the arrangements for such an event. The Council will only intervene itself if the limits on the number of notices that may be given in various circumstances would be exceeded.

- 11.8 Many premises users giving Temporary Event Notices will not have a commercial background or ready access to legal advice. They will include, for example, people acting on behalf of charities, community and voluntary groups all of which may stage public events to raise funds, at which licensable activities will take place. The Council will ensure that local guidance about the temporary permitted activities is clear and understandable and will strive to keep the arrangements manageable and user-friendly for such groups.
- 11.9 The Council encourages notice providers to give the earliest possible notice of events likely to take place. This is particularly relevant to events which are to take place in the open air or in a temporary structure. Assistance with the planning of events can be provided through multi agency forum meetings.
- 11.10 The Council will, on request, provide local advice about proper respect for the concerns of local residents; of other legislative requirements regarding health and safety, noise pollution, the building of temporary structures, or other necessary permissions, and of the powers to close down events with no notice on grounds of disorder, the likelihood of disorder or noise emanating from the premises.

Police and/or Environmental Health Intervention

- 11.11 The Act provides that the Police or Environmental Health may, within the prescribed period, issue an objection notice because they believe the event would undermine the one or more of the four licensing objectives set out in the Act. The issuing of such an objection notice requires the consideration of the objection by the Council at a hearing in the case of a Standard TEN. If an objection notice is issued in relation to a Late TEN then the TEN will not be valid and the event will not go ahead as there is no scope for a hearing.
- 11.12 The ability of the Police and Environmental Health to serve such a notice is a further reason why event organisers are strongly encouraged by the Council not to rely on giving the minimum amount of notice and to contact the local Police and Environmental Health at the earliest possible opportunity about their proposals.

Section 12 Enforcement and Reviews

- 12.1 The Licensing Act contains measures to ensure that the Council and Responsible Authorities are able to deal with premises that wilfully and persistently undermine the licensing objectives. The Council and Responsible Authorities are committed to encouraging a thriving day time and evening licensed economy but will not tolerate those premises whose activities infringe upon the quality of life for local residents and businesses.
- 12.2 The Council recognises that a system of coordinated enforcement with the Police and other authorities assists enforcement and allows authorities to deploy resources more efficiently.

Suspension for Non-Payment of Fees

- 12.3 The Council is required to suspend a Premises Licence if the Annual Fee has not been paid when it is due. Where a Premises Licence has been suspended, no licensable activities can be lawfully carried out at the premises until the Annual Fee has been paid. The suspension shall be lifted immediately upon receipt of payment of the outstanding fee and licensable activities may be resumed.
- 12.4 If an Annual Fee has not been paid by the due date, the licence holder shall be notified accordingly by the Council and given notice of the date on which the suspension shall take effect.

Detection and Prosecution of Breaches

- 12.5 It is the policy of the Council to adopt a multi-agency approach to the detection and prosecution of offences under the Licensing Act. It is the policy of the Council that, in the first instance, it will be for the most appropriate authority e.g. the Police for matters that relate to crime and disorder, Environmental Health for matters that relate to nuisance etc. to lead the investigations at problem premises. The policy of joint-enforcement provides for the targeting of agreed problem and high-risk premises which require greater attention, while providing a lighter touch to low risk premises or those that are well run.
- 12.6 Consideration will be given to the appropriate powers that should be used to address a problem where other agencies such as the Police, Fire Authority, Environmental Health and Trading Standards also have their own powers.
- 12.7 The Council has adopted the principles of risk assessment and targeted inspection. Inspections of licensed premises are not undertaken routinely but when and if they are judged necessary. This ensures that resources are used efficiently and, for example, are more effectively concentrated on problem premises. In all cases the key principles of consistency, transparency and proportionality will be maintained.

Reviews of Licences

- 12.8 The Council recognises that the ability of the Police, other Responsible Authorities and other persons to apply for a review of a Premises Licence is an incentive to effective self-regulation.
- 12.9 On receipt of a relevant request to carry out a review the Council has a range of options available to it under the Act. These include:

- To modify the conditions of the licence including imposing new conditions, altering existing conditions or removing conditions (permanently or temporarily)
- To exclude a licensable activity from the scope of the licence (permanently or temporarily)
- To remove the Designated Premises Supervisor
- To suspend the licence for a period not exceeding three months
- To revoke the licence

12.10 The Council will seek to establish the cause or causes of the concerns that the representations identify. The remedial action will generally be directed at these causes and will always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

Reviews Arising in Connection with Crime

12.11 When considering a review request or the possibility of enforcement action the Council will take into account all relevant circumstances. There is certain criminal activity that may arise in connection with licensed premises which will be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

12.12 It is envisaged that the Responsible Authorities will use the review procedures effectively to deter such activities and crime. Where reviews arise and the Council determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Review of a Premises Licence Following Persistent Sales of Alcohol to Children

12.13 Where persistent sales of alcohol to children have occurred at premises and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence it is expected that Responsible Authorities should consider taking steps to ensure that a Review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence or a Closure Notice has been given under the 2003 Act. In determining the Review the Council will consider revoking the licence if it considers this appropriate.

Section 13 Administration, Exercise and Delegation of Functions

- 13.1 The 2003 Act provides that the functions of a Licensing Authority (including its determinations) are to be carried out by its Licensing Committee (except those relating to the making of its Statement of Licensing Policy). The Licensing Committee may delegate these functions to Sub-Committees or in appropriate cases, to Officers of the Licensing Authority. It is recognised that many of the decisions and functions will be purely administrative in nature and it is, therefore, Council policy that the delegation of functions will be determined in the interests of speed, efficiency and cost effectiveness.
- 13.2 Where, under the provisions of the 2003 Act, there are no relevant representations on an application for the grant of a Premises Licence or Club Premises Certificate or Police objection for a Personal Licence or relevant objection to an activity taking place under the authority of a Temporary Event Notice, these matters will be dealt with by Officers.
- 13.3 Membership and the terms of reference for the Licensing Committee will be established at the Annual General Meeting of the Council.
- 13.4 The Licensing Committee will agree the appointment of a Licensing Sub-Committee and the delegation of functions annually at its inaugural meeting.
- 13.5 Details of all Committee meetings, agendas and minutes including the delegation of functions will be published on the Council's website.

Appendix 1 Further Reading and Useful Information

- The Licensing Act 2003
www.legislation.gov.uk/ukpga/2003/17/contents
- Guidance issued under Section 182 of the Licensing Act 2003
www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003
- Doncaster Council Licensing Department
www.doncaster.gov.uk/licensing
- ICO Code of Practice for CCTV
www.ico.org.uk/for-organisations/guide-to-data-protection-1998/encryption/scenarios/cctv/
- Home Office Guidance to Mandatory Conditions
<https://www.gov.uk/government/publications/guidance-on-mandatory-licensing-conditions>
- Alcohol Strategy
www.gov.uk/government/publications/alcohol-strategy
- Health, Safety and Welfare at Music and Other Events (The Purple Guide)
www.thepurpleguide.co.uk
- Guidance on Running Events Safely
www.hse.gov.uk/event-safety
- Risk Assessments
www.hse.gov.uk/risk/controlling-risks.htm

Statement of Licensing Policy 2021 – 2026
Licensing Act 2003

Consultation Document - Summary of amendments.

Section	Description	Reason
Whole document	The entire document has been checked and where any spelling, layout or sequential paragraph numbering errors were identified, these have been corrected.	Administrative change
Whole document	All relevant dates have been changed to show the period which the policy is effective and when it will be reviewed.	Administrative change
Paragraph 1.2 (page 5)	Amended to include 'Home Office (immigration services)' as a Responsible Authority.	Statutory change The Licensing Act 2003 was amended to include the Home Office as a Responsible Authority
Paragraph 4.11 (page 10)	Additional content has been added to each of the existing bullet points.	To assist applicants to promote the licensing objectives. Providing more information allows applicants to submit a meaningful operating schedule as part of their application.
Paragraph 4.11 (page 10)	Additional bullet points have been added. <ul style="list-style-type: none"> • Radio-link • The One Can Ban • Reduce the Strength • Best Bar None 	To assist applicants to promote the licensing objectives. Helping applicants to identify schemes which are operated in the Borough allows them to consider participation.

<p>Paragraph 4.39 (page13)</p>	<p>Amended to indicate that 'Challenge 25' is the preferred age verification scheme.</p>	<p>To strengthen the policy with regards to preventing the sale or supply of alcohol to persons below the legal age.</p> <p>The current policy indicates that the Council favours the 'Challenge 21' or 'Challenge 25' age verification schemes.</p> <p>'Challenge 25' is preferred by both 'Drinkaware' and the 'Retail of Alcohol Standards Group'.</p>
<p>Paragraph 5.21 (page 15)</p>	<p>Added a paragraph regarding Covid-19 and adhering to changes to regulations and guidance.</p>	<p>To take account of recent changes to legislation and the need to remain compliant with local and national requirements.</p>
<p>Paragraph 5.32 (page 17)</p>	<p>Added a sub-section on how the Authority will deal with representations which are received in the form of a Petition.</p>	<p>To assist persons making representations by clearly setting out what is expected from persons submitting a petition.</p> <p>To assist decision makers in how much weight should be given to a petition.</p> <p>Historically, information on petitions has been published on the Councils website.</p>
<p>Paragraphs 6.49-6.56 (page 24-25)</p>	<p>Added a sub-section on Combined Fighting Sports and Bare Knuckle Fighting (Boxing).</p>	<p>To strengthen the policy with regards to Bare Knuckle Boxing or similar activities.</p> <p>By setting out that it is the policy of Doncaster Council that in order to promote the four licensing objectives under the licensable activity of boxing, that any boxing or combined fighting event in which participants fight</p>

		with bare knuckles, or is advertised as a bare knuckle boxing/fighting event, will not be permitted in the Borough. This section has been included at the request of South Yorkshire Police.
Paragraph 7.4 (page 26)	Replaced 'Designated Public Place Order (DPPO)' with 'Public Space Protection Orders (PSPO)'.	Statutory change
Paragraphs 7.17-7.22 (page 28-29)	Removed sub-section Cumulative Impact Policies (CIPs) and replaced it with the sub-section Cumulative Impact Assessment (CIA).	Statutory change. This will form part of the separate document Cumulative Impact Assessment.
Paragraph 11.2 (page 33)	Added a new paragraph explaining the difference in the required notice periods for giving a Standard or Late Temporary Event Notice.	To provide clarity to applicants.
Paragraph 11.3 (page 33)	Added additional bullet points.	To explain the various limitations (days, hours etc.) of Standard and Late Temporary Event Notices.
Paragraphs 12.3-12.4 (page 35)	Added a new sub-section explaining the suspension of licences where the annual fee is unpaid and the effect that this has, i.e. licensable activities are no longer permitted to take place.	Statutory change. To inform licence holders of the effect of non-payment of the statutory annual fee.
Appendix 1 (page 38)	Updated the content and added direct website links within the document so that the reader can easily access the information when viewing the document online.	To assist applicants in accessing relevant information.

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Doncaster Council

Report

Date: 17 September 2020

To the Chair and Members of the Licensing Committee

Temporary Pavement Licence Application Process and Fee (Business & Planning Act 2020)

EXECUTIVE SUMMARY

1. To request that the members of the Licensing Committee note that following the introduction of the Business & Planning Act 2020 ('the Act'), approval was sought and obtained to implement a temporary pavement licence application process and set a fee, by way of an 'urgent action in accordance with Council procedure rule 36'.
2. To request that members also note the changes introduced by the Act in relation to permitted off sales of alcohol from premises which are only licensed for on sales.

EXEMPT REPORT

3. There are no confidential issues.

RECOMMENDATIONS

4. It is recommended that the members of the Licensing Committee note that the approval by the Director of Economy & Environment, Chair of the Licensing Committee and Cabinet Member for Communities, Voluntary Sector and the Environment was received on 24 July 2020.
5. The fee has been set at £100.
6. The determination and granting of licences of this type has been delegated to the Assistant Director of Environment and Head of Service for Regulation and Enforcement.
7. It is recommended that members note that where a premises has the benefit of a premises licenced under the Licensing Act 2003 which permits alcohol to be sold for consumption on the premises shall be treated as also having permission to sell alcohol for consumption off the premises at a time when 'on sales' are permitted but no later than 11.00pm without the need for an

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application to amend the current licence, until 30 September 2021.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

8. The Business and Planning bill 2020 received royal assent on 22 July 2020. Now that the legislation has been passed, Doncaster Council are obligated to receive and consider applications made for this licence immediately.

BACKGROUND

9. As a local authority, Doncaster Council has a responsibility to encourage a return to economic vitality following the Covid19 pandemic. One of the Government recommendations to achieve this task is through the licensing of the public highway to allow hospitality businesses to extend their capacity limits and to increase social distancing possibilities for patrons.
10. A temporary pavement licence has been created to allow this activity. The Council is able to charge a fee of up to £100 for a licence that will be valid until September 2021. It was proposed, and approved, to charge the maximum fee permitted and therefore this licence will cost £100 and grant permission for tables, chairs and related infrastructure to be placed on the public highway until 30 September 2021 subject to such conditions as may be imposed by statute, the Secretary of State or Doncaster Council.
11. The approved conditions are attached as Appendix A.
12. The Application process will consist of the completion of an application form and payment of the fee. The Application is then subject to statutory consultation which is achieved by the Applicant displaying a notice at the premises and the Council publishing the Application on its website. This needs to be in place for 7 days. The Council then has 7 days to consider any representations made to the Application. The Council must then determine whether or not to grant the licence and if granted any conditions to be imposed, taking into account the outcome of the consultation process and the national conditions from the Secretary of State.
13. It was proposed, and approved, that this process be delegated to the Assistant Director of Environment and Head of Service for Regulation and Enforcement.
14. Appendix B sets out the Government Guidance issued in respect of these new licences.
15. It should be noted that this is intended to cover all applications throughout the borough, excluding the area in the town centre covered by a Public Spaces Protection Order (PSPO) that prohibits being in possession of an open vessel of alcohol.
16. Applicants who want their patrons to be able to drink alcohol in the designated area will still be able to have tables and chairs on the highway but the application will need to be under the existing regime already in place as this type of licence is not impacted by a PSPO.
17. Provisions in the Act also temporarily modify the Licensing Act 2003 to provide an automatic extension to the terms of most premises licences

which only permit the sale of alcohol for consumption on the premises to allow the sale of alcohol for consumption off the premises. This will make it easier for licensed premises to sell alcohol to customers for consumption off the premises which will allow businesses to trade and maintain social distancing.

18. The new off-sales permission will permit off-sales to be made at a time when the licensed premises are open for the purposes of selling alcohol for consumption on the premises, subject to a cut off time of 11pm or the closure time of an existing outside area, whichever is earlier. Measures also temporarily suspend existing licence conditions in so far as they are inconsistent with the new off-sales permission.
19. Guidance for premises which were licensed for the sale of alcohol for consumption on the premises only, is attached as Appendix C.

OPTIONS CONSIDERED

20. The decision notice contained two options.
21. Option 1. Implement a temporary pavement licence scheme under the business and planning act 2020 valid throughout the borough but excluding areas covered by a public spaces protection order with conflicting prohibitions.
22. Option 2. Do nothing.
23. Option 1 was recommended and approved. No decision was required for the entitlement to provide 'off sales' from licensed premises.

REASONS FOR RECOMMENDED OPTION

24. The Business and Planning Act introduces a new Scheme to allow businesses to extend their trading area through the use of temporary pavement licences on the highway. Doncaster Council must ensure we have a process to deal with these applications as a failure to deal with any applications as required means the temporary pavement licence is granted as applied for.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

25.

	Outcomes	Implications
	<p>Doncaster Working: 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"> • Better access to good fulfilling work • Doncaster businesses are supported to flourish • Inward Investment 	<p>It is recognised that hospitality premises are, businesses, places of employment and potential assets to the community.</p> <p>The Council, via the Assistant Director of Environment and Head of Service for Regulation and Enforcement, will have regard to this priority when making licensing decisions.</p>

	<p>Doncaster Living: 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"> • The town centres are the beating heart of Doncaster • More people can live in a good quality, affordable home • Healthy and Vibrant Communities through Physical Activity and Sport • Everyone takes responsibility for keeping Doncaster Clean • Building on our cultural, artistic and sporting heritage 	<p>It is recognised that hospitality premises are, businesses, places of employment and potential assets to the community.</p> <p>The Council, via the Assistant Director of Environment and Head of Service for Regulation and Enforcement, will have regard to this priority when making licensing decisions.</p>
	<p>Doncaster Learning: 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"> • Every child has life-changing learning experiences within and beyond school • Many more great teachers work in Doncaster Schools that are good or better • Learning in Doncaster prepares young people for the world of work 	<p>None</p>
	<p>Doncaster Caring: Our vision is for a borough that cares together for its most vulnerable residents;</p> <ul style="list-style-type: none"> • Children have the best start in life • Vulnerable families and individuals have support from someone they trust • Older people can live well and independently in their own homes 	<p>It is recognised that hospitality premises are, businesses, places of employment and potential assets to the community.</p> <p>The Council, via the Assistant Director of Environment and Head of Service for Regulation and Enforcement, will have regard to this priority when making licensing decisions.</p>
	<p>Connected Council:</p> <ul style="list-style-type: none"> • A modern, efficient and flexible workforce • Modern, accessible customer interactions • Operating within our resources and delivering value for money • A co-ordinated, whole person, whole life focus on the needs and aspirations of residents • Building community resilience and 	<p>None</p>

	<p>self-reliance by connecting community assets and strengths</p> <ul style="list-style-type: none"> • Working with our partners and residents to provide effective leadership and governance 	
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RISKS AND ASSUMPTIONS

26. The Business and Planning Act introduces a new Scheme to allow businesses to extend their trading area through the use of temporary pavement licences on the highway. Doncaster Council must ensure we have a process to deal with these applications as a failure to deal with any applications as required means the temporary pavement licence is granted as applied for.

LEGAL IMPLICATIONS [Officer Initials HW Date 26/08/2020]

27. The Business and Planning Act 2020 (the Act) introduced a new scheme to allow businesses to extend their trading area through the use of temporary pavement licences on the highway. This is in addition to the existing right to apply for a similar licence under the Highway Act 1980. The Act, which was introduced at very short notice, required local authorities to ensure they had a process to deal with these licences as a failure to deal with any applications as required would mean the temporary pavement licence would be granted as applied for without the imposition of any conditions. Such conditions, whilst not required for the licence to operate, ensure appropriate control is placed on the operation of such licences. Initial approval for the process was dealt with utilising the emergency provisions set out in the Constitution at Rule 36 which requires that the Committee be advised of details of the process approved.
28. The Act also introduced the automatic legal right for premises which previously only had a licence for on sales would automatically be entitled to sell alcohol for consumption off the premises. This right is subject to certain conditions and exceptions as set out in the Act.

FINANCIAL IMPLICATIONS [Officer Initials JB Date 20.08.2020]

29. It has been estimated that 80-100 licences will be issued under the new scheme. This would generate £8,000-£10,000 for the Council as well helping restart the local economy. The service needed to ensure systems and procedures were in place to collect the additional income and allocate it to the correct service budget. The fee charged will cover the cost of administering the scheme, any subsequent enforcement action and is based on government recommendations.
30. The Council's Financial Procedure Rules state that "Any new fees and charges proposed within the financial year or any changes to existing fees and charges will be approved by the CFO in consultation with the relevant Portfolio Holder, subject to key decision rules and reported to Cabinet in the quarterly monitoring report." The Council's Chief Financial Officer (CFO) was supportive of the introduction of the new fee and consulted with the relevant portfolio holder.

HUMAN RESOURCES IMPLICATIONS [Officer Initials DK Date 17/08/2020]

31. There are no direct HR implications to this report.

TECHNOLOGY IMPLICATIONS [Officer Initials AM Date 14/08/20]

32. There are no technology implications in relation to this report.

HEALTH IMPLICATIONS [Officer Initials CT Date 17.08.20]

33. Public Health supports Option 1. However, as part of the approval process of the temporary pavement licenses the Director of Public Health requests that pedestrian access is not compromised by the increase in outdoor seating areas, particularly for people with limited mobility, wheelchair users and pushchairs.
34. The Director would also like to see in due course how the discontinuation of the temporary pavement licenses and permitted off-sales will be managed in time for their removal in September 2021 to ensure premises are acting within the law.

EQUALITY IMPLICATIONS [Officer Initials DDS Date 12/08/2020]

35. 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. The approved conditions seek to meet this obligation. In addition, any activities arising from this report will need to be the subject of separate 'due regard' assessments.
36. Any businesses which apply for a temporary pavement licence will also need to have regard to their own duties under the Equality Act 2010, such as their duty under s.29 of the Act not to discriminate in providing their service.

CONSULTATION

37. The decision was approved by Peter Dale: Director of Economy & Environment, Cllr Ken Keegan: Chair of the Licensing Committee and Cllr Chris McGuinness: Cabinet Member for Communities, Voluntary Sector and the Environment.
38. The decision was copied to the Chief Executive, the Governance Services Team and is now being reported to the next ordinary meeting of the Licensing Committee.

BACKGROUND PAPERS

39. Appendix A - 'BPA Pavement Licence Conditions'
Appendix B - Government Guidance for Pavement licences
Appendix C – Government Guidance for the provision of off-sales.

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Peter Dale
Director of Economy and Environment

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BUSINESS AND PLANNING ACT 2020
TEMPORARY PAVEMENT LICENCE STANDARD CONDITIONS

Each application will be treated on its own merits. Doncaster Metropolitan Borough Council (the Council) reserves the right to refuse applications or to apply such conditions as it thinks fit. Applicants should be aware that it will be necessary to display a notice of application for 7 days starting on the day after the application is served on the Council.

1. Sole Purpose of the Licence:

A temporary Pavement Licence permits the business to use furniture placed on the highway (“the permitted area”) to sell or serve food or drink and/or allow it to be used by people for consumption of food and drink supplied from, or in connection with the use of the premises.

2. Production of the Licence on Demand:

The temporary Pavement Licence shall be displayed in the window of the premises to which it relates. Any failure to do so may result in an Authorised Officer requiring the removal of the items from the highway.

3. Site Constraints:

Any street furniture placed within the permitted area of the temporary Pavement Licence shall not obscure sight lines for any highway user, interfere with drainage, or, conflict with dropped crossings, etc.

4. Defining the temporary Pavement Licence Area:

The Council (or its Agent) may, if necessary, discreetly mark on the highway the extent of the temporary Pavement Licence area to ensure its accurate location. The licence holder must not place any items outside of the permitted area.

5. Street Furniture:

The temporary Pavement Licence permits only the following items to be placed on the permitted area of the highway:

- Counters or stalls for selling or serving food or drink
- Tables, counters, or shelves on which food and drink can be placed.
- Chairs, benches or other forms of seating,;
- Umbrellas, barriers, heaters, and other articles used in connection with the outdoor consumption of food or drink

The furniture must be removable. The specification of all furniture must be approved by the Council or its Agent.

6. Barriers:

A barrier approximately 1.0m high and incorporating a tapping rail not more than 150mm above the ground must be provided to guide persons safely around the

temporary Pavement licence. Barriers must not be permanently fixed to the ground within the public highway. Barriers must be designed to resist collapse or movement (e.g. by being blown over or accidentally stumbled into). The specification of barriers must be approved by the Council or its Agent. The barriers & seating should be arranged so as to prevent chairs or personal affects (e.g. shopping) escaping the area of the licence and encroaching into the walked highway.

7. Emergency Exits:

All emergency exits and routes from buildings must be kept clear.

8. Hours of operation:

As stated on the temporary Pavement Licence.

9. Removal of Furniture:

All street furniture and all barriers must be removed from the highway at the end of the working day and shall not be stored within the highway.

10. Other Licences/Permissions:

Not Applicable / Insert any conditions above those of standard or national conditions.

11. Obstruction/Danger/Nuisance on the Highway:

The Licence Holder shall not cause any obstruction or danger to people using the highway. The Licence Holder is responsible for the conduct of people within the area of the temporary Pavement Licence, allowing rowdy or unruly behaviour may lead to the revocation of the licence.

12. Noise/Nuisance Control:

Noise, disturbance, smells or litter on or emanating from the use of the permitted area which cause a nuisance to the owners or occupiers of any adjacent premises, or to members of the public are not acceptable. Amplified music will not be permitted.

13. Surface of the Highway:

The Licence Holder shall not undertake any alterations to the highway surface.

14. Cleansing of the Area:

The Licence Holder will ensure that the area permitted by way of the temporary Pavement Licence is maintained in a clean and tidy condition and they shall take all necessary precautions to prevent the highway from becoming littered as a result of their trading activities.

15. Liability Insurance / Indemnity:

The Licence Holder is required to indemnify the Council and it's agents against all losses and claims for injuries (including death, illness and disease) or damage to any person or property whatsoever, and, against all claims, demands, proceedings, damages, costs, charges and expenses whatsoever arising directly or indirectly out of the granting of this Licence. To this end, the applicant must obtain and maintain third

party public liability insurance which offers indemnity to principle. The level of cover must be to a minimum value of £5,000,000 for any one incident. Evidence of valid insurance for the temporary pavement licence area must be made available when demanded by a duly authorised officer or agent of the Council. The Licence Holder will be required to produce proof of valid insurance to the Council, or its agent, on an annual basis.

16. Consumption of Alcohol:

The temporary Pavement Licence does not give, or imply any permission to supply intoxicating liquor in the street, such consumption must not take place beyond the perimeter of the designated area of the Premises Licence (if such a licence applies to the temporary pavement licence).

17. Advertising:

Advertising alcoholic or smoking products, or their manufacturers, will not be permitted on barriers or furniture associated with the temporary Pavement Licence. Logos / legends on barriers etc. may only relate to the premises or business and will require the prior approval of the Council, or it's Agent. No advertising shall be displayed that may cause offence or alarm to any person.

18. Suspension of Permission:

If so requested in an emergency by a Police Officer, Fire Brigade Officer, Ambulance Attendant or Statutory Undertaker, or by the Highway Authority for the purpose of maintaining the highway, the Licence Holder shall remove the permitted street furniture from the highway.

19. The temporary Pavement Licence is non-transferable:

The Licence is not a transferable asset which might be sold with a change in ownership of the premises.

20. Enforcement:

If a condition imposed on a licence (either by the local authority) or nationally is breached the local authority may issue a notice requiring the breach to be remedied and the authority can take action to recover any costs incurred in serving such a notice from the licence holder. The authority may revoke a licence in the following circumstances:

- For breach of condition, (whether or not a remediation notice has been issued)
- Where there are risks to public health or safety – for example by encouraging users to breach government guidance on social distancing by placing tables and chairs too close together;
- the highway is being obstructed (other than by anything permitted by the licence);
- there is anti-social behaviour or public nuisance associated with the use of the permitted area – for example, the use is increasing the amount of noise generated late at night and/or litter is not being cleaned up;

- It comes to light that the applicant provided false or misleading statements in their application – for example they are operating a stall selling hot food and had applied for tables and chairs on which drinks could be consumed;
- The applicant did not comply with the requirement to affix the notice to notify the public for the relevant period.

The local authority may also revoke the licence where all or any part of the area of the relevant highway to which the licence relates has become unsuitable for any purpose for which the licence was granted or deemed to be granted. For example, the licensed area (or road adjacent) is no longer to be pedestrianised. It is good practice for local authorities to give reasons where these powers are used.

21. Unpublished Conditions:

The Council may impose additional reasonable conditions whether or not they are published after the grant of a temporary pavement licence. All relevant licence holders will be notified of any such additional conditions. There is an expectation these will be supported by a clear justification for the need of a condition which is in addition to any published local conditions. Conditions might, for example, limit the maximum number of chairs and tables, or type of furniture, time and days of operation with justification for this.

22. NATIONAL CONDITION (APPLICABLE TO ALL TEMPORARY PAVEMENT LICENCES):

The Secretary of State publishes this condition in exercise of his powers under Clause 5(6) of the Business & Planning Act 2002:

23. Access along the highway (National Condition):

Clear route of access along the highway must be maintained, taking into account the needs of disabled people, and the recommended footway widths and distances required for access by mobility impaired or visually impaired people as set out in Section 3.1 of inclusive Mobility:

<https://www.gov.uk/government/publications/inclusive-mobility> which states:

A clear width of 2000mm allows two wheelchairs to pass one another comfortably. This should be regarded as the minimum under normal circumstances. Where this is not possible because of physical constraints 1500mm could be regarded as the minimum acceptable under most circumstances, giving sufficient space for a wheelchair user and a walker to pass one another. The absolute minimum, where there is an obstacle, should be 1000mm clear space. The maximum length of restricted width should be 6 metres (see also Section 8.3). If there are local restrictions or obstacles causing this sort of reduction in width they should be grouped in a logical and regular pattern to assist visually impaired people.)

24. Seating for non-smokers (National Condition):

The licence-holder to make reasonable provision for seating where smoking is not permitted. This means that where businesses provide for smokers, customers will also

have the option of sitting in a non-smoking area. Ways of meeting this condition could include:

- Clear 'smoking' and 'non-smoking' areas, with 'no smoking' signage displayed in designated 'smoke-free' zones in accordance with Smoke-free (signs) regulations 2012 which can be viewed [here](#).
- No ash trays or similar receptacles to be provided or permitted to be left on furniture where smoke-free seating is identified.
- Licence holders should provide a minimum 2M distance between non-smoking and smoking areas, wherever possible.

Further, business must continue to have regard to smoke-free legislation under The Health Act 2006, and the subsequent Smoke-free (Premises and Enforcement) Regulations 2006

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Guidance

Guidance: pavement licences (outdoor seating proposal)

Updated 22 July 2020

Contents

1. [1. Pavement licences](#)
2. [2. Duration](#)
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5. [5. Determining the application](#)
6. [6. Deemed licences and conditions](#)
7. [7. Consultation](#)
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This publication is available at <https://www.gov.uk/government/publications/pavement-licences-draft-guidance/draft-guidance-pavement-licences-outdoor-seating-proposal>

1. Pavement licences

1.1 What is a pavement licence?

A pavement licence is a licence granted by the local authority, or deemed to have been granted, which allows the licence-holder to place removable furniture over certain highways adjacent to the premises in relation to which the application was made, for certain purposes. This is a streamlined process to allow businesses to secure these licences in time for the summer and, where they are deemed to have been granted, allow these licences to remain in place for a year but not beyond 30 September 2021. Where a pavement licence is granted, clear access routes on the highway will need to be maintained, taking into account the needs of all users, including disabled people.

1.2 What is the purpose of the new process for pavement licences?

This new process introduces a streamlined and cheaper route for businesses such as cafes, restaurants and bars to secure a licence to place furniture on the highway. This will support them to operate safely while social distancing measures remain in place. This will provide much needed income over the summer months and protect as many hospitality jobs as possible.

1.3 How does the new process for pavement licences work?

Pavement licences are presently granted primarily under Part 7A of the Highways Act 1980. The fee varies between local authorities. The new process provides a cheaper, easier and quicker way for businesses to obtain a licence. The fee for applying for a licence under the new process, is capped at £100 and the consultation period is 5 working days (excluding public holidays) starting the day after the application is sent electronically to the authority. It is currently a minimum of 28 calendar days under Part 7A.

If the local authority does not determine the application before the end of the determination period (which is 5 working days beginning with the first day after the end of the public consultation period, excluding public holidays), the licence is deemed to have been granted for a year (but not beyond 30 September 2021) and the business can place the proposed furniture such as tables and chairs within the area set out in the application for the purpose or purposes proposed.

1.4 What businesses are eligible?

A business which uses (or proposes to use) premises for the sale of food or drink for consumption (on or off the premises) can apply for a licence. Businesses that are eligible include: public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours including where such uses form an ancillary aspect of another use, for example supermarkets, or entertainment venues which sell food and drink.

A licence permits the business to use furniture placed on the highway to sell or serve food or drink and/or allow it to be used by people for consumption of food or drink supplied from, or in connection with the use of the premises.

1.5 What furniture can be permitted by a licence?

The furniture which may be used is:

- counters or stalls for selling or serving food or drink;
- tables, counters or shelves on which food or drink can be placed;
- chairs, benches or other forms of seating; and
- umbrellas, barriers, heaters and other articles used in connection with the outdoor consumption of food or drink.

This furniture is required to be removable. Local authorities should be pragmatic when determining what is 'removable' but in principle this means it is not a permanent fixed structure, and is able to be moved easily, and stored away of an evening.

1.6 How much do applications cost?

Fees will be set locally, but are capped at a maximum of £100.

1.7 Are there any exclusions from this provision?

Licences can only be granted in respect of highways listed in section 115A(1) Highways Act 1980. Generally, these are footpaths restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited. Highways maintained by Network Rail or over the Crown land are exempt (so a licence cannot be granted).

1.8 Where does this new process apply?

This process applies to England only, including London and other areas where statutory regimes other than the regime in the Highways Act 1980 may be relevant to the grant of licences for street furniture.

1.9 Which authority can exercise pavement licence functions?

Under Section 101 of the Local Government Act 1972, local authorities may arrange for the discharge of their functions by a committee, a sub-committee or an officer of the authority; or by any other local authority. This means that the executive of a local authority can delegate decisions to a committee, or officer of the authority. They may also wish to delegate the functions to another authority, for example to a County Council in a two-tier area.

1.10 How does this interact with other regulatory process, such as alcohol licensing?

It is important to note the grant of a pavement licence only permits the placing of furniture on the highway. Other regulatory frameworks still apply such as the need

for alcohol licenses and the need to comply with registration requirements for food businesses.

If the applicant has a licence to serve alcohol on-premises temporary amendments to the Licencing Act 2003, through the Business and Planning Act 2020, will allow them to sell alcohol for consumption off the premises without needing to apply for a variation of their licence. More details can be found in the [guidance accompanying the Business and Planning Act 2020](#).

Local authorities will also need to have regard to the Public Sector Equality Duty, under the Equality Act 2010 when devising and implementing the new licensing regime, which includes the need to have due regard to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act. Any businesses which apply for a pavement licence will also need to have regard to their own duties under the Equality Act 2010, such as their duty under s.29 of the Act not to discriminate in providing their service.

1.11 Does the applicant need planning permission as well as the licence?

No. Once a licence is granted, or deemed to be granted, the applicant will also benefit from deemed planning permission to use the land for anything done pursuant to the licence while the licence is valid.

2. Duration

2.1 How long are pavement licenses valid for?

If a local authority determines an application before the end of the determination period (which is 5 working days, beginning with the first day after the end of the public consultation period, excluding public holidays) the authority can specify the duration of the licence, subject to a minimum duration of 3 months. The expectation is that local authorities will grant licences for 12 months or more unless there are good reasons for granting a licence for a shorter period such as plans for future changes in use of road space.

If a licence is 'deemed' granted because the authority does not make a decision on an application before the end of the determination period, then the licence will be valid for a year. However, if, when implemented, a licence that has been deemed granted does not meet the conditions set out in the legislation or any local conditions, it can be revoked at any time on the grounds that it has breached the conditions.

A licence granted or deemed to be granted will not be valid beyond 30 September 2021.

2.2 How long will the new process be in place?

This is a temporary measure to support businesses while social distancing measures may still be in place. As it is uncertain how long some form of social distancing measures will be in place for, the new process will remain in place until the end of September 2021 – giving certainty to businesses for the foreseeable future, supporting them to operate safely while social distancing measures are in place. It

will also allow them enough time to apply for new licences under Part 7A of the Highways Act 1980 or equivalent provisions in any Local Act, if they want to extend their use of pavement furniture beyond the end of September 2021.

3. Applications

3.1 What information does an applicant need to provide?

An application to the local authority must:

- specify the premises and, the part of the relevant highway to which the application relates;
- specify the purpose (or purposes) for which the furniture will be used which must be to sell or serve food or drink, and/or for use by other people for the consumption of food or drink. In both cases the food or drink must be supplied from, or in connection with relevant use of the premises;
- specify the days of the week on which and the hours between which it is proposed to have furniture on the highway;
- describe the type of furniture to which the application relates, for example: tables, chairs, and/or stalls;
- specify the date on which the application is made;
- contain or be accompanied by such evidence of public liability insurance in respect of anything to be done pursuant to the licence as the authority may require; and
- contain or be accompanied by such other information or material as the local authority may require, for example how national and local conditions have been satisfied.

Local authorities may require applications to be made on a standard application form.

3.2 What other information may the local authority require?

Local authorities may require the applicant to provide other information or material to help them make a swift determination. This could be included in their standard application form. Any requirements imposed should be reasonable and should be kept as minimal as possible. Examples of the information a local authority might require might include:

- a plan showing the location of the premises shown by a red line, so the application site can be clearly identified (some authorities may require this on an OS Base Map);
- a plan clearly showing the proposed area covered by the licence in relation to the highway, if not to scale, with measurements clearly shown;
- the proposed duration of the licence (for e.g. 3 months, 6 months, or a year);

- evidence of the right to occupy the premises e.g. the lease;
- contact details of the applicant;
- photos or brochures showing the proposed type of furniture and information on potential siting of it within the area applied;
- evidence that the applicant has met the requirement to give notice of the application (for example photograph);
- (if applicable) reference of existing pavement licence currently under consideration by the local authority; and
- any other evidence needed to demonstrate how any local and national conditions will be satisfied.

3.3 What happens if an applicant has already made an application under the current regime?

If an applicant has already applied for permission to place furniture on the highway under the existing regime and their application has not been determined, they may proceed with that application. However, that applicant may opt to make a fresh application for a pavement licence under the new process. In those circumstances the pending application will be deemed to have been withdrawn. If the fee for the pending application was paid the authority will not be permitted to charge a fee for the new application for a pavement licence.

4. National Conditions

The 2020 Act sets out two conditions which apply to pavement licences which are granted or deemed to be granted these are: a no-obstruction condition and a smoke-free seating condition. These apply only to licences granted under the Business and Planning Act 2020, not existing licences permitted under Part 7A of the Highways Act 1980, or other relevant legislation.

4.1 How can the local authority and applicant consider the needs of disabled people when considering whether the requirements of the no-obstruction condition are met?

The no-obstruction condition is a condition that the licence must not have the effects set out in section 3(6) of the 2020 Act. When determining whether furniture constitutes an unacceptable obstruction in light of the no-obstruction condition, the provisions require that local authorities consider the needs of disabled people. In order to do this, authorities should consider the following matters when setting conditions, determining applications (in the absence of local conditions), and when considering whether enforcement action is required:

- Section 3.1 of Inclusive Mobility sets out a range of recommended widths which would be required, depending on the needs of particular pavement users, but is clear that in most circumstances 1500mm clear space should be regarded as the minimum acceptable distance between the obstacle and the edge of the footway,

- any need for a barrier to separate furniture from the rest of the footway so that the visually impaired can navigate around the furniture, such as colour contrast and a tap rail for long cane users. In some cases, it may be appropriate to use one or more rigid, removable objects to demarcate the area to which the licence applies, for example wooden tubs of flowers. However, this will need to be balanced to ensure any barriers do not inhibit other street users, such as the mobility impaired, as such barriers may create a further obstacle in the highway;
- any conflict of street furniture with the principal lines of pedestrian movement particularly for disabled people, older people and those with mobility needs. The positioning of furniture should not discourage pedestrians from using the footway. The available route must be entirely clear and not pass through an area with tables and chairs;
- so that where possible furniture is non-reflective and of reasonable substance such that it cannot easily be pushed or blown over by the wind, and thereby cause obstruction – for example, the local authority could refuse the use of plastic patio furniture, unless measures have been taken to ensure it is kept in place.

Section 149 of the Equality Act 2010 places duties on local authorities, to have due regard to: the need to eliminate unlawful discrimination, advance equality of opportunity between people who share a protected characteristic and those who don't, and foster or encourage good relations between people who share a protected characteristic and those who don't.

4.2 What is reasonable provision for seating where smoking is not permitted?

The national smoke-free seating condition seeks to ensure customers have greater choice, so that both smokers and non-smokers are able to sit outside, in order to protect public health by reducing risks of COVID transmission.

It is important that businesses can cater to their customers' preferences. The Business and Planning Act 2020 imposes a smoke-free seating condition in relation to licences where seating used for the purpose of consuming food or drink has been, (or is to be) placed on the relevant highway. The condition requires a licence-holder to make reasonable provision for seating where smoking is not permitted. This means that where businesses provide for smokers, customers will also have the option of sitting in a non-smoking area. Ways of meeting this condition could include:

- Clear 'smoking' and 'non-smoking' areas, with 'no smoking' signage displayed in designated 'smoke-free' zones in accordance with Smoke-free (signs) regulations 2012 which can be viewed [here](#).
- No ash trays or similar receptacles to be provided or permitted to be left on furniture where smoke-free seating is identified.
- Licence holders should provide a minimum 2M distance between non-smoking and smoking areas, wherever possible.

Further, business must continue to have regard to smoke-free legislation under The Health Act 2006, and the subsequent Smoke-free (Premises and Enforcement) Regulations 2006.

Public Health England has published [guidance for smokers and vapers during the COVID pandemic](#).

4.3 Where an authority has set a local condition covering the same matter as a national condition, which take precedence?

Where a local authority sets a local condition that covers the same matter as set out in national conditions, then the locally set condition would take precedence over the national condition where there is reasonable justification to do so.

5. Determining the application

5.1 What happens once the information is submitted to the local authority?

Once the information is submitted to the local authority the authority has 10 working days from the day after the application is made (excluding public holidays) to consult on, and determine the application. This consists of 5 working days for public consultation, and then 5 working days to consider and determine the application after the consultation.

If the local authority does not determine the application within the 10 working day period, the application will be deemed to have been granted.

5.2 What will a local authority consider when deciding whether to grant a pavement licence?

The local authority will need to consider a number of factors, when determining whether to approve the application. These include whether local conditions might be needed to make it possible to approve an application which would otherwise be unacceptable.

The Secretary of State may specify conditions for pavement licences, in Regulations. This is in addition to the statutory 'no obstruction' condition referred to in sections 5(4) and 3(6) of the Business and Planning Act 2020 Act and 'smoke-free' seating condition.

Authorities are encouraged to publish local conditions subject to which they propose to grant pavement licences so that applicants and those making representations are aware of them. When considering their powers in relation to local conditions they should bear in mind the requirements of and seek to impose conditions which have the same effect as the no-obstruction condition and the smoke-free seating condition. They should also take into account any national conditions which may be specified in the future in Regulations.

When setting local conditions and determining applications, issues authorities will also want to consider include:

- public health and safety including security – for example, ensuring that uses conform with latest guidance on social distancing and any reasonable crowd management measures needed as a result of a licence being granted and businesses reopening;
- public amenity – will the proposed use create nuisance to neighbouring occupiers by generating anti-social behaviour and litter; and
- accessibility – taking a proportionate approach to considering the nature of the site in relation to which the application for a licence is made, its surroundings and its users, taking account of:
- considerations under the no-obstruction condition, in particular considering the needs of disabled people;
 - any other temporary measures in place that may be relevant to the proposal, for example, the reallocation of road space. This could include pedestrianised streets and any subsequent reallocation of this space to vehicles;
 - any other social distancing measures in place, for example any queuing systems that limit the space available on the pavement;
 - whether there are other permanent street furniture or fixed structures in place on the footway that already reduce access; and
 - other users of the space, for example if there are high levels of pedestrian or cycle movements.

5.3 How can local authorities consider Security?

When considering public health and safety, local authorities should seek to ensure a balanced consideration for security implications, particularly the risk to groups of people from interaction with hostile vehicles, and the creation of large crowds in new public spaces. Local authorities should consider consulting with Police Licensing Teams, Designing Out Crime Officers and Counter Terrorism Security Advisors for relevant advice.

See the [guidance for managing the most common security implications](#).

5.4 Can local authorities impose conditions which are not published?

Yes. When they grant a licence, local authorities may impose reasonable conditions whether or not they are published upfront. There is an expectation these will be supported by a clear justification for the need of a condition, such as evidence raised during the consultation, which is in addition to any published local conditions. Conditions might, for example, limit the maximum number of chairs and tables, or type of furniture, time and days of operation with justification for this.

5.5 Where can local authorities find out more about how to manage social distancing?

The government has published the [COVID-19 Secure: safer public places guidance](#), which provides owners and operators of public spaces with information and examples of measures that may be undertaken to adapt and manage public spaces in order to help social distancing.

See [more detailed information on considering security implications in light of new Covid-19 measures](#).

See [specific advice on protecting queues\(PDF\)](#).

When considering the minimum width needed for clear access, authorities and applicants will need to take into account any social distancing measures in place and ensure that these distancing measures are also applied to allow for safe passing of highway users and for the safety of any customers using the furniture, and any other likely users of the area.

5.6 What are the outcomes of an application?

If the local authority determines the application before the end of the determination period the local authority can:

- grant the licence in respect of any or all of the purposes specified in the application,
- grant the licence for some or all of the part of the highway specified in the application, and impose conditions, or
- refuse the application.

To the extent that conditions imposed on a licence by the local authority do not have the effects specified in the statutory conditions (see [paragraph 4.1](#) and [paragraph 4.2](#)) the licence is granted subject to those requirements .

5.7 Is there a route to appeal a decision?

There is no statutory appeal process for these decisions, however, councils may wish to consider the scope for an internal review process, for example permitting appeals to their Licencing committee.

6. Deemed licences and conditions

6.1 What is a deemed licence?

If the local authority does not determine the application before the end of the determination period, the application is deemed to have been granted subject to any local conditions published by the local authority before the application was submitted.

To the extent that local conditions deemed to be imposed on the licence do not have the effects specified the statutory conditions (see [paragraph 4.1](#) and [paragraph 4.2](#)). the licence is granted subject to those requirements.

7. Consultation

7.1 What steps should an applicant take to engage with their community?

The applicant is required to affix a notice to the premises, so it is easily visible and legible to the public on the day they submit the application to the local authority. They must ensure the notice remains in place for the public consultation period which is the period of 5 working days beginning with the day after the day the application is submitted to the authority. When counting 'working days' public holidays are not included. Applicants are encouraged to keep evidence of this. Applicants are encouraged to engage with any services operated in the vicinity for vulnerable customers, for example, care home or disability organisations nearby where individuals may be at particular risk.

7.2 What must a notice contain?

The notice must:

- be in the form which the local authority prescribes, if it prescribes one;
- state that the application has been made and the date on which it was made;
- indicate that representations relating to the application may be made to that local authority during the public consultation period and when that period comes to an end; and
- contain such other information or material as that local authority may require.

The applicant is encouraged to talk to neighbouring businesses and occupiers prior to applying to the local authority, and so take any issues around noise, and nuisance into consideration as part of the proposal.

7.3 What information may local authorities require to be displayed on the site notice?

The local authority may require that other information is included in the notice such as:

- the statutory provisions under which the application is made;
- description of the proposed use of the furniture;
- address of the premises and name of the business;
- website for the council where the application and any accompanying material can be viewed during the consultation period;
- address (which might be an email address) to which representations should be sent during the consultation period; and
- the end date of the consultation (5 working days starting the day after the application is submitted to the authority).

A template site notice local authorities may wish to adapt is contained in Annex A.

7.4 Who must local authorities consult?

The local authority must consult the highways authority, if they are not the highways authority; this is usually the County Council in a two-tier area, or Transport for London in London. For security advice, local authorities should consult Police Licensing Teams, Designing Out Crime Officers or Counter Terrorism Security Advisors. The authority must also consult such other persons as the local authority considers appropriate.

7.5 How can members of the public make representations about the application?

Members of the public can contact the council to make representations. Local authorities must take into account representations received from members of the public during the public consultation period which is the period of 5 working days starting the day after the application is submitted (excluding public holidays). In order to promote accessibility to those unable to access printed notices, Local Authorities are encouraged to consider using digital methods of publicity. They should also consider the needs of those who may find it more difficult to access online publications.

7.6 How must local authorities publicise the application and seek representations from local communities and other stakeholders?

The local authority is required to publish the application and any information or material which the applicant has submitted with it to meet the requirements of the authority, in such a manner as it considers appropriate, for example, on their website or via an online portal.

The local authority is also required to publicise the fact that representations may be made during the public consultation period and when that period comes to an end. Local authorities might consider using digital methods of publicity, such as automatic notices, which members of the public can opt in to receive. In deciding what steps to take authorities should consider the needs of those who may find it more difficult to access online publications.

When publishing applications and publicising the fact that representations can be made, authorities will need to have regard to their duties under the Equality Act 2010 and will need to meet the requirements in the Public Sector Bodies (Websites and Mobile Applications) (No 2) Accessibility Regulations 2018, and therefore ensure that these are made accessible.

8. Enforcement

8.1 In what circumstances can the local authority enforce or revoke a licence?

If a condition imposed on a licence (either by the local authority) or nationally is breached, the local authority will be able to issue a notice requiring the breach to be remedied and the authority can take action to cover any costs.

The authority may revoke a licence in the following circumstances:

1. For breach of condition, (whether or not a remediation notice has been issued) or

2. Where:

- there are risks to public health or safety – for example by encouraging users to breach government guidance on social distancing by placing tables and chairs too close together or where it comes to light that there are significant security risks which have not been sufficiently considered, or addressed in a proportionate fashion (this should be reassessed as necessary, particularly in the event of changes to the terrorism threat level);
 - this use of the highway is causing an unacceptable obstruction, breaching the non-obstruction condition – for example, the arrangement of street furniture prevents disabled people, older people or a wheelchair users to pass along the highway or have normal access to the premises along side the highway.
 - the use is causing anti-social behaviour or public nuisance – for example, the use is increasing the amount of noise generated late at night and litter is not being cleaned up;
 - it comes to light that the applicant provided false or misleading statements in their application – for example they are operating a stall selling hot food and had applied for tables and chairs on which drinks could be consumed; or
 - the applicant did not comply with the requirement to affix the notice to notify the public for the relevant period.
3. The local authority may also revoke the licence where all or any part of the area of the relevant highway to which the licence relates has become unsuitable for any purpose for which the licence was granted or deemed to be granted. For example, the licensed area (or road adjacent) is no longer to be pedestrianised. It is good practice for local authorities to give reasons where these powers are used.

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Guidance

Alcohol licensing: guidance on new temporary off-sales permissions

Published 22 July 2020

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This guidance relates to the alcohol licensing provisions in the Business and Planning Act 2020 only. It is separate to the guidance on [working safely during Covid-19](#) issued by the Department for Business, Energy and Industrial Strategy and the Department for Digital, Culture, Media and Sport.

1. What is the purpose of this temporary off-sales extension?

Businesses such as pubs, bars and restaurants have been hit hard by Covid-19. Many have been closed for an extended period and as they re-open, social distancing guidance will significantly affect their capacity to accommodate customers. This measure forms part of a package designed to make it easier for businesses to make use of outdoor space for dining and the sale of alcohol, helping the hospitality sector get back on its feet again through the busy summer months.

The provisions in the Act temporarily modify the Licensing Act 2003 to provide an automatic extension to the terms of most premises licences which only permit the sale of alcohol for consumption on the premises to allow the sale of alcohol for consumption off the premises. This will make it easier for licensed premises to sell alcohol to customers for consumption off the premises in England and Wales, which will allow businesses to trade and maintain social distancing.

The new off-sales permission will permit off-sales to be made at a time when the licensed premises are open for the purposes of selling alcohol for consumption on the premises, subject to a cut off time of 11pm or the closure time of an existing outside area, whichever is earlier. Measures also temporarily suspend existing licence conditions in so far as they are inconsistent with the new off-sales permission.

Conditions on existing dual premises licences (permitting both on-sales and off-sales) that would prevent one or more of the following are also suspended under the temporary off-sales permission:

- (i) off-sales being made at a time when the premises are open for the purposes of selling alcohol for consumption on the premises (subject to a cut off time of 11pm or the closure time of an existing outdoor area, whichever is earlier);
- (ii) off-sales being sold in an open container; and,
- (iii) deliveries to buildings used for residential or work purposes

The new off-sales permission is authorised under section 172F(2) of the Licensing Act 2003 in respect of on-sales licences and section 172F(5) of the Licensing Act 2003 in respect of dual licences.

2. Does the extension apply to outdoor areas?

There are two main types of outdoor places from which alcohol will be consumed: (a) an outdoor place which is covered by the premises licence for on-sales, and (b) an outdoor space which is not covered by the premises licence and is therefore an off-sale (e.g. on a highway). The provisions in the Act will enable off-sales to be made into spaces not covered by the premises licence.

3. Will all premises that currently only have permission for on-sales be given the new permission for off-sales?

Most will, but some will be excluded. The permission is only given to businesses with premises licences, so those organisations with club premises certificates are not covered by the provisions in the Act. Where organisations with club premises certificates that do not permit off-sales, those organisations will need to seek permission to do so from the licensing authority. In addition, a premises licence that only permits on-sales will be excluded if, within the three years preceding on day 22 July 2020:

- a premises licence application was made for a licensed premises and permission for off-sales was refused;
- a licence variation seeking permission for off-sales was refused;
- a licence variation seeking to exclude the off-sales permission was accepted; or
- the premises licence was varied or modified on review to exclude off-sales.

4. Will this permission be permanent?

No, the permission and any conditions attached to it are temporary. The permission will lapse on 30 September 2021, unless the temporary period is extended by regulations made by the Secretary of State or is otherwise suspended, removed or varied.

5. What is the difference between pavement licences and alcohol licences?

The grant of a pavement licence only permits the placing of furniture on the highway. Premises that wish to expand outdoors, with customers consuming alcohol on the highway will need both a premises licence to sell alcohol and a pavement licence.

Alcohol licences are specifically for the sale of alcohol at the premises for consumption either on or off the premises. Because the new permission is automatic, an application for an off-sales alcohol licence does not need to be made, if the premises already has an on-sales alcohol licence and has not had a disqualifying event in the last three years.

6. My premises licence has lapsed/been surrendered/is suspended. Will the new off-sales permission apply if the licence comes back into effect?

Yes. Any premises licence that was “capable of having effect” when this legislation commenced on 22 July 2020 will be able to benefit from the new temporary permission, subject to the exclusions set out in the section above.

7. The premises licence was only transferred to me recently. How would I know if my premises are excluded?

If you are in any doubt about whether the new permission applies to your premises, you should contact your local licensing authority to check.

8. Do I need my local licensing authority’s permission to start making off-sales?

You do not. However, you should notify your licensing authority if you intend to start making off-sales under the new permission, so that they are aware of all the ways you are providing licensable activities. As above, your licensing authority can also clarify whether or not you are eligible to benefit from this permission. The licensing authority will not be able to issue a counter-notice to prevent you from making off-sales authorised under the new permission.

9. Do I have to wait for the licensing authority to acknowledge my notification before I can start making off-sales?

No. You can start making off-sales right away.

10. Do I need to alter the summary of my licence that is displayed on the premises?

No, but if you are making use of the new temporary permission to undertake off-sales under section 172F(2) or of any of the temporary conditions under section 172F(5), a new statement that this is the case must be prepared by you (“a section 172F statement”).

If you are making use of the new temporary permission for off-sales, the statement must be clear that off-sales are authorised under section 172F(2) , subject to the requirement that the premises must be open for the sale of alcohol on the premises.

If you have a dual licence and are relying on any of the temporary conditions in section 172F(5), the statement must also list them.

The section 172F statement must be kept on the premises or under the control of the holder of the licence or a person who works at the premises who has been nominated by the holder of the licence for this purpose. A copy of the section 172F statement must be prominently displayed at the premises alongside the summary of your premises licence.

Failure to comply with these requirements without reasonable excuse is an offence.

11. Will I need to amend my premises plan to show new outdoor areas where customers will consume alcohol?

No, but as above you should notify your local authority if you are planning to make use of the temporary permission. Only areas where on-sales are authorised to take place are shown on the premises plan.

12. My premises are in an area where there is a public space protection order (PSPO) banning the consumption of alcohol in public. Do the pavement and alcohol licensing provisions in the Act override this?

The provisions in the Act do not override or suspend PSPOs that ban the consumption of alcohol in public. If your premises are located in such an area and you would like your customers to be able to consume alcohol outside or off the premises, you will need to apply for a permission under section 115E of the Highways Act 1980.

13. At what times will the new permission allow me to make off-sales?

The new off-sales permission will permit off-sales to be made at a time when the licensed premises are open for the purposes of selling alcohol for consumption on the premises, subject to a cut off time of 11pm or the closure time of an existing outdoor area, whichever is earlier.

14. I already have an off-sales permission in my licence. Will this legislation have any effect on my premises?

It may. The legislation will apply up to three temporary variations to licences with an existing permission for off-sales.

1. The licence is varied to allow off-sales until 11pm, or until the current on-sales licensing hours for that premises end, whichever is the earlier, however the premises must be open for the primary purpose of on-sales trade. New off-sales permission will not apply to times when a premises licence does not allow sales of alcohol for consumption in outdoor areas of the premises.
2. If an existing condition(s) prevents off-sales in open containers, then this variation allows sales in open containers.
3. If an existing licence condition(s) prevents off-sales of alcohol for delivery, this variation allows deliveries, providing that they are to buildings used for residential or work purposes.

The existing conditions that prevent these matters are suspended until 30 September 2021.

15. Can I apply to vary those conditions?

Yes. You can apply to vary these temporary conditions and doing so will not affect any conditions on your existing off-sales permission that have been suspended as a result of the temporary variations.

16. Will any variation that is granted be permanent?

A variation to the conditions would only be permanent if you applied to vary the off-sales permission you already hold, or you apply for a new off-sales permission.

17. When could I apply to make the off-sales permission permanent?

At any time. There is no need to wait until September 2021 to apply for a variation to your premises licence to permit off-sales at the end of the temporary period.

18. Why are you limiting where premises with an existing permission can make deliveries of alcohol when there is no such limitation on premises with a new permission?

This additional safeguard upholds previous licensing authority's decisions where conditions have been previously added which bars premises from making off-sales for delivery.

19. The new summary off-sales review process

19.1 What is the existing summary review process?

The existing summary review process allows a quick process for attaching interim conditions to a licence and a fast-track licence review when the police consider that the premises concerned is associated with serious crime or serious disorder (or both). The chief officer of police for the area in which the premises are situated may apply to the licensing authority for an expedited review of a premises licence where a senior police officer has issued a certificate stating that in his/her opinion the premises are associated with serious crime or serious disorder (or both). On receipt of the application and the certificate, the licensing authority must within 48 hours of the time of its receipt consider whether it is necessary to take interim steps pending determination of the review of the premises licence – the authority must in any event, within 28 days after the day of receipt of the application, undertake a review and reach a determination on that review. Summary review guidance is available on gov.uk.

19.2 Why was it necessary to create a new review process?

The temporary off-sales permission is a departure from standard licensing practice, in which every application for an off-sales permission would be considered by a licensing authority, the police, other responsible authorities. Since that safeguard is not present, an expedited review process capable of taking swift action to tackle problems relevant to one or more of the licensing objectives has been put in place.

19.3 Will the summary off-sales reviews be just like summary reviews?

The summary off-sales review is modelled on the existing summary review process, but there are some significant differences, as set out below.

19.4 Will reviews of premises where off-sales create problems must use this process?

No. The ordinary review process under section 51 of the Licensing Act 2003 and summary reviews under section 53A will still be available. However, the summary off-sale review process provides an expedited process to review the new off-sales permissions on grounds relevant to one or more of the licensing objectives.

19.5 Who can apply for a summary off-sales review?

Only a responsible authority under the Licensing Act 2003 can apply for an off-sales review.

19.6 On what grounds can a summary off-sales review be applied for?

An application can be made on grounds relevant to one or more of the four licensing objectives (the prevention of crime and disorder, the prevention of public nuisance, public safety, and the protection of children from harm). An existing summary review can only be applied for where a senior police officer has given a certificate that it is their opinion that the premises are associated with serious crime or serious disorder or both. No similar certificate will be required for the off-sales review process.

19.7 Could the grounds for review relate to any problem with off-sales?

The grounds could relate to any problem with off-sales made under the new permission, provided that they are relevant to any of the the licensing objectives. However, if you had a pre-existing off-sales permission, the grounds must relate to changes made by the temporary conditions. So, for example, if your hours for off-sales were extended from 10 to 11 p.m. by the temporary condition, grounds for the off-sales review would have to relate only to problems occurring in that additional hour.

19.8 How quickly will the licensing authority be required to consider interim steps?

Within 48 hours of receiving the application for a review, disregarding non-working days. There is no need for a hearing to be convened before Councillors of the licensing committee or sub-committee to determine the initial interim steps. It is for Members to make decisions about interim steps rather than licensing officers.

19.9 What interim steps could be taken?

In the case of a licence with no previous off-sales permission, the possible interim steps following the licensing authority receiving an application for a summary off-sales review are:

- (a) the modification of the conditions of the licence that relate to off-sales authorised by the new permission;
- (b) the exclusion of off-sales authorised by the new permission from the scope of the licence; or,
- (c) the suspension of the new off-sales permission.

In the case of a premises licence with an existing off-sales permission, any interim steps can only modify or exclude the new, temporary conditions or add new conditions to off-sales which relate to those new temporary conditions. Interim steps can only relate to the new temporary conditions, and not the existing off-sales permission.

19.10 Why are the interim steps different, depending on whether I have a new permission or an existing one?

The summary off-sales review process is an expedited review process that applies only in relation to the new permission or conditions given under section 172F of the Licensing Act 2003. In the case of both interim steps and the review hearing, any measures taken must relate to the new permission or conditions granted under section 172F. Pre-existing permissions and conditions are, therefore, out of scope of the summary off-sales review process, and the premises licence as a whole cannot be modified, suspended or revoked under the summary off-sales review process.

19.11 Will premises licensees be given notice of any interim steps?

If the licensing authority decides to apply interim steps, it must notify the premises licence holder of its decision and give reasons immediately.

19.12 Can I object to any interim steps made pending the determination of the review?

You may submit representations objecting to any interim steps made. Should you do so, the licensing authority will be required to hold a hearing within 48 hours of receiving them to consider your representations.

19.13 When will the review hearing take place?

The hearing must take place and the review be determined within 28 days after the day of the receipt of the application by the licensing authority.

19.14 What steps could the licensing committee take at the review hearing?

In the case of a licence with no previous off-sales permission, the possible steps are:

- (a) the modification of the conditions of the licence that relate to off-sales authorised by the new permission;
- (b) the exclusion of off-sales authorised by the new permission from the scope of the licence; or
- (c) the suspension of the new off-sales permission for no more than three months.

In the case of a premises licence with an existing off-sales permission, steps could only modify or exclude the new, temporary conditions or add new conditions to off-sales which relate to those new temporary conditions. The steps would only relate to the new temporary conditions, and not the existing off-sales permission.

19.15 Why are those steps different, depending on whether I have a new permission or an existing one?

The purpose of the summary off-sales review is to provide an expedited review only in relation to the new permission or conditions given under section 172F of the Licensing Act 2003. Pre-existing permissions and conditions are, therefore, out of scope of the summary off-sales review process, and the premises licence as a whole cannot be modified, suspended or revoked under the off-sales review process.

19.16 Will any interim steps end on the date of the review hearing?

The licensing authority is required to review any interim steps that have effect on the date of the review hearing and consider whether any remain appropriate and in force until the review decision comes into effect (either after the 21 day appeal period if there is no appeal, until any appeal is determined, or as specified by the licensing authority).

19.17 Can I appeal against the decision of the review hearing?

Yes, in the same way as you can appeal against any decision made at a licensing review hearing. There is the same 21-day limit to make your appeal to the Magistrates Court and pay the relevant fee, if you wish to appeal.

20. General advice on conducting off-sales

20.1 Should I verify the age of a customer at the point of sale, on delivery or both?

It is an offence under section 146 of the Licensing Act 2003 to sell alcohol to an individual aged under 18. The Act offers a defence that you believed that the individual was aged 18 or over, either because you took all reasonable steps to establish their age, or nobody could reasonably have suspected from the individual's appearance that he or she was aged under 18.

It is an offence under section 147 of the Licensing Act 2003 to knowingly allow the sale of alcohol to an individual aged under 18. This applies to anyone with the authority to prevent such a sale.

There is a further offence under section 151 of the Licensing Act of knowingly delivering alcohol to an individual aged under 18. There are some exemptions to the offence, including delivery to a customer's residence or place of work.

We would suggest that the most defensible approach is to verify the age of a customer at both the point of sale and at the point of delivery. The Home Office supports the [Challenge 25 scheme](#), which offers guidance, staff training and materials on preventing under-age sales and this will help premises licence holders to promote the licensing objective to protect children from harm.

20.2 Will I be held to account if people misbehave after drinking alcohol that I have sold to them to consume off the premises?

You may be held to account if that misbehaviour might reasonably have been foreseen. Examples might include:

- Selling a large quantity of alcohol to a group of people for consumption in a public space where there had recently been problems of drunken crime and disorder.
- Selling alcohol to street drinkers who have been associated with anti-social behaviour in the neighbourhood.

The police have the power under section 76 of the Anti-social Behaviour, Crime and Policing Act 2014 to issue a closure notice if there are reasonable grounds that the use of a particular premises has resulted, or is likely to result in nuisance to members of the public, or that there has been, or is likely to be, disorder near the premises which is associated with the use of the premises.

20.3 How do I best manage outside queues?

It is important to manage outside queues to ensure they do not cause a risk to individuals or other businesses or create additional security risks. This can be achieved by introducing queueing systems, having staff direct customers and protecting queues from traffic by routing them behind permanent physical structures such as street furniture, bike racks, bollards or putting up barriers to encourage social distancing.

20.4 Customer facilities

Customers who have purchased alcohol for an off-sale should be given access to toilets, if such toilets are otherwise open to the generality of on-sale customers.

20.5 Can I serve alcohol in any types of open containers, including beer glasses?

You should be mindful of the risk of beer glasses that are taken off the premises being broken and becoming a physical hazard. We encourage premises to only use glass open containers when serving customers seated at tables, or else selling alcohol to customers who will use the outdoor space attached to the premises or obtained by an application for a pavement license. For take-away sales, you should serve alcohol in alternative containers such as reusable plastic cups, a can or a bottle.

20.6 How can I help prevent litter?

You should be mindful of the potential for the products you sell to end up as litter. You should put in place what measures you can to remind your customers to not litter and to put their empty containers in a bin.

You can also ensure that items of litter are cleared from the width of your premises frontage, and from the front of your premises, across the pavement to the gutter. If your business is located in a pedestrianised area, you can clear the area the width of the frontage for two metres in front of the business. Also, clear any side alleys of litter if they belong to your business or border its premises. If your business is under any outstanding legal obligations, such as a Street Litter Control Notice of Cleansing Notice, these will take precedence over the recommendations here.

20.7 What can I do if I have concerns about noise and antisocial behaviour in relation to a venue?

Your local council should be the first point of contact to raise such concerns.

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