



Doncaster Council

Report

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 2020 to 31st March 2021 the following committees were convened
 - Licensing Committee – 5 occasions
 - Licensing Sub-Committee - 8 occasions

A total of 8 applications / notices were determined by the Licensing Sub-Committee, 7 of which were applications made under the Licensing Act 2003 and 1 under the Gambling Act 2005.

- 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 2020 to 31st March 2021, are attached as Appendix A.
- 2.3 A revised statement of policy (Licensing Act 2003) came in to effect on 7 January 2021.
- 2.4 A revised Hackney Carriage & Private Hire Licensing Policy came in to effect on 1 April 2021. The revised policy moves the responsibility for determining the fit & proper status of applicants and licence holders, who do not meet the minimum standards of the policy, and any subsequent appeals, away from

officers and towards the members of the licensing committee.

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 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 2020 to 31st March 2021. 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.

OPTIONS CONSIDERED

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

REASONS FOR RECOMMENDED OPTION

6. N/A

IMPACT ON THE COUNCIL'S KEY OUTCOMES

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

8. None

LEGAL IMPLICATIONS [Officer MC Churchman Date 5/5/21]

9. 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 04/05/2021]

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

HUMAN RESOURCES IMPLICATIONS [Officer DK Date 05/05/2021]

11. 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 PW Date 05/05/21]

12. There are no specific technology implications in relation to this report. Digital Strategy & Solutions have delivered the required changes to support the revised Hackney Carriage & Private Hire Licensing Policy.

HEALTH IMPLICATIONS [Officer CT Date 5.5.21]

13. Public Health welcomes the report on licensing activity undertaken by the Committee and Sub Committee in the previous year and will continue to work closely with Licensing to ensure that health implications are considered as part of the decision making process of individual applications. Public Health is also assured by the enforcement action that has taken place to ensure that licensed activity is operating in accordance with relevant regulation.

EQUALITY IMPLICATIONS [Officer DDS Date 04/05/2021]

14. 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

15. N/A

BACKGROUND PAPERS

16. Statement of Licensing Policy – Licensing Act 2003:
<https://www.doncaster.gov.uk/services/business-investment/statement-of-licensing-policy-licensing-act-2003>

17. Cumulative Impact Assessment 2020 – Licensing Act 2003:
<https://www.doncaster.gov.uk/services/business-investment/cumulative-impact-policy>
18. Home Office Guidance – Section 182, Licensing Act 2003:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf
19. Statement of Licensing Policy – Gambling Act 2005:
<https://www.doncaster.gov.uk/services/business-investment/the-gambling-act-2005>
20. Hackney Carriage & Private Hire Licensing Policy:
<https://www.doncaster.gov.uk/services/business-investment/doncaster-taxi-and-private-hire-licensing-policy>

REPORT AUTHOR & CONTRIBUTORS

David Smith, Licensing Officer
Tel: (01302) 862546
Email: david.smith@doncaster.gov.uk

Dan Swaine
Director of Economy and Environment

Part 1

Statistical Summary of licence applications (Licensing Act 2003) and notices received by the Authority for the period 1st April 2020 to 31st March 2021.

| Application Type | Number of Applications |
|---------------------------------------|------------------------|
| Personal Licence | 118 |
| Premises Licence (New) | 67 |
| Premises Licence (Transfer) | 51 |
| Premises Licence (Review) | 2 |
| Premises Licence (Variation) | 18 |
| Premises Licence (Minor Variations) | 12 |
| Premises Licence (Change of DPS) | 114 |
| Club Certificate (New) | 0 |
| Club Certificate (Variation) | 1 |
| Club Certificate (Minor Variation) | 0 |
| Standard Temporary Event Notice (TEN) | 40 |
| Late TEN | 14 |
| Total Number of Applications | 437 |

Part 2

Statistical Summary of Premises Licence applications (Gambling Act 2005) received by the Authority for the period 1st April 2020 to 31st March 2021.

| Application Type | Number of Applications |
|--|-------------------------------|
| Premises Licence - Betting Non Track (New) | 0 |
| Club Gaming Permit | 1 |
| Club Machine Permit | 11 |
| Small Society Lotteries (New) | 5 |
| Bingo | 1 |

Part 3

Statistical summary of the main licensing enforcement actions taken/commenced by Licensing during the period 1st April 2020 to 31st March 2021.

| Enforcement Action Taken | Number of Actions |
|--|--------------------------|
| Licensed Taxi/Private Hire vehicle suspended from service | 31 |
| Licensed Taxi/Private Hire driver suspended | 146 |
| Taxi/Private Hire driver licences revoked | 2 |
| Taxi/Private Hire driver licence applications refused (new applications & applications to renew) | 4 |
| Premises Licence suspended (Licensing Act 2003) | 3 |