



Doncaster Council

Report

20th June 2019

To the Chair and Members of the

LICENSING COMMITTEE

Licensing Act 2003, Gambling Act 2005 and General Licensing Update

EXECUTIVE SUMMARY

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

RECOMMENDATIONS

2. It is recommended that Members note the matters referred to in points 2.1 to 2.4 below.
 - 2.1 For the period 1st April 2018 to 31st March 2019 the following committees were convened
 - Licensing Committee – 2 occasions
 - Licensing Sub-Committee - 13 occasions

A total of 13 applications / notices were determined by the Licensing Sub-Committee, all of which were applications made under the Licensing Act 2003.

- 2.2 Statistical details of all other licence applications (Licensing Act 2003 and Gambling Act 2005) determined by the Authority and a summary of significant licensing enforcement actions, for the period 1st April 2018 to 31st March 2019, are attached as Appendix A.
- 2.3 Consultation has recently been undertaken by the Department for Transport on draft Statutory Guidance on Taxi and Private Hire Vehicle licensing. The Council's existing hackney carriage and private hire licensing policy (taxi policy) remains unchanged.

- 2.4 A restructure of the Regulation & Enforcement Service has resulted in a change of management of the Licensing staff responsible for the processing of applications, the issuing of licences, permits and registrations and the enforcement of the same.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER

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

BACKGROUND

4. The Licensing Committee have historically requested that the Committee be furnished with details of the licensing decisions (Licensing Act 2003 and Gambling Act 2005), that are delegated outside the remit of the Committee and Sub-Committee, at least annually at the inaugural meeting. Statistical details of these decisions along with a summary of the significant enforcement actions taken by the Trading Standards & Licensing service are attached at Appendix A. The figures are based on licence applications and enforcement actions that were received and completed respectively during the period 1st April 2018 to 31st March 2019. The figures relating to sub-committees refer to hearings that were convened during the above period but they may also include decisions on some applications that were received in the latter part of the previous year.
5. The Council have responsibility for the licensing and regulation of the hackney carriage (taxi) and private hire trades. Whilst licensing decisions are delegated to officer level, it is within the remit of the Licensing Committee to determine policy and advise on the preparation, content and implementation of taxi licensing policies. The Council's existing policy and guidelines concerning the relevance of convictions for new and existing licence holders in the taxi and private hire trades was adopted in 2012 and is based on Home Office guidance issued in the early 1990s. Whilst each application must be considered on its individual merits, guidelines covering recommended minimum periods free of conviction for offences falling into broad categories act as a guideline to decision makers and afford potential applicants the ability to make an informed decision as to whether or not to apply.
6. Following a period of consultation, the Institute of Licensing published new guidance, in April 2018, on determining the suitability of applicants and licences in the hackney carriage and private hire trades. This Committee previously consented on a consultation with all interested parties with a view to this new guidance being adopted by Doncaster Council.
7. Before consultation could take place, the Department for Transport (DfT) began its own consultation on the *Taxi and Private Hire vehicle licensing: protecting users (Draft Section 177 Statutory Guidance)*. This document includes elements of the Institute of Licensing's published guidance.

8. The consultation, which was open to all interested parties including licensing authorities and the licensed trade, ended on 22 April 2019. The licensing authority provided its response following consultation with the chair of this committee.
9. Once the results of the consultation have been determined and the Statutory Guidance has been published, any proposed changes to the Councils tax policy, will be brought before this Licensing Committee.
10. The Licensing team previously sat within the Business Safety & Licensing Department which was managed by Mr Paul Williams. Following a restructure the Licensing team are now part of Trading Standards & Licensing and the Regulatory Manager is Mr Dave McMurdo.

OPTIONS CONSIDERED

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

REASONS FOR RECOMMENDED OPTION

12. N/A

IMPACT ON THE COUNCIL'S KEY OUTCOMES

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

| 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 and places of employment.</p> <p>Keeping the Committee up to date assists in ensuring that licensing decisions can be made fairly and in a timely manner with the overriding aim of protecting the public.</p> |
| <p>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 | <p>Keeping the Committee up to date assists in ensuring that licensing decisions can be made fairly and in a timely manner with the overriding aim of protecting the public.</p> |

| | |
|--|---|
| <ul style="list-style-type: none"> • Everyone takes responsibility for keeping Doncaster Clean • Building on our cultural, artistic and sporting heritage | |
| <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 <p>Learning in Doncaster prepares young people for the world of work</p> | <p>Keeping the Committee up to date assists in ensuring that licensing decisions can be made fairly and in a timely manner with the overriding aim of protecting the public..</p> |
| <p>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>Keeping the Committee up to date assists in ensuring that licensing decisions can be made fairly and in a timely manner with the overriding aim of protecting the public..</p> |
| <p>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>Keeping the Committee up to date assists in ensuring that licensing decisions can be made fairly and in a timely manner with the overriding aim of protecting the public..</p> |

RISKS AND ASSUMPTIONS

14. None

LEGAL IMPLICATIONS [Officer Initials HW Date 23/5/19]

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

FINANCIAL IMPLICATIONS [Officer RT. Date: 21/05/19]

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

HUMAN RESOURCES IMPLICATIONS [Officer DK Date 21/05/2019]

17. There are no specific human resource implications to this type of report. There are no HR implications specific to the recommendations in the report, however, any emerging matters that impact on the workforce will require HR engagement at the appropriate time.

TECHNOLOGY IMPLICATIONS [Officer Initials DMC Date 10.05.2019]

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

HEALTH IMPLICATIONS [Officer Initials CT Date 21.5.19]

19. Public Health welcomes the statutory guidance in relation to private hire and hackney carriage licensing and would be keen to provide a public health aspect to the policy if and when revised.
It is imperative the public are secure in the knowledge that they are safe using this mode of transport and procedures are in place and being utilised to address vehicle and licensing issues.
With regard to the permits licensed under the Gambling Act 2005 Public Health is pleased to see that numbers issued are low which is in line with the ambition to offer less opportunity for gambling and gaming across the borough.
There has been a 13% increase in all alcohol-attributable admissions to DRI from April 2013 to March 2018 in particular alcoholic liver disease which has risen by 59% in this time. Many of these increases have become concentrated in males and females over age 50 and who live in deprived areas. Public Health will continue to work with Licensing to reduce these numbers through initiatives such as Reduce the Strength and Best Bar None.

EQUALITY IMPLICATIONS [Officer Initials DMC Date 10.05.2019]

20. 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

21. N/A

BACKGROUND PAPERS

22. [Department for Transport, Taxi and Private Hire Vehicle Licensing: Protecting Users, Statutory Guidance for Licensing Authorities, February 2019 – consultation version](#)

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Part 1

Statistical Summary of licence applications (Licensing Act 2003) and notices received by the Authority for the period 1st April 2018 to 31st March 2019.

| Application Type | Number of Applications | Number of applications determined by the Licensing Sub-Committee | Comments |
|---------------------------------------|------------------------|--|--|
| Personal Licence (New) | 215 | 0 | (up from 199 previous year) 213 granted 2 incomplete |
| Premises Licence (New) | 56 | 7 | (down from 65 previous year) 7 applications were granted by the LSC |
| Premises Licence (Transfer) | 89 | 0 | (down from 106 previous year) 89 granted |
| Premises Licence (Review) | 5 | 5 | (down from 10 previous year) 5 licences revoked by the LSC. 1 appeal pending |
| Premises Licence (Variation) | 18 | 1 | (up from 17 previous year) 1 application granted by LSC. |
| Premises Licence (Minor Variations) | 19 | N/A | (up from 17 previous year) 17 granted. |
| Premises Licence (Change of DPS) | 198 | 0 | (up from 182 previous year) 197 issued 1 withdrawn. |
| Club Certificate (New) | 0 | 0 | (down from 1 previous year) |
| Club Certificate (Minor Variation) | 0 | N/A | (down from 1 previous year) |
| Standard Temporary Event Notice (TEN) | 242 | 0 | (up from 236 previous year) 237 accepted. |
| Late TEN | 110 | N/A | (down from 137 previous year) 98 accepted |
| Total Number of Applications | 952 | 13 | 1.4% of all applications received were determined by the LSC. |

Key: LSC – Licensing Sub-Committee

Part 2

Statistical Summary of Premises Licence applications (Gambling Act 2005) received by the Authority for the period 1st April 2018 to 31st March 2019.

| Application Type | Number of Applications | Number of applications determined by the Licensing Sub-Committee | Comments |
|--|------------------------|--|---|
| Premises Licence - Betting Non Track (New) | 0 | 0 | (equal to previous year) |
| Club Gaming Permit | 0 | N/A | (equal to previous year) |
| Club Machine Permit | 2 | N/A | (equal to previous year) 1 new, 1 renewal. Both granted. |
| Small Society Lotteries (New) | 14 | N/A | (down from 21 previous year) 14 granted. |

Part 3

Statistical summary of the main licensing enforcement actions taken/commenced by Trading Standards & Licensing during the period 1st April 2018 to 31st March 2019.

| Enforcement Action Taken | Number of Actions |
|--|-------------------|
| Licensed Taxi/Private Hire vehicle suspended from service | 154 |
| Licensed Taxi/Private Hire driver suspended | 148 |
| Taxi/Private Hire driver licences revoked | 5 |
| Taxi/Private Hire driver licence applications refused (new applications & applications to renew) | 6 |
| Premises Licence suspended (Licensing Act 2003) | 215 |
| Unauthorised licensable activity – Licensing Act 2003 (Prosecutions/Cautions) | 0 |
| Taxi licensing prosecution/caution | 1 |