



Doncaster Council

Report

Date: 19 March 2020

To the Chair and Members of the Licensing Committee

Statement of Licensing Policy – Licensing Act 2003

EXECUTIVE SUMMARY

1. To request that members of the Committee note and consider the content of the proposed Statement of Licensing Policy 2021 – Licensing Act 2003 ('the policy') ahead of its quinquennial review.
2. To request that members note the requirement to review the Cumulative Impact areas and to publish a Cumulative Impact Assessment ('the assessment') which is to be reviewed every 3 years.

RECOMMENDATIONS

3. It is recommended that the members of the Committee note the proposed Statement of Licensing Policy 2021 – Licensing Act 2003 with a view to the Licensing Officer commencing the review and adoption process.
4. It is recommended that the members of the Committee note the requirement to review the Cumulative Impact areas with a view to the Licensing Officer commencing the review and presenting the results to this Committee to determine if there remains to be a Cumulative Impact of licensed premises in those areas.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

5. 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 proposed 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.
6. Doncaster Council is required to review the Cumulative Impact areas and publish a Cumulative Impact Assessment which includes a statement of the authority's opinion and sets out the evidence as to why the authority is of that opinion. The assessment must be reviewed at least every 3 years and will be determined by the Licensing Committee.

BACKGROUND

7. Section 5 of the Licensing Act 2003 ('the Act') requires the Licensing Authority to prepare a statement of its licensing 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.
8. Any decision taken by the Council in regard to determination of licences, certificates and notifications should aim to promote the four licensing objectives which are:
 - The Prevention of Crime and Disorder
 - Public Safety
 - The Prevention of Public Nuisance
 - The Protection of Children from Harm
9. 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
10. Licensable activities are carried out under 'authorisations', which can be:
 - Premises Licence
 - Club Premises Certificate
 - Temporary Event Notice
11. The policy also has regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.
12. The Licensing Authority has the remit to determine Premises Licences, Club Premises Certificates, Personal Licences and Temporary Event Notices.
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. Where appropriate the Council consults with the Responsible Authorities as described in the Act.
14. 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.
15. 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.
16. A copy of the draft policy is attached as Appendix A.

17. A summary of the amendments from the existing 2016 policy is attached as Appendix B.
18. Doncaster Council currently has 3 areas which are subject to a Cumulative Impact policy. A list of the streets within the Borough which are within the existing Cumulative Impact areas is attached as Appendix C.
19. Section 5A of the Act requires that the Licensing Authority reviews the existing Cumulative Impact Policy by way of a formal consultation and then determines if they are of the opinion that the Cumulative Impact areas should remain and evidence their decision by publishing a Cumulative Impact Assessment ('the assessment').
20. The Council must have regard to the assessment when determining or revising the Statement of Licensing Policy.
21. A formal consultation of the Cumulative Impact areas will take place in the early part of the 2020/21 financial year and the results of that consultation will be presented to the Licensing Committee for determination at or before the scheduled September 2020 meeting, so that it may be considered by the Licensing Committee before recommending to Council that the Statement of Licensing Policy 2021 be adopted.

OPTIONS CONSIDERED

22. 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.
23. The objective of the amendments are to ensure that the policy remains up to date, relevant and in line with the latest guidance. The policy and cumulative impact areas will be subject to a full consultation with 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)

REASONS FOR RECOMMENDED OPTION

24. 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. Any comments received during the consultation will be considered prior to the adoption.
25. The Act requires that the Cumulative Impact areas be reviewed and a Cumulative Impact Assessment be published which, is to be reviewed at least every 3 years. The results of the consultation will be presented to the Licensing Committee for determination.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

26.

| | 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 gambling 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 3 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, young people and adults for a life that is fulfilling;</p> | <p>None</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

27. 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.
28. Failure to review the Cumulative Impact areas and publish the Licensing Authority's determination 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 10/3/2020]

29. The statement of licensing policy 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 the statement of licensing policy should be reviewed and then that revised statement should be 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.
30. 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 guidance in respect of the Licensing Act 2003 and therefore it is recommended that revisions are made to take account of this revised guidance and suggestions received from the Police. Before making revisions to the policy the authority is required to consult in accordance with the relevant statute.
31. In addition there are in force a number of Cumulative Impact areas which must be reviewed every 3 years (section 5A Licensing Act 2003) to determine whether the Authority still remains of the opinion as set out in each assessment. The review must include consulting in accordance with the relevant statute

FINANCIAL IMPLICATIONS [RT..... Date.....25/02/20.....]

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

HUMAN RESOURCES IMPLICATIONS [Officer Initials DK Date 26/02/2020]

33. 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...25/02/20]

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

HEALTH IMPLICATIONS [Officer Initials.....CTDate ...25.2.2020.....]

35. Public Health welcomes the updated policy; in particular, confirmation that Challenge 25 is the preferred age verification scheme and that additional bullet points have been added to the conditions related to, the deterrence and prevention of crime and disorder for Radio Link, The One Can Ban and Reduce the Strength.
36. In terms of Cumulative Impact Assessment and proliferation of alcohol outlets, Public Health and other Responsible Officers locally are working with Public Health England to develop an interactive map. The map will layer local data including demographics and characteristics such as emergency admissions related to alcohol, crime and disorder statistics for the area as well as the location of alcohol sales. This map can be used to plot new license applications to give an overall picture of the area currently;

it will aid with the decision making process for cumulative impact as well as offer insight into areas when new license applications are received.

EQUALITY IMPLICATIONS [Officer Initials: DDS Date: 20/02/2020]

37. 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

38. The Statement of Licensing Policy will be subject to a formal consultation and all responses received will be acknowledged and given due consideration.
39. The Cumulative Impact areas will be subject to a formal consultation and the results will be brought before the Licensing Committee to be determined.

BACKGROUND PAPERS

40. The draft policy is attached as Appendix A.
41. A summary of amendments is attached as Appendix B.
42. The streets affected by the existing Cumulative Impact areas are listed at Appendix C.

REPORT AUTHOR & CONTRIBUTORS

David Smith: Licensing Officer
Telephone: 01302 862546
Email: david.smith@doncaster.gov.uk

Peter Dale
Director of Economy and Environment