

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 issues relating to the Licensing Act 2003, the Gambling Act 2005 and any significant licensing enforcement actions.

RECOMMENDATIONS

2. It is recommended that Members note the following:
 - 2.1.1 For the period 1st April 2015 to 31st March 2016 the following committees were convened
 - Licensing Committee – 3 occasions
 - Licensing Sub-Committee - 9 occasions

A total of 9 applications / notices 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 significant licensing enforcement actions, for the period 1st April 2015 to 31st March 2016, are attached as Appendix A1 and A2.
- 2.1.3 The Statement of Licensing Policy (Licensing Act 2003) underwent its quinquennial review in 2015 on schedule, with the revised Policy taking effect from 7th January 2016.
- 2.1.4 The Statement of Licensing Policy (Gambling Act 2005) underwent its triennial review in 2015 on schedule with the revised Policy taking effect from the 31st January 2016.

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 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 Business Safety & Licensing service are attached at Appendix A1 and A2. The figures are based on licence applications and enforcement actions that were received and completed respectively during the period 1st April 2015 to 31st March 2016.
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 Policy was reviewed in 2015 and, after consulting widely; the revised Policy was adopted by Council in November 2015. The Policy must be reviewed again no later than January 2021.
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 Policy was reviewed in 2015 and, after consulting widely; the revised Policy was adopted by Council in November 2015. The Policy must be reviewed again no later than January 2021.

OPTIONS CONSIDERED

11. It is recommended that the Committee note the recommendations in section 2 (2.1.1 to 2.1.4)

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.

| | Outcomes | Implications |
|--|---|--|
| | <p>All people in Doncaster benefit from a thriving and resilient economy.</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>People 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>People in Doncaster benefit from a high quality built and natural environment.</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>All families thrive.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> | <p>None</p> |
| | <p>Council services are modern and value for money.</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>Working with our partners we will provide strong leadership and governance.</p> | <p>None</p> |

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.

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) and notices received by the Authority for the period 1st April 2015 to 31st March 2016.

| Application Type | Number of Applications | Number of applications determined by the Licensing Sub-Committee | Comments |
|---------------------------------------|------------------------|--|--|
| Personal Licence (New) | 199 | 0 | 197 granted |
| Premises Licence (New) | 52 | 9 | 45 granted |
| Premises Licence (Transfer) | 100 | 0 | |
| Premises Licence (Review) | 1 | 1 | Premises licence revoked |
| Premises Licence (Variation) | 29 | 3 | 28 granted 1 rejected for failure to meet application requirements |
| Premises Licence (Minor Variations) | 19 | N/A | 18 granted |
| Premises Licence (Change of DPS) | 239 | 0 | 239 granted |
| Club Certificate (New) | 1 | 0 | 1 granted |
| Standard Temporary Event Notice (TEN) | 216 | 2 | 208 issued, 7 withdrawn, 1 rejected. |
| Late TEN | 94 | N/A | 91 issued, 3 rejected. |
| Total Number of Applications | 950 | 15 | <2% of all applications are determined by the Licensing Sub-Committee. |

Part 2

Statistical Summary of premises licence applications (Gambling Act 2005) received by the Authority for the period 1st April 2015 to 31st March 2016.

| Application Type | Number of Applications | Number of applications determined by the Licensing Sub-Committee | Comments |
|--|------------------------|--|-----------|
| Premises Licence - Betting Non Track (New) | 1 | 0 | 1 granted |
| Club Machine Permit | 1 | N/A | 1 granted |
| Small Society Lotteries (New) | 23 | N/A | |
| Adult Gaming Centre (New) | 1 | 0 | 1 granted |
| Unlicensed FEC Gaming Machine Permit (New) | 5 | N/A | 5 granted |

Part 3

Statistical summary of the licensing enforcement actions taken/commenced by the Business Safety & Licensing during the period 1st April 2015 to 31st March 2016.

| Enforcement Action Taken | Number of Actions |
|---|-------------------|
| Licensed taxi/private hire vehicle suspended from service | 250 |
| Licensed taxi/private hire driver suspended | 170 |
| Taxi/Private hire driver licence revoked | 16 |
| Premises Licence suspended (Licensing Act 2003) | 104 |
| Private hire driver prosecuted | 1 |
| Licensed taxi/private hire driver prosecuted | 1 |