

**TO THE CHAIR AND MEMBERS OF THE
LICENSING COMMITTEE**

Licensing Act 2003, Gambling Act 2005 and General Licensing Update

Relevant Cabinet Member(s)	Wards Affected	Key Decision
Cllr C McGuinness	All	N/A

EXECUTIVE SUMMARY

1. The purpose of this report is to update Members on issues relating to the Licensing Act 2003, the Gambling Act 2005 and other upcoming matters.

RECOMMENDATIONS

2. It is recommended that Members note the following:
 - 2.1.1 For the period 1st April 2014 to 31st March 2015 the following committees were convened
 - Licensing Committee – 3 occasions
 - Licensing Sub-Committee - 4 occasions

A total of 5 premises licence applications were determined by the Licensing Sub-Committee, all of which were applications made under the Licensing Act 2003.

- 2.1.2 Statistical details of all other licence applications (Licensing Act 2003 and Gambling Act 2005) determined by the Authority and a summary of licensing enforcement actions, for the period 1st April 2014 to 31st March 2015, are attached as Appendix A.
- 2.1.3 The Statement of Licensing Policy (Licensing Act 2003) is due for its quinquennial review. Following a period of consultation the Licensing Committee will be asked to recommend the reviewed Policy to Council for adoption (expected to take place in Nov 2015). The Policy must be adopted by 7th January 2016.
- 2.1.4 The Statement of Licensing Policy (Gambling Act 2005) is due for its triennial review. Following a period of consultation the Licensing

Committee will be asked to recommend the reviewed Policy to the Executive for adoption by Council (expected to take place in Nov 2015). The Policy must be adopted by 3rd January 2016 to take effect from the 31st January 2016.

- 2.1.5 Doncaster Council's Public Health Improvement Coordinator (Alcohol), has requested that the Chair consider a request to update the Licensing Committee on the work that Public Health are undertaking in Askern, Campsall and Norton as part of the Community Alcohol Partnership.
- 2.1.6 The Business Safety and Licensing Team have received 2 separate proposals, from the taxi trade, to increase the existing hackney carriage (taxi) fare tariff. Taxi fare tariffs are set by the Council, with the last tariff change being made in 2008. A consultation has been undertaken with the all the existing holders of hackney carriage licences to seek their views on the proposals. The feedback from the consultation is currently being considered and it is planned to bring this matter to the Licensing Committee in the near future for a recommended decision regarding any proposed change to the existing tariff.
- 2.1.7 The Institute of Licensing are hosting a 'Licensing Hearings' training course in Doncaster on the 17th September 2015. The training is aimed predominantly at Councillors sitting on a licensing committee; the training will also be open to other parties who may take part in a hearing such as responsible authorities and council solicitors.

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. A request was received from a member of the Licensing Committee that the Committee be furnished with details of the licensing decisions that are delegated outside the remit of the Committee and Sub—Committee. Statistical details of these decisions along with a summary of the significant enforcement actions taken by the Business Safety & Licensing service are attached at Appendix A. The figures are based on licence applications and enforcement actions that commenced during the period 1st April 2014 to 31st March 2015.
5. The Licensing Act 2003 requires that a Licensing Authority adopt a Statement of Policy and that the Policy must be reviewed at least every 5 years. The existing Policy must be reviewed before January 2016.

6. Similarly, the Gambling Act 2005 requires that a Licensing Authority adopt a Statement of Policy and that the Policy must be reviewed at least every 3 years. The existing Policy must be reviewed before January 2016.
7. It is within the remit of the Licensing Committee to advise on the preparation, content and implementation of these Policies.
8. With regard to the work being undertaken by Doncaster Council's Public Health department, this relates to work they are undertaking in Askern, Campsall and Norton as part of the Community Alcohol Partnership to reduce underage sales of alcohol and the associated anti-social behaviour. It is suggested that this may be appropriate to include on the agenda for the next Licensing Committee meeting.
9. Taxi fare tariffs are set by the Council, with the last tariff change being made in 2008, whereas private hire fares are determined by each individual operator. In response to the receipt of two trade proposals to increase the tariff, a consultation has been undertaken with the all the existing holders of hackney carriage licences to seek their views on the proposed tariffs. The feedback from the consultation is currently being considered and it is planned to bring this matter to the Licensing Committee in the near future for a recommended decision regarding any proposed change to the existing tariff.
10. The Licensing Hearing course is designed to provide training opportunities for all parties involved in licensing hearings. The training will take the format of a mornings training involving face to face training on the key principles of the Licensing Act 2003, the Section 182 National Guidance, the inter-relationship of The Licensing Act 2003 and other legislation and the conduct of hearings including evidential burden and providing reasons. The afternoon session will take the format of a number of workshops in small groups, dealing with specific scenarios, followed by a mock hearing. The fee for the course is £125 per delegate.

OPTIONS CONSIDERED

11. It is recommended that the Committee note the recommendations in section 2 (2.1.1 to 2.1.7)

REASONS FOR RECOMMENDED OPTION

14. N/A

IMPACT ON THE COUNCIL'S KEY PRIORITIES

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

	Priority	Implications
	<p>We will support a strong economy where businesses can locate, grow and employ local people.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Be a strong voice for our veterans</i> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	<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>We will help people to live safe, healthy, active and independent lives.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	<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>We will make Doncaster a better place to live, with cleaner, more sustainable communities.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	<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>We will support all families to thrive.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	<p>None</p>
	<p>We will deliver modern value for money services.</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>We will provide strong leadership and governance, working in</p>	<p>None</p>

	partnership.	
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RISKS AND ASSUMPTIONS

16. None

LEGAL IMPLICATIONS

17. 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. Separate legal advice needs to be sought on the reviews of the various polices and taxi fare increases.

FINANCIAL IMPLICATIONS

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

EQUALITY IMPLICATIONS

19. 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

20. N/A

BACKGROUND PAPERS

21. N/A

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Part 1

Statistical Summary of licence applications (Licensing Act 2003) received by the Authority for the period 1st April 2014 to 31st March 2015.

Application Type	Number of Applications	Number of applications determined by the Licensing Sub-Committee	Comments
Personal Licence (New)	235	0	235 granted
Personal Licence (Renewal)*	47	0	47 granted. *See notes
Premises Licence (New)	49	7	48 granted, 1 application withdrawn.
Premises Licence (Transfer)	106	0	
Premises Licence (Review)	1	1	Premises licence revoked
Premises Licence (Variation)	30	1	30 granted
Premises Licence (Minor Variations)	21	N/A	21 granted
Premises Licence (Change of DPS)	200	0	199 granted (1 refused due to failing to meet application requirements)
Club Certificate (Minor Variation)	1	N/A	1 granted
Total Number of Applications	691	9	<2% of all applications come before the Licensing Sub-Committee.

Notes:

* From Personal Licences that expire on after 1st April 2015 no longer need to be renewed. (Section 69, Deregulation Act 2015)

Part 2

Statistical Summary of licence applications (Gambling Act 2005) received by the Authority for the period 1st April 2014 to 31st March 2015.

Application Type	Number of Applications	Number of applications determined by the Licensing Sub-Committee	Comments
Premises Licence - Betting Non Track (New)	1	1	Granted by LSC.
Premises Licence (Transfer)	1	0	Bingo premises
Club Machine Permit	3	0	

Part 3

Statistical summary of the licensing enforcement actions taken/commenced by the Business Safety & Licensing during the period 1st April 2014 to 31st March 2015.

Enforcement Action Taken	Number of Actions
Licensed taxi/private hire vehicle suspended from service	249
Licensed taxi/private hire driver suspended	71
Taxi/Private hire driver licence revoked	7
Premises Licence suspended (Licensing Act 2003)	158
Private hire operator licence renewal refused/revoked	1
Private hire operator prosecuted	1
Unlicensed private hire driver prosecuted	1
Licensed taxi/private hire driver prosecuted	1