

DONCASTER METROPOLITAN BOROUGH COUNCIL

LICENSING COMMITTEE

25TH JUNE, 2015

A MEETING of the LICENSING COMMITTEE was held at the CIVIC OFFICE, WATERDALE, DONCASTER on THURSDAY, 25TH JUNE, 2015 at 2.00 p.m.

PRESENT:

Vice-Chair, Councillor Linda Curran (In the Chair)

Councillors Iris Beech, Rachael Blake, Elsie Butler, Bev Chapman, Steve Cox, Neil Gethin, Charlie Hogarth, John McHale, David Nevett and Clive Stone.

APOLOGIES:

Apologies for absence were received from the Chair, Councillor Ken Keegan and Councillor Tony Revill.

1. DECLARATIONS OF INTEREST, IF ANY

There were no declarations of interest made at the meeting.

2. MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 18TH DECEMBER, 2014

RESOLVED that the minutes of the Licensing Committee meeting held on 18th December, 2014, be approved as a correct record and signed by the Chair.

3. MINUTES OF THE LICENSING SUB-COMMITTEE 'A' MEETINGS HELD ON 1ST AND 14TH APRIL, 2015 AND THE MINUTES OF THE LICENSING SUB-COMMITTEE 'B' MEETINGS HELD ON 8TH DECEMBER, 2014, AND 7TH APRIL, 2015

RESOLVED that the minutes of the Licensing Sub-Committee 'A' meetings held on 1st April and 14th April 2015 and the minutes of the Licensing Sub-Committee 'B' meetings held on 8th December, 2014, and 7th April, 2015, be noted.

4. TERMS OF REFERENCE, PROCEDURE AND DELEGATIONS

Members considered a report that detailed the Terms of Reference for the discharge of its Licensing Functions, as well as providing information on the procedure for hearings, and asked the Committee to agree the delegation of functions. Finally, the report was also asking the Committee to agree to the appointment of Members to the Sub-Committee.

Officers informed Members that the Terms of Reference remained unchanged from the previous Municipal Year and were attached for noting.

It was noted that the procedure for Sub Committee Hearings for both Licensing and Gambling issues were noted, and that no changes had been made to these. To date, only 1 Gambling Hearing had been held, but a procedure for this had been developed in advance of this.

Members' attention was brought to issues for decision, with the delegation of functions as attached at appendix C1 and C2 considered by the Committee. Members noted that as personal licences now lasted forever, and did not need to be renewed after a set amount of time, and therefore this had been removed from the delegation of functions.

With regard to the establishment of Sub-Committees, Members were informed that a Sub- Committee would now be drawn from the full pool of the Committee. This would avoid the problems encountered in the past whereby a Sub Committee was a mixture of members from Sub Committee 'A' and Sub Committee 'B', and would ensure that all Members would be contactable for the arrangement of a hearing thus making the process more seamless and efficient.

RESOLVED that

- 1) The Terms of Reference for the Licensing Committee as detailed in Appendix A to the report be noted;
- 2) The Terms of Reference for the Licensing Sub Committees as detailed in Appendix A to the report be noted;
- 3) The procedures set out in Appendices B1 and B2 continue to be the procedures for the Licensing Committee and Sub Committee hearings held under the Licensing Act 2003 and the Gambling Act 2005 respectively;
- 4) The procedure for dealing with settling appeals after the Sub Committee hearing in the magistrates court is decided;
- 5) The Committee agree the delegation of functions set out in Appendix C1 and C2; and
- 6) The Committee agree to the appointment of all Members to the Licensing Sub-Committee as set out in Appendix D attached to the report.

5. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY – AMENDMENT TO SECTION 3 – CHARACTER REFEREES

Members considered a report that sought approval to amend the Doncaster Council Hackney Carriage and Private Hire Licensing Policy. The current Policy required all new applicants applying for a driver Licence to supply 2 character referees who could vouch for their suitability. The referee must have known the applicant a minimum of 2 years but must not be a relative or be connected in any way to the hackney carriage and/or private hire trade. Further to this, Members were now being asked to approve a change to the policy which also required that the individual providing the reference was not a current serving Member of Doncaster Council. It was outlined that this would enhance the decision making process and whilst there was no evidence to suggest that a Councillor had ever influenced licensing decision, would remove this possibility in the future and provide an additional safeguard for both the public and Doncaster Council.

Members welcomed this change to the policy, and felt that it would only provide further assurance that the decisions made were proper and correct. However, some additional concerns were raised, and one Member felt that DMBC employees should also be precluded from being a referee for a prospective Licence Holder. Officers informed Members that if they felt this was of importance the Policy could be further amended accordingly in the future.

Comments were made in terms of the safety of passengers, and Members welcomed the change to the policy as it would further ensure that people were protected when travelling by making sure the proper check were in place prior to a licence being issued.

RESOLVED that Section 3 of the Hackney Carriage and Private Hire Licensing Policy, in so far as it relates to the matters to be included with a new driver application, be amended as follows and that the amendment be effective immediately:

Existing:

10.2 Character References from persons who have known the applicant for at least 2 years and who are not relatives or connected to the Hackney Carriage and/or Private Hire Trade (New applications only).

Replace with as detailed below:

10.3 Character Referees. Each referee must have known the applicant for at least 2 years, must not be related to the applicant, must not be connected to the taxi/private hire trade and must not be an Elected Member of Doncaster Council. (New applications only).

6. SEXUAL ENTERTAINMENT VENUE (SEV) LICENSING POLICY

Members considered a report that looked at the Sexual Entertainment Venue (SEV) Licensing Policy. This Policy set out the Council's requirements for premises to be licensed as a Sex Establishment within the meaning of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, (as amended by Section 2 of the Policing and Crime Act 2009)

The adoption of the Policy, whilst there was no statutory requirement to do so, had allowed the Council to control places of sexual entertainment such as table and pole dancing. The Policy follows guidelines set by the Home Office, and although the Policy was in place, each application would be determined very much on its own merits. When the Policy was first adopted, extensive consultation had been carried out, and no relevant legislative changes had been implemented and therefore the existing Policy could continue to be adopted for a further 3 years.

Members had a brief discussion on this issue, and Officers aimed to address any concerns raised by Members. One concern raised by Members was in relation to vulnerable people and how these individuals could be protected. Officers agreed to look further into this issue, and if it was felt pertinent to do so, would bring the Policy back for a further review in the future. However, despite these concerns, it was felt that the Policy should be adopted in its current state in order that this was in place in terms of any pending applications for a SEV.

RESOLVED that the Committee approve the existing policy (Appendix A), subject to minor administrative updates that have been made to contact details and addresses etc. contained in the Policy, and determine that it should be reviewed again no later than June 2018.

7. LICENSING ACT 2003, GAMBLING ACT 2005 AND GENERAL LICENSING UPDATE

Members considered a report that updated them on any recent issues and matters for consideration in relation to the Licensing Act 2003, and the Gambling Act 2005, and provided a general update on any related matters.

Members were informed that this report intended to provide Members with information on the latest developments. Further to a request from a Member, Officers had made the decision to inform the Committee of all decisions taken, outside of the Committee in order that they were fully aware of what was being agreed, along with all the details of any enforcement action taken. Members had a brief discussion on these issues, focussing largely on the action taken, and it was noted that the figures for prosecutions seemed low. However, Members were assured that these figures were accurate, and adequate and relevant checks were undertaken. Members raised the issue of Child Sexual Exploitation in light of the recent Jay Report, and concerns were muted with regard to taxi drivers. However, Members were informed that all safeguarding procedures were implemented, and the report had been taken extremely

seriously at Doncaster, and in actual fact with regard to this issue it was intended to bring a report to a future Licensing Committee to look at this further.

With regard to the review of both the Licensing Policy, and the Gambling Policy, these were due for review before January 2016 and it was the intention of Officers to bring these to the next Licensing Committee, following consultation, to allow for their input prior to consideration by the Cabinet and Council. It was hoped these would be taken to the Council Meeting in November 2015.

The report provided information to the Committee on a proposal to increase taxi fares. The last change to these, was made in 2008, and further to proposals to increase the tariff, it seemed timely to do so. Consultation had been undertaken and the feedback from this was currently being considered and would be brought back to Committee at a future meeting. However, it was noted, that even with the increase, Doncaster would still remain in the bottom half of the country in terms of their cost.

Finally, Members were informed that a Licensing Seminar had been scheduled to take place on Thursday, 17th September, 2015 at the Dome, Doncaster, and it was thought that this would be of use to the Committee and requested that a delegate be sent to attend and then feedback to the Committee at the next meeting. Therefore it was proposed that Councillor Rachel Blake attend the Seminar with either the Chair or Vice Chair and report back to the Committee, training them on issues that needed looking at as a result.

RESOLVED that the Committee note that:

- 1) For the period 1 April 2014 to 31 March, 2015, there had been 3 Licensing Committees and 4 Licensing Sub Committee convened with a total of 5 premises licenses determined;
- 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 1 April 2014 to 31 March, 2015 attached as Appendix A to the report;
- 3) The Statement of Licensing Policy (Licensing Act 2003) was due for its quinquennial review. Following a period of consultation, the Licensing Committee would be asked to recommend the reviewed Policy to Council for adoption (Expected to be November 2015), with the policy needing to be adopted by 7 January, 2016;
- 4) The Statement of Licensing Policy (Gambling Act 2005) was due for its triennial review. Following a period of consultation, the Licensing Committee would be asked to recommend the reviewed Policy to the Executive for adoption by Council (November 2015). The Policy would have to be adopted by 3

January, 2016;

- 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;
- 6) A proposal to increase the existing hackney carriage (taxi) fare tariff was being considered, and this would be brought back to the Licensing Committee for decision in the near future;
- 7) Further to an invitation to the Committee for Councillors to attend a 'Licensing Hearings' training course in Doncaster on 17 September, 2015, the Committee agreed that either the Chair or Vice Chair along with Councillor Rachel Blake attend and feedback all relevant information to the Committee at the next meeting.