



Doncaster Council

Report

Date: 3 September 2020

To the Chair and Members of the Overview & Scrutiny Management 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 Overview & Scrutiny Management 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 Overview and Scrutiny Management Committee note the reviewed Statement of Policy – Licensing Act 2003 and the responses received during the consultation with a view to the Policy and responses being considered by the Licensing Committee before making a recommendation for its adoption to Council.

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, 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 	<p>None</p>

	<ul style="list-style-type: none"> • 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 	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>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 	None

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 18/8/20]

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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