



## Licensing Committee

**Date:** Thursday, 22 October 2020  
**Time:** 10.00 am  
**Venue:** A link to the meeting can be found on the front page of the agenda.

**Membership: (Quorum 3 )**

Emma Parker (Chairman), Jon Andrews (Vice-Chairman), Mike Barron, Derek Beer, Susan Cocking, Mike Dyer, Les Fry, Paul Harrison, Brian Heatley, Carole Jones, Cathy Lugg, David Morgan, Julie Robinson, David Taylor and Kate Wheller

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**Chief Executive:** Matt Prosser, South Walks House, South Walks Road, Dorchester, Dorset DT1 1UZ (Sat Nav DT1 1EE)

**For more information about this agenda please telephone Elaine Tibble on 01305 224202 or email [elaine.tibble@dorsetcouncil.gov.uk](mailto:elaine.tibble@dorsetcouncil.gov.uk)**

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Due to the current coronavirus pandemic the Council has reviewed its approach to holding committee meetings. Members of the public are welcome to attend this meeting and listen to the debate either online by using the following link:

[Link to live meeting](#)

Members of the public wishing to view the meeting from an iPhone, iPad or Android phone will need to download the free Microsoft Teams App to sign in as a Guest, it is advised to do this at least 30 minutes prior to the start of the meeting."

Please note that public speaking has been suspended. However Public Participation will continue by written submission only. Please see detail set out below.

Dorset Council is committed to being open and transparent in the way it carries out its business whenever possible. A recording of the meeting will be available on the council's website after the event.

# A G E N D A

Page No.

## 1 APOLOGIES

To receive any apologies for absence.

## 2 MINUTES

5 - 6

To confirm the minutes of the meeting held on 26 July 2019.

## 3 DECLARATIONS OF INTEREST

To receive any declarations of interest.

## 4 PUBLIC PARTICIPATION

To receive questions or statements on the business of the committee from town and parish councils and members of the public. Public speaking has been suspended for virtual committee meetings during the Covid-19 crisis and public participation will be dealt with through written submissions only.

Members of the public who live, work or represent an organisation within the Dorset Council area, may submit up to two questions or a statement of up to a maximum of 450 words. All submissions must be sent electronically to [elaine.tibble@dorsetcouncil.gov.uk](mailto:elaine.tibble@dorsetcouncil.gov.uk) by the deadline set out below. When submitting a question please indicate who the question is for and include your name, address and contact details. Questions and statements received in line with the council's rules for public participation will be published as a supplement to the agenda.

Questions will be read out by an officer of the council and a response given by an officer at the meeting. All questions, statements and responses will be published in full within the minutes of the meeting.

**The deadline for submission of the full text of a question or statement is 8.30am on Monday 19th October 2020.**

## 5 GAMBLING POLICY REPORT

7 - 74

The Council, as Licensing Authority under the Licensing Act 2003, is required to publish a Statement of Gambling Licensing Policy at least

every three years. The purpose of the policy statement is to define how the Council will exercise its responsibilities under the Act. The draft policy has been prepared by officers, considered at an informal meeting of the Licensing Committee and has been published, in draft format, for a period of public consultation of 12 weeks.

The public consultation took place between 6<sup>th</sup> July and 27<sup>th</sup> September 2020.

The policy went before Place & Resources Overview Committee for comment on 19 October, and a verbal update will be given by officers at this meeting.

The reviewed Statement of Gambling Licensing Policy is before the committee for consideration prior to recommendation to Full Council for adoption.

## **6 LICENSING POLICY**

75 - 192

The Council, as Licensing Authority under the Licensing Act 2003, is required to publish a Statement of Licensing Policy at least every five years. The purpose of the policy statement is to define how the Council will exercise its responsibilities under the Act. The draft policy has been prepared by officers, considered at an informal meeting of the Licensing Committee and has been published, in draft format, for a period of public consultation of 12 weeks.

The public consultation took place between 6<sup>th</sup> July and 27<sup>th</sup> September 2020.

The policy went before Place & Resources Overview Committee for comment on 19 October, and a verbal update will be given by officers at this meeting.

The reviewed Statement of Licensing Policy is before the committee for consideration prior to recommendation to Full Council for adoption.

## **7 URGENT ITEMS**

To consider any items of business which the Chairman has had prior notification and considers to be urgent pursuant to section 100B (4) b) of the Local Government Act 1972. The reason for the urgency shall be recorded in the minutes.

## **8 EXEMPT BUSINESS**

To move the exclusion of the press and the public for the following

item in view of the likely disclosure of exempt information within the meaning of paragraph 3 of schedule 12 A to the Local Government Act 1972 (as amended).

The public and the press will be asked to leave the meeting whilst the item of business is considered.



## DORSET COUNCIL - LICENSING COMMITTEE

### MINUTES OF MEETING HELD ON FRIDAY 26 JULY 2019

**Present:** Cllrs Emma Parker (Chairman), Jon Andrews (Vice-Chairman), Les Fry, Brian Heatley and Carole Jones

**Apologies:** Cllrs Derek Beer, Piers Brown, Paul Harrison, Cathy Lugg, David Morgan, Bill Pipe, Molly Rennie, Julie Robinson, David Taylor and Kate Wheller

**Also present:** Cllr Tony Alford

**Officers present (for all or part of the meeting):**

Peter Davies (Licensing & Community Safety Manager) and Karyn Punchard (Corporate Director of Place Services), Susan Dallison (Democratic Services)

**5. Minutes**

The minutes of the meeting held on 16 May 2019 were confirmed as a correct record and signed.

**6. Declarations of Interest**

There were no declarations of interest.

**7. Public Participation**

There were no public questions or statements.

**8. Confirmation of Constitution and Delegated Powers**

The Licensing and Community Safety Manager introduced a report that sought confirmation of the delegation of powers from the Licensing Committee to the Licensing Sub-committees to enable the effective function of the Licensing Authority.

Decision

- (a) That Part 3 9 (1) of the Constitution – Committees and boards, be amended as set out in appendix 1 to these minutes; and
- (b) That Part 3 (2) of the Constitution – Officer Scheme of Delegations, be amended as set out in appendix 1 to these minutes.

9. **Urgent items**

There were no urgent items.

10. **Exempt Business**

There was no exempt business.

**Duration of meeting:** 9.00 - 9.03 am

**Chairman**

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## Licensing Committee 22 October 2020 Statement of Gambling Licensing Policy 2021-2024

### For Recommendation to Council

**Portfolio Holder:** Cllr J Haynes, Customer and Community Services

**Local Councillor(s):** Relevant to all Dorset Council Members

**Executive Director:** John Sellgren, Executive Director of Place

**Report Author:** John Newcombe  
**Title:** Service Manager Licensing & Community Safety  
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**Report Status:** Public

#### Recommendations

- 1) To review the responses received during the consultation period and;
- 2) To consider the proposed amendments to the draft Statement of Gambling Licensing Policy.
- 3) To consider the comments received from Place and Resources Overview Committee.
- 4) To make recommendations to Full Council in relation to adoption of the draft Statement of Gambling Licensing Policy.

#### Reason for Recommendations:

- 1) To comply with legislative requirements, and;
- 2) To ensure openness and transparency in the Council's decision making, and
- 3) To ensure that those persons affected by the policy are given the opportunity to have an input into it.

#### 1. Executive Summary

The Council, as Licensing Authority under the Licensing Act 2003, is required to publish a Statement of Gambling Licensing Policy at least every three years. The

purpose of the policy statement is to define how the Council will exercise its responsibilities under the Act. The draft policy has been prepared by officers, considered at an informal meeting of the Licensing Committee and has been published, in draft format, for a period of public consultation of 12 weeks.

The public consultation took place between 6<sup>th</sup> July and 27<sup>th</sup> September 2020.

The policy went before Place & Resources Overview Committee for comment on 19 October, and a verbal update will be given by officers at this meeting.

The reviewed Statement of Gambling Licensing Policy is before the committee for consideration prior to recommendation to Full Council for adoption.

## **2. Financial Implications**

The funding for the preparation and consultation of the draft Statement of Gambling Licensing Policy will come from existing budgets and there are no further financial implications arising from the recommendations of this report.

## **3. Climate implications**

There are no implications arising from the recommendations contained within this report in terms of meeting the Council's climate change obligations.

## **4. Other Implications**

There are no implications arising from the recommendations contained within this report in terms of impacts on other service areas within the Council.

## **5. Risk Assessment**

Having considered the risks associated with this decision, the level of risk has been identified as:

Current Risk: Low

Residual Risk: Low

## **6. Equalities Impact Assessment**

A draft Equalities Impact Assessment has been prepared and is attached as Appendix B to this report, a final version will be provided with the draft Statement of Gambling Licensing Policy when it is presented to Full Council, once approved.

## **7. Appendices**

Appendix A Revised Draft Statement of Gambling Licensing Policy 2021-2024

Appendix B Draft Equalities Impact Assessment



## **8. Background Papers**

Gambling Act 2005

Gambling Commission – Guidance to licensing authorities 5<sup>th</sup> Edition Sept 2016

## **9. Background**

9.1 The Gambling Act 2005 requires the Council, acting as the Licensing Authority under the Act, determine and publish a Statement of Gambling Licensing Policy at least once every three years.

9.2 The Statement of Gambling Licensing Policy 2021-2024 can be reviewed and updated at any time during the life of the document. The council keeps the Statement of Gambling Licensing Policy under constant review and, from time to time, may commission research to inform changes to policy.

9.3 The Statement of Gambling Licensing Policy sets out how the council will carry out its functions under the Gambling Act 2005 with a view to promoting the licensing objectives namely:

- Prevent gambling from being a source of crime and disorder, being associated with crime or disorder, or being used to support crime.
- Ensuring that gambling is conducted in a fair and open way.
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

9.4 The Statement of Gambling Licensing Policy has been prepared in line with the requirements of the Gambling Act 2005, as well as the Statutory Guidance issued by the Gambling Commission (5<sup>th</sup> Ed).

9.5 The Statement of Gambling Licensing Policy has been prepared with regard to, and sought to integrate with, the following Council strategies:

- Dorset Council's Plan
- Dorset Council Community Safety Plan
- Dorset Council's Local Plan and Development Framework
- Dorset Council's Economic Growth Strategy
- Dorset Council's Enforcement Policy
- Dorset Council's Strategy for children and young people

9.6 This is Dorset Council's first Statement of Gambling Licensing Policy issued under the Gambling Act 2005 and is required to be in place by 1 April 2021

under the terms of the Local Government Reform Order issued by the Secretary of State for Housing, Communities and Local Government.

- 9.7 Prior to the formation of Dorset Council, each of the predecessor District and Borough Councils had their own Statement of Gambling Licensing Policy issued under the Gambling Act 2005.
- 9.8 In addition to setting out how the Licensing Authority intends to promote the licensing objectives, and the Authority's expectations of licensed premises operators and applicants, the Authority is also able to direct licence holders and applicants to conduct Local Area Risk Assessments based on the risks present within the locality of the premises.
- 9.9 As required by The Gambling Act 2005 and guidance issued by the Gambling Commission, the Council, in carrying out its licensing functions under the Act will aim to permit the use of premises for gambling as long as it is considered to be:
- In accordance with any relevant code of practice issued by the Gambling Commission,
  - in accordance with any relevant guidance issued by the Commission,
  - reasonably consistent with the licensing objectives and
  - in accordance with this Policy Statement published under section 349 of the Act.
- 9.10 Nothing in the Statement of Gambling Policy will override the right of any person to make an application under the Act and have that application considered on its individual merits. Equally, nothing in the draft Statement of Gambling Policy will undermine the right of any person to make representations to an application or seek a review of a licence where there is a legal power to do so.
- 9.11 The draft Statement of Gambling Licensing Policy has been reviewed by the Licensing Committee via a remote informal meeting chaired by the Chair of the Licensing Committee Cllr Emma Parker on 28<sup>th</sup> May 2020. A number of minor amendments and clarifications were suggested by the Committee which were integrated into the draft policy prior to publication as part of the consultation process.
- 9.12 Before the Statement of Licensing Policy can be adopted, the Gambling Act 2005 requires the licensing authority to consult with:
- The Chief Officer of Police;
  - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;

- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.

9.13 The public consultation ran for a period of 12 weeks. The consultation process is laid out clearly in the Gambling Act 2005, the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 and the Guidance to Licensing Authorities issued by the Gambling Commission. The consultation includes consulting with and considering the views of a wide range of people and organisations including:

- The Gambling Commission
- Representatives of local businesses
- Local residents and their representatives
- Local Councillors
- Parish and town councils
- Local members of parliament
- Representatives of existing licence holders including Trade representatives and Licensing Solicitors
- Dorset Police
- Dorset & Wiltshire Fire and Rescue Service
- Dorset Council – Public Health Dorset
- Dorset Council – Environmental Health
- Dorset Council – Planning Authority
- Dorset Council – Children's Services, Social Care and Health
- Dorset Council - Trading Standards
- Charitable organisations that deal with the social impact of gambling addiction
- Gambling Support Services
- Other charitable organisations
- Adjoining Councils
- HMRC

9.14 Following the period of consultation officers analysed the responses received and made amendments to the draft policy as considered appropriate.

9.15 A total of 7 responses were received during the consultation process.

9.16 The consultation responses and proposed draft amendments are summarised at Appendix C and the revised Draft Statement of Gambling Licensing Policy at Appendix A.

9.17 The committee are asked to consider the consultation responses and the proposed amendments contained within the revised Draft Statement of Gambling Licensing Policy, before a recommendation is made to Council for adoption.

9.18 The following relevant issues were raised during the consultation process and the draft policy revised as considered appropriate;

- Amendment to policy wording at section 3.1
- Amendment to policy wording at section 3.5

9.19 The revised Draft Statement of Licensing Policy has also been before Place and Resources Overview Committee for comment, on 19 October and Officers will update the Committee on the feedback received verbally due to the tight timescales.

**Footnote:**

Issues relating to financial, legal, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.



**Statement of Gambling Licensing Policy  
2021 – 2024**

**Gambling Act 2005**

**Draft Version 11**

**Further copies of this document can be obtained from:**

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Contents	Page
Executive Summary	6
Part A The Gambling Act 2005	7
Section 1 The Licensing Objectives	7
Section 2 Dorset Council area	8
Section 3 Integration with other guidance, policies, objectives and strategies	10
Section 4 The purpose of the Gambling Act 2005 – Statement of Licensing Policy	12
Section 5 The licensing framework	13
Section 6 Declaration	13
Section 7 Responsible authorities	13
Section 8 Interested parties	14
Section 9 Exchange of information	15
Section 10 Licensing authority functions	15
Part B Promotion of the licensing objectives	15
Section 11 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime	15
Section 12 Ensuring that gambling is conducted in a fair and open way	16
Section 13 Protecting children and other vulnerable persons from being harmed or exploited by gambling	16
Protection of children	16
Protection of vulnerable people	17
Part C Premises Licences	20
Section 14 General requirements	20
Definition of “premises”	20
Location	21
Local Risk Assessments	21
Local Area Profile	23
Duplication with other regulatory regimes	23
Conditions	24
Door supervision	25
Section 15 Adult gaming centres	25
Section 16 Licensed family entertainment centres	26
Section 17 Casinos	27



Section 18	Bingo premises	27
Section 19	Betting premises	28
Section 20	Tracks	28
Section 21	Travelling fairs	29
Section 22	Provisional statements	30
Part D	Permits, notices ad lottery registrations	30
Section 23	Unlicensed family entertainment centre gaming machine permits	30
Section 24	Gaming machine permits in premises licensed for the sale of alcohol	32
Section 25	Prize gaming permits	32
Section 26	Club gaming and club machines permits	34
Section 27	Temporary use notices	35
Section 28	Occasional use notices (for tracks)	35
Section 29	Small society lottery registrations	36
Part E	Enforcement	36
Section 30	Enforcement principles	36
Section 31	Reviews	38
Appendices		
	Appendix 1 Gaming machines	39
	Appendix 2 Glossary of terms	42
	Appendix 3 Summary of gaming entitlements for clubs and pubs	45

## Executive Summary

The Gambling Act 2005 obtained Royal Assent in 2005 and came into effect in 2007.

Under Section 349 of the Gambling Act 2005 the Licensing Authority is required to prepare a statement of principles that they propose to apply in exercising their functions under this Act. This process is to be repeated every three years from 31<sup>st</sup> January 2007.

The consultation process is laid out clearly in the Gambling Act 2005, the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 and the Guidance to Licensing Authorities issued by the Gambling Commission ([www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)).

The purpose of the Statement of Licensing Policy is to set out the principles that the Council propose to apply when determining licences, permits and registrations under the Gambling Act 2005.

Any decision taken by the Council in regard to determination of licences, permits and registrations should aim to permit the use of premises for gambling in so far as it is reasonably consistent with the licensing objectives, which are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

The principles to be applied specifically to the determination of premises licence applications include definition of premises, location, duplication with other regulatory regimes, conditions, door supervision, layout of the premises and supervision of gaming facilities. The policy also specifically mentions adult gaming centres, family entertainment centres, casinos, bingo premises, betting premises, tracks and travelling fairs.

The council has the ability to issue permits for prize gaming and unlicensed family entertainment centres. The council is able to specify the information it requires as part of the application process which will aid determination and this information is described in this Policy.

Club gaming and club machine permits are also issued by the council. The process for this is described, along with other processes specified in the legislation for example temporary use notices, occasional use notices and small society lotteries.

Enforcement of the legislation is a requirement of the Act that is undertaken by the council in conjunction with the Gambling Commission. The policy describes the council's enforcement principles and the principles underpinning the right of review.

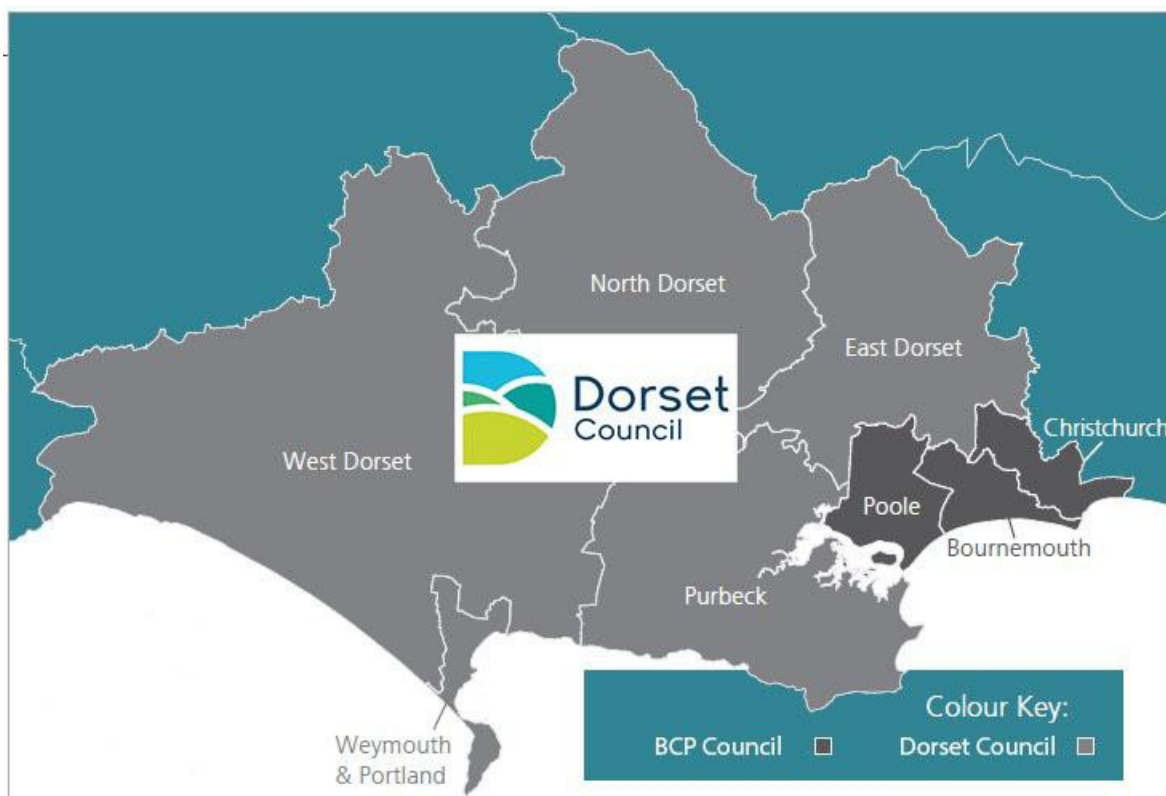
The policy has three appendices, describing the stakes and prizes which determine the category of a gaming machine, a glossary of terms and exempt gaming in pubs and clubs.

## Part A - The Gambling Act 2005

### 1. The licensing objectives

- 1.1 Under the Gambling Act 2005 (the Act) Dorset Council is the licensing authority for the Dorset district and licences premises for gambling activities as well as granting various other gambling permits. In this document, unless otherwise stated, any references to the council are to the Dorset Licensing Authority.
- 1.2 The council will carry out its functions under the Act with a view to aiming to permit the use of premises for gambling in so far as it is reasonably consistent with the three licensing objectives set out at Section 1 of the Act. The licensing objectives are;
  - preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
  - ensuring that gambling is conducted in a fair and open way
  - protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.3 More information can be found about how the council will achieve this in Part B and C of this document.
- 1.4 The council will follow any regulations and statutory guidance issued in accordance with the Act and will have regard to any codes of practice issued by the national gambling regulator, the Gambling Commission.
- 1.5 The council is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is;
  - in accordance with any relevant code of practice issued by the Gambling Commission
  - in accordance with any relevant guidance issued by the Gambling Commission
  - reasonably consistent with the licensing objectives and
  - in accordance with this document.
- 1.6 The Gambling Commission's Licence Conditions and Code of Practice (LCCP) require gambling premises to undertake a risk assessment taking into consideration their local information. Specific information about risk assessments is provided in this policy at Section 14.

## 2. Dorset Council area



- 2.1 Dorset Council was formed on 1<sup>st</sup> April 2019 following a restructure of the previous local government arrangements. The Council is one of two unitary authorities formed from the predecessor district, borough and county councils and consists of the former authorities of West Dorset, Weymouth & Portland, Purbeck, East Dorset and North Dorset as well as the former Dorset County Council. The plan above shows the geographic boundary of the new Dorset Council area, along with the locations of the former district and borough councils.
- 2.2 Dorset (Council area) has a population of 375,000 residents, 28% of whom are aged 65 and older (compared to 18% in England and Wales).
- 2.3 Dorset is an attractive place for people to settle in their retirement – it has a large population of older people, and relatively low birth rates. Currently there are over 7,000 people in Dorset living with dementia, and the number is increasing. Younger people often move away from the area. The population continues to grow slowly, driven by people moving into the county and longer life expectancy. The greatest part of population growth is among over 65s. Dorset’s working age population is expected to see a marginal decline over the next 25 years.
- 2.4 The Dorset rural idyll can conceal hidden deprivation: there are pockets of deprivation, mostly in urban areas (mainly Weymouth and Portland). But there is also some rural deprivation due to isolation and difficulty accessing housing, transport and essential services. Crime is generally low in Dorset.
- 2.5 Inclusive growth in Dorset should help reverse the worsening socio-economic position in many neighbourhoods, by focusing not just on quantity of growth but also quality; actions should reflect

people's experience of opportunities, barriers, skills and employment and living standards.

- 2.6 The population is predominantly white British, with 4.4% of our residents black and minority ethnic.
- 2.7 Dorset's natural environment is a great asset. 95 miles of coast in Dorset and Devon are classified as a UNESCO Natural World Heritage Site – the only one in England. Over half of Dorset is covered by the Area of Outstanding Natural Beauty designation; 7% of Dorset is protected as a Site of Special Scientific Interest; and Dorset has one of the largest areas of protected lowland heath in Europe. These designations together mark Dorset as a special place but also present challenges in terms of available land for delivering housing and employment development.
- 2.8 Dorset also has a rich historic environment, with one in twenty of all the protected ancient monuments in England, a well preserved pre-historic landscape and around 10,000 listed buildings.
- 2.9 Employment in Dorset is high but, like the UK, our economy has a productivity gap. Manufacturing, health, retail, education and hospitality are all big employers in Dorset. 20,000 businesses are based in Dorset: 86% are micro firms and fewer than 1% are large firms. Dorset's economy is worth around £7.1 billion and provides 143,000 jobs. Dorset has an above average number of advanced engineering and manufacturing businesses. But there is also a continuing seasonal, low skill, low wage economy with tourism and agriculture significant industries. The area is rich in valuable minerals, including stone, sand/gravel and oil.
- 2.10 Earnings are below average and house prices are high with affordability issues for many young people and keyworkers. In 2017, lower end house prices were more than ten times higher than lower end earnings in Dorset.
- 2.11 Dorset has no motorway but over 2,500 miles of roads. 95.1% of premises in the Dorset Council area have access to superfast broadband. 3.1% of premises in the Dorset Council area have access to full-fibre broadband.
- 2.12 Each area of the district has its own character and challenges. The council has provided general advice in this policy to assist applicants in preparing applications. Applicants are also expected to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. To assist them the council has provided links to data sources where information specific to localities in Dorset in which there is concern relating to impact of licensed premises on the three licensing objectives can be found. Applicants may also consult with the Licensing Team to ensure they have as much information as possible before making their application.
- 2.13 A worrying trend of an increasing number of suicides among men has been identified across the UK, with problem gamblers up to 15 times more likely to take their own life. Although we are unable to establish to what extent gambling addiction has contributed to the actual numbers of suicides in Dorset, there is evidence that the majority of problem gamblers have contemplated suicide. Furthermore people with poor mental health are at significantly high risk of problem gambling. (<https://www.theguardian.com/society/2019/mar/13/problem-gamblers-at-15-times-higher-risk-of-suicide-study-finds>)
- 2.14 For further health and deprivation information about the local area visit <https://apps.geowessex.com/insights>

## **Cultural Activities in Dorset**

- 2.15 Dorset has strong artistic and sporting traditions and has some of the best attended outdoor events in the country. The district also boasts a wealth of community based sports heritage and recreational facilities. There is a vibrant voluntary sector including hundreds of groups and societies.
- 2.16 Sport is a passion for people in Dorset. There are a large number of sports clubs across the district, including football clubs, cricket clubs and rugby clubs.
- 2.17 Dorset Council is a major provider of facilities for public recreation. The Council has a tradition of promoting a wide range of cultural activity for the benefit of residents and visitors alike.
- 2.18 Commercially promoted events take place in a variety of locations throughout the district.
- 2.19 Within local communities, groups and associations use church and village halls and community centres for social and fund raising activities. Within the district there are a large number of church halls, village halls and schools licensed for regulated entertainment and/or the sale or supply of alcohol.
- 2.20 Dorset has a long established reputation for the encouragement of community and diverse cultural events and public entertainment as an essential aid to community involvement and an increasing sense of common identity.
- 2.21 Weymouth has a particularly vibrant leisure economy and the council is keen to support businesses who operate responsibly. The council is proud to support the Purple Flag achievements of Weymouth and keen to acknowledge the benefits that a well-run leisure economy can bring to an area in terms of economic, cultural and community benefits.
- 2.22 Over recent years Dorset has experienced significant levels of growth in entertainment use within the district coupled with a significant increase in residential development. The close proximity of a range of land uses and the creation of mixed-use schemes has many benefits including the creation of a vibrant entertainment economy area. Dorset Council has a policy promoting mixed use development including residential and evening uses throughout the district.

## **3. Integration with other guidance, policies, objectives and strategies**

- 3.1 In preparing this licensing policy the council has had regard to, and sought to integrate the licensing policy with, the following strategies:
- Dorset Council's Plan
  - Dorset Council Community Safety Plan
  - Dorset Council's Local Plan and Development Framework
  - Dorset Council's Economic Growth Strategy
  - Dorset Council's Enforcement Policy
  - Dorset Council's Strategy for children and young people
- 3.2 The council (through its Licensing Committee) may, from time to time, receive reports on other policies, strategies and initiatives that may impact on licensing activity within the remit of the committee. Subject to the general principles set out in this policy and the overriding need to promote the three licensing objectives it may have regard to them when making licensing decisions.

- 3.3 The Committee may, after receiving such reports, make recommendations to the council or other bodies about the impact of the licensing policy on such policies, strategies and initiatives. Equally the Committee may make recommendations relating to the impact of such policies, strategies and initiatives on the licensing policy. This may include recommendations to amend the licensing policy itself.

### **Vision for Dorset**

- 3.4 Dorset Council's vision for Dorset sets out 6 overarching priorities:

- Economic Growth
- Unique Environment
- Suitable Housing
- Strong, Healthy Communities
- Staying Safe and Well
- Action on the Climate and Ecological Emergency

- 3.5 Dorset, like other national and international geographic areas, is faced with a number of key challenges. The district's ageing population is set to rise 31% over the next 10 years, its economy is still recovering from the effects of global recession and the consequences of a changing climate have become all too apparent. 12,900 Households are without work and by 2029 150,000 people will retire and 20,000 jobs will be created, leaving 173,000 jobs to be filled.

- 3.6 In addressing these challenges, Dorset must continue to be forward-looking and have a clear plan for the future, and this is why the Council's Plan is important.

- 3.7 This licensing policy seeks to promote the licensing objectives within the overall context of the priorities and aims set out in the Council's Plan 2020-24.

### **Dorset Council's Health and Wellbeing Strategy**

- 3.8 Dorset Council's Health and Wellbeing Strategy focuses on three key priorities:

- Reducing inequalities
- Promoting healthy lifestyles and preventing ill health
- Working better together to deliver prevention and early intervention at scale, high quality care and better value

- 3.9 Whilst public Health is not one of the licensing objectives within the Licensing Act 2003, unlike in Scotland, the council does consider it important that alcohol dependency and alcohol abuse are considered within the context of the existing regulatory regime. Alcohol dependency and abuse can lead to crime and disorder and anti-social behaviour and can impact on community wellbeing. It is therefore important that the council considers the impact of licensed premises and the availability of alcohol on the community as a whole.

### **Dorset Council's Economic Growth Strategy**

- 3.10 Dorset Council's Economic Growth Strategy sets out the Council's priorities for the district:

- Transportation Infrastructure
- Digital Infrastructure
- People – aspirations, skills, education and training

- Place – sustainable economic development and growth, vibrant towns and investment in coastal resorts / tourism
- Business environment – through business support services, attracting inward investment, delivering ‘business friendly’ services, developing visit Dorset
- Ideas – development of Dorset Innovation park, collaboration with partners and innovation

3.11 The council will encourage investment and growth within the leisure and retail industry within Dorset, and will seek to minimise any potentially negative impacts from existing and new licensed premises operating in the district.

### **Strategy for children and young people**

3.12 The council is committed to ensuring that the experience of childhood and early adulthood in Dorset is a good one. The council and its partners want every child to have the opportunity to be confident in their relationships, achieving personal success as they grow into adulthood. We believe that by working together as organisations and with families and communities we will achieve this.

3.13 The council’s partner alliance works to the following priorities:

- Information & knowledge
- Early action & help
- Priorities that matter
- New models to deliver services
- Whole family working

3.14 This policy contributes to all these outcomes and also a number of the priorities within strategy for Children and Young People, including:

- Ensuring that the most vulnerable are protected
- Improving social, emotional, and mental health and wellbeing
- Supporting young people to make good choices and minimise risk-taking behaviours

## **4. The purpose of the Gambling Act 2005 – Statement of Licensing Policy**

4.1 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions under the Act. This document fulfils this requirement. Such statement must be published at least every three years. The statement can also be reviewed from “time to time” and any amendments must be consulted upon. The statement must then be re-published.

4.2 Dorset Council consulted widely upon this policy statement before finalising and publishing it. The policy was presented for public consultation on the website, and by email and post to solicitors, licensees, support organisations, responsible authorities, ward members, MPs, trade associations, and parish councils. The consultation was also advertised via a press release.

4.3 The consultation took place between XX and XX and followed the Cabinet Office’s Code of Practice on Consultation. The consultation elicited X responses which are available on request. The policy was approved at a meeting of the Full Council on XX. The policy came into force on XX.



## **5. The licensing framework**

- 5.1 The Gambling Act 2005 brought about changes to the way that gambling is administered in the United Kingdom. The Gambling Commission is the national gambling regulator and has a lead role in working with central government and local authorities to regulate gambling activity.
- 5.2 The Gambling Commission issues operators licences and personal licences. Any operator wishing to provide gambling at a certain premises must have applied for the requisite personal licence and operator licence before they can approach the council for a premises licence. In this way the Gambling Commission is able to screen applicants and organisations to ensure they have the correct credentials to operate gambling premises. The council's role is to ensure premises are suitable for providing gambling in line with the three licensing objectives and any codes of practice issued by the Gambling Commission. The council also issues various permits and notices to regulate smaller scale and or ad hoc gambling in various other locations such as pubs, clubs and hotels.
- 5.3 The council does not licence large society lotteries or remote gambling through websites. These areas fall to the Gambling Commission. The National Lottery is not licensed by the Gambling Act 2005 and is regulated by the Gambling Commission under the National Lottery Act 1993.

## **6. Declaration**

- 6.1 This statement of licensing policy will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.
- 6.2 In producing this document, the council declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the policy statement.

## **7. Responsible authorities**

- 7.1 The Act empowers certain agencies to act as responsible authorities so that they can utilise their expertise in a particular area to help promote the licensing objectives. Responsible authorities are able to make representations about licence applications or apply for a review of an existing licence. Responsible authorities may also offer advice and guidance to applicants.
- 7.2 The council is required by regulations to state the principles it will apply to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are;
  - the need for the body to be responsible for an area covering the whole of the licensing authority's area
  - the need for the body to be answerable to democratically elected people, rather than any particular vested interest group etc.
- 7.3 In accordance with the regulations the council designates the Pan-Dorset Safeguarding Children Partnership for this purpose. Pan-Dorset Safeguarding Children Partnership can provide advice and training for operators and partners in children's safeguarding which can be found at <https://pdscp.co.uk/> Applicants may find this resource useful as a point of reference, a guide for good practice and the mechanism by which to make a referral to Social Care, when producing their own policies and procedures in relation to the objective of protection of children and vulnerable people.

7.4 The contact details of all the responsible authorities under the Gambling Act 2005 are available on the council's website within the guidance documents at <https://www.dorsetcouncil.gov.uk/business-consumers-licences/licences-and-permits/gambling-licences/gambling-licences.aspx>

## **8. Interested parties**

8.1 Interested parties are people or organisations that have the right to make representations about licence applications or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

“For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person-

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph (a) or (b)”

8.2 The council is required by regulations to state the principles it will apply to determine whether a person is an interested party. The principles are:

- Each case will be decided upon its merits. The council will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to local authorities.
- Within this framework the council will accept representations made on behalf of residents and tenants associations.
- In order to determine if an interested party lives or has business interests, sufficiently close to the premises to be likely to be affected by the gambling activities, the council will consider factors such as the size of the premises and the nature of the activities taking place.

8.3 The council will provide more detailed information on the making of representations in a separate guidance note. The guidance note has been prepared in accordance with relevant Statutory Instruments and Gambling Commission guidance.

## **9. Exchange of information**

9.1 Licensing authorities are required to include in their policy statement the principles to be applied by the authority with regards to the exchange of information between it and the Gambling Commission, as well as other parties listed in Schedule 6 to the Act.

9.2 The principle that the council applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that applicable data protection legislation will not be contravened. The council will also have regard to any guidance issued by the Gambling Commission to local authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

## **10. Licensing authority functions**

10.1 Licensing authorities are responsible under the Act for:

- licensing premises where gambling activities are to take place by issuing premises licences

- issuing provisional statements
- regulating members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- issuing Club Machine Permits to commercial clubs
- granting permits for the use of certain lower stake gaming machines at Unlicensed Family Entertainment Centres
- receiving notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or less gaming machines
- granting Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required
- registering small society lotteries below prescribed thresholds
- issuing Prize Gaming Permits
- receiving and endorsing Temporary Use Notices
- receiving Occasional Use Notices (for tracks)
- providing information to the Gambling Commission regarding details of licences issued (see section above on 'Exchange of information')
- maintaining registers of the permits and licences that are issued under these functions.

10.2 The council will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operator licences.

## Part B – Promotion of the licensing objectives

### 11. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

11.1 The Gambling Commission will take a lead role in keeping gambling crime free through its vetting process for applicants for personal and operator licences. The council's main role is to try and promote this area with regard actual premises. Thus, where an area has known high levels of organised crime the council will consider carefully whether gambling premises are suitable to be located there (see paragraph 14.8 and 14.9) and whether conditions may be required such as the provision of door supervision (see paragraph 14.31).

11.2 There is a distinction between disorder, anti-social behaviour and nuisance. In order to make the distinction, when incidents of this nature occur, the council will consider a number of factors such as whether police assistance was required and how threatening the behaviour was.

11.3 Issues of nuisance cannot always be specifically addressed by the Gambling Act provisions however problems of this nature can be addressed through other legislation as appropriate.

11.4 Examples of the specific steps the council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices.

### 12. Ensuring that gambling is conducted in a fair and open way

12.1 The council is aware that except in the case of tracks (see section 18) generally, the Gambling Commission does not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.

- 12.2 However, the council will familiarise itself with operator licence conditions and will communicate any concerns to the Gambling Commission about misleading advertising or any absence of required game rules or other matters as set out in the Gambling Commission’s Licence Conditions and Code of Practice.
- 12.3 Examples of the specific steps the council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices.

### **13. Protecting children and other vulnerable persons from being harmed or exploited by gambling**

#### Protection of children

- 13.1 This licensing objective means preventing children from taking part in most types of gambling. The council will therefore consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas or other conditions as appropriate.
- 13.2 The Act provides the following definition for a child and young adult in Section 45: Meaning of “child” and “young person”
- (1) In this Act “child” means an individual who is less than 16 years old.
  - (2) In this Act “young person” means an individual who is not a child but who is less than 18 years old.

For the purpose of this section protection of children will encompass both child and young person as defined by the Act.

- 13.3 The council will pay particular attention to any codes of practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises such as casinos.
- 13.4 Examples of the specific steps the council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices.

#### Protection of vulnerable people

- 13.5 The council is aware of the difficulty in defining the term “vulnerable person”. In most recent literature it is not a term that is used, with the term “adults at risk of abuse or neglect” or “adults at risk” being the preferred terms.
- 13.6 The Gambling Commission, in its Guidance to Local Authorities, does not seek to offer a definition for the term “vulnerable people” but will, for regulatory purposes assume that this group includes people:
- “who gamble more than they want to, people who gamble beyond their means, elderly persons, and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, or because of the influence of alcohol or drugs.”
- 13.7 The Care Act 2014 imposes a requirement on a local authority to “make enquiries if it has reasonable cause to suspect that an adult in its area, whether or not ordinarily resident there, has needs for care and support, is experiencing, or is at risk of, abuse or neglect, and as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it”.
- 13.8 The local authority must make whatever enquiries it thinks necessary to enable it to decide whether any

action should be taken in the adult's case (whether under this Part or otherwise) and, if so, what and by whom. "Abuse" includes financial abuse; and for that purpose "financial abuse" includes having money or other property stolen, being defrauded, being put under pressure in relation to money or other property, and having money or other property misused.

13.9 Department of Health document "No Secrets" from 2000 offers a definition of a vulnerable adult as a person:

"who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation."

13.10 In 2016 Beckett University published research into Problem Gambling (*Kenyon, Ormerod, Parsons and Wardle, 2016*). This research looked specifically at identifying groups of the society that could be considered vulnerable to problem gambling:

13.11 **Young people** – rates of problem gambling among young people who gamble are higher than older adults and youth gambling behaviours are consistent with the harm paradox, whereby these age groups are less likely to gamble generally but those that do are more likely to experience difficulties with their behaviour (Wardle, 2015).

13.12 **Minority ethnic groups** – There is consistent evidence that those from Asian or Black backgrounds are more vulnerable to gambling problems and there is clear evidence of the harm paradox (Wardle, 2015).

13.13 **Unemployed and constrained economic circumstance** – generally those of lower income are less likely to gamble but those that do spend a higher proportion of their income on gambling. This is highlighted as a concern given the lesser ability of lower income households to protect themselves from financial instability (Brown et al, 2011).

13.14 There is evidence that those in debt and those using money lenders and/or pawnbrokers are more likely to be problem or at risk gamblers (Meltzer et al, 2012). The relationship between constrained economic circumstances and gambling problems is likely to be complex and multi-faceted. It may be mediated by other economic opportunities and personal feelings about how well off you are compared with others. Despite this complexity, there is a consistent body of evidence showing that, for whatever reason, those who are unemployed and who gamble are more likely to experience adverse outcomes from their gambling than those in paid employment.

13.15 **Area deprivation** – There are a number of British surveys that have consistently shown that those living in more deprived areas are more likely to experience problems with their gambling behaviour. This was despite having roughly the similar levels of past year gambling participation to those who live in less deprived areas.

13.16 Wardle (2015) looked at the distribution of machines and licensed betting offices and argues that there was clear and consistent evidence of a spatial skew, whereby high density machine zones or areas with licensed betting offices are more deprived than others. Recent research has shown that among gamblers who held loyalty cards, rates of problem gambling (28%) were higher among those who lived within 400 metres of a concentration of betting offices than those who did not (22%) (Astbury & Wardle, 2016).

13.17 **Homeless** – The rates of problem gambling are higher among those who are homeless than those who are not. Although studies are small, they show that there is a significant relationship with gambling preceding homelessness. Little is known about why rates of problem gambling among homeless population groups is higher than the general population but given associations with other mental health conditions, homeless people should be considered a vulnerable group.

- 13.18 **Mental ill health** – There is a strong association between mental ill health and problem gambling. Associations were found between problem gambling and general anxiety disorder, phobia, obsessive compulsive disorder, panic disorders, eating disorders, probably psychosis, attention deficit hyperactivity disorder, post-traumatic stress disorder, harmful and hazardous levels of alcohol consumption and drug addiction. Overall three quarters of problems gamblers seeking treatment also experience co-morbid mental health disorders.
- 13.19 Being a problem or at risk gambler is associated with latter onset of major depressive disorder, alcohol use and dependence, drug use and experience of any mental disorder. Illegal drug use and experience of any mental disorder is also associated with the subsequent onset of at risk and problem gambling. These findings seem to confirm the conclusion that the relationship between problem gambling and mental ill health may be cyclical.
- 13.20 **Substance abuse/misuse** – The evidence base relating to the relationship between substance abuse/misuse and experience of problem gambling broadly measures that of mental ill health. Evidence from British based surveys has shown that rates of problem gambling were higher among those with alcohol dependence (3.4%) or drug dependence (4.4%) than the general population (0.74%) (Wardle, 2015). A systemic review of those seeking treatment for gambling problems showed that 15% also experience alcohol dependence and 7% have other substance abuse disorders (Dowling et al, 2015). There is strong evidence that alcohol and substance misuse are associated with problem gambling. As with other mental health conditions, these conditions can occur at the same time.
- 13.21 **Personality traits/cognitive distortions** – There is a strong body of evidence highlighting the relationship between various personality traits, such as cognitive distortions or impulsivity, with problem gambling. Cognitive distortions, such as erroneous perceptions of gambling and illusion of control are well established risk factors for problem gambling (Johansson et al, 2009). However little research has been conducted to explore the complex interaction of personality traits with other factors and their combined influence on the experience of broader gambling harms. Certain personality traits and/or cognitive distortions are just one potential aspect of vulnerability which is likely to be affected by a range of other factors.
- 13.22 **Problem gamblers seeking treatment** – Because this group is in the process of attempting to recover from gambling problems they should be treated as a vulnerable group in their own right (Wardle, 2015).
- 13.23 Problem gambling can affect anyone at any time. Whilst rates of problem gambling among all adults in Britain tend to be less than 1% (1.4% in large metropolitan areas), there are some groups that are more likely to experience problems. These groups could all be considered vulnerable to gambling problems. Dorset Council already works with many of these groups however operators should consider these groups in their Local Risk Assessments, especially in relation to identifying the people in these groups, and mitigating harm experienced by them.
- 13.24 In the case of premises licences the council is aware of the extensive requirements set out for operators in the Gambling Commission’s Code of Practice regarding social responsibility. In this document the Gambling Commission clearly describe the policies and procedures that operators should put in place regarding:
- Combating problem gambling
  - Access to gambling by children and young people
  - Information on how to gamble responsibly and help for problem gamblers
  - Customer interaction
  - Self-exclusion

- Employment of children and young people

13.25 All applicants should familiarise themselves with the operator licence conditions and codes of practice relating to this objective and determine if these policies and procedures are appropriate in their circumstances. The council will communicate any concerns to the Gambling Commission about any absence of this required information.

13.26 Applicants may also like to make reference to documentation published by Dorset Safeguarding Adults Board which provides extensive guidance on identifying vulnerable people and what can be done to reduce risk for this group. This guidance can be accessed via <https://www.dorsetcouncil.gov.uk/care-and-support-for-adults/information-for-professionals/dorset-safeguarding-adults-board.aspx>

13.27 Applicants should consider the following proposed measures for protecting and supporting vulnerable people, for example:

- leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet, such as toilets
- training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect people who may be vulnerable (see 12.4.1).
- trained personnel for the purpose of identifying and providing support to vulnerable people
- self-exclusion schemes
- operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people
- posters with GamCare Helpline and website in prominent locations
- windows, entrances and advertisements **not** to be positioned or designed to entice children or vulnerable people.

13.28 It should be noted that some of these measures form part of the mandatory conditions placed on premises licences.

13.29 The council may consider any of the above or similar measures as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant.

## Part C – Premises licences

### 14. General Requirements

14.1 Premises licences are subject to the permissions/restrictions set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach other conditions, where it is believed to be necessary and proportionate.

14.2 The council will issue premises licences to allow those premises to be used for certain types of gambling. For example premises licences will be issued to amusement arcades, bingo halls, bookmakers and casinos.

14.3 Premises licences are subject to the permissions/restrictions set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach other conditions, where it is believed to be necessary and proportionate.

14.4 Applicants should also be aware that the Gambling Commission has issued Codes of Practice for each operational area for which they must have regard. The council will also have regard to these Codes of Practice.

#### Definition of “premises”

14.5 Premises is defined in the Act as “any place”. Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances.

14.6 The council will take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular the council will assess entrances and exits from parts of a building covered by one or more licences to satisfy itself that they are separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area.

14.7 The council will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Issues that the council will consider before granting such applications include whether children can gain access, compatibility of the two establishments; and the ability to comply with the requirements of the Act. In addition, an overriding consideration will be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

14.8 An applicant cannot obtain a full premises licence until they have the right to occupy the premises to which the application relates.

#### Location

14.9 The council is aware that demand issues (e.g. the likely demand or need for gambling facilities in an area) cannot be considered with regard to the location of premises but that considerations, in terms of the licensing objectives, can. The council will pay particular attention to the protection of children and vulnerable people from being harmed or exploited by gambling, as well as issues of crime and disorder.

14.10 With regards to these objectives, it is the council’s policy, upon receipt of any relevant representations, to look at specific location issues including:

- the possible impact a gambling premises may have on any premises that provide services to children or young people, for example a school, or vulnerable adult centres in the area
- the possible impact a gambling premises may have on residential areas where there may be a high concentration of families with children
- the size of the premises and the nature of the activities taking place
- levels of organised crime in the area.

14.11 In order for a specific location to be considered as inappropriate for a premises licence to be issued, the council will need to be satisfied that there is sufficient evidence that the granting of a premises licence at the proposed location would be detrimental to the licensing objectives.

14.12 Although the council cannot consider if there is a need or demand for the gambling facilities applied for,



applicants should consider the proximity of other gambling premises in the Local Risk Assessment and the cumulative impact this will have on residents, including children and other vulnerable groups.

#### Local Risk Assessments

14.13 From 6 April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under section 10, for licensees (except for those which hold betting licences for tracks) to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.

14.14 The LCCP goes on to say licensees must review (and update as necessary) their local risk assessments:

- a. to take account of significant changes in local circumstance, including those identified in this policy;
- b. when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- c. when applying for a variation of a premises licence; and
- d. in any case, undertake a local risk assessment when applying for a new premises licence.

14.15 The council will expect the local risk assessment to consider the urban setting:

- The proximity of the premises to schools.
- The commercial environment.
- Factors affecting the footfall.
- Whether the premises is in an area of deprivation.
- Whether the premises is in an area subject to high levels of crime and/or disorder.
- The ethnic profile of residents in the area.
- The demographics of the area in relation to vulnerable groups.
- The location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather.
- The range of facilities in the local area such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities.
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activity, etc.
- The proximity of churches, mosques, temples or any other place of worship.

14.16 The local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected:

- The training of staff in intervention when customers show signs of excessive gambling, the ability of staff to offer intervention and how the manning of premises affects this.
- Information held by the licensee regarding self-exclusion schemes and incidences of underage gambling.
- Arrangements in place for local exchange of anonymised information regarding self-exclusion and gambling trends.
- Gambling trends that may mirror financial payments such as pay days, pay day loans or benefit payments.
- Arrangements for monitoring and dealing with underage people and vulnerable people, which may include:
  - dedicated and trained personnel,

- leaflets and posters,
- self-exclusion schemes,
- window displays and advertisements designed to not entice children and vulnerable people.
- The provision of signage and documents relating to game rules, gambling care providers and other relevant information be provided in both English and the other prominent first language for that locality.
- The proximity of premises that may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor surgeries, council community hubs, addiction clinics or help centres, places where alcohol or drug dependent people may congregate.

14.17 The local risk assessment should show how children are to be protected:

- The proximity of institutions, places or areas where children and young people frequent such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling allies, cinemas, etc.
- The proximity of place where children congregate such as bus stops, cafes, shops.
- Areas that are prone to issues of youths participating in anti-social behaviour, including activities such as graffiti, tagging, underage drinking etc.

14.18 Other matters that the assessment may include:

- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
- The layout of the premises so that staff have an unobstructed view of people using the premises and in particular the gaming machines and fixed odds betting terminals.
- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those people using the premises.
- Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.
- Provisions to ensure the health and welfare of staff engaged in lone working.

14.19 Such information may be used to inform the decision the council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

14.20 This policy does not preclude any application being made and each application will be decided on its own merits, with the onus being upon the applicant to show how the concerns can be mitigated.

#### Local Area Profile

14.21 Each locality has its own character and challenges. In order to assist applicants, where there is an issue in a local area which impacts on how the applicant should complete their risk assessment, the council may publish a local area profile. This profile, compiled in conjunction with key partners and approved by the Licensing Committee, can be obtained from the Licensing Team.

14.22 The local area profiles should be given careful consideration when making an application. Applicants may be asked to attend a meeting with licensing officers to discuss the profiles, appropriate measures to mitigate risk in the area and how they might be relevant to their application. The local area profiles will be presented to any subsequent licensing sub-committee when they determine an application that

has received representations.

14.23 The council recognises that it cannot insist on applicants using the local area profiles when completing their risk assessments. However an applicant who decides to disregard the profiles may face additional representations and the expense of a hearing as a result.

#### Duplication with other regulatory regimes

14.24 The council will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. The council will not consider whether a premises is likely to be awarded planning permission or building regulation approval, in its deliberations. It will though, listen to, and consider carefully, any concerns about proposed conditions which are not able to be met by the applicant due to planning restrictions, should such a situation arise.

#### Conditions

14.25 The council is aware that the Secretary of State has set mandatory conditions and default conditions and the Gambling Commission has set Licence Conditions and Codes of Practice which are necessary for the general good conduct of gambling premises, therefore it is unlikely that the council will need to impose individual conditions imposing a more restricted regime in relation to matters that have already been dealt with.

14.26 Where there are specific risks or problems associated with a particular locality, or specific premises, or class of premises, the council will attach specific conditions to address this.

14.27 Any conditions attached to a licence issued by the council will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for, and/or related to the area where the premises is based;
- fairly and reasonably related to the scale, type and location of premises;
- consistent with the licensing objectives, and;
- reasonable in all other respects.

14.28 Decisions about individual conditions will be made on a case by case basis, although there will be a number of control measures the council will consider using, such as supervision of entrances, supervision of adult gaming machines, appropriate signage for adult only areas etc. There are specific comments made in this regard under each of the licence types in this policy. The council will also expect the applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively

14.29 Where certain measures are not already addressed by the mandatory/default conditions or by the applicant, the council may consider licence conditions to cover issues such as:

- Proof of age schemes.
- CCTV.
- Supervision of entrances.
- Supervision of machine areas.
- A reduction in the number of betting machines (betting premises).
- The manning of premises.
- Physical separation of areas.
- Location of entrance points.

- Notices/signage.
- Specific opening hours.
- A requirement that children must be accompanied by an adult (in premises where children are allowed).
- Enhanced DBS checks of the applicant and/or staff.
- Staff training in brief intervention, conflict resolution, basic knowledge of mental health, learning disabilities and addiction, including substance misuse.
- Support to people with gambling addiction, including brief intervention.
- Policies to address seasonal periods where children may more frequently attempt to gain access to premises and gamble such as pre and post school hours, half term and school holidays.
- Policies to address the problems associated with truant children who may attempt to gain access to premises and gamble.
- Obscuring windows where appropriate and labelling premises so it's clear that they are gambling premises.

14.30 The list provided above is not mandatory or exhaustive and is merely indicative of examples of certain measures which may satisfy the requirements of the licensing authority and the responsible authorities, depending on the nature and location of the premises and the gambling facilities to be provided.

14.31 There are conditions which the council cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible for the applicant to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated) and
- conditions in relation to stakes, fees, winnings or prizes.

#### Door supervision

14.32 The council will consider whether there is a need for door supervision in terms of the licensing objectives of protection of children and vulnerable people from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. It is noted though that the Gambling Act 2005 has amended the Private Security Industry Act 2001 and that door supervisors at casinos or bingo premises are not required to be licensed by the Security Industry Authority. Where door supervisors are provided at these premises the operator should ensure that any people employed in this capacity are fit and proper to carry out such duties. Possible ways to achieve this could be to carry out a criminal records (DBS) check on potential staff and for such personnel to have attended industry recognised training.

### 15. Adult gaming centres

15.1 Adult gaming centres are a category of premises introduced by the Act that are most closely related to adult only amusement arcades.

15.2 Under the Act a premises holding an adult gaming centre licence will be able to make category B, C and D gaming machines available and no one under 18 will be permitted to enter such premises.

15.3 The council will specifically have regard to the need to protect children and vulnerable people from harm or being exploited by gambling in these premises. The council will expect applicants to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to

the premises.

- 15.4 Where certain measures are not already addressed by the mandatory and default conditions and the Gambling Commission Codes of Practice or by the applicant, the council may consider licence conditions to address such issues.

## **16. Licensed family entertainment centres (FECs)**

- 16.1 Licensed family entertainment centres are those premises which usually provide a range of amusements such as computer games, penny pushers and may have a separate section set aside for adult only gaming machines with higher stakes and prizes. Licensed family entertainment centres will be able to make available unlimited category C and D machines where there is clear segregation in place so children do not access the areas where the category C machines are located (see Appendix 1).

- 16.2 Where category C or above machines are available in premises to which children are admitted then the council will ensure that;

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance. For this purpose a rope, floor markings or similar provision will not suffice and the council may insist on a permanent barrier of at least 1 meter high
- only adults are admitted to the area where the machines (category C) are located
- access to the area where the machines are located is supervised at all times
- the area where the machines are located is arranged so that it can be observed by staff; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to people under 18.

- 16.3 The council will specifically have regard to the need to protect children and vulnerable people from harm or being exploited by gambling in these premises. The council will expect applicants to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

- 16.4 The council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

- 16.5 The efficiency of such policies and procedures will each be considered on their merits, however, they may include;

- appropriate measures and training for staff as regards suspected truant children on the premises
- measures and training covering how staff would deal with unsupervised very young children being on the premises
- measures and training covering how staff would deal with children causing perceived problems on or around the premises
- the arrangements for the supervision of the premises either by staff or the use of a suitable CCTV system. Advice regarding the suitability of a CCTV system can be obtained from Dorset Police.

- 16.6 Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Disclosure and Barring Service to determine if their staff

need to undertake a DBS check.

- 16.7 The council will refer to the Commission's website to familiarise itself with any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. The council will also make itself aware of the mandatory or default conditions and any Gambling Commission Codes of Practice on these premises licences.

## **17. Casinos**

- 17.1 The Gambling Act states that a casino is an arrangement whereby people are given the opportunity to participate in one or more casino games whereby casino games are defined as a game of chance which is not equal chance gaming. This means that casino games offer the chance for multiple participants to take part in a game competing against the house or bank at different odds to their fellow players. Casinos can also provide equal chance gaming and gaming machines. Large and small casinos can also provide betting machines.
- 17.2 The Dorset Council area does not have any casinos which were licensed under the Gaming Act 1968, which have been subsequently converted into Gambling Act 2005 Converted Casino Premises Licences.

### **Licence considerations / conditions**

- 17.3 The Gambling Commission has provided Guidance for Licensing Authorities and Licence Conditions and Code of Practice which are applied to Operator's Licences. The council will take this into consideration when determining licence applications for converted casino licences.
- 17.4 The council will specifically have regard to the need to protect children and vulnerable people from harm or being exploited by gambling in these premises. The council will expect applicants to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises.
- 17.5 Where certain measures are not already addressed by the mandatory/default conditions, Gambling Commission Licence Conditions and Codes of Practice or by the applicant, the council may consider licence conditions to cover certain issues.
- 17.6 Detailed information on the Large Casino Application Process can be found in Appendix 4.

## **18. Bingo premises**

- 18.1 There is no official definition for bingo in the Gambling Act 2005 however there is a category of premises licence specifically for bingo premises which is used by traditional commercial bingo halls for both cash and prize bingo. In addition this premises licence will authorise the provision of a limited number of gaming machines in line with the provisions of the Act (see Appendix 1).
- 18.2 The council is aware that it is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted then the council will expect that;
- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance. For this purpose a rope, floor markings or similar provision will not suffice and the council may insist on a permanent barrier of at least one meter high
  - only adults are admitted to the area where the machines are located
  - access to the area where the machines are located is supervised at all times

- the area where the machines are located is arranged so that it can be observed by staff
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to people under 18
- children will not be admitted to bingo premises unless accompanied by an adult.

18.3 The Gambling Commission has provided Guidance for Licensing Authorities and Licence Conditions and Code of Practice which are applied to Operator’s Licences. The council will take this into consideration when determining licence applications for bingo premises.

18.4 Where certain measures are not already addressed by the mandatory/default conditions, the Gambling Commission Code of Practice or the applicant, the council may consider licence conditions to address such issues.

## **19. Betting premises**

19.1 Betting premises are premises such as bookmakers where various types of gambling are authorised to take place. The Act contains a single class of licence for betting premises however within this single class there are different types of premises which require licensing such as high street bookmakers, bookmakers located in self-contained facilities at race courses as well as the general betting premises licences that track operators will require.

19.2 The council will specifically have regard to the need to protect children and vulnerable people from harm or being exploited by gambling in these premises. The council will expect applicants to satisfy the authority that there will be sufficient measures in place to ensure that under 18 year olds do not have access to the premises.

### **Betting machines**

19.3 The council is aware that Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of betting machines in particular premises, the council, amongst other factors, will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines.

19.4 Where an applicant for a betting premises licence intends to offer higher stake category B gaming machines (categories B2-B4) including any Fixed Odds Betting Terminals (FOBTs), then applicants should consider the control measures related to the protection of vulnerable people, highlighted in section 13.

19.5 Where certain measures are not already addressed by the mandatory/default conditions, Gambling Commission Code of Practice or the applicant, the council may consider licence conditions to address such issues.

## **20. Tracks**

20.1 Tracks are sites (including racecourses and dog tracks) where races or other sporting events take place. Betting is a major gambling activity on tracks, both in the form of pool betting (often known as the “totaliser” or “tote”), and also general betting, often known as “fixed-odds” betting. Multiple betting outlets are usually located on tracks such as ‘on- course’ betting operators who come onto the track just on race days to provide betting for the races taking place on that track. There can also be ‘off-course’ betting operators who may operate self-contained facilities at the tracks which offer customers the chance to bet on other events, not just those taking place on the track.

- 20.2 All tracks will require a primary 'general betting premises licence' that the track operator will hold. It should be noted that track operators do not require an operating licence from the Gambling Commission although they may apply for one. This is because the various other gambling operators offering betting at the track will each hold an operating licence.
- 20.3 Tracks may also be subject to one or more premises licences, provided each licence relates to a specified area of the track. This may be preferable for any self-contained premises providing off-course betting facilities at the track. The council will however assess each individual case on its merits before deciding if this is necessary. Where possible the council will be happy for the track operator to decide if any particular off-course operators should apply for a separate premises licence.
- 20.4 If any off-course operators are permitted to provide betting facilities under the authorisation of the track operator's premises licence, then it will be the responsibility of the premises licence holder to ensure the proper conduct of such betting within the premises boundary.
- 20.5 Gambling Commission guidance also indicates that it would be possible for other types of gambling premises to be located at a track under the authorisation of separate premises licences, e.g. a casino premises licence or adult gaming centre premises licence. If you require further guidance on this provision please contact the Licensing Team.
- 20.6 Children and young people will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, although they are still prevented from entering areas where gaming machines and betting machines (other than category D machines) are provided.
- 20.7 The council will consider the impact upon the protection of children licensing objective and the need to ensure that entrances to each type of betting premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

### Betting machines

- 20.8 The council is aware that Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of betting machines in particular premises, the council, amongst other things, will take into account the size of the premises, the number of counter positions available for person-to-person transactions and the location of the machines, in order to ensure they are in a properly segregated area where children are not permitted.
- 20.9 Where certain measures are not already addressed by the mandatory/default conditions, the Gambling Commission's Licence Conditions and Code of Practice or the applicant, the council may consider licence conditions to address such issues.

### 21. Travelling fairs

- 21.1 Travelling fairs have traditionally been able to provide various types of low stake gambling without the need for a licence or permit provided that certain conditions are met and this provision continues in similar fashion under the 2005 Act.
- 21.2 Travelling fairs have the right to provide an unlimited number of category D gaming machines and/or equal chance prize gaming (without the need for a permit) as long as the gambling amounts to no more than an ancillary amusement at the fair (see Appendix 1).



21.3 The council will consider whether any fairs which take up the above entitlement fall within the statutory definition of a travelling fair.

21.4 The council is aware that the 27 day statutory maximum for the land being used as a fair is per calendar year and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The council will work with its neighbouring authorities to ensure that land which crosses the council boundary is monitored so that the statutory limits are not exceeded.

## **22. Provisional statements**

22.1 A provisional statement application is a process which allows a developer to examine the likelihood of whether a building which they expect to be constructed, to be altered or to acquire a right to occupy would be granted a premises licence under the Act. A provisional statement is not a licence and merely gives the holder some form of guarantee that a premises licence would be granted so the developer can judge whether a development is worth taking forward in light of the need to obtain a premises licence. An applicant may also apply for a provisional statement for premises which already hold a premises licence (either for a different type of gambling or the same type).

22.2 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from responsible authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the council may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters;

- a) which could not have been raised by objectors at the provisional licence stage; or
- b) which in the authority's opinion reflect a change in the operator's circumstances.

22.3 When determining a provisional statement application the council will operate in accordance with the Act and will not have regard to any issues related to planning consent or building regulations, e.g. the likelihood that planning consent will be granted.

## **Part D – Permits, notices and lottery registrations**

### **23. Unlicensed family entertainment centre gaming machine permits (UFECs)**

23.1 The term 'unlicensed family entertainment centre' is one defined in the Act and refers to a premises which provides category D gaming machines along with various other amusements such as computer games and penny pushers. The premises is 'unlicensed' in that it does not require a premises licence but does require a permit to be able to provide category D machines. It should not be confused with a 'licensed family entertainment centre' which requires a premises licence because it contains both category C and D gaming machines.

23.2 The Gambling Act 2005 contains provision for local authorities to prepare a "Statement of Principles" that they propose to consider in determining the suitability of an applicant for a permit. Schedule 10, Para 7 of the Act states "In preparing this statement, and/or considering applications, it [the council] need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission.

23.3 In line with the above provision the council has prepared a 'Statement of Principles' in relation to

unlicensed family entertainment centre gaming machines as follows:

### **Statement of Principles**

- 23.4 The council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.
- 23.5 The efficiency of such policies and procedures will each be considered on their merits, however, they may include;
- appropriate measures and training for staff as regards suspected truant children on the premises
  - measures and training covering how staff would deal with unsupervised young children being on the premises
  - measures and training covering how staff would deal with children causing perceived problems on or around the premises.
  - the arrangements for supervision of premises either by staff or the use of CCTV. Any CCTV system installed should both the interior and the entrance working to the latest Home Office and ACPO standards and to the satisfaction of Dorset Police and the licensing authority. The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is inoperative the police and licensing authority must be informed as soon as possible and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation.
- 23.6 Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Disclosure and Barring Service to determine if their staff need to undertake a DBS check.
- 23.7 The council will also expect, as per the Gambling Commission Guidance, that applicants demonstrate:
- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs
  - That the applicant has no relevant conviction (those that are set out in Schedule 7 of the Act), and
  - That staff are trained to have a full understanding of the maximum stakes and prizes.
- 23.8 In line with the Act, while the council cannot attach conditions to this type of permit, the council can refuse applications if they are not satisfied that the issues raised in the “Statement of Principles” have been addressed through the application.
- 23.9 Applicants only need to address the “Statement of Principles” when making their initial applications and not at renewal time.

### **24 Gaming machine permits in premises licensed for the sale of alcohol**

- 24.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have two gaming machines, of categories C and/or D. The premises merely need to notify the council. The council can remove the automatic authorisation in respect of any particular premises if;
- provision of the machines is not reasonably consistent with the promotion of the licensing objectives;
  - gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a

fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)

- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

- 24.2 If a premises wishes to have more than two machines, an application for a permit will be required and the licensing authority must consider the application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*” The council considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable people from harm or being exploited by gambling. The council will also expect the applicant to satisfy the authority that there will be sufficient measures to ensure that children and young people under the age of 18 do not have access to the adult only gaming machines.
- 24.3 All alcohol licensed premises with gaming machines must have regard to the need to protect children and vulnerable people from harm or being exploited by gambling and provide sufficient measures to ensure that under 18 year olds do not use the adult only gaming machines.
- 24.4 Measures which may satisfy the council that people under 18 years will be prevented from using the machines may include the machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised. Notices and signage may also help. As regards the protection of vulnerable people, applicants may wish to consider the provision of information leaflets and or helpline numbers for organisations such as GamCare.
- 24.5 The council can decide to grant the permit with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 24.6 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine(s).
- 24.7 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be dealt with under the relevant provisions of the Act.
- 24.8 Alcohol licensed premises are able to provide some limited equal chance gaming. Licensees are referred to the advice provided by the Gambling Commission and Appendix 3 of this document.

## **25. Prize gaming permits**

- 25.1 Section 288 defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences. Prize gaming can often be seen at seaside resorts in amusement arcades where a form of bingo is offered and the prizes are displayed on the walls.
- 25.2 A prize gaming permit is a permit issued by the licensing authority to authorise the provision of facilities for gaming with prizes on specified premises.
- 25.3 The Gambling Act 2005 contains provision for local authorities to prepare a “Statement of Principles” that they propose to consider in determining the suitability of an applicant for a permit. Schedule 14, Para 8 of the Act states, “in preparing this statement, and/or considering applications, it [the council] need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under Section 25.

25.4 In line with the above provision the council has prepared a Statement of Principles in relation to prize gaming permits as follows:

#### Statement of Principles

25.5 The council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

25.6 The efficiency of such policies and procedures will each be considered on their merits, however, they may include;

- appropriate measures and training for staff as regards suspected truant children on the premises
- measures and training covering how staff would deal with unsupervised very young children being on the premises
- measures and training covering how staff would deal with children causing perceived problems on or around the premises.
- the arrangements for supervision of premises either by staff or the use of CCTV. Any CCTV system installed should both the interior and the entrance working to the Home Office and ACPO standards as described PSDB leaflet 09/05 and to the satisfaction of Dorset Police and the local authority. The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is inoperative the police and local authority must be informed as soon as possible and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation.

25.7 Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Disclosure and Barring Service to determine if their staff need to undertake a DBS check.

25.8 The council will also expect, as per the Gambling Commission Guidance, that applicants demonstrate:

- A full understanding of the maximum stakes and prizes of the gambling that is permissible
- That the gaming offered is within the law.

25.9 In line with the Act, while the council cannot attach conditions to this type of permit, the council can refuse applications if they are not satisfied that the issues raised in the "Statement of Principles" have been addressed through the application.

25.10 Applicants only need to address the "Statement of Principles" when making their initial applications and not at renewal time.

25.11 There are conditions in the Gambling Act 2005 by which the permit holder must comply. The conditions in the Act are;

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises

- on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

## 26. Club gaming and club machine permits

26.1 Members clubs and miners' welfare institutes may apply for a 'club gaming permit' or a 'club machine permit'. The 'club gaming permit' will enable the premises to provide gaming machines (three machines of categories B4, C or D), equal chance gaming. i.e. poker, bingo etc. A 'club machine permit' will enable the premises to provide gaming machines (three machines of categories B4, C or D).

26.2 Commercial clubs may apply for a 'club machine permit' only.

26.3 To qualify for these special club permits a members club must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.

26.4 Clubs must have regard to the protection of children and vulnerable people from harm or being exploited by gambling. They must provide sufficient measures to ensure that under 18 year olds do not use the adult only gaming machines. These measures may include;

- the machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised
- notices and signage
- the provision of information leaflets / helpline numbers for organisations such as GamCare.

26.5 Before granting the permit the council will need to satisfy itself that the premises meets the requirements of a members' club and that the majority of members are over 18.

26.6 The council may only refuse an application on the grounds that;

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which they have applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young people;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the police.

26.7 There is also a 'fast-track' procedure available for premises which hold a club premises certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which the council can refuse a permit is reduced. The grounds on which an application under the process may be refused are;

- (a) that the club is established primarily for gaming,
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming;

- or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

## **27. Temporary use notices**

- 27.1 Temporary use notices allow the use of premises on not more than 21 days in any 12 month period for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be useful for a temporary use notice would include hotels, conference centres and sporting venues.
- 27.2 Temporary Use Notices allow the use of premises for any form of equal chance gambling where those participating in the gaming are taking part in a competition which is intended to produce a single, overall winner.
- 27.3 Only people or companies holding a relevant operating licence can apply for a temporary use notice to authorise the particular class of gambling permitted by their operating licence.
- 27.4 A temporary use notice must be lodged with the licensing authority not less than three months and one day before the day on which the gambling is due to take place. Detailed information about how to serve a temporary use notice will be available in a separate guidance note.
- 27.5 The Act makes a special reference, in the context of temporary use notices, to a “set of premises” to try and ensure that large premises which cannot reasonably be viewed as separate are not used for more temporary use notices than permitted under the Act. The council considers that the determination of what constitutes “a set of premises” will be a question of fact in the particular circumstances of each notice that is given. In considering whether a place falls within the definition of a “set of premises”, the council will look at, amongst other things, the ownership/occupation and control of the premises. The council will be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

## **28. Occasional use notices (for tracks)**

- 28.1 There is a special provision in the Act which provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence. Track operators and occupiers need to be aware that the procedure for applying for an occasional use notice is different to that for a temporary use notice. The application may be made in writing, to the council by the person responsible for the administration of the events on a track or by an occupier of the track.
- 28.2 The council has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The council will however consider the definition of a ‘track’ and whether the applicant is entitled to benefit from such notice.

## **29. Small society lottery registrations**

- 29.1 A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part.
- 29.2 The Act creates two principal classes of lotteries: Licensed lotteries and exempt lotteries. Licensed lotteries are large society lotteries and lotteries run for the benefit of local authorities. These will be

regulated by the Gambling Commission. Within the class of exempt lotteries there are four sub classes, one of which is small society lotteries.

- 29.3 A small society lottery is a lottery promoted on behalf of a non-commercial society as defined in the Act which also meets specific financial requirements set out in the Act. These will be administered by the council for small societies who have a principal office in Dorset and want to run such lottery.
- 29.4 A lottery is small if the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of the tickets put on sale in a calendar year is £250,000 or less.
- 29.5 To be 'non-commercial' a society must be established and conducted;
- for charitable purposes,
  - for the purpose of enabling participation in, or supporting, sport, athletics or a cultural activity; or
  - for any other non-commercial purpose other than that of private gain.
- 29.6 The other types of exempt lotteries are 'incidental non-commercial lotteries', 'private lotteries' and 'customer lotteries'. If you require guidance on the different categories of lotteries please contact the council.
- 29.7 The National lottery is not licensed by the Gambling Act 2005 and continues to be regulated by the National Lottery Commission under the National Lottery Act 1993.

## Part E - Enforcement

### 30. Enforcement principles

- 30.1 The council will work closely with the responsible authorities in accordance with a locally established joint enforcement protocol and will aim to promote the licensing objectives by targeting known high risk premises following government guidance around better regulation. Specifically the council is subject to the Regulators' Code which provides the following six provisions which the Council should follow in its enforcement activities, unless it concludes, on the basis of material evidence, that a specific provision of the Code is either not applicable or outweighed by another relevant consideration.
1. Regulators should carry out their activities in a way that supports those they regulate to comply and grow
  2. Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views
  3. Regulators should base their regulatory activities on risk
  4. Regulators should share information about compliance and risk
  5. Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply
  6. Regulators should ensure that their approach to their regulatory activities is transparent
- 30.2 In carrying out its enforcement duties with regards to the inspection of premises; and the powers to institute criminal proceedings in respect of certain offences under the Act the council will endeavour to be:

- Proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent:** rules and standards must be joined up and implemented fairly;
- Transparent:** regulators should be open, and keep regulations simple and user friendly; and
- Targeted:** regulation should be focused on the problem, and minimise side effects.

30.3 The council will endeavour to avoid duplication with other regulatory regimes so far as possible.

30.4 Where there is a Primary Authority scheme in place, the council will seek guidance from the Primary Authority before taking any enforcement action. At the time of the publication of this policy there were three Primary Authority arrangements with host local authorities:

William Hill	City of Westminster
Ladbrokes/Coral	Milton Keynes
Paddy Power	Reading

30.5 Further information, including an index of all Primary Authority arrangements can be found at <https://primaryauthorityregister.info/par/index.php/home>

30.6 The council will also adopt a risk-based inspection programme in line with government recommendations around better regulation and the principles of the Hampton Review.

30.7 The main enforcement and compliance role for the council in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operator and personal licences. Concerns about the manufacture, supply or repair of gaming machines will not be dealt with by the council but will be notified to the Gambling Commission. In circumstances where the council believes a premises requires a premises licence for gambling activities and no such licence is in force, the council will alert the Gambling Commission.

30.8 The council will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

30.9 The council's enforcement/compliance protocols/written agreements will be available upon request.

## 31. Reviews

31.1 A review is a process defined in the legislation which ultimately leads to a licence being reassessed by the Licensing Committee with the possibility that the licence may be revoked, suspended or that conditions may amended or new conditions added.

31.2 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the council to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is;



- i) in accordance with any relevant code of practice issued by the Gambling Commission
- ii) in accordance with any relevant guidance issued by the Gambling Commission
- iii) reasonably consistent with the licensing objectives and
- iv) in accordance with this authority's Gambling Act 2005 – Statement of Licensing Policy.

31.3 In addition the council may also reject the application on the grounds that the request is frivolous, vexatious, will certainly not cause this authority to wish to alter, revoke or suspend the licence, or is substantially the same as previous representations or requests for review.

31.4 The council can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

This appendix describes the categories of gaming machine as set out in the Act (and in regulations) and the number of such machines that may be permitted in each type of gambling premises.

- Table 1 below sets out the current proposals for the different categories with the maximum stakes and prizes that will apply. This table will be updated as soon as the proposals are confirmed.
- Table 2 overleaf shows the maximum number of machines permitted and in the case of casinos the ratios between tables and machines.

Table 1

Category of machine	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B1	£5	£10,000  (with the option of a max £20,000 linked progressive jackpot on a premises basis only)
<sup>1</sup> B2	£100	£500
B3	£2	£500
B3A	£2	£500
B4	£2	£400
C	£1	£100
D – money prize	10p	£5
D – non-money prize (other than a crane grab machine)	30p	£8
D – non-money prize (crane grab machine)	£1	£50
D – combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8  (of which no more than £5 may be a money prize)
D – combined money and non-money prize (coin pusher or penny falls machine)	20p	£15  (of which no more than £8 may be a money prize)

<sup>1</sup> The category B2 is not actually a traditional slot machine. It refers to a type of gaming machine known as a fixed odds betting terminal (FOBTs). These are a new type of gaming machine which generally appear in licensed bookmakers. FOBTs have ‘touch-screen’ displays and look similar to quiz machines familiar in pubs and clubs. They normally offer a number of games, roulette being the most popular. The Government has announced a reduction in the stakes of B2 machines to £2 in April 2018.

Table 2

Premises Type	Machine category						
	A	B1	B2	B3	B4	C	D
Large casino (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)					
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)					
Pre-2005 Act Casinos (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead					
Betting premises and tracks operated by pool betting		Maximum of 4 machines categories B2 to D (except B3A machines)					
Bingo Premises <sup>1</sup>					Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4*	No limit C or D machines	
Adult gaming centre <sup>2</sup>					Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4*	No limit C or D machines	
Licensed family entertainment centre <sup>3</sup>						No limit C or D machines	
Family entertainment centre (with permit)							No limit on category D machines
Clubs or miners' welfare institutes with permits <sup>4</sup>					Maximum of 3 machines in categories B3A or B4 to D*		
Qualifying alcohol licensed premises						1 or 2 machines of category C or D automatic upon notification	
Qualifying alcohol licensed premises with licensed premises gaming machine permit					Number of category C-D machines as specified on permit		
Travelling fair						No limit on category D machines	
	A	B1	B2	B3	B4	C	D

1. Bingo premises licence are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. Where a premises licence was granted before 13 July 2011, they are entitled to make available eight category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at bingo premises are restricted to sub-category B3 and B4 machines, but not B3A machines.
2. Adult gaming centres are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines. Where a premises licence was granted before 13 July 2011, they are entitled to make available four category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at adult gaming centres are restricted to sub-category B3 and B4 machines, but not B3A machines.
3. Only premises that are wholly or mainly used for making gaming machines available may hold an unlicensed FEC gaming machine permit or an FEC premises licence. Category C machines may only be sited within licensed FECs and where an FEC permit is in force. They must be in a separate area to ensure the segregation and supervision of machines that may only be played by adults. There is no power for the licensing authority to set a limit on the number of machines under the FEC permit.
4. Members' clubs and miners' welfare institutes with a club gaming permit or with a club machine permit, are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement.
5. Commercial clubs with club machine or gaming permits are entitled to a total of three machines in categories B4 to D.

## Appendix 2 – Glossary of terms

Term	Description
ATM	Auto teller machine or cash machine.
Betting	Betting is defined as making or accepting a bet on the outcome of a race, competition or other event or process or on the outcome of anything occurring or not occurring or on whether anything is or is not true. It is irrelevant if the event has already happened or not and likewise whether one person knows the outcome or not. (Spread betting is not included within this definition).
Betting Machines / Bet Receipt Terminal	Betting machines can be described as automated betting terminals where people can place bets on sporting events removing the need to queue up and place a bet over the counter.
Bingo	There are essentially two types of bingo: cash bingo, where the stakes paid make up the cash prizes that can be won and prize bingo, where various forms of prizes can be won, not directly related to the stakes paid.
Book	Running a 'book' is the act of quoting odds and accepting bets on an event. Hence the term 'Bookmaker'.
Casino games	A game of chance, which is not equal chance gaming. Casino games includes Roulette and black jack etc.
Chip	Casinos in the UK require you to use chips to denote money. They are usually purchased and exchanged at a cashier's booth.
Coin pusher or penny falls machine	A machine of the kind which is neither a money prize machine nor a non-money prize machine
Crane grab machine	A non-money prize machine in respect of which every prize which can be won consists of an individual physical object (such as a stuffed toy) won by a person's success in manipulating a device forming part of the machine so as to separate, and keep separate, one or more physical objects from a group of such objects.
Default condition	These are prescribed in regulations and will be attached to all classes of premises licence, unless excluded by the council.
Equal Chance Gaming	Gaming which does not involve playing or staking against a bank.
Fixed odds betting	If a gambler is able to establish what the return on a bet will be when it is placed, (and the activity is not 'gaming' see below), then it is likely to be betting at fixed odds.
Fixed Odds betting terminals (FOBTs)	FOBTs are a type of gaming machine which generally appear in licensed bookmakers. FOBTs have 'touch-screen' displays and look similar to quiz machines familiar in pubs and clubs. They normally offer a number of games, roulette being the most popular.
Gaming	Gaming can be defined as 'the playing of a game of chance for winnings in money or monies worth, whether any person playing the game is at risk of losing any money or monies worth or not'.
Gaming Machine	Any type of machine allowing any sort of gambling activity including betting on virtual events but not including home computers even though users can access online gaming websites.

Term	Description
Licensing Objectives	<p>The licensing objectives are three principal goals which form the basis of the Act. Stakeholders who have an interest in the Act need to try and promote these objectives: The licensing objectives are:</p> <ul style="list-style-type: none"> <li>• Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.</li> <li>• Ensuring that gambling is conducted in a fair and open way.</li> <li>• Protecting children and other vulnerable people from being harmed or exploited by gambling.</li> </ul>
Lottery	<p>A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part. A lottery is defined as either a simple lottery or a complex lottery. A simple lottery is one where people are required to pay to participate and one or more prizes are allocated to one or more members of a class and the prizes are allocated by a process which relies wholly on chance. A complex lottery is where people are required to pay to participate and one or more members of a class and the prizes are allocated by a series of processes where the first of those processes relies wholly on chance. Prize means money, articles or services provided by the members of the class among whom the prize is allocated. (It should be noted that the National Lottery is not included in this definition of lottery and is regulated by the National Lottery Commission).</p>
Mandatory condition	<p>A condition which will be set by the Secretary of State (some set out in the Act and some to be prescribed by regulations) which will be automatically attached to a specific type of premises licence. The council will have no discretion to alter or remove these conditions.</p>
Money prize machine	<p>A machine in respect of which every prize which can be won as a result of using the machine is a money prize.</p>
Non-money prize machine	<p>A machine in respect of which every prize which can be won as a result of using the machine is a non-money prize. The winner of the prize is determined by:</p> <ol style="list-style-type: none"> <li>(i) the position in which the coin or token comes to rest after it has been inserted into the machine, together with the position of other coins or tokens which have previously been inserted into the machine to pay a charge for use, or</li> <li>(ii) if the insertion of a single coin to pay the charge for use enables the person using the machine to release one or more tokens within the machine, the position in which such tokens come to rest after being released, together with the position of other tokens which have previously been so released.</li> </ol>
Odds	<p>The ratio to which a bet will be paid if the bet wins, e.g. 3-1 means for every £1 bet, a person would receive £3 of winnings.</p>
Off-course betting operator	<p>Off-course betting operators may, in addition to premises away from the track, operate self-contained betting premises within a track premises. Such self-contained premises will provide facilities for betting on both events taking place at the track (on-course betting), as well as other sporting events taking place away from the track (off-course betting). In essence such premises operate like a traditional high street bookmakers. They will however only normally operate on race days.</p>
On-course betting operator	<p>The on-course betting operator is one who comes onto on a track, temporarily, while races are taking place, and operates at the track side. On-course betting operators tend to offer betting only on the events taking place on the track that day (on-course betting).</p>

Term	Description
Pool Betting	For the purposes of the Gambling Act, pool betting is made on terms that all or part of the winnings: 1) Shall be determined by reference to the aggregate of the stakes paid or agreed to be paid by the people betting 2) Shall be divided among the winners or 3) Shall or may be something other than money. For the purposes of the Gambling Act, pool betting is horse-race pool betting if it relates to horse-racing in Britain.
Regulations or Statutory instruments	Regulations are a form of law, often referred to as delegated or secondary legislation. They have the same binding legal effect as Acts and usually state rules that apply generally, rather than to specific people or things. However, regulations are not made by Parliament. Rather, they are made by people or bodies to whom Parliament has delegated the authority to make them, such as a minister or an administrative agency.
Representations	In the context of the Gambling Act representations are either positive statements of support or negative objections which are made in relation to a licensing application. Representations must be made in time, e.g. during a designated notice period.
Responsible authority (authorities)	Responsible authorities (RAs) are agencies which have been appointed by the Gambling Act or regulations to fulfil a designated role during the licensing process. RAs must be sent copies of all licensing applications and have the power to make representations about such applications. RAs also have the power to ask for licences to be reviewed. For Dorset the RAs include Dorset Police, The local Safeguarding Children Board, Dorset Council's Planning Department as well as several others.
Skill machine / Skill with prizes machine	The Act does not cover machines that give prizes as a result of the application of pure skill by players. A skill with prizes machine is one on which the winning of a prize is determined only by the player's skill – any element of chance imparted by the action of the machine would cause it to be a gaming machine. An example of a skill game would be trivia game machines, popular in pubs and clubs, which require the player to answer general knowledge questions to win cash prizes.
Spread betting	A form of investing which is more akin to betting, and can be applied either to sporting events or to the financial markets. Spread betting is regulated by the Financial Services Authority.
Stake	The amount pledged when taking part in gambling activity as either a bet, or deposit to the bank or house where the house could be a gaming machine.
Statement of principles document	A document prepared by the council which outlines the areas that applicants need to consider before applying for gaming permits.
Table gaming	Card games played in casinos.
Tote	"Tote" is short for Totaliser, a system introduced to Britain in 1929 to offer pool betting on racecourses.
Track	Tracks are sites (including horse tracks and dog tracks) where races or other sporting events take place.

## Appendix 3 – Summary of gaming entitlements for clubs and pubs

	Members' club or MW institute with club gaming permit	Bridge or whist club	Members' club or commercial club with club machine permit	Members' club, commercial club or MW institute without a club gaming permit	Pubs and other alcohol-licensed premises
<b>Equal chance gaming</b>	Yes	Bridge and/or whist only	Yes	Yes	Yes
<b>Limits on stakes</b>	No limit	No limit	<u>Poker</u> £1000 per week £250 per day £10 per person per game  <u>Other gaming</u> No limit	<u>Poker</u> £1000 per week £250 per day £10 per person per game  <u>Other gaming</u> No limit	<u>Cribbage &amp; dominoes</u> No limit  <u>Poker</u> £100 per premises per day  <u>Other gaming</u> £5 per person per game
<b>Limits on prizes</b>	No limit	No limit	<u>Poker</u> £250 per game  <u>Other gaming</u> No limit	<u>Poker</u> £250 per game  <u>Other gaming</u> No limit	<u>Poker</u> £100 per game  <u>Other gaming</u> No limit
<b>Maximum participation fees – per person per day</b>	<u>Bridge and/or whist*</u> £20  <u>Other gaming</u> £3	£18 (without club gaming permit)  £20 (with club gaming permit)	<u>Bridge and/or whist*</u> £18  <u>Other gaming</u> £3 (commercial club) £1 (members club)	<u>Bridge and/or whist*</u> £18  <u>Other gaming</u> £1	None permitted
<b>Bankers or unequal chance gaming</b>	Pontoon Chemin de Fer	None permitted	None permitted	None permitted	None permitted
<b>Limits on bingo</b>	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	No bingo permitted	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.

\* On a day when no other facilities for gaming are provided



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## Equality Impact Assessment – Gambling Policy 2021-24

Version number	DRAFT Version 4
Date last reviewed:	June 2020
Approved by:	John Newcombe
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Saved as:	Equality Impact Assessment – Gambling Policy 2021-2024

### 1. Management of the EqIA

The EqIA has been prepared by John Newcombe, Service Manager, Licensing and Community Safety and Aileen Powell, Licensing Team Leader. It has been prepared as part of the policy drafting process prior to circulation of the draft policy for a period of consultation. It will be reviewed directly following the consultation period close and updated with reference to any feedback from consultees which may have a bearing on the assessment. The assessment has been circulated as part of the report clearance process and updated accordingly.

### 2. Identification of policy aims, objectives and purpose

Licensing authorities are required by the Gambling Act 2005 to publish a Statement of Principles that they propose to apply when exercising their functions under the 2005 Act. The Statement must be published at least every three years and can be reviewed from “time to time” with any amended parts re-consulted upon.

The 2021-2024 Statement will be circulated for consultation for a period of 12 weeks.

The objective of the Statement of Principles is to inform interested parties of the principles the licensing authority proposes to apply when exercising its functions under the Gambling Act 2005. The authority must have regard to the licensing objectives as set out in section 1 of the Act:

- Preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime.
- Ensuring gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

The Licensing authority aims to permit the use of premises for gambling:

- In accordance with any relevant Code of Practice issued by the Gambling Commission.
- In accordance with any guidance issued by the Gambling Commission
- Reasonably consistent with the licensing objectives
- In accordance with the Authority’s Statement of Licensing Principles.

### 3. Scope / focus of the EqIA

The Equalities Impact Assessment has attempted to assess the likely impact of the revised policy on persons living, visiting and working within District.

There are 56 licensed gambling premises within the district; these currently consist of 5 bingo premises, 26 adult gaming centres and 25 betting shops. These are located across the District with concentrations in certain areas.

The Gambling Statement of Principles has scope to advance equality by promoting good relations and reduce inequality/protect vulnerable persons. The Statement supports a culture of openness where appropriate information can be accessed by all parties, hearings are generally held in public and enforcement is in line with the principles reported within the enforcement concordat.

Partnership working and exchange of information (within legal constraints) is also supported by the Statement. In this way we hope to promote understanding between those providing gambling opportunities and those potentially affected by them. As with applications under other laws such as the Licensing Act 2003, we will seek to mediate between applicants and objectors and reach negotiated settlements wherever possible.

From April 2016 gambling operators must conduct local risk assessments for their premises to demonstrate that they understand local issues and to show what measures they propose to introduce to mitigate against the risk of harm to children and vulnerable persons. (Gambling Commission's Licensing Conditions and Codes of Practice responsibility code provision 10.1.1)

Vulnerable people should be protected from harm. Who 'vulnerable people' are or the ways in which they may be vulnerable is not defined by the 2005 Act, though the Gambling Commission states that for regulatory purposes this is likely to include: *"people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to, for example, mental health, a learning disability or substance misuse relating to alcohol or drugs."* (GC, 2012)

The Gambling Commission's Licence Conditions and Codes of Practice and Social Responsibility Code Provisions state that licensees must review (and update as necessary) their local risk assessments:

- a. to take account of significant changes in local circumstance, including those identified in this policy;
- b. when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- c. when applying for a variation of a premises licence;  
and
- d. in any case, undertake a local risk assessment when applying for a new premises licence.

The council will expect the local risk assessment to consider the urban setting:

- The proximity of the premises to schools.
- The commercial environment.
- Factors affecting the footfall.
- Whether the premises is in an area of deprivation.
- Whether the premises is in an area subject to high levels of crime and/or disorder.
- The ethnic profile of residents in the area.
- The demographics of the area in relation to vulnerable groups.
- The location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather.
- The range of facilities in the local area such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities.
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activity, etc.
- The proximity of churches, mosques, temples or any other place of worship.

The local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected:

- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.
- Information held by the licensee regarding self-exclusions and incidences of underage gambling.
- Arrangements in place for local exchange of information regarding self-exclusion and gaming trends.

- Gaming trends that may mirror days for financial payments such as pay days or benefit payments.
- Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by etc.
- The provision of signage and documents relating to games rules, gambling care providers and other relevant information,
- The proximity of premises that may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor surgeries, council one stop shops, addiction clinics or help centres, places where alcohol or drug dependent people may congregate etc.

The local risk assessment should show how children are to be protected:

- The proximity of institutions, places or areas where children and young people frequent such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling allies, cinemas, etc.
- The proximity of places where children congregate such as bus stops, cafes, shops etc.
- Areas that are prone to issues of youths participating in anti-social behaviour, including activities such as graffiti, tagging, underage drinking etc.

Other matters that the risk assessment may include:

- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
- The layout of the premises so that staff have an unobstructed view of persons using the premises.
- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.
- Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

Such information may be used to inform the decision the council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

The policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.

The following identifies how specific groups may be affected by the revised policy;

### **Class or socio- economic disadvantage**

#### **Low (positive impact)**

Deprivation has a significant impact on health and wellbeing. The Dorset Council areas of deprivation are largely located in the most urban areas - in particular the former borough of Weymouth & Portland - but many of Dorset's rural communities could also be considered deprived in terms of barriers to housing and essential services.

English Indices of Deprivation (2015), DCLG show

12,900 households are workless

There are ten areas (out of a total of 219) in Dorset within the top 20% most deprived nationally for multiple deprivation, down from 12 in 2010. Nine of these are within the former borough of Weymouth and Portland, one is in the former West Dorset District area.

46% of Dorset's population lives in rural areas. Barriers to housing and essential services are significant in Dorset reflecting rurality and distance from services. 66 Dorset neighbourhoods fall in the 20% most deprived nationally for this measure: in the former council areas, 21 are in West Dorset and 20 in North Dorset.

Seven neighbourhoods in Dorset fall into the top 20% nationally for income deprivation (up from five in 2010) - seven of these are in the former borough of Weymouth and Portland

Weymouth and Portland residence based weekly earnings are £503 per week compared with £571 in Great Britain (Annual Survey of Hours and Earnings (2018), ONS (full time gross weekly earnings))

Statistics for the Gambling Commission contained within the NatCen "Gambling behavior in Great Britain" show that adults in employment or training were most likely to have gambled in the past 12 months, with almost two thirds (63%) having spent money on any gambling activity. Over half of retirees (53%) and those who were unemployed (54%) had gambled in the past year, closely followed by adults who were otherwise economically inactive (49%). Those in full time education had the lowest levels of participation with around a third (32%) having gambled in the past 12 months. Excluding participation in National Lottery draws only, there was a different pattern of participation; in particular, unemployed adults had similar rates of gambling to those in employment or training (45% and 48% respectively). Those in employment were again the most likely group to gamble online, with 13% having done so in the past year. However, around one in ten (9%) full time students and those who were unemployed had gambled online in the past 12 months. Retirees were the least likely group to have gambled online, with 2% having done so. <https://www.gamblingcommission.gov.uk/PDF/survey-data/Gambling-behaviour-in-Great-Britain-2016.pdf>

## Age

### Low (positive impact)

There are nearly 59,800 children (0-15) living in Dorset. This represents 15.9% of the total population and is lower than the 19.1% national average. The number of 0-15yr olds is expected to fall slightly over the next 25 years, continuing the trend in place since 2007.

There was also a net loss of 15-19 year olds from Dorset to other parts of the UK, with net gains mostly among those aged 30+

28% of Dorset's population is aged over 65

Over the period 2007-2017, the number aged 65+ grew by 22,500 – up by 27%.

<https://apps.geowessex.com/insights/AreaProfiles/UnitaryAuthority/dorset-council>

Statistics for the Gambling Commission contained within the NatCen "Gambling behavior in Great Britain" show overall, the highest participation rates in any form of gambling activity were among adults aged between 25 and 64 (between 60% and 62%), while the lowest rates were found among the youngest and oldest age groups; 46% of 16 to 24 year olds and 47% of those aged 75 and over had gambled in the past year. <https://www.gamblingcommission.gov.uk/PDF/survey-data/Gambling-behaviour-in-Great-Britain-2016.pdf>

Actions and objectives are stated in the policy that will help protect vulnerable and young people and it is proposed to consult with head teachers of all schools within the District on the revised Licensing Statement of Principles.

It is not however anticipated that the proposed policy will have a negative effect on the grounds of age.

### **Disability**

#### **Low (positive impact)**

According to 2011 Census data, 72,167 Dorset residents had a long-term health problem or disability, this means people whose day-to-day activities are limited a lot or a little by a disability or long term medical condition. <https://apps.geowessex.com/insights/Topics/Topic/Diversity>

In the policy applicants are requested to have regard to the type of people that are likely to visit their premises in their application when identifying the steps they will take to promote the licensing objectives. Applicants will be expected to propose steps to ensure that the physical layout of the premises does not present any risks to 'vulnerable' people, some of whom may be disabled.

During inspections, officers will refer any relevant details to planning if it is suspected there may be accessibility issues or a lack of planning permission.

It is not however anticipated that the proposed policy will have a negative effect on the grounds of disability.

### **Pregnancy and maternity**

#### **Low (positive impact)**

Dorset has a lower number of births than deaths giving a net decline in natural population. <https://apps.geowessex.com/insights/Topics>

It is not however anticipated that the proposed policy will have a negative effect on the grounds of pregnancy and maternity/paternity.

### **Race**

#### **Low (positive impact)**

Dorset has much lower levels (4.4%) of Black and Minority ethnic (BME) residents than the country as a whole (19.5%)<sup>2</sup>. The highest proportion of Dorset's BME population are classified as 'White Other' who make up approximately 41% of Dorset's BME population. This classification includes people who identify as white but who do not have UK national identity (English, Welsh Scottish, Northern Irish and British). An example would be Polish. <https://apps.geowessex.com/insights/Topics>

Statistics for the Gambling Commission contained within the NatCen "Gambling behavior in Great Britain" show gambling participation was highest among White adults; six in ten (59%) White adults had gambled in the past 12 months, compared with 46% of Black adults, 45% of adults in other minority ethnic groups and 32% of Asian adults. A similar pattern was evident among those who gambled on activities other than the National Lottery draws only. For online gambling the pattern was slightly different; similar proportions of adults in the White group and other minority ethnic groups had gambled online (both 10%), compared with 5% of Black adults and just 2% of Asian adults. <https://www.gamblingcommission.gov.uk/PDF/survey-data/Gambling-behaviour-in-Great-Britain-2016.pdf>

The Local Authority has established procedures for engaging with the diverse range of businesses within the Council area. Consultation on the new Statement of Licensing Principles will be undertaken with statutory consultees, including representatives from the business community.

It is not however anticipated that the proposed policy will have a negative effect on the grounds of race.

### Religion/belief

#### Low (positive impact)

2011 census data shows The five major non-Christian world religions Islam, Buddhism, Hinduism, Judaism and Sikhism constitute 1% of Dorset's residents' religious beliefs

Dorset's main non-Christian religious groups are concentrated in Dorset's towns. Weymouth has just over 300 residents of Muslim faith. There are also concentrations around military establishments such as Blandford Camp where the Gurkhas and their families live who are predominantly Hindu in their religious belief. <https://apps.geowessex.com/insights/Topics>

The Local Authority has established procedures for engaging with the diverse range of businesses within the borough.

Consultation on the new Statement of Licensing Policy will be undertaken with statutory consultees, including representatives from the business community.

It is not however anticipated that the proposed policy will have a negative effect on the grounds of race.

### Sex (gender)

#### Low

Statistics for the Gambling Commission contained within the NatCen "Gambling behavior in Great Britain" show overall, men were more likely to participate in most forms of gambling than women. Offline bingo was the only activity where men were less likely to participate than women (3% and 7%, respectively). Men were significantly more likely than women to have used an online bookmaker (13% and 2%, respectively) and to have placed an offline bet on a horse (12% and 7%, respectively) in the past year. Slot machines were also more popular among men than women (8% and 4%, respectively). And men were also more likely to have bet on sports events offline than women, with 9% of men and 1% of women. <https://www.gamblingcommission.gov.uk/PDF/survey-data/Gambling-behaviour-in-Great-Britain-2016.pdf>

The revised Statement of Principles would have a neutral impact on the protected characteristic of Sex (gender).

### Sexual Orientation and Transgender

#### Low

There is no data available on the spatial distribution of lesbian, gay, bisexual, transgender and transsexual people in the area, and there are no obvious places of congregation of such groups equivalent to those elsewhere in the country. There are 1,866 people are living in a same sex relationship. <https://apps.geowessex.com/insights/Topics>

The revised Statement of Principles would have a neutral impact on the protected characteristic of Sexual Orientation

### Rural isolation

#### Low

46% of Dorset's population lives in rural areas. Barriers to housing and essential services are significant in Dorset reflecting rurality and distance from services. 66 Dorset neighbourhoods fall in



the 20% most deprived nationally for this measure: in the former council areas, 21 are in West Dorset and 20 in North Dorset.

## Armed forces background

### Low

Research suggests that the rate of Armed Forces veterans with mental health conditions could be as high as 10%, compared to around 3% for the general population (House of Commons Defence Committee, Mental Health and the Armed Forces, Part One: The scale of mental health issues. 11th report 2017 – 19)

The council in partnership with Dorset Armed Forces Covenant Programme is working to ensure that the Armed Forces Community in Dorset has access to the services and assistance it requires.

### 3. Relevant data, research and consultation

In addition to the data sources contained within the assessment above, all relevant parties and organisations situated and operating within the area will be consulted on the draft policy and any responses will be fully considered by the licensing authority and licensing committee.

This assessment will be updated following the consultation period. The consultation will include;

- A draft Policy available at Libraries, Local Service Centres and the offices of the Licensing Team
- Emails to all Councillors, Mayors, and MPs
- Internal consultation process to relevant officers and Corporate Management Teams
- Public notices in the Dorset Echo
- Public consultation advertised on the Council website
- Letters to Premises licence holders and other interested parties
- Responsible Authorities– including Dorset Police, Wiltshire and Dorset Fire Brigade
- Letters to BCP Council, Wiltshire Council and South Somerset Council
- Letters to all Head teachers of schools and education establishments located within the Area
- Armed forces community
- The Gambling Commission

In order to assist applicants when completing or reviewing their risk assessments, the Council may publish a local area profile. The Council has commissioned a local area profile which is expected to be completed during 2021 and once approved by the Licensing Committee, it will be made available through the licensing team.

The local area profile should be given careful consideration when making an application. Applicants may be asked to attend a meeting with licensing officers to discuss the profiles, appropriate measures to mitigate risk in the area and how they might be relevant to their application. The local area profiles will be presented to any subsequent licensing subcommittee when they determine an application that has received representations.

The Council recognises that it cannot insist on applicants using the local area profile when completing their risk assessments. However an applicant who decides to disregard the profile may face additional representations and the expense of a hearing as a result.

The local area profile will include the following data (where available);

Index	Criteria	Indicator/measure	Data source	Date
People at home	Ethnic groups	Number of residents from Asian/Asian British, Black/African/Caribbean/Black	Census 2011 table KS201UK Ethnic Group	2011
	Unemployment	Number of economically active unemployed residents	Census 2011 table QS601UK Economic Activity	2011
	Youth	Emerging adults and younger children - number of residents aged 10-24 years	Census 2011 table QS103UK Age by single	2011
	Poor mental health	Number of patients recorded on the GP register with schizophrenia, bipolar affective disorder and other psychoses, and other patients on lithium therapy or with depression	Quality Outcomes Framework (QOF)	2018
People away from home	Problem gamblers	Gamblers Anonymous meetings	Gamblers Anonymous UK	2018
		Gamcare locations	Gamcare	2018
	Unemployment	Job centre locations	Department for Work and Pensions	2018
	Youth	Education institutions with students of 13-24 years	Edubase2	2016/2017
	Substance abuse/misuse	Accommodation for persons who require treatment for substance misuse	Care Quality Commission	2018
People at home	Homelessness	Accommodation for vulnerable people/homeless	Local Authority lists	2018
	Poor mental health	Number of resident outpatient attendances to acute hospitals relating to treatment function specialities 710 (adult mental illness), 722 (liaison psychiatry), 723 (psychiatric intensive care)	HSCIC hospital episode statistics via Local Authority Public Health teams	2015/2016
People away from home	Substance abuse/misuse	Drug and alcohol treatment and recovery centres/clinics	Local Authority lists	2018
		Needle exchanges	Local Authority lists	2018
		Accommodation for persons who require treatment for substance	Local Authority lists	2018
		Alcoholics and narcotics anonymous meetings	Alcoholics and narcotics	2018
	Financial difficulties/de	Payday loan shops	Local Authority lists	2018
		Food banks	Local Authority lists	2018

#### 4. Assessment of Impact and outcomes

Protected characteristics	Issues taken from evidence	Judgement (positive / negative)	Recommendations
Class or socio-economic disadvantage	No adverse impact	Low (positive)	N/A
Age	No adverse impact	Low (positive)	N/A
Disability	No adverse impact	Low (positive)	N/A
Pregnancy and maternity	No adverse impact	Low (positive)	N/A
Race	No adverse impact	Low (positive)	N/A
Religion / belief	No adverse impact	Low (positive)	N/A
Sex (gender)	No adverse impact	Low	N/A
Sexual orientation	No adverse impact	Low	N/A
Transgender	No adverse impact	Low	N/A
Rural isolation	No adverse impact	Low	N/A
Armed forces background	No adverse impact	Low	N/A

Page 67

Equality Impact Assessment Action Plan for [insert name of policy]						
Issues identified and groups affected	Actions to be taken	Timescales of actions	Who is responsible for delivery	Intended outcomes	Performance measures	Reference to service or other plans
No gap identified with regards to equalities and diversity and the Statement of Licensing Principles under the Gambling Act 2005	Will ensure premises are considering their own impact on vulnerable persons such as persons with disabilities or with gambling addictions Continued engagement with the trade to ensure local area risk assessments are undertaken and these are suitable. Equality monitoring forms will be distributed in these instances	Draft Policy consultation weeks	12 J Newcombe Licensing Team	Policy Adopted for use	N/A	Corporate Plan Enforcement Policy

6. **Formal agreement**
7. **Publication of results**
  - a. Date EqIA published on Council website (full or summary version)
8. **Monitoring and review**
  - a. Set dates and mechanism for monitoring and reviewing

<b>Response number</b>	<b>1</b>
Proposed action arising from consultation response	No proposed amendment to policy
Completion date of interview	06/07/2020
I am responding as a:	On behalf of an organisation
Other (please explain)	
If you are giving the official response for an organisati...	
Your name	Fru Bird
Your name (unless you would rather respond anonymously)	
Please provide your postcode	BH22 9AN
Comments	I am concerned that gambling is addictive and that children and vulnerable people are not the only ones to suffer the negative impact on families and individuals. I think that any promotion of gambling (eg the bright lights and colours on slot machines in pubs) is a way of appealing to children and vulnerable people and I would wish to keep all visible gambling away from family settings.
Is there anything that has not been included in the polic...	
<b>Response number</b>	<b>2</b>
Proposed action arising from consultation response	No proposed amendment to policy
Completion date of interview	06/07/2020
I am responding as a:	Member of the public
Other (please explain)	

If you are giving the official response for an organisati...	
Your name	
Your name (unless you would rather respond anonymously)	
Please provide your postcode	SP7 8LU
Comments	The sole purpose of gambling commercially is to extract money from the poor and gullible, and pass it to the wealthy. One need only read Private Eye to see the lengths gambling firms will go to to get around restrictions. Many are based in tax havens, or owned by anonymous persons based in tax havens. Anything that can be done to deprive this iniquitous "industry" of their victims and ill gotten wealth should be done. I do note however how successfully they use their wealth to "lobby" parliament
Is there anything that has not been included in the polic...	
<b>Response number</b>	<b>3</b>
Proposed action arising from consultation response	No proposed amendment to policy
Completion date of interview	16/07/2020
I am responding as a:	On behalf of an organisation
Other (please explain)	
If you are giving the official response for an organisati...	Mosaic - Supporting Bereaved Children
Your name	Margaret Hannibal
Your name (unless you would rather respond anonymously)	

Please provide your postcode	DT11 0LG
Comments	As a small charity organising a small number of raffles each year, I do not have any comments on the Policy
Is there anything that has not been included in the polic...	Not that I would be aware of
<b>Response number</b>	<b>4</b>
Proposed action arising from consultation response	Web page was updated at the time and policy amended at 3.5
Completion date of interview	24/07/2020
I am responding as a:	Member of the public
Other (please explain)	
If you are giving the official response for an organisati...	
Your name	
Your name (unless you would rather respond anonymously)	T C L Drake
Please provide your postcode	SP8 4NA
Comments	I note website says 2021-2026 but template front page says 2021-2024. Para 3.5 on page 11 end of line 4 typo "with" should read "will".
Is there anything that has not been included in the polic...	No
<b>Response number</b>	<b>5</b>
Proposed action arising from consultation response	No proposed amendment to policy

Completion date of interview	27/07/2020
I am responding as a:	Member of the public
Other (please explain)	
If you are giving the official response for an organisati...	
Your name	
Your name (unless you would rather respond anonymously)	David Hoyle
Please provide your postcode	BH21 1PQ
Comments	The draft put forward for comment appears to cover the matter adequately. There will always be people who break rules, especially regarding drugs and alcohol. Policing must clearly rest with license holders and proprietors. Failing to observe the rules must be firmly dealt with.
Is there anything that has not been included in the polic...	Clear supervision of minors should be clearly managed.
<b>Response number</b>	<b>6</b>
Proposed action arising from consultation response	No proposed amendment to policy. The respondent raises several concerns which are shared by the council. However, the council, as Licensing Authority has no control over the codes of practice for Operators, or the National Lottery which both fall to the Gambling Commission to regulate.
Completion date of interview	17/08/2020
I am responding as a:	Member of the public
Other (please explain)	
If you are giving the official response for an organisati...	
Your name	



Your name (unless you would rather respond anonymously)	Laura Baxter
Please provide your postcode	DT10 2EJ
Comments	<p>Clearly gambling is a growing social problem, which suggests policies to date are not working effectively enough. While statements like 'protecting children and vulnerable adults' are admirable, we need to ask whether current guidelines achieve that and understand and address the levels of existing failures. Moderate gambling can be fun. Addictive gambling is not. The key here is that gambling is highly addictive. It is a form of escapism, similar to drinking. As a society we should be better at communicating the dangers of addiction. We have managed it to some extent with smoking but not yet with alcohol and gambling. One of the well known problems is that gambling companies employ people to call and 'hook' the gambler if he/she stops spending their usual rate. That cannot be morally justified but is currently legal. I strongly suggest that practice is stopped. The National Lottery and companies like Camelot need to be held responsible for making gambling accessible to children and turning it into a leisure activity when it should be illegal for anyone under 18 to gamble. ' Children as young as 16 can spend up to £350 a week online gambling on games such as Bingo Millionaire, Fruity £500s and Treasure Temple, which offers a top prize of £500,000. The normal minimum age for gambling is 18, leaving lotteries like Camelot, which runs the lottery, having exclusive access to teenage market denied to other betting firms. According to the latest figures 16 and 17 year olds spent £47m on National Lottery Games in 2017- 18, two thirds of that on scratchcards and instant -win games, which imitate the traditional board games enjoyed by generations of schoolchildren'. The Times Sunday 19th July 2020 As you can see the marketing ploys are very sophisticated and the loopholes are too easily exploited. It is not enough to say they raise money for charity or employ a lot of people. They also cause misery, poverty, crime and future social problems for too many people. Policies need to be tightened, loopholes closed, proper protection offered. Above all gambling organisations need to be accountable, act responsibly and not pay lip service to their hugely profitable industry based on legitimate theft of funds from those who cannot afford it.</p>

Is there anything that has not been included in the polic...	Please read my previous comment
<b>Response number</b>	<b>7</b>
Proposed action arising from consultation response	Policy amended at 3.1
Completion date of interview	28/09/2020
I am responding as a:	On behalf of an organisation
Other (please explain)	
If you are giving the official response for an organisati...	Public Health Dorset
Your name	Robert Spencer
Your name (unless you would rather respond anonymously)	
Please provide your postcode	DT1 1XJ
Comments	
Is there anything that has not been included in the polic...	3.1 add "Pan Dorset Alcohol and Drug Strategy"

## Licensing Committee 22 October 2020 Statement of Licensing Policy 2021-2026

### For Recommendation to Council

**Portfolio Holder:** Cllr J Haynes, Customer and Community Services

**Local Councillor(s):** Relevant to all Dorset Council Members

**Executive Director:** John Sellgren, Executive Director of Place

**Report Author:** John Newcombe  
**Title:** Service Manager Licensing & Community Safety  
**Tel:** 01305 838027  
**Email:** [john.newcombe@dorsetcouncil.gov.uk](mailto:john.newcombe@dorsetcouncil.gov.uk)

**Report Status:** Public

#### Recommendations:

- 1) To review the responses received during the consultation period and;
- 2) To consider the proposed amendments to the draft Statement of Licensing Policy.
- 3) To consider the comments received from Place and Resources Overview Committee.
- 4) To make recommendations to Full Council in relation to adoption of the draft Statement of Licensing Policy.

#### Reason for Recommendations:

- 1) To comply with legislative requirements,
- 2) To ensure openness and transparency in the Council's decision making, and;
- 3) To ensure that those persons affected by the policy are given the opportunity to have an input into it.

#### 1. Executive Summary

The Council, as Licensing Authority under the Licensing Act 2003, is required to publish a Statement of Licensing Policy at least every five years. The purpose of the policy statement is to define how the Council will exercise its responsibilities under the Act. The draft policy has been prepared by officers, considered at an

informal meeting of the Licensing Committee and has been published, in draft format, for a period of public consultation of 12 weeks.

The public consultation took place between 6<sup>th</sup> July and 27<sup>th</sup> September 2020.

The policy went before Place & Resources Overview Committee for comment on 19 October, and a verbal update will be given by officers at this meeting.

The reviewed Statement of Licensing Policy is before the committee for consideration prior to recommendation to Full Council for adoption.

## **2. Financial Implications**

The funding for the preparation and consultation of the draft statement of licensing policy came from existing budgets and there are no further financial implications arising from the recommendations of this report.

## **3. Climate implications**

There are no implications arising from the recommendations contained within this report in terms of meeting the Council's climate change obligations.

## **4. Other Implications**

There are no implications arising from the recommendations contained within this report in terms of impacts on other service areas within the Council.

## **5. Risk Assessment**

Having considered the risks associated with this decision, the level of risk has been identified as:

Current Risk: Low

Residual Risk: Low

## **6. Equalities Impact Assessment**

A draft Equalities Impact Assessment has been prepared and is attached as Appendix D to this report, a final version will be provided with the draft Statement of Licensing Policy when it is presented to Council, once approved.

## **7. Appendices**

Appendix A	Revised Draft Statement of Licensing Policy 2021-2026
Appendix B	Dorset Council Cumulative Impact Assessment
Appendix C	Dorset Police Violent Crime Analysis
Appendix D	Draft Equalities Impact Assessment

Appendix E Summary of responses received as part of the consultation process and resulting proposed amendments.

## **8. Background Papers**

Licensing Act 2003

Revised guidance issued under section 182 of the Licensing Act 2003 April 2018

## **9. Background**

9.1 The Licensing Act 2003 requires the Council, acting as the Licensing Authority under the Act, to determine and publish a Statement of Licensing Policy at least once every five years.

9.2 The Statement of Licensing Policy 2021-2026 can be reviewed and updated at any time during the life of the document. The council keeps the Statement of Licensing Policy under constant review and, from time to time, may commission research to inform changes to policy.

9.3 The Statement of Licensing Policy sets out how the council will carry out its functions under the Licensing Act 2003 with a view to promoting the licensing objectives namely:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

9.4 Activities regulated under the Licensing Act 2003 include:

- The sale of alcohol
- The supply of alcohol by or on behalf of a club, or to the order of a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment

9.5 The Statement of Licensing Policy has been prepared in line with the requirements of the Licensing Act 2003, as well as the Statutory Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.

9.6 The Statement of Licensing Policy has been prepared with regard to, and sought to integrate with, the following Council strategies:

- Dorset Council's Plan
- Dorset Council Community Safety Plan
- Dorset Council's Local Plan and Development Framework
- Dorset Council's Economic Growth Strategy

- Dorset Council's Enforcement Policy
- Dorset Council's Strategy for children and young people

- 9.7 This is Dorset Council's first Statement of Licensing Policy issued under the Licensing Act 2003 and is required to be in place by 1 April 2021 under the terms of the Local Government Reform Order issued by the Secretary of State for Housing, Communities and Local Government.
- 9.8 Prior to the formation of Dorset Council, each of the predecessor District and Borough Councils had their own Statement of Licensing Policy issued under the Licensing Act 2003.
- 9.9 In addition to setting out how the Licensing Authority intends to promote the licensing objectives, and the Authority's expectations of licensed premises operators and applicants, the Authority is also able to designate particular areas of stress amounting from a proliferation of licensed premises within a particular area. This specially designated area is known as a Cumulative Impact Area.
- 9.10 A Cumulative Impact Area can be integrated within a Council's Statement of Licensing Policy if it can be shown that the number or type of licence applications granted in a particular area are having a cumulative impact and this is leading to problems which are undermining the licensing objectives. There is a rebuttable presumption that any new applications, or applications to substantially alter existing permissions, will be refused unless the applicant can demonstrate to the Authority that the proposals will not add to the existing problems in the area.
- 9.11 A review of the predecessor Council's licensing policies showed that there was one Cumulative Impact Area in existence, that being in the centre of Weymouth, within the former Weymouth and Portland Borough Council area.
- 9.12 It is proposed to retain the existing Cumulative Impact Area from the previous Weymouth & Portland Borough Council Statement of Licensing Policy and up to date statistics have been included at Appendices B and C within this report which indicates that there remains a negative cumulative impact of licensed premises and licensable activities within the area as previously identified.
- 9.13 Consideration of the retention of the existing Cumulative Impact Area formed a part of the consultation on the wider policy and respondents were asked specifically whether the Cumulative Impact Area should remain, be expanded, contracted or removed.
- 9.14 The draft Statement of Licensing Policy was reviewed by the Licensing Committee via a remote informal meeting chaired by the Chair of the Licensing Committee Cllr Emma Parker on 28<sup>th</sup> May 2020. A number of minor

amendments and clarifications were suggested by the Committee which were integrated into the draft policy prior to publication as part of the consultation process.

9.15 The public consultation ran for a period of 12 weeks. The consultation included consulting with and considering the views of a wide range of people and organisations including:

- Representatives of local business
- Local residents and their representatives
- Local Councillors
- Parish and town councils
- Local members of parliament
- Representatives of existing licence holders including
- The responsible authorities namely:
  - Dorset Police
  - Dorset & Wiltshire Fire and Rescue Service
  - Dorset Council – Public Health Dorset
  - Dorset Council – Environmental Health
  - Dorset Council – Planning Authority
  - Dorset Council – Children’s Services, Social Care and Health
  - Dorset Council - Trading Standards
  - Secretary of State (Home Office Immigration Enforcement)
- Charitable organisations that deal with the social impact of alcohol misuse
- Other charitable organisations
- Adjoining Councils
- The British Beer and Pub Association
- UK Hospitality
- The British Institute of Innkeeping
- CAMRA
- Licensing solicitors

9.16 Following the period of consultation officers analysed the responses received and made amendments to the draft policy as considered appropriate.

9.17 There were a total of 24 responses received during the consultation process. Of the 24 responses, 16 were in favour of retaining the existing Cumulative Impact Area with 7 expressing a preference for it to potentially be expanded. No respondents were in favour of removing the Cumulative Impact Area.

9.18 The consultation responses and proposed draft amendments are summarised at Appendix E and the revised Draft Statement of Licensing Policy at Appendix A

9.19 The committee are asked to consider the consultation responses and the proposed amendments contained within the revised Draft Statement of Licensing Policy before a recommendation is made to Council for adoption.

9.20 The following relevant issues were raised during the consultation process and the draft policy revised as considered appropriate;

- Section 6.33 amended in relation to contributory factors affecting life expectancy
- Policy wording amended at sections 4.27; 4.28; 4.29 and 4.30 following feedback from Dorset Council Children's Services.
- Policy wording amended at section 5.30 relating to notification arrangements following receipt of applications.
- Policy wording amended at 5.30 relating to notification arrangements, and 5.37 in relation to withholding details, 6.4 Local Plan and 6.6 local knowledge.
- Policy amended at 1.2, 3.1, 3.9, 5.22 & 6.34 following feedback from Public Health Dorset
- Policy amended at 1.2 following feedback from Dorset & Wiltshire Fire & Rescue Service.

9.21 The revised Draft Statement of Licensing Policy has also been before Place and Resources Overview Committee for comment, on 19 October and Officers will update the Committee on the feedback received verbally due to the tight timescales.

Footnote:

Issues relating to financial, legal, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.





**Statement of Licensing Policy  
2021 - 2026**

**Licensing Act 2003**

**Draft Version 13**

**Further copies of this document can be obtained from:**

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## CONTENTS

	Page
Executive Summary	6
Section 1 The purpose and scope of the licensing policy	7
Purpose of the policy	7
Scope of the policy	8
Section 2 Dorset Council area	9
Cultural activities in Dorset	10
Section 3 Integrating other guidance, policies, objectives and strategies	11
Vision for Dorset	11
Health & Wellbeing Strategy	12
Economic Growth Strategy	12
Strategy for children & young people	12
Section 4 Promotion of the licensing objectives	13
Crime & Disorder	14
Public Safety	14
Public Nuisance	15
Protection of children from harm	16
Section 5 General principles	17
Human Rights	17
Protection of Privacy and Data	17
Equality Act 2010	18
Impact of licensed activity	19
Special events in the open air or in temporary structures	19
Community applicants	20
Other regulatory regimes	20
Application process	20

	Licensing committee	21
	Representations	21
	Reasons for decisions	22
	The role of Ward Councillors	22
Section 6	Premises Licences and Club Premises Certificates	22
	Planning	22
	Licensing hours	23
	Local, National and international occasions	24
	Drinking up time	24
	Operating schedules	24
	Risk assessments	25
	Children’s Safeguarding	26
	Local Concerns	26
	Dispersal	27
	Excessive consumption of alcohol	27
	Conditions	28
	Designated premises supervisor	28
	Staff training	29
	Club Premises Certificate	29
	Community halls	29
	Minor variations	29
	Alcohol deliveries	30
	Live Music Act and other licensing deregulation	30
	Suspension of Licences for non-payment of annual fees	31
Section 7	Cumulative Impact	32
	Cumulative Impact Assessments	33
	Cumulative Impact Areas	33

	Applications within a cumulative impact area	34
	Representations based on cumulative impact outside cumulative impact areas	35
Section 8	Early Morning Alcohol Restriction Orders	36
	EMRO Request	36
	Evidence	37
	Consultation	37
	Formal Decision	38
Section 9	Late Night Levy	38
Section 10	Power to deregulate late night refreshment premises	39
Section 11	Personal Licences	39
	Suspension & revocation	40
Section 12	Temporary Event Notices	42
	Police and Environmental Health Intervention	43
	Additional limitations	43
Section 13	Enforcement and reviews	43
	Prosecution of breaches	44
	Review of licences	44
	Matters to be considered	45
	Summary reviews	45
	Immigration Act 2016	45
	Public Space Protection Order	46
Section 14	Table of Delegations	47
Appendix A	Weymouth Town Centre Cumulative Impact Area	48
Appendix B	Pool of Sample Conditions	49

## Executive Summary

The Licensing Act 2003 came into effect in 2005.

Under Section 5 of the Licensing Act 2003 the Licensing Authority is required to prepare a statement of principles that they propose to apply in exercising their functions under this Act. This process is to be repeated every five years.

Any decision taken by the Council in regard to determination of licences, certificates and notifications should aim to promote the licensing objectives which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The policy covers the licensable activities as specified in the Act which are:

- Sale by retail of alcohol
- Supply of alcohol on behalf of a club
- Regulated entertainment
- Late night refreshment

The policy also has regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. Additionally, the council has regard for a number of other local strategies such as Dorset Council's Plan, Economic Growth Strategy and Community Safety Plan.

The council has the ability to grant licences for premises and certificates for club premises. It also grants personal licences and accepts temporary event notices.

Applicants for premises licences should be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. In addition to this policy the council has included guidance specific to certain parts of the Dorset Council area to assist applicants in preparing their applications and operating schedules.

Where relevant, the council consults with the responsible authorities as described in the Act.

Local people and Members of the council are able to have their say and their opinion heard through public consultation on this policy and by making representations about applications for premises licences or requesting reviews of licences where problems arise.

The policy includes information on the area(s) that the council considers to be suffering from the cumulative impact of licensed premises.

Enforcement of the legislation is a requirement of the Act that is undertaken by the council. This policy describes the council's enforcement principles and the principles underpinning the right of review.

## Section 1 The purpose and scope of the licensing policy

### Purpose of the policy

- 1.1 This policy is prepared under Section 5 of the Licensing Act 2003 and was approved by Dorset Council as Licensing Authority on XX.XXX.XXXX to come into effect on XX.XXX.XXXX. It will be kept under periodic review and as a minimum will be reviewed after a maximum of 3 years for any Cumulative Impact Areas and after a maximum of 5 years otherwise, unless statute changes. Unless otherwise stated any references to the council are to the Dorset Licensing Authority.
- 1.2 In preparing this policy the council has consulted with and considered the views of a wide range of people and organisations including:
- Representatives of local business
  - Local residents and their representatives
  - Local Councillors
  - Parish and town councils
  - Local members of parliament
  - Representatives of existing licence holders including
    - The British Beer and Pub Association
    - UK Hospitality
    - The British Institute of Innkeeping
    - CAMRA
    - Licensing solicitors
  - The responsible authorities namely:
    - Dorset Police
    - Dorset Fire and Rescue Service
    - Dorset Council – Public Health (Primary Care Trust)
    - Dorset Council – Environmental Health
    - Dorset Council – Planning Authority
    - Dorset Council – Children’s Services, Social Care and Health
    - Dorset Council - Trading Standards
    - Secretary of State (Home Office Immigration Enforcement)
  - Charitable organisations that deal with the social impact of alcohol misuse
  - Other charitable organisations
  - Adjoining Councils
- 1.3 This policy also has regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.
- 1.4 The council will carry out its functions under the Licensing Act 2003 with a view to promoting the licensing objectives namely:
- The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm

The council adopts the overall approach of encouraging the responsible promotion of licensed activities. However, in the interests of all its residents, it will not tolerate irresponsible licensed activity. Following relevant representations the council will refuse applications, restrict hours and activities or impose conditions where it is appropriate to do so to promote the licensing objectives

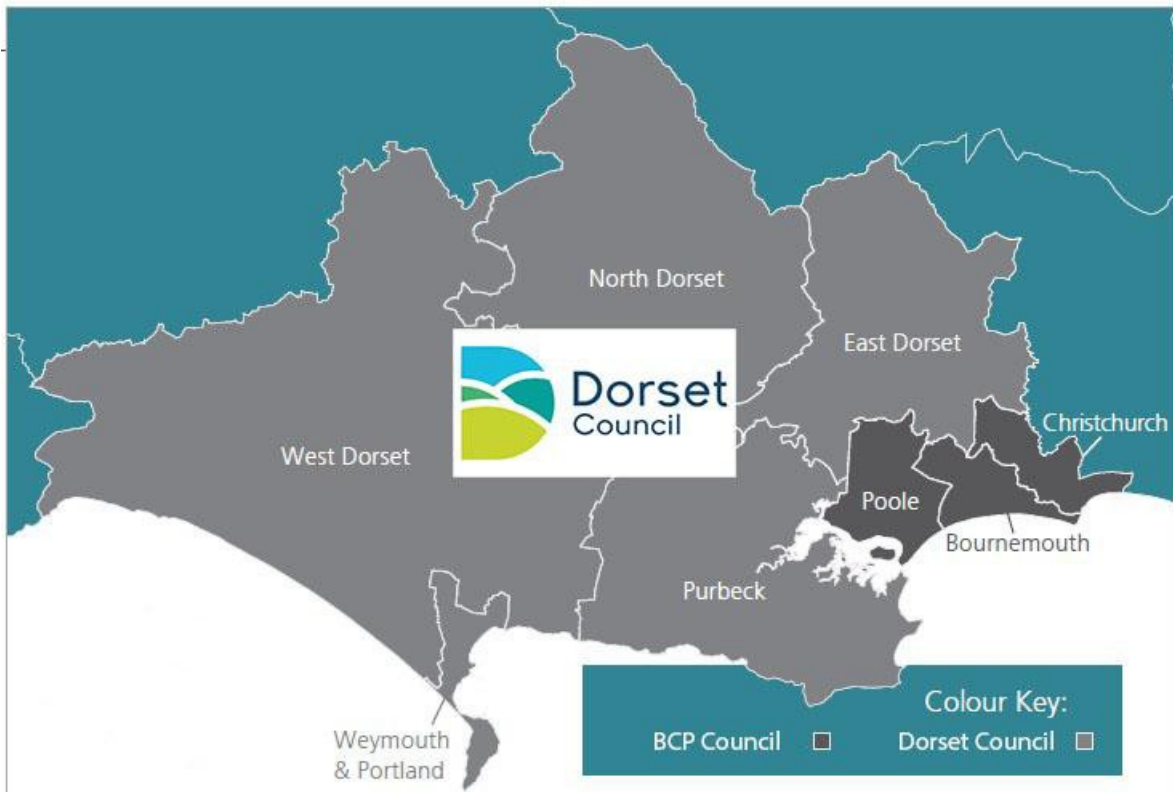
and/or use effective enforcement to address premises, in partnership with key agencies such as Dorset Police, Dorset Fire and Rescue Service , Health and Safety Executive, Crime and Disorder Reduction Partnerships, Director of Public Health, and Dorset Council's Trading Standards and Environmental Health services.

- 1.5 This policy is concerned with the regulation of licensable activities on licensed premises, by qualifying clubs and at temporary events. The conditions that the council attaches to the various licences will focus on matters that are relevant to the four licensing objectives and will centre upon the premises that are being used for licensable activities.
- 1.6 The council will monitor the effect of this policy throughout the period it covers through licensing liaison meetings with representatives of licence holders such as PubWatch meetings and also by way of regular meetings with the responsible authorities.

### **Scope of the policy**

- 1.7 This policy covers licensable activities within the Dorset Council district as defined by the Licensing Act 2003. These are:
  - The sale of alcohol
  - The supply of alcohol by or on behalf of a club, or to the order of a member of the club
  - The provision of regulated entertainment
  - The provision of late-night refreshment
- 1.8 Advice on whether a licence is required for premises or an event can be obtained from the Licensing Team.
- 1.9 Throughout this policy the wording will refer to 'applicants' for licences. However, it should be noted that the principles set out within this policy apply equally to new applications, applications for variations and consideration of any request to review a licence.
- 1.10 The scheme of the Licensing Act is that applicants should make applications and assess what matters, if any, need to be included within the operating schedule to address the licensing objectives. If an application is lawfully made and no relevant representations are received then the council must grant the application. Only if relevant representations are made will the council's discretion be engaged.
- 1.11 Applicants for premises licences should be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take in order to promote the licensing objectives. This policy seeks to provide advice to applicants about the approach they should take to making applications and the view the council is likely to take on certain key issues where representations have been made.





- 2.1 Dorset Council was formed on 1<sup>st</sup> April 2019 following a restructure of the previous local government arrangements. The Council is one of two unitary authorities formed from the predecessor district, borough and county councils and consists of the former authorities of West Dorset, Weymouth & Portland, Purbeck, East Dorset and North Dorset as well as the former Dorset County Council. The plan above shows the geographic boundary of the new Dorset Council area, along with the locations of the former district and borough councils.
- 2.2 Dorset (Council area) has a population of 375,000 residents, 28% of whom are aged 65 and older (compared to 18% in England and Wales).
- 2.3 Dorset is an attractive place for people to settle in their retirement – it has a large population of older people, and relatively low birth rates. Currently there are over 7,000 people in Dorset living with dementia, and the number is increasing. Younger people often move away from the area. The population continues to grow slowly, driven by people moving into the county and longer life expectancy. The greatest part of population growth is among over 65s. Dorset’s working age population is expected to see a marginal decline over the next 25 years.
- 2.4 The Dorset rural idyll can conceal hidden deprivation: there are pockets of deprivation, mostly in urban areas (mainly Weymouth and Portland). But there is also some rural deprivation due to isolation and difficulty accessing housing, transport and essential services. Crime is generally low in Dorset.
- 2.5 The population is predominantly white British, with 4.4% of our residents black and minority ethnic.

- 2.6 Dorset's natural environment is a great asset. 95 miles of coast in Dorset and Devon are classified as a UNESCO Natural World Heritage Site – the only one in England. Over half of Dorset is covered by the Area of Outstanding Natural Beauty designation; 7% of Dorset is protected as a Site of Special Scientific Interest; and Dorset has one of the largest areas of protected lowland heath in Europe. These designations together mark Dorset as a special place but also present challenges in terms of available land for delivering housing and employment development.
- 2.7 Dorset also has a rich historic environment, with one in twenty of all the protected ancient monuments in England, a well preserved pre-historic landscape and around 10,000 listed buildings.
- 2.8 Employment in Dorset is high but, like the UK, our economy has a productivity gap. Manufacturing, health, retail, education and hospitality are all big employers in Dorset. 20,000 businesses are based in Dorset: 86% are micro firms and fewer than 1% are large firms. Dorset's economy is worth around £7.1 billion and provides 143,000 jobs. Dorset has an above average number of advanced engineering and manufacturing businesses. But there is also a continuing seasonal, low skill, low wage economy with tourism and agriculture significant industries. The area is rich in valuable minerals, including stone, sand/gravel and oil.
- 2.9 Earnings are below average and house prices are high with affordability issues for many young people and keyworkers. In 2017, lower end house prices were more than ten times higher than lower end earnings in Dorset.
- 2.10 Dorset has no motorway but over 2,500 miles of roads. 95.1% of premises in the Dorset Council area have access to superfast broadband. 3.1% of premises in the Dorset Council area have access to full-fibre broadband.
- 2.11 Each part of the Dorset Council area has its own character and challenges. The council has provided general advice in this policy to assist applicants in preparing applications. Applicants are also expected to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. To assist them the council has provided links to data sources where information specific to localities in Dorset in which there is concern relating to impact of licensed premises on the four licensing objectives can be found. Applicants may also consult with the Licensing Team to ensure they have as much information as possible before making their application.

### **Cultural Activities in Dorset**

- 2.12 Dorset has strong artistic and sporting traditions and has some of the best attended outdoor events in the country. the Dorset Council area also boasts a wealth of community based sports heritage and recreational facilities. There is a vibrant voluntary sector including hundreds of groups and societies.
- 2.13 Dorset Council is a major provider of facilities for public recreation. The Council has a tradition of promoting a wide range of cultural activity for the benefit of residents and visitors alike.
- 2.14 Commercially promoted events take place in a variety of locations throughout the Dorset Council area.
- 2.15 Within local communities, groups and associations use church and village halls and community centres for social and fund raising activities. Within the Dorset Council area there are a large number of church halls, village halls and schools licensed for regulated entertainment and/or the sale or supply of alcohol.
- 2.16 Dorset has a long established reputation for the encouragement of community and diverse cultural

events and public entertainment as an essential aid to community involvement and an increasing sense of common identity.

- 2.17 Weymouth has a particularly vibrant night time economy area and the council is keen to support businesses who operate responsibly. The council is proud to support the Purple Flag achievements of Weymouth and keen to acknowledge the benefits that a well run night time economy can bring to an area in terms of economic, cultural and community benefits.

## Section 3 Integrating other guidance, policies, objectives and strategies

- 3.1 In preparing this licensing policy the council has had regard to, and sought to integrate the licensing policy with, the following strategies:
- Dorset Council's Plan
  - Dorset Council Community Safety Plan
  - Dorset Council's Local Plan and Development Framework
  - Dorset Council's Economic Growth Strategy
  - Dorset Council's Enforcement Policy
  - Dorset Council's Strategy for children and young people
- 3.2 The council (through its Licensing Committee) may, from time to time, receive reports on other policies, strategies and initiatives that may impact on licensing activity within the remit of the committee. Subject to the general principles set out in this policy and the overriding need to promote the four licensing objectives it may have regard to them when making licensing decisions.
- 3.3 The Committee may, after receiving such reports, make recommendations to the council or other bodies about the impact of the licensing policy on such policies, strategies and initiatives. Equally the Committee may make recommendations relating to the impact of such policies, strategies and initiatives on the licensing policy. This may include recommendations to amend the licensing policy itself.

### Vision for Dorset

- 3.4 Dorset Council's vision for Dorset sets out 6 overarching priorities:
- Economic Growth
  - Unique Environment
  - Suitable Housing
  - Strong, Healthy Communities
  - Staying Safe and Well
  - Action on the Climate and Ecological Emergency
- 3.5 Dorset, like other national and international geographic areas, is faced with a number of key challenges. The district's ageing population is set to rise 31% over the next 10 years, its economy is still recovering from the effects of global recession and the consequences of a changing climate have become all too apparent. 12,900 Households are without work and by 2029 150,000 people will retire and 20,000 jobs will be created, leaving 173,000 jobs to be filled.
- 3.6 In addressing these challenges, Dorset must continue to be forward-looking and have a clear plan for the future, and this is why the Council's Plan is important.

3.7 This licensing policy seeks to promote the licensing objectives within the overall context of the priorities and aims set out in the Council's Plan 2020-24.

### **Dorset Council's Health and Wellbeing Strategy**

3.8 Dorset Council's Health and Wellbeing Strategy focuses on three key priorities:

- Reducing inequalities
- Promoting healthy lifestyles and preventing ill health
- Working better together to deliver prevention and early intervention at scale, high quality care and better value

3.9 Whilst public Health is not one of the licensing objectives within the Licensing Act 2003, unlike in Scotland, the council does consider it important that alcohol dependency and alcohol abuse are considered within the context of the existing regulatory regime. Alcohol dependency and abuse can lead to crime and disorder and anti-social behaviour and can impact on community wellbeing. It is therefore important that the council considers the impact of licensed premises and the availability of alcohol on the community as a whole.

### **Dorset Council's Economic Growth Strategy**

3.10 Dorset Council's Economic Growth Strategy sets out the Council's priorities for the Dorset Council area:

- Transportation Infrastructure
- Digital Infrastructure
- People – aspirations, skills, education and training
- Place – sustainable economic development and growth, vibrant towns and investment in coastal resorts / tourism
- Business environment – through business support services, attracting inward investment, delivering 'business friendly' services, developing visit Dorset
- Ideas – development of Dorset Innovation park, collaboration with partners and innovation

3.11 The council will encourage investment and growth within the leisure and retail industry within Dorset, and will seek to minimise any potentially negative impacts from existing and new licensed premises operating in the Dorset Council area.

3.12 The Licensing Act 2003 was meant to encourage the growth of a continental style café culture with staggered closing times and a light touch regulatory regime and the council will seek to support this ethos when encouraging new businesses to set up in the Dorset Council area and the expansion of existing businesses.

3.13 Where the Council considers that there has already been an unsustainable proliferation of licensed premises and that area is suffering from the effects of too many licensed premises, or an unbalanced mix of cultural offerings, then it will introduce a cumulative impact policy to attempt to limit the negative effects of such proliferation of premises. This does not mean that new premises will not be able to open within the proposed Area, if adopted, but will instead seek to ensure that the area has a cosmopolitan mix of activities to attract consumers.

### **Strategy for children and young people**

3.14 The council is committed to ensuring that the experience of childhood and early adulthood in Dorset is a good one. The council and its partners want every child to have the opportunity to be confident

in their relationships, achieving personal success as they grow into adulthood. We believe that by working together as organisations and with families and communities we will achieve this.

3.15 The council's partner alliance works to the following priorities:

- Information & knowledge
- Early action & help
- Priorities that matter
- New models to deliver services
- Whole family working

3.16 This policy contributes to all these outcomes and also a number of the priorities within strategy for Children and Young People, including:

- Ensuring that the most vulnerable are protected
- Improving social, emotional, and mental health and wellbeing
- Supporting young people to make good choices and minimise risk-taking behaviours

## Section 4 Promotion of the licensing objectives

4.1 The council will carry out its functions under the Licensing Act 2003 with a view to promoting four licensing objectives. These are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

4.2 Each objective is of equal importance, and the four objectives will be paramount considerations for the council at all times.

4.3 It is for the applicant to decide what, if any, measures to suggest in its operating schedule in order to address any potential concerns that might arise in the promotion of the licensing objectives. Applicants are reminded that measures proposed in the operating schedules will be converted into conditions on their licence.

4.4 The council recommends that applicants risk assess their operation against the four licensing objectives to identify potential areas of concern.

4.5 Applicants are reminded that responsible authorities or other people may make representations if they feel that the applicant's proposals do not adequately promote the licensing objectives. An applicant who proposes no measures to promote the licensing objectives may therefore face more representations than an applicant who risk assesses their operation and proposes necessary and proportionate measures.

4.6 The council recommends early consultation with responsible authorities. Many responsible authorities have produced guidance which applicants can take into account when assessing whether they need to include any measures in their application to promote the licensing objectives. In addition, responsible authorities are prepared to discuss matters with an applicant with a view to reaching agreement on measures to be proposed. Contact details for the responsible authorities are available from the Licensing Team. Guidance issued by the responsible authorities can be sourced by

contacting the relevant responsible authority direct or by contacting the licensing team.

### **Crime and Disorder**

- 4.7 Under the Crime and Disorder Act 1998, the council must exercise its functions, having regard to the likely effect on crime and disorder in its area, and must do all it can to prevent crime and disorder.
- 4.8 Where its discretion is engaged, the council will seek to promote the licensing objective of preventing crime and disorder in a manner which supports Dorset's Community Safety Plan.
- 4.9 There are many steps an applicant may take to prevent crime and disorder. The council will look to the Police for the main source of advice on these matters.
- 4.10 If relevant representations are received in relation to a premises licence or club premises certificate, the council will consider whether it is necessary to impose conditions to regulate behaviour on the premises, and access to them, where this relates to licensable activities and the licensing objectives. Any conditions attached will not seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, their staff or agents, but may seek to impact on the behaviour of customers on or in the immediate vicinity of premises as they seek to enter or leave. Conditions will be targeted on deterrence and the prevention of crime and disorder. The council may consider:
- The need for and location of CCTV cameras
  - The need for door supervision
  - The need for a text or radio pager system allowing communication between premises and with the Police
  - Conditions setting capacity limits where this is necessary to prevent overcrowding likely to lead to disorder and violence
  - Membership of a recognised pub watch or similar scheme
- 4.11 Crime and disorder conditions will not seek to control adult entertainment involving striptease and lap dancing, which will be governed by laws in relation to indecency and obscenity, and will be licensed under the Local Government (Miscellaneous Provisions) Act 1982. However, conditions for such adult entertainment may be imposed for reasons of public safety, or the protection of children from harm if they relate to the occasional use of the premises for adult entertainment.

### **Public Safety**

- 4.12 The public safety objective is concerned with the physical safety of people using the premises. Public safety includes safety of performers appearing at any premises.
- 4.13 On 1 October 2006 the Regulatory Reform (Fire Safety) Order 2005 replaced previous fire safety legislation. The council will not seek to impose fire safety conditions as conditions on licences where the Order applies.
- 4.14 Capacity limits will only be imposed where appropriate for the promotion of public safety or for reasons of crime and disorder. Capacity limits will not be imposed as a condition of the licence on fire safety grounds.
- 4.15 Applicants are advised to consult with the Environmental Health, Health and Safety Team, who can offer advice as to appropriate measures to be included in risk assessments, and potentially in operating schedules. On receipt of a relevant representation, the council will have regard to the views

of the Health and Safety Team. The team can also offer advice in relation to workplace health and safety matters, including compliance with the Health Act 2006 (smokefree).

- 4.16 Conditions requiring possession of certificates on the safety or satisfactory nature of equipment or fixtures on premises will not normally be imposed as those are dealt with by other legislation. However, if it is considered necessary in light of the evidence on each individual case, conditions may be imposed requiring checks on the equipment to be conducted at specified intervals, and evidence of the checks to be retained. Conditions may also seek to require equipment of particular standards to be maintained on premises.
- 4.17 Special events in the open air or temporary structures raise particular issues. Applicants are referred to other sections of this document where guidance on holding these types of event is given.

### **Public Nuisance**

- 4.18 In considering the promotion of this licensing objective, applicants need to focus on the effect of licensable activities on people living and working in the area around the premises which may be disproportionate and unreasonable. The council is aware that the prevention of public nuisance is not narrowly defined in the Act and can include low-level nuisance perhaps affecting a few people living locally as well as major disturbance affecting the whole community. It may also include, in appropriate circumstances, the reduction of the living and working amenity and environment of other people living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and pests or where its effect is prejudicial to health.
- 4.19 Where applicants are completing operating schedules, the council encourages them to have regard to the location of the proposed or actual premises, and in particular whether proposals may have a disproportionate impact in dense residential areas or near to sensitive premises such as nursing homes, old people's accommodation, hospitals, hospices or places of worship.
- 4.20 Applicants are recommended to consult Environmental Health for advice on measures that may need to be incorporated into an operating schedule.
- 4.21 If relevant representations are made, the council will consider whether it is necessary to impose conditions to regulate behaviour on the premises and access to them where this relates to licensable activities, and the licensing objectives. Any conditions attached will not seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, their staff or agents, but may seek to reduce the impact of the behaviour of customers entering or leaving the premises on people living or working near to the premises. The council considers that patrons who are using external smoking areas or shelters are there as a direct result of the licensed premises and are within the control of the licensee.
- 4.22 The council will consider whether issues relating to public nuisance can be effectively dealt with by necessary and appropriate conditions. These conditions will normally focus on the more sensitive periods, for example, noise from premises in the late evening or early morning when residents may be attempting to sleep.
- 4.23 When considering such matters, the council will have regard to representations made by responsible authorities including Environmental Health, and by local residents.
- 4.24 The council may consider the following matters:
- Whether doors and windows will or can be kept closed after a particular time.

- Whether other noise control measures such as acoustic curtains or other speaker mounts are required.
- The fact that lighting outside the premises may help to prevent crime and disorder, but may give rise to light pollution for neighbours.
- Signs placed at the exit to buildings can encourage patrons to be quiet until they leave the area, and to respect the needs of residents.
- The size and location of smoking areas and any facilities provided may encourage patrons to use the external areas more extensively than for just smoking.
- Provision of litter bins in the vicinity of premises serving hot food after 11pm.
- Display of contact details or a direct telephone link to a private hire/taxi firm.
- Emptying of bins and/or bottle receptacles and the times permitted.

4.25 The council recognises that it is necessary to balance the rights of local residents, businesses and others with those wishing to provide licensable activities, and those who wish to use such facilities.

4.26 Ultimately if it is necessary for the prevention of public nuisance where conditions do not adequately address the issues an application can be refused.

### **Protection of children from harm**

4.27 The council recognises various responsible authorities are concerned with promoting the licensing objective of the protection of children from harm and are able to make representations in relation to applications and/or apply for the review of a premises licence should it consider that an operator was not sufficiently promoting the licensing objective of the protection of children from harm.

4.28 The protection of children from harm includes protection from physical and psychological harm, neglect and exploitation.

4.29 The council notes that the admission of children to premises holding a premises licence or club premises certificate should be freely allowed unless there is good reason to restrict entry or exclude children completely. Unaccompanied children under 16 are not allowed on premises licensed to sell alcohol for consumption on the premises after midnight, or where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided.

4.30 Issues about access of children to premises may give rise to concern:

- Where adult entertainment is provided on an occasional basis and is not already licensed under other legislation;
- Where there have been convictions or warnings to the current management for serving alcohol to minors;
- Where there have been convictions or warnings to the current management in relation to child protection issues;
- Where the premises have experienced incidents of allowing under-age drinking;
- Where requirements of proof of age is not the norm;
- Where premises have a known association with drug taking or dealing;
- Where there is a strong element of gambling on the premises; and
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided.

4.31 Such situations can be identified through a risk assessment of the operation. In these circumstances, applicants are advised to consider offering appropriate conditions through their operating schedule. In addition, licensees may identify that the access of children to particular parts of the premises poses more risk than others, and seek only to exclude children from areas of highest risk.



- 4.32 On receipt of relevant representations, the council will consider whether conditions are necessary. If conditions are necessary these may include:
- Limitations on the hours when children will be present
  - Limitation on the presence of children of certain ages when specified activities are taking place
  - Limits on the parts of the premises to which children may have access
  - General age limitations of access
  - Limitations or exclusions only when certain activities are taking place
  - Requirements for an accompanying adult
  - Full exclusion of people under the age of 18, or higher when any licensable activities are taking place.
- 4.33 In such cases, representations by responsible authorities and the Police will be given considerable weight where they address issues regarding the protection of children from harm.
- 4.34 It is mandatory for premises which sell or supply alcohol to have an age verification policy in place. However, the council favours the Challenge 25 type scheme and such a scheme volunteered as part of an operating schedule will be given the appropriate weight when the council determines the licence application.
- 4.35 No condition will be imposed by the council requiring the admission of children to any licensed premises except in the case of exhibition of film where a mandatory condition is applied to all licences with this activity.

## Section 5 General principles

- 5.1 In determining a licensing application the overriding principle will be that each application will be determined on its own merits, having regard to the need to promote the four licensing objectives and taking into account this licensing policy and the guidance issued under Section 182 by the Secretary of State. Where it is necessary to depart from the guidance or this policy the council will give clear and cogent reasons for doing so.
- 5.2 Nothing in this policy will undermine any person's right to apply for a variety of permissions under the Act.

### Human Rights

- 5.3 The European Convention on Human Rights makes it unlawful for a public authority to act in a way that is incompatible with a Convention right. The council will have particular regard to the following relevant provisions of the European Convention on Human Rights:
- Article 6 that in determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.
  - Article 8 that everyone has the right to respect for his home and private life.
  - Article 1 of the first protocol that every person is entitled to the peaceful enjoyment of his or her possessions.

### Protection of Privacy and Data

Police are Joint Data Controllers of the information you provide as part of your licence application. The Council and the Dorset Police have a statutory duty to process and maintain licences and permissions and conduct enforcement activities in accordance with the Licensing Act 2003 as part of a legal obligation to meet the statutory requirements for the licensing of the sale of alcohol, regulated entertainment and late-night refreshment.

- 5.4 We may share the following information with the third parties listed below: details of the licensed premises, licence status, the names, addresses and company numbers of persons and companies named on a licence. This may be shared with services in the Council, for example, Development Control, Environmental Health and Community Safety.
- 5.5 In addition we will share with external third party organisations including Government departments, Information Commissioners Office (for National Fraud Initiative), the Health and Safety Executive, Dorset Fire and Rescue Service to make further enquiries regarding your application under the Licensing Act 2003 or where required by law for the detection and prevention of crime.
- 5.6 The personal information you provide as part of your application for a premises licence, club premises certificate or personal licence will be held for a period of 6 years following the surrender, lapsing or expiry of the licence/permit. The personal information held for Temporary Event Notices will be held for a period of 2 calendar years following the event. Details of all transactions are recorded permanently as an entry on the licensing register.
- 5.7 The Council's corporate privacy notice, which includes details of the authority's Data Protection Officer and your information rights is available at: <https://www.dorsetcouncil.gov.uk/your-council/about-your-council/data-protection/data-protection.aspx>
- 5.8 Dorset Police's full privacy notice can be found here <https://www.dorset.police.uk/news-information/about-dorset-police/accessing-information/data-protection/>

### **Equality Act 2010**

- 5.9 The council is committed to eliminating unlawful discrimination, harassment and victimisation, advancing equality of opportunity and fostering good relations within and between our communities.
- 5.10 It is recommended that licensees make themselves familiar with the requirements of this Act for the access and provision of services for persons within the protected groups identified by the legislation. The Act makes it unlawful to discriminate against anyone because of:
- Age
  - Being or becoming a transsexual person
  - Being married or in a civil partnership
  - Being pregnant or on maternity leave
  - Disability
  - Race including colour, nationality, ethnic or national origin
  - Religion, belief or lack of religion/belief
  - Sex
  - Sexual orientation.
- 5.11 In order to promote equality, and to fulfil its statutory duties under the Equality Act 2010, the council asks that applicants aim to achieve inclusive access to their venues and events. For example discrimination will be experienced if access to the venue is denied due to lack of a ramp or if the venue does not provide means for someone to book a ticket who cannot speak. Further guidance is available at <https://www.gov.uk/guidance/equality-act-2010-guidance#guidance-on-the-equality-act>

- 5.12 The council cannot enforce the Act but those who experience discrimination may take legal action following a complaints procedure. Where complaints are received by the council we advise the complainant of their rights under the Equality Act.
- 5.13 In addition, the planning process, which is likely to be relevant to new premises or events, will also seek to support the council's local plan and local development framework.
- 5.14 Further guidance on how the Equality Act affects pubs is available from the British Beer and Pub Association. <http://beerandpub.com/wp-content/uploads/2017/LicenseeGuidance/Accessibility-guide.pdf>

### **Impact of Licensed Activity**

- 5.15 Where no representations are made the council will grant a licence subject to conditions consistent with the operating schedule.
- 5.16 When determining any application where relevant representations are made, the council will consider it in the light of the four licensing objectives and in order to support a number of other key aims and purposes as set out in this policy. The requirement to promote the licensing objectives will be the paramount consideration. The council will focus upon the impact of the activities taking place on members of the public living, working or engaged in normal activity near the premises. Where relevant representations are made in relation to a premises licence, club premises certificate or temporary event notice the following factors will normally be taken into account when the council is looking at the impact of the activities concerned:
- The style of operation, the numbers of customers and customer profile likely to attend the premises
  - The location of the premises and the proximity of noise sensitive properties
  - The proposed hours of operation
  - Any proposed methods for the dispersal of customers
  - The scope for mitigating any impact
  - The extent to which the applicant has offered conditions to mitigate the impact
  - How often the activity occurs.
- 5.17 In considering any application for a variation to a premises licence or club premises certificate where a relevant representation has been received, the council may take into account, in addition to the above matters, any evidence:
- Of past demonstrable adverse impact from the activity especially on local residents or businesses
  - That if adverse impact has been caused, appropriate measures have been agreed and put into effect by the applicant to mitigate that adverse impact.
- 5.18 Other relevant matters may be considered as the individual case dictates.

### **Special Events in the Open Air or in Temporary Structures**

- 5.19 The promotion and the organisation of live musical and similar entertainment in the open air or in temporary structures like marquees etc. can provide opportunities for community involvement, civic pride and can attract visitors to the Dorset Council area.
- 5.20 However, the success of such events by way of contribution to the council's cultural and tourist strategies depends upon the quality, levels of safety and consideration for the rights of people who

live or work in the vicinity and the standard of provision of facilities for those coming to enjoy the event.

- 5.21 In recognition of the special factors that are relevant, particularly with respect to major open air events such as a concerts or festivals, the council has established a multi-agency safety advisory group to assist organisers in co-ordinating such events. This includes council departments who have an interest in, or legislative role relevant to, such events, together with representatives of the emergency services.
- 5.22 Members of the forum are notified about all proposals to hold such events and where necessary a special meeting will be organised in order to consider any issues that will require to be addressed and to open up lines of communication with organisers.
- 5.23 The Health and Safety Executive provide specialist guidance on event safety through their website at [www.hse.gov.uk](http://www.hse.gov.uk)
- 5.24 Guidance on the planning of such events is available to organisers but it is important that substantial notice is given so that proper preparations and precautions can be put in place for the event. This can also apply if the event is proposed under a Temporary Event Notice.

### **Community Applicants**

- 5.25 Whilst this policy is aimed at all licensable activities under the Licensing Act 2003 it should be noted that the council sees a distinction between large or permanent activities, such as those proposed by commercial operators, and small or temporary activities such as those which might be proposed by cultural or community groups.
- 5.26 Where events are proposed by cultural or community groups, it is recognised that those groups may not have the same resources in terms of skill or expertise or access to professional advice. Such groups may seek assistance and guidance from the council by contacting the Licensing team.
- 5.27 Whatever the nature of the applicant and activity proposed, the overriding matter is that the council will consider the individual merits of the application and act so as to promote the licensing objectives.

### **Other Regulatory Regimes**

- 5.28 The licensing policy is not intended to be the primary mechanism for the general control of nuisance, anti-social behaviour and environmental crime but nonetheless is a key aspect of such control and the licensing policy and licensing decisions are intended to be part of an holistic approach to the delivery of the council plan and the management of the evening and night time economy of the Dorset Council area.
- 5.29 In preparing this policy the council has sought to avoid unnecessary duplication of existing legislation and regulatory regimes. However on occasions it has been necessary to set out some of the detail in this policy for ease of understanding. Nothing in this policy is intended to revoke or replace the need for applicants to act in accordance with other statutory requirements. All applicants are advised to seek proper advice to ensure that the activities they propose are within the boundaries set by existing legislation and regulations.

### **Application Process**

- 5.30 Applications must be made to the council in the form prescribed by Regulations. Guidance is available to applicants setting out the detail of the process. Applicants should be aware that the council will

have appropriate checks in place to ensure that applications are properly notified to the relevant responsible authorities and advertised in accordance with the regulations. The council publishes a list of all applications for new and variations to premises licences on its website and may also notify Ward Councillors, Town and Parish Councils, Resident Associations and other relevant organisations regarding applications as part of the licensing administrative process

## Licensing Committee

- 5.31 The council has appointed a licensing committee of 10-15 Councillors. Licensing functions will often be delegated to a licensing sub-committee of 3 Councillors or, in appropriate cases to officers of the council.
- 5.32 Local Councillors will not sit on a sub-committee which is dealing with an applicant or licence that is located within the ward that they represent.
- 5.33 Councillors will have regard to the Council Code of Conduct for Members. Where a Councillor who is a member of the Licensing Committee or sub-committee has a disclosable pecuniary interest in the application before them, in the interests of good governance they will disqualify themselves from any involvement in the decision making process in respect of that application.
- 5.34 A sub-committee may adjourn an application to another sub-committee or to the Licensing Committee where it is unable to deal with the application because of the number of members unable to vote on the matter in question.
- 5.35 The Licensing Committee will refer an application to the council where it is unable to deal with the application because of the number of members unable to vote on the matter in question.

## Representations

- 5.36 Depending on the type of application representations may be made by a responsible authority or other people (as defined by the Licensing Act 2003). The council has agreed protocols with responsible authorities and issued guidance to other people making representations, setting out the detail of the process. Guidance is available on the council website or by contacting the Licensing team.
- 5.37 Members of the public who wish to submit a representation in regards to a premises licence or club premises certificate application should be aware that their personal details will be made available to the applicant. If this is an issue they may contact a local representative such as a ward, parish or town councillor or any other locally recognised body, such as a residents association about submitting the representation on their behalf. The council is not able to accept anonymous representations. In addition the council cannot accept petitions which do not follow the guidance on the council's website.
- 5.38 Where a representation is received which is not from a responsible authority the council will in the first instance make a judgement on whether it is relevant, i.e. based upon one or more of the four licensing objectives.
- 5.39 'Relevant representations' are representations which are;
- about the likely effect of the premises licence on the promotion of the licensing objectives, and
  - which have not been withdrawn and are not, in the opinion of the council, frivolous or vexatious.
- 5.40 Where relevant representations are received about an application the council will hold a hearing to consider them unless the council, the applicant and everyone who has made representations agree that the hearing is not necessary. Applicants and those making representations should seek, in advance of any hearing, to try to reach agreement or to narrow the areas in dispute, particularly where both are professionally represented.

- 5.41 Where hearings are required as a result of relevant representations, the council may extend the time limits involved in calling hearings in order to allow the parties to negotiate suitable conditions to be added to the operating schedule and avoid the need for a hearing. Such an extension of time is considered to be in the public interest.

### **Reasons for Decisions**

- 5.42 Every decision made by the Licensing Committee, sub-committee or officers shall be accompanied by clear reasons for the decision.

### **The Role of Ward Councillors**

- 5.43 Ward councillors play an important role in the local community. They can make representations in writing and speak at the hearing on behalf of an interested party such as a local resident or local business if specifically requested to do so. They can also make representations in their own right. For example, ward councillors may apply for a review of a licence if problems at a specific premises which justify intervention are brought to their attention.
- 5.44 Ward councillors may choose to consult with residents locally in addition to the statutory publication carried out by the applicant.
- 5.45 Local residents and businesses may wish to contact their local ward councillors in respect of a licence application. Details on how to contact ward councillors may be obtained from the Council's website or by telephoning 01305 251 000.
- 5.46 If a local resident or business makes a representation about an application it is often helpful to send a copy to the local Councillors. This helps them to gain an understanding of local feelings.
- 5.47 Ward councillors may attend hearings of licensing Sub Committees considering applications and speak on behalf of local residents and businesses, but only if:
- They have made a personal representation or
  - They have made a representation on behalf of local residents or businesses as 'community advocates' or
  - They have been nominated by (an objector) who cannot attend the hearing or prefers to be represented by them at the hearing.

## **Section 6 Premises licences and club premises certificates**

- 6.1 A premises licence and club premises certificates authorises the sale or supply of alcohol, regulated entertainment and late night refreshment (sale of hot food and drink after 11pm). Businesses wishing to apply for a licence or certificate must use the prescribed form which includes details of the hours of operation, any hours for licensable activities and an operating schedule.

### **Planning**

- 6.2 The use of premises for the sale or provision of alcohol, regulated entertainment or late night refreshment is subject to planning control. Such use will require planning permission or must otherwise be lawful under planning legislation. Planning permission is generally required for the establishment of new premises or the change of use of premises.

- 6.3 In line with the S182 Guidance the planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa.
- 6.4 Where businesses have indicated, when applying for a licence under the Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers will consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.
- 6.5 Where relevant representations are received, any decision on a licence application will not consider whether any decision to grant or refuse planning permission or building consent was lawful and correct. It will take into account what the impact of granting the application will be on the four licensing objectives.

### **Licensing Hours**

- 6.6 The Government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas. The Act gives the Council the power to make decisions regarding licensed opening hours based on local knowledge and in consultation with other responsible authorities.
- 6.7 In some circumstances, staggered licensing hours with regards to the sale of alcohol are important to ensure that the concentration of customers leaving premises simultaneously is effectively managed. The intention behind this is to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which currently lead to disorder and disturbance.
- 6.8 Providing the customers with greater choice is an important consideration in the development of a thriving and safe evening and night-time economy. However, any licensable activity has the potential to impact adversely on the surrounding area due to disturbance or crime and disorder. Customers may be noisy when leaving, leave litter or use on-street car parking. The impact of these activities can be particularly intrusive at night when ambient noise levels are much lower.
- 6.9 The council supports the development of a wide ranging and culturally diverse night-time economy. However, this must be achieved in conjunction with the promotion of the four licensing objectives and without compromising local services associated with the night-time economy such as street cleansing.
- 6.10 Under the Act there are no set 'permitted hours' for the sale of alcohol. Applicants are able to suggest in their operating schedule the hours they wish to open and to apply to vary their existing licences if they wish to open beyond their current permitted hours. However, there is no general presumption in favour of lengthening licensing hours and the four licensing objectives will be the paramount consideration at all times.
- 6.11 If relevant representations are made the council will only grant the hours of use proposed where the operating schedule and any risk assessment adequately demonstrates that:
- the applicant has properly considered what is appropriate for the local area in terms of hours and activities;
  - the potential effect on the licensing objectives is not significantly detrimental;
  - the agreed operating schedule demonstrates that the applicant is taking appropriate steps to minimise any adverse impact on local residents and businesses



- 6.12 Restrictions may be made to the proposed hours of use where, after receiving relevant representations, the council considers it appropriate for the promotion of the licensing objectives to do so. The council will take into account the existing pattern and operating times of other licensed premises in an area when considering what is appropriate to promote the objectives. Applications which are significantly out of character for a locality will need to demonstrate that granting the hours sought will not have a detrimental impact on the licensing objectives, given the potential for neighbouring premises to seek the same additional hours to prevent rivals gaining a commercial advantage.
- 6.13 As a general rule, shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at all times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

#### **Local, national and international occasions**

- 6.14 It should be possible for applicants for premises licences and club premises certificates to anticipate special occasions which occur regularly each year, for example bank holidays, and to incorporate appropriate opening hours for these occasions in their operating schedules.
- 6.15 Additional occasions for which extensions may be required may be covered by a Temporary Event Notice.
- 6.16 The Secretary of State also holds the ability to prescribe certain national occasions as special events and issue an order to permit licensable activities.

#### **Drinking up time**

- 6.17 The traditional 'drinking up time' was not carried over into the Licensing Act 2003 from the previous regime. However the hours during which applicants are licensed to sell or supply alcohol and the opening hours need not be identical and therefore applicants of premises licensed for the on-sale of alcohol are advised to consider a drinking up/cooling down period during which music volume may be reduced, customers may consume their drinks and make arrangements for transport from the premises. The council considers that a 30 minute drinking up time will assist in the gradual dispersal of customers and consequently reduce impact on the local area.
- 6.18 Where relevant representations are made the council will consider imposing a condition on drinking up time where such a condition is appropriate in order to promote the licensing objectives in any individual case.

#### **Operating Schedules**

- 6.19 Under the Licensing Act 2003 applicants are required to complete an 'operating schedule'. They are expected to have regard to this Statement of Licensing Policy. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives.
- 6.20 Operating schedules are the key to ensuring that the four licensing objectives are promoted. An operating schedule should include enough information to enable any responsible authority or other person to assess whether the steps to be taken to promote the licensing objectives are satisfactory.

- 6.21 Applicants should make their own enquiries and demonstrate how they have considered the following in their operating schedule:
- The layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children and young people may congregate;
  - Any risk posed to the local area by the proposed licensable activities; and
  - Any local initiatives (for example, local crime reduction initiatives or voluntary schemes such as local taxi-marshalling schemes, street pastors, purple flag, best bar none and other schemes), which may help mitigate potential risks.
- 6.22 Whilst applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. The council encourages co-operation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.
- 6.23 Applicants may find contacting their local ward councillor helpful. Dorset councillors provide a voice to the people living in the ward that they represent. They are aware of the needs of their community and are in touch with the issues that local people face. As well as influencing council decisions on funding and development, they work with other organisations, such as the police, local schools and health services to help bring about improvements to services and the environment for their local community.
- 6.24 Other publicly available sources which may be of use to applicants include:
- The Police.gov website;
  - Neighbourhood Statistics websites;
  - Websites or publications by local responsible authorities;
  - Websites or publications by local voluntary schemes and initiatives; and
  - On-line mapping tools.
- 6.25 The council expects individual applicants to complete the operating schedule in a manner that is specific to the application being made in respect of those premises and the licensable activity to be carried on rather than in general or standard terms. Information should be given to demonstrate how the individual application proposes to address and promote the licensing objectives. Applicants are referred to the paragraphs in this section which contain information on carrying out a risk assessment.
- 6.26 Any application or operating schedule not completed in accordance with the Act and the regulations may be returned to the applicant unprocessed with a request to complete the forms correctly before the application is accepted by council.

### **Risk assessments**

- 6.27 The council recommends that applicants complete a risk assessment of their business in order to understand what steps are required to complete the operating schedule in a manner which enables the council and responsible authorities to assess how they will seek to promote the licensing objectives.
- 6.28 The council is aware that any risk assessment will vary according to the nature of the business. It is for applicants to decide what is appropriate in each case. To assist applicants in completing their operating schedules the council has devised a risk assessment proforma and suggested wording for

volunteered conditions. A copy may be obtained from the Licensing team. A special risk assessment proforma designed for outdoor events and broadly based on the 'Purple Guide' is also available.

- 6.29 The risk assessment contains many of the key factors which the responsible authorities will be expecting applicants to meet in order to fulfil the licensing objectives. The contents are not exhaustive but the risk assessment approach will reduce the likelihood of representations.
- 6.30 It is recognised that some areas of the risk assessment may duplicate issues which applicants have previously addressed in order to satisfy other legislation. Where this does occur the operating schedule may cross reference to alternative documents.
- 6.31 The council recognises that it cannot insist on a risk assessment. However, an applicant who decides not to complete or provide a risk assessment may face additional representations and the expense of hearings as a result. If a risk assessment is not completed then applicants will need to demonstrate how these matters have been addressed through the operating schedule provided.

### **Children's Safeguarding**

- 6.32 If you are providing services to children/families and your staff may come in to contact with children in the course of their working day, there is an expectation that you will provide a safeguarding policy in line with the expectation of the Pan-Dorset Safeguarding Children Partnership. <https://pdscp.co.uk/>

### **Local Concerns**

- 6.33 If you live in some of the more deprived areas of Dorset you can expect your life expectancy to be lower than that of residents in other parts of the Dorset Council area. There are a number of contributory factors to a reduced life expectancy including alcohol, obesity and smoking. The Licensing Act 2003 authorises the activities of the sale by retail of alcohol and the provision of late night refreshment and therefore the question is whether reducing people's access to alcohol and high fat content takeaway food will have a positive outcome on life expectancy in these areas.
- 6.34 In these more deprived areas there is concern about:
- Sale of alcohol
  - The wide and obvious availability of alcohol in convenience stores, newsagents, corner shops and off licences.
  - The contributory factor and possible links between violent crime and domestic violence which may be exacerbated by the availability of alcohol sold in these areas.
  - The higher proportion of premises licensed for alcohol for consumption off the premises.
  - The ability for people with mental health or alcohol problems to easily obtain alcohol.
  - The ability for people who are already intoxicated to easily obtain more alcohol.
  - The pack size super strength white cider is sold in, which leads to people with alcohol dependency issues to drink more than they need to.

#### Protection of children

- The normalisation of alcohol abuse and the effect this has on children living in the area
- The sale and supply of alcohol to young people and children and the impact this has on the behaviour in the community and impact on their health.

#### Public nuisance

- The accumulation of premises providing takeaway food and off sales of alcohol

- Littering of food wrappers and waste food originating from takeaways
- Harassment of persons by those drinking in the streets

6.35 The availability of alcohol is a major concern, as harmful and hazardous drinking is a contributory factor in many of the concerns mentioned in this policy. As such the council would expect anyone wishing to open or extend premises that sell alcohol, or sell hot food to provide extra measures to ensure these problems are not exacerbated.

6.36 An application for premises in deprived areas which includes the sale by retail of alcohol or the sale of hot food and drink may attract representations from a number of interested people. Applicants are encouraged to contact the Licensing team, Dorset Police, Environmental Health and Public Health to see if there are any specific measures that can be included in the operating schedule to mitigate local concerns.

6.37 The Licensing team provides a Proforma Risk Assessment which is a list of suggested measures applicants may like to include in their operating schedule. Applicants in the deprived areas should carefully consider if the measures relating to the following concerns could be offered as part of their operating schedule:

#### Crime and disorder

- Measures that control the display of alcohol including proximity to the door, display of spirits and high strength alcohol
- The sale of high-strength lager and cider
- CCTV coverage of alcohol displays

#### Prevention of public nuisance

- Hourly checks of the surrounding area and removal of litter

#### Protection of children

- Display of alcohol, name of premises and windows advertising which normalise the availability of alcohol

#### **Dispersal**

6.38 There has been concern for many years that a lack of transport provision in the town centres during the early hours of the morning may contribute to an increase in disorder incidents and operators will be expected to consider suitable dispersal policies to address such concerns.

#### **Excessive Consumption of Alcohol**

6.39 The council is acutely aware of the link between the supply of alcohol, that is subject to certain promotions, and the possibility of resultant incidents of alcohol related crime and disorder arising and implications on the four licensing objectives

6.40 The council also recognises the impact that excessive or binge drinking can have on public health and that positive action on promoting the licensing objectives is equally likely to have an impact on public health.

6.41 The British Beer and Pub Association states that a promotion is irresponsible where it encourages or incites individuals to drink to excess, behave in an anti-social manner or fuels drunkenness. The council, as the licensing authority, will use the powers contained within the Licensing Act 2003 to ensure operators' promotional activities do not undermine any of the licensing objectives.

- 6.42 In April 2010 mandatory conditions came into effect which:
- Ban irresponsible promotions;
  - Ban the dispensing of alcohol directly into the mouth; and
  - Ensure that customers have access to free tap water so that they can space out their drinks and not get too intoxicated too quickly.
- 6.43 The legislation makes it clear that an irresponsible promotion is one that is “carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carried a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance or harm to children”.
- 6.44 As a consequence any on-trade premises that participates in irresponsible drinks promotions will be breaching licence conditions and will be dealt with in accordance with the council’s Enforcement Policy, which is available from the council’s website, and may also be subject to a review of their licence.

### **Conditions**

- 6.45 The council may only impose conditions where relevant representations are made following an application to grant or vary a licence or where a review request is being considered.
- 6.46 The council recognises that the only conditions that should be imposed on a licence are those which are appropriate and proportionate to the promotion of the licensing objectives. There may be circumstances where existing legislation and regulations already effectively promote the licensing objectives and no additional conditions are required.
- 6.47 Where conditions are imposed they will be tailored to the individual style and characteristics of the premises and events concerned.
- 6.48 Applicants are strongly encouraged to make early contact with the appropriate responsible authorities to discuss proposed conditions in advance of the submission of their application to the council.
- 6.49 There is a pool of sample conditions attached to this policy at Appendix B. This is a generic resource which can be utilised by applicants, responsible authorities, persons making representations and committee members alike. The council will never attach any set of conditions as a matter of routine and would not expect applicants to do so either. Any conditions which are applied to a licence must be as a result of conducting a risk assessment or attached by committee following due consideration of the merits of each individual application, any representations received and the specific measures required to promote the licensing objectives.

### **Designated Premises Supervisor**

- 6.50 An application for a premises licence which includes the sale and supply of alcohol must nominate a Designated Premises Supervisor (DPS). That person will normally have been given the day to day responsibility for running the premises. The DPS will also be required to hold a personal licence issued under the Licensing Act 2003.
- 6.51 The Act does not require the presence of the DPS at all times and the authorisation for the sale of alcohol may be made by another personal licence holder. The council would expect that this

authorisation is made in writing.

- 6.52 If a DPS is not specified on the licence no sale or supply of alcohol may be made. Similarly no sale or supply of alcohol can be made if the DPS does not hold a personal licence.

### **Staff Training**

- 6.53 The council recommends that all people employed on licensed premises who are engaged in the sale and supply of alcohol be encouraged to attend training programmes to raise awareness of their responsibilities and particularly of the offences contained within the Act. Similarly, people employed at on-licensed premises should be encouraged to attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises, and that suitable training be extended to all staff involved in managing or supervising the premises.
- 6.54 It is also recommended that people employed on premises providing entertainment for children and youths attend training programmes in basic child protection and safety, and if appropriate have the necessary DBS checks.
- 6.55 All people employed on licensed premises should be provided with in-house training on basic public safety and the housekeeping arrangements relative to those premises.

### **Club Premises Certificate**

- 6.56 The Act recognises that premises to which public access is restricted and where alcohol is supplied other than for profit, give rise to different issues for licensing law than those presented by commercial enterprises selling direct to the public. For this reason qualifying clubs may apply for a Club Premises Certificate as an alternative to a premises licence.
- 6.57 A Designated Premises Supervisor or Personal Licence Holder is not required where a Club Premises Certificate is in force. However, an applicant for a Club Premises Certificate is still required to act in a manner which promotes the licensing objectives. An application for a Club Premises Certificate must be in the form prescribed by regulations.
- 6.58 Any qualifying club may choose to obtain a Premises Licence if it decides that it wishes to offer its facilities commercially for use by the public, including the sale of alcohol. Any individual on behalf of the club may also provide Temporary Events Notices. The Licensing team can give further guidance regarding this process on request.

### **Community Halls**

- 6.59 The management committees of community premises can apply to remove the requirement of a Designated Premises Supervisor and the authorisation of the sale of alcohol by a Personal Licence Holder. If they do so all sales of alcohol are authorised by the management committee. The Licensing team can give further guidance regarding this process on request.

### **Minor Variations**

- 6.60 It is possible to make small changes to premises licences or club premises certificates through the minor variation process, which is cheaper, quicker and simpler than the full variation process. The test for whether a proposed variation is 'minor' is whether it could impact adversely on any of the four licensing objectives. The Licensing team can give further guidance regarding this process on request.

## Alcohol Deliveries

- 6.61 An applicant seeking a licence that will enable them to provide alcohol as part of an alcohol delivery service should include in their operating schedule the procedures they intend to operate to ensure that:
- The person they are selling alcohol to is over the age of 18
  - That alcohol is only delivered to a person over the age of 18
  - That a clear document trail of the order process from order, despatch from the licensed premises and delivery to the customer is maintained (with times and signatures) and available for inspection by an authorised officer
  - The time that alcohol is sold on the website/over the phone and the time the alcohol is delivered is within the hours stated on the licence for the sale of alcohol.

## Live Music Act & licensing deregulation

- 6.62 The Live Music Act 2012 came into force on 1st October 2012 and is designed to encourage more performances of 'live' music. The Act removes the licensing requirements for:
- Amplified 'live' music between 8am and 11pm before audiences of no more than 200 people on premises authorised to sell alcohol for consumption on the premises
  - Amplified 'live' music between 8am and 11pm before audiences of no more than 200 people in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment)
  - Unamplified 'live' music between 8am and 11pm in all venues
  - The provision of entertainment facilities.
- 6.63 Where licensable activities continue to take place on premises any licence conditions relating to 'live' music will be suspended, but it will be possible to impose new, or reinstate existing conditions following a review.
- 6.64 When considering whether an activity constitutes the provision of regulated entertainment each case will be treated on its own merits. There will inevitably be a degree of judgement as to whether a performance is live music or not, so organisers are encouraged to check with the licensing authority if in doubt.
- 6.65 There was a further deregulation of entertainment licensing in June 2013 when the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013) came into force on 27 June 2013.
- 6.66 The effect of the order is that no authorisation is required for the following activities to the extent that they take place between 08:00-23:00 on any day:
- A performance of a play in the presence of any audience of no more than 500people
  - An indoor sporting event in the presence of any audience of no more than 1000people
  - A performances of dance in the presence of any audience of no more than 500people.
- 6.67 Entertainment licensing requirements were further deregulated as a result of the Legislative Reform (Entertainment Licensing) Order 2014, which came into force on 6 April 2015.
- 6.68 The 2014 Order deregulated entertainment licensing in the following ways:
- The provision of regulated entertainment by or on behalf of local authorities, health care providers, or schools on their own defined premises became exempt from entertainment licensing between 08.00-23.00 on the same day, with no audience limit.
  - The audience limit for a performance of live amplified music in relevant alcohol licensed

premises or in a workplace between 08.00-23.00 on the same day was raised from 200 to 500.

- Local authorities, health care providers and schools are now exempt from entertainment licensing when making their own defined premises available to third parties for live and recorded music activities between 08:00-23:00 on the same day for audiences of up to 500. [ Community premises not licensed to supply alcohol are now exempt from entertainment licensing requirements for live and recorded music between 08:00-23:00 on the same day for audiences of up to 500.
- Travelling circuses are now exempt from entertainment licensing in respect of all descriptions of entertainment, except an exhibition of a film or a boxing or wrestling entertainment, where the entertainment or sport takes place between 08:00-23:00 on the same day, with no audience limit.
- Greco-Roman and freestyle wrestling are now deregulated between 08:00-23:00 for audiences of up to 1000 people.
- An exhibition of film that is incidental to another activity (where that other activity is not itself a description of entertainment set out in paragraph 2 of Schedule 1 to the 2003 Act) is exempt now from licensing.

6.69 The exhibition of films in community premises has also been deregulated as a result of section 76 of the Deregulation Act 2015. No licence is required for an exhibition of film on community premises between 08:00 and 23:00 on any day provided that:

- The film entertainment is not provided with a view to profit;
- The film entertainment is in the presence of an audience of no more than 500 people;
- The admission of children is subject to such restrictions as are necessary to comply with the recommendation issued by the BBFC or relevant licensing authority regarding the admission of children; and
- A person concerned in the organisation or management of the exhibition of the film has obtained the prior written consent of the management committee of the premises, or if there is no management committee, a person who has control of the premises in connection with the carrying on by that person of a trade, business or other undertaking, or failing that a person with a relevant property interest in the premises.

### **Suspension of Licence for non-payment of annual fees**

6.70 As a result of powers introduced under the Police Reform and Social Responsibility Act 2011, the Licensing Authority must suspend Premises Licences and Club Premises Certificates if the holder of the relevant authorisation fails to pay their annual fee.

6.71 However, this does not apply immediately if the payment was not made before or at the time of the due date because of an administrative error, or because the holder disputed liability for the fee. In either of these cases, there is a grace period of 21 days. This period will be used by the Licensing Authority to contact the licence or certificate holder in attempt to resolve the dispute or error. If the dispute or error is not resolved during this 21-day period, the licence or certificate will be suspended.

6.72 When suspending a licence or certificate a notice of suspension will be given in writing to the licence or certificate holder. The police and any other relevant responsible authorities will also be notified of the suspension at the same time.

A premises licence or certificate that has been suspended does not therefore authorise licensable activities. However, it can for example be subject to a hearing or, in the case of a premises licence, an application for transfer. The licence will nevertheless only be reinstated when the outstanding fee has been paid. Formally, the debt is owed by the holder who held the licence at the time it was suspended. However, it may be more likely in practice that the new holder will actually make the



payment.

- 6.73 Once payment has been received a written acknowledgement will be given to the licence/certificate holder and the suspension will be lifted. The police and any other relevant responsible authorities will be notified that the suspension has been lifted at the same time.

## Section 7 Cumulative Impact

- 7.1 The concept of “cumulative impact” has been described in the Section 182 guidance issued by the Home Office since the commencement of the Licensing Act 2003. Cumulative impact assessments were introduced at Section 5A in the Licensing Act 2003 by the Policing and Crime Act 2017. Cumulative impact is the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area.
- 7.2 In some areas, where the number, type or density of licensed premises, such as those selling alcohol or providing late night refreshment, is high or exceptional, serious problems of nuisance and disorder may arise outside or some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport.
- 7.3 Queuing in itself may lead to conflict, disorder and anti-social behaviour. Moreover, large concentrations of people may also attract criminal activities such as drug dealing, pick pocketing and street robbery. Local services such as public transport, public lavatory provision and street cleaning may not be able to meet the demand posed by such concentrations of drinkers leading to issues such as street fouling, littering, traffic and public nuisance caused by concentrations of people who cannot be effectively dispersed quickly.
- 7.4 Variable licensing hours may facilitate a more gradual dispersal of customers from premises. However, in some cases, the impact on surrounding areas of the behaviour of the customers of all premises taken together will be greater than the impact of customers of individual premises. These conditions are more likely to arise in town centres, but may also arise in other urban centres and the suburbs, for example on smaller high streets with high concentrations of licensed premises.
- 7.5 Once away from the licensed premises, a minority of customers will behave badly. Other mechanisms for addressing such concerns may be more appropriate than cumulative impact, or may work alongside licensing policy. For example:
- Planning controls
  - Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority, including best practise schemes such as Purple Flag, Best bar None, Pubwatch or BIDs
  - Community Protection Orders
  - The provision of CCTV surveillance in town centres, taxi ranks, provision of public conveniences open late at night, street cleansing and litter patrols
  - Public Spaces Protection Orders
  - Police enforcement of the law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices
  - Prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale)

- Late Night Levy
- Early Morning Restriction Orders
- Other licensing measures such as fixed closing times, staggered closing times and zoning.

### **Cumulative Impact Assessments**

- 7.6 A cumulative impact assessment (CIA) may be published by a licensing authority to help it limit the number or type of licences granted in an area where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives.
- 7.7 Weymouth and Portland Borough Council, one of the predecessor councils which were merged into Dorset Council on 1<sup>st</sup> April 2019 had an existing Cumulative Impact Area (CIA) in Weymouth town centre, designated following consultation and consideration of a Cumulative Impact Assessment. The CIA applies to applications for new premises licences and club premises certificates and applications to vary existing premises licences and club premises certificates within the Area.
- 7.8 The initial assessment included a call for evidence from the responsible authorities, including crime statistic reports commissioned from Dorset Police and ASB/nuisance statistics provided by the council's Licensing, Community Safety and Environmental Health Services. Local residents were also given the opportunity to comment on the proposals through the consultation period and relevant elected ward councillors and Community Committees during the development of the cumulative impact assessment.
- 7.9 As required by the law, the council is conducting a formal consultation process on retaining the cumulative impact Area with:
- The responsible authorities
  - Licensees and those representing licensees
  - Local residents and businesses
  - Those representing local residents and businesses.
- 7.10 Responses from these consultations will be reviewed and reports are available from the Licensing team.
- 7.11 The council will review the cumulative impact policy area at least every three years, as required by the legislation. The Cumulative Impact Assessments are available on the council's website. Applicants should contact the Licensing team to ensure they are in possession of the latest information before making their application.

### **Cumulative Impact Areas**

- 7.12 The cumulative impact assessment has shown that the number or type of licence applications granted in the following area(s) are having a cumulative impact and this is leading to problems which are undermining the licensing objectives.

#### Weymouth Town Centre

- 7.13 The council has considered the available data and has determined that there is an area that is suffering from the cumulative impact of licensed premises and as a consequence this is leading to problems which are undermining the licensing objectives.

- 7.14 Weymouth Town Centre is an area where the impact of the licensed premises is considered so severe that the council's position is that any application for a new licence or the variation of an existing licence within the area should be refused unless the applicant can show how their application would not lead to an increase in the detrimental impact of licensed premises in this area. Maps showing the exact geographical area can be found in the cumulative impact assessment at Appendix A to this Policy.
- 7.15 In this area the nature of the problems are alcohol related violent crime being perpetrated by people visiting and using this area during specific peak hours. More information on the evidence can be found in the cumulative impact assessment.
- 7.16 It would be inconsistent with the council's duty to promote the licensing objectives to grant new and variation application for any premises licence (on sales, off sales and late night takeaways) that seek to operate during the peak hours described in the cumulative impact assessment for the town centre.

#### **Applications within a cumulative impact area**

- 7.17 Applications for premises situated within a designated cumulative impact area for new premises licences or variations that are likely to add to the existing cumulative impact will normally be refused if relevant representations are received. It is for the applicant to demonstrate that their application would not add to the cumulative impact of such licensed premises in the area and so give good reason for the council to depart from its own policy.
- 7.18 An applicant wishing to obtain a new or varied licence for premises falling within the cumulative impact area must identify, through the risk assessment process (if used) and operating schedule, the steps that they intend to take so that the council and responsible authorities can be satisfied that granting a new licence will not add to the problems already being experienced.
- 7.19 To assist this process applicants are encouraged to submit a full and thoroughly considered application at the earliest opportunity. The onus is on the applicant to demonstrate to the responsible authorities the suitability and detail for their planned operation. The applicant is encouraged to make early contact with the responsible authorities to discuss their plans, and suggested control measures. Applicants should also have particular regard to the guidance issued by the Home Office under section 182 of the Act.
- 7.20 The existence of a cumulative impact assessment for a specific area does not relieve the responsible authorities or any other person of the need to make relevant representations where they consider it appropriate to do so for the promotion of the licensing objectives. Anyone making a representation may base it on the evidence published in the cumulative impact assessment, or the fact that a cumulative impact assessment has been published for that area. It remains incumbent on all responsible authorities and other people to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing. As with all licensing applications under the Licensing Act 2003, if there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted as part of the application.
- 7.21 The council recognises that cumulative impact policies should not be absolute. The circumstances of each application will be considered properly on its own merits and applications for licences that are unlikely to add to the cumulative impact on the licensing objectives may still be granted, depending on the individual circumstances. After receiving representations in relation to a new application or for a variation of a licence, the licensing authority will consider whether it would be justified in departing from its policy and cumulative impact assessment in the light of the individual

circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. If the council decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved.

7.22 When considering an application where the subject premises is in a cumulative impact area, the council will need to be satisfied that the grant of the licence or variation will not impact on the cumulative impact of existing licensed premises in the area and as the burden of proof is on the applicant, they will often suggest measures which they assert will demonstrate there will be no impact. Examples of factors the licensing authority may consider as demonstrating there will be no impact may include, though are not limited to:

- Small premises who intend to operate up to midnight.
- Premises which are not alcohol led and only operate during the day time economy
- Instances where the applicant is relocating their business to a new premises but retaining the same style of business.
- Conditions which ensure that the premises will operate in a particular manner such as a minimum number of covers or waiter/waitress service to secure a food led operation.
- Premises which will bring a variety of cultural activities to the area and expand the range of activities on offer for customers.

7.23 Examples of factors the licensing authority will not consider as meeting the standard of rebuttal include:

- That the premises will be well managed and run (as all licensed premises should meet this standard)
- That the premises will be constructed to a high quality standard
- That the applicant operates similar premises elsewhere, such as in another licensing authority area, without complaint

7.24 Any relevant representations submitted in support of an application will be taken into consideration by the council when making its determination.

### **Representations based on cumulative impact outside cumulative impact areas**

7.25 In cases where either responsible authorities or other people seek to establish that an application should be refused on the grounds that it would result in or further contribute to a cumulative impact in an area not already designated as such, which would undermine one or more of the licensing objectives, they will be expected to:

- Identify the boundaries of the area from which it is alleged problems are arising
- Identify the licensing objective which it is alleged will be undermined
- Identify the type of licensable activity alleged to be causing the problem (e.g. sale of alcohol, late night refreshment)
- Provide full details and evidence to show the manner and extent to which it is alleged that the licensing objectives are being, or at risk of being, undermined in the area
- Provide evidence to show that the undermining of the objective is caused by the patrons of licensed premises in the area.

7.26 The reason for this is to ensure that there is an evidential basis for the licensing sub-committee to reach a decision and in the case of a representation submitted by persons other than responsible authorities, their objections are neither frivolous nor vexatious.

## Section 8 Early Morning Alcohol Restriction Orders

- 8.1 The power conferred on licensing authorities to make, vary or revoke an EMRO is set out in section 172A to 172E of the Licensing Act 2003. This power was brought into force on 31<sup>st</sup> October 2012 and the Government has provided guidance as part of the S182 Guidance to Licensing Authorities.
- 8.2 An EMRO enables a licensing authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.
- 8.3 EMROs are designed to address recurring problems such as high levels of alcohol related crime and disorder in specific areas at specific times; serious public nuisance and other instances of alcohol related anti-social behaviour which is not directly attributable to specific premises.
- 8.4 It is the council's intention to support businesses rather than hinder them whilst ensuring promotion of the licensing objectives. However where this has deemed to fail then an EMRO could be considered as a possible solution.
- 8.5 An EMRO:
- Applies to the supply of alcohol authorised by premises licences, club premises certificate and temporary event notices;
  - Applies for any period beginning at or after 12am and ending at or before 6am. It does not have to apply on every day of the week and can apply for different time periods on different days of the week;
  - Applies for a limited or unlimited period (for example, an EMRO could be introduced for a few weeks to apply to a specific event);
  - Applies to the whole or any part of the licensing authority's area
  - Will not apply to any premises on New Year's Eve (defined as 12am to 6am on 1 January every year);
  - Will not apply to the supply of alcohol to residents by accommodation providers between 12am and 6am, provided the alcohol is sold through mini-bars/room service; and
  - Will not apply to a relaxation of licensing hours by virtue of an order made under section 172 of the Licensing Act 2003.

### EMRO Request

- 8.6 It is expected that the need for an EMRO may be identified by a number of different organisations. For example the request for an EMRO may originate at an area committee, residents association or the local Neighbourhood Policing Team. It may come via the Licensing Enforcement Group which is a group of partner agencies who meet regularly to discuss issues relating to the sale of alcohol and the provision of entertainment. It is likely that more than one organisation may be involved in the process.
- 8.7 It is anticipated that the request would be referred to the Licensing team where a designated procedure will be applied to determine if an EMRO is appropriate. If appropriate, the request would be referred to the Licensing Committee. Members would be supplied with evidence of the issues being experienced in the area in support of the EMRO. The Licensing Committee will decide if, on the strength of the evidence provided, that an EMRO is appropriate for the promotion of the licensing objectives and if further work is to be undertaken to support the case. Members may decide that other measures would be more effective in dealing with the problems, or that licence holders should engage with the authorities in an attempt to rectify matters before the request is considered further.

## Evidence

8.8 The Section 182 Guidance to Licensing Authorities states that:

*“The licensing authority should be satisfied that it has sufficient evidence to demonstrate that its decision is appropriate for the promotion of the licensing objectives. This requirement should be considered in the same manner as other licensing decisions, such as the determination of applications for the grant of premise licences. The licensing authority should consider the evidence from partners, including responsible authorities and local Community Safety Partnerships, alongside its own evidence, to determine when an EMRO would be appropriate for the promotion of the licensing objectives.”*

8.9 The level of evidence Licensing Committee will consider to support an Early Morning Alcohol Restriction Order is:

- Police evidence of reported alcohol related crime
- Nuisance statistics compiled from complaints made to Environmental Health in relation to noise, odour and litter nuisance
- Data gathered from complaints made to the Licensing team on matters which affect the licensing objectives.
- Anecdotal evidence from residents organisations, ward members and other representatives of people living in a specific area
- Evidence obtained during the public consultation and associated public meetings

8.10 In addition the S182 guidance suggests other sources of evidence such as

- Health related statistics such as alcohol-related emergency attendances and hospital admissions

8.11 This should, in part be provided by the organisation or group who are proposing an EMRO should be in force.

8.12 Once the Licensing Committee is satisfied that an EMRO is required to address the issues in an area, and all other measures have been tried and failed to address these issues, the formal process of implementing an EMRO will begin. The design of the EMRO will include:

- The days (and periods on those days) on which the EMRO would apply
- The area to which the EMRO would apply
- The period for which the EMRO would apply
- The date from which the proposed EMRO would apply

## Consultation

8.13 The proposed EMRO will be advertised for at least 42 days. The proposal will be published on the council’s website and in a local newspaper. A notice will be sent to all affected people in the area who hold a premises licence or club premises certificate, or people who use TENs or who hold a provisional statement. A notice will be displayed in the area, and sent to responsible authorities and adjacent licensing authorities.

8.14 Anyone affected by the EMRO has 42 days in which to make a representation on any aspect of the EMRO design. If relevant representations are received then a hearing will be held to consider them. If there are a number of representations, the licensing authority may consider whether to hold the hearing over several days. The hearing will be commenced within 30 working days of the end of the

notice period.

As a result of the hearing the licensing authority has three options:

- To decide that the proposed EMRO is appropriate for promotion of the licensing objectives
- To decide that the proposed EMRO is not appropriate and therefore the process should be ended
- To decide that the proposed EMRO should be modified. In this case it may be necessary to advertise again.

### Formal Decision

- 8.15 Once the licensing authority is satisfied that the proposed order is appropriate for the promotion of the licensing objectives, its determination will be put to full Council for its final decision. Once the EMRO is made, the authority will send a notice to all affected people and make it available for 28 days on the website.
- 8.16 A variation or a revocation of an order will follow the same process. However, an order could be applied for a specified time and in this case the order ceases to apply on the final day.
- 8.17 Once an EMRO is in place, the licensing authority will update this policy as soon as possible to include reference to the EMRO in this section.
- 8.18 There are currently **no** EMROs in place in the Dorset Council area.

## Section 9 Late Night Levy

- 9.1 The late night levy is a power, conferred on licensing authorities by provision in Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011. This enables licensing authorities to charge a levy to persons who are licensed to sell alcohol late at night in the authority's area, as a means of raising a contribution towards the costs of policing the late-night economy.
- 9.2 The levy is a power and the Government has recognised that some licensing authorities will not consider that it is appropriate to exercise it.
- 9.3 The licensing authority is **not** currently satisfied that it is appropriate to introduce a Late Night Levy.
- 9.4 At the present time this licensing authority does not have a large number of premises which are licensed to sell alcohol during the late night supply period.
- 9.5 The decision to introduce the levy is for the licensing authority to make. However the licensing authority will keep the need for a levy under review in consultation with the chief officer of police and police and crime commissioner ("PCC") for the police area.
- 9.6 When considering whether to introduce a levy the licensing authority notes that any financial risk (for example lower than expected revenue) rests at a local level and this will be fully considered prior to making any decision about local implementation.
- 9.7 The licensing authority will decide whether or not it believes it has a viable proposal to introduce the levy before incurring the costs of the formal consultation process.

- 9.8 If the licensing authority decides to give further consideration to the introduction of a levy in the future, it will do so in accordance with the relevant regulations and with reference to any relevant guidance issued by the Home Office.
- 9.9 Any decision to introduce, vary or end the requirement for the levy will be made by the full Council. Other decisions in relation to the introduction and administration of the levy would be delegated to the Licensing Committee.

## Section 10 Power to deregulate late night refreshment premises

- 10.1 Section 71 of the Deregulation Act 2015 inserted paragraph 2A into Schedule 2 of the Licensing Act 2003 in relation to the provision of late night refreshment.
- 10.2 This amendment created a discretionary power to licensing authorities to exempt premises in certain circumstances, from the requirement to have a licence to provide late night refreshment.
- 10.3 The powers allow a relevant licensing authority to exempt the supply of late night refreshment if it takes place:
- on or from premises which are wholly situated in a designated area;
  - on or from premises which are of a designated description; or
  - during a designated period (beginning no earlier than 23.00 and ending no later than 05.00).
- 10.4 The licensing authority does **not** currently consider it appropriate to exercise the discretionary powers within paragraph 2A of Schedule 2 to the Licensing Act 2003.
- 10.5 If the licensing authority was going to consider exercising the powers in the future, it would only do so having carefully considered the risks to the promotion of the licensing objectives and the impact on the locality.

## Section 11 Personal Licences

- 11.1 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a Personal Licence. The Act does not require the presence of a Personal Licence holder at all times but if any sales are made when a Personal Licence Holder is not present, then they must have been authorised by somebody who holds a Personal Licence. Regardless of whether a Personal Licence holder is present or not he will not be able to escape responsibility for the actions of those he authorises to make such sales.
- 11.2 The council would expect that authorisations for the sale of alcohol be made in writing to ensure that those authorised are clear what their legal responsibilities are. Any premises at which alcohol is sold or supplied may employ one or more Personal Licence holders.
- 11.3 The council recognises it has no discretion regarding the granting of personal licences where;
- the applicant is 18 or over and
  - possesses an accredited licensing qualification and
  - has not had a licence forfeited in the last five years and
  - has not been convicted of a relevant offence or foreign offence or been required to pay an immigration penalty and



- the applicant has the right to work in the UK.

- 11.4 An application for a personal licence to sell alcohol must be made in the form specified in Government guidance or regulations. The application form must be accompanied by the requisite fee. The applicant should also produce evidence of the relevant qualifications and their right to work in the UK.
- 11.5 Applicants should produce a basic disclosure certificate issued by the Disclosure and Barring Service along with the application form. The certificate must be recent (less than 30 days old) and comply with the regulations applicable to personal licence applications. Applicants are also expected to sign a declaration as to whether or not they have been convicted of a relevant offence or a similar offence outside England and Wales.
- 11.6 Where the application discloses relevant unspent convictions the council will notify the police of that application and the convictions. The police may make objection on the grounds of crime and disorder. If an objection is lodged a hearing must be held.
- 11.7 The council will, at such a hearing, consider carefully whether the grant of the licence will potentially compromise the promotion of the crime prevention objective. It will consider the seriousness and relevance of the conviction(s), the period that has elapsed since the offence(s) were committed and any mitigating circumstances. The council will normally refuse the application unless there are exceptional and compelling circumstances which justify granting it.

### **Suspension & revocation**

- 11.8 Section 138 of the Policing and Crime Act 2017 amended the Licensing Act 2003 and gave the power to a Licensing Authority to suspend or revoke personal licences that it has issued with effect from 6 April 2017.
- 11.9 When a Licensing Authority has granted a personal licence and becomes aware that the licence holder has been convicted of a relevant offence or foreign offence or been required to pay an immigration penalty, a licensing authority may revoke the licence or suspend it for a period of up to six months. This applies to convictions received and civil immigration penalties which a person has been required to pay at any time before or after the licence was granted, as long as the conviction was received after 6 April 2017, or the requirement to pay the civil penalty arose after 6 April 2017. Prior to 6 April 2017 only magistrates' courts can order the forfeiture or suspension of a personal licence for convictions.
- 11.10 The process which must be undertaken by the Licensing Authority to suspend or revoke a personal licence is set out at section 132A of the 2003 Act. The decision to revoke or suspend a personal licence must be made by the licensing committee or sub-committee.
- 11.11 The Licensing Authority may not take action if the licence holder has appealed against the conviction or the sentence imposed in relation to the offence, until the appeal is disposed of. Where an appeal is not lodged, the Licensing Authority may not take action until the time limit for making an appeal has expired.
- 11.12 If a Licensing Authority is considering revoking or suspending a personal licence, the authority must give notice to the licence holder. This notice must invite the holder to make representations about the conviction, any decision of a court in relation to the licence, or any decision by an appellate court

if the licence holder has appealed such a decision. The licence holder may also decide to include any other information, for example, about their personal circumstances.

- 11.13 The licence holder must be given 28 days to make their representation, beginning on the day the notice was issued. Before deciding whether to revoke or suspend the licence the licensing authority must consider any representations made by the licence holder, any decisions made by the court or appellate court in respect of the personal licence of which the licensing authority is aware, and any other information which the licensing authority considers relevant.
- 11.14 The Licensing Authority may not be aware of whether the court considered whether to revoke or suspend the licence, and there is no obligation on the Licensing Authority to find this out before making a decision themselves. Where the court has considered the personal licence and decided not to take action, this does not prevent the Licensing Authority from deciding to take action itself. Licensing Authorities have different aims to courts in that they must fulfil their statutory duty to promote the licensing objectives, and therefore it is appropriate for the licensing authority to come to its own decision regarding the licence.
- 11.15 If the Licensing Authority, having considered a suspension and revocation and subsequently considered all the information made available to it, proposes not to revoke the licence it must give notice to the chief officer of police in the Licensing Authority's area, and invite the chief officer to make representations about whether the licence should be suspended or revoked, having regard to the prevention of crime. The chief officer may make representations within the period of 14 days from the day they receive the notice from the licensing authority.
- 11.16 Any representations made by the chief officer of police must be taken into account by the Licensing Authority in deciding whether to suspend or revoke the licence.
- 11.17 Convictions may come to light via police in another area, for example if the personal licence holder no longer lives in the area of the Licensing Authority which issued the licence, or if the offence took place in another police force area. In this instance it would be good practice for the police providing the information to notify the police force in the Licensing Authority area, because it is the local chief officer who must provide representations if the Licensing Authority proposes not to revoke the licence.
- 11.18 Where the licence holder is convicted of immigration offences or has been required to pay a civil penalty for immigration matters, the Licensing Authority should notify Home Office Immigration Enforcement and allow representations to be made in the same way.
- 11.19 In deciding whether to suspend or revoke a personal licence, the Licensing Authority will have regard to all of the circumstances including the following:
- The need to assess each case on its merits
  - The duty to promote the licensing objectives
  - The guidance issued by the Secretary of State under section 182 of the Licensing Act 2003
  - The seriousness of the relevant offence
  - The sentence or penalty imposed on the licence holder for the relevant offence
  - Any representations made by the Police or Home Office Immigration Enforcement
  - Any representations made by the holder of the licence
  - Any evidence as to the previous character of the holder of the licence.
- 11.20 The Licensing Authority must notify the licence holder and the chief officer of police of the decision made (even if the police did not make representations). The licence holder may appeal the Licensing Authority's decision to revoke or suspend their personal licence. A decision to revoke or suspend the

licence does not take effect until the end of the period allowed for appealing the decision (21 days); or if the decision is appealed against, until the appeal is disposed of.

11.21 If the personal licence holder is a DPS, the licensing authority may notify the premises licence holder once the decision to revoke or suspend the licence has been made if it becomes necessary to do so in order for the Licensing Authority to be able to carry out their functions.

11.22 The Licensing Authority may also notify any person who has declared an interest in the premises under section 178 of the 2003 Act if it becomes necessary to do so in order for the licensing authority to be able to carry out their functions.

## Section 12 Temporary Event Notices

12.1 The system of permitted temporary activities is intended as a 'light touch' process, and as such, the carrying on of licensable activities does not have to be authorised by the licensing authority on an application. Instead a person wishing to hold an event at which such activities are proposed to be carried on (the "premises user") gives notice to the licensing authority of the event (a "temporary event notice" or TEN).

12.2 Temporary event notices are subject to various limitations. These are concerned with:

- The number of times a premises user may give a TEN – 50 times in a calendar year for a personal licence holder and five times in a calendar year for other people);
- The number of times a TEN may be given for any particular premises (15 times in a calendar year);
- The maximum duration of an event authorised by a TEN is 168 hours (sevendays);
- The maximum total duration of the events authorised by TENs in relation to individual premises (21 days in a calendar year);
- The maximum number of people attending at any one time (fewer than 500);and
- The minimum period between events authorised under separate TENs in relation to the same premises (not including withdrawn TENs) by the same premises user (24 hours).

12.3 The most important aspect of the system of temporary event notices is that no permission is required for these events from the council. Only the police or Environmental Health may intervene to prevent such an event from occurring or modify the arrangements for such an event. The council will only intervene of its own volition if one or more of the specified limits listed above were to be exceeded.

12.4 Many premises users giving temporary event notices will not have a commercial background or ready access to legal advice. They will include, for example, people acting on behalf of charities, community and voluntary groups, and those which may stage public events to raise funds, at which licensable activities will take place. The council will ensure that local guidance about the temporary permitted activities is clear and understandable and will strive to keep the arrangements manageable and user-friendly for such groups.

12.5 Where a community event takes place and where TEN applications are submitted, time restrictions may be agreed to reduce the noise and ASB impact on the local community to support the safe running of the event and promote the licensing objectives.

12.6 There are two types of TEN; a standard TEN and a late TEN. These have different notice periods. A

standard TEN is given no later than ten working days before the event to which it relates; a late TEN is given not before nine and not later than five working days before the event. In both instances this does not include the date of the event or the date the council receives the notice.

- 12.7 The council encourages notice providers to give the earliest possible notice of events likely to take place. This is particularly relevant to events which are to take place in the open air or in a temporary structure. Assistance with the planning of events can be provided through multi agency forum meetings.
- 12.8 The council will provide local advice about proper respect for the concerns of local residents, of other legislative requirements regarding health and safety, noise pollution, the building of temporary structures, or other necessary permissions, and of the powers to close down events with no notice on grounds of disorder, the likelihood of disorder or noise emanating from the premises.

### **Police and Environmental Health Intervention**

- 12.9 The Act provides that in exceptional circumstances, the police or Environmental Health may issue an objection notice because they believe the event would undermine the one or more of the four licensing objectives set out in the Act. The police or Environmental Health must issue an objection notice within three working days of being notified, but they can subsequently withdraw the notice. The issuing of such an objection notice requires the consideration of the objection by the council at a hearing in the case of a standard TEN. If an objection notice is issued in relation to a late TEN then the TEN is cancelled by way of serving a counter notice and licensable activities are not authorised.
- 12.10 The ability of police and Environmental Health to serve such a notice is a further reason why event organisers are strongly encouraged by the council not to rely on giving the minimum amount of notice and to contact the local police and Environmental Health at the earliest possible opportunity about their proposals.

### **Additional limitations**

- 12.11 The council, on receiving temporary event notices, will also check that the requirements of the Act as to duration and numbers of notices are met. For these purposes, a notice is treated as being from the same premises user if an associate gives it.
- 12.12 The Act defines an associate as being:
- The spouse or civil partner of that person;
  - A child, parent, grandchild, grandparent, brother or sister of that person; or
  - An agent or employee of that person;
  - The spouse or civil partner of a person listed in either of the two preceding bullet points.
- 12.13 A person living with another person as his or her husband or wife is treated for these purposes as his or her spouse.

## **Section 13 Enforcement and reviews**

- 13.1 The Licensing Act contains measures to ensure that the council, and responsible authorities, are able to deal with premises that wilfully and persistently undermine the licensing objectives. The council and responsible authorities are committed to encouraging a thriving day time and night time licensed

economy but will not tolerate those premises whose activities break the law or infringe upon the quality of life for local residents and businesses.

- 13.2 The council has established a multi-agency enforcement protocol which sets out the framework for the risk based enforcement of the Licensing Act 2003 following the principles of better regulation advocated by the Department for Business, Energy and Industrial Strategy (BEIS). The protocol allows for carrying out of joint inspections with the police, the fire authority and other relevant agencies.

### **Prosecution of breaches**

- 13.3 In accordance with the enforcement protocol, the council adopts a multi-agency approach to the prosecution of offences under the Licensing Act.
- 13.4 Consideration will be given to the appropriate powers that should be used to address a problem where other agencies such as the police, fire authority, environmental protection, environmental health and trading standards also have their own powers.
- 13.5 The council has adopted the principles of the Hampton Report in its enforcement concordat. Formal enforcement will be a last resort and proportionate to the degree of risk. To this end the key principles of consistency, transparency and proportionality will be maintained.
- 13.6 The council has a zero tolerance to antisocial behaviour and environmental crime.

### **Reviews of Licences**

- 13.7 The council recognises that the ability of the police, other responsible authorities and other people to apply for a review of a premises licence.
- 13.8 On receipt of a relevant request to carry out a review the council has a range of options available to it under the Act. These include:
- To modify the conditions of the licence including imposing new conditions, altering existing conditions or removing conditions (permanently or temporarily)
  - To exclude a licensable activity from the scope of the licence (permanently or temporarily)
  - To remove the Designated Premises Supervisor
  - To suspend the licence for a period not exceeding three months
  - To revoke the licence
- 13.9 The council will seek to establish the cause or causes of the concern and remedial action will be targeted at such causes. Any action will be proportionate to the problems involved.
- 13.10 The council has agreed protocols with responsible authorities and published guidance on the review process which is available from the Licensing team.
- 13.11 Where a Magistrates Court makes a Closure Order under part 8 of the Licensing Act 2003 (on grounds of disorder) the council must carry out a review of the licence.
- 13.12 Where a Magistrates Court makes a Closure Order under the Anti-Social Behaviour, Crime and Policing Act 2014 (on grounds of the use, supply or production of Class A drugs associated with disorder or serious nuisance) the police will usually ask the council to carry out a review of the licence.
- 13.13 Where a closure order has been made under the Anti-Social Behaviour, Crime and Policing Act 2014

(on grounds of noise) the council's Environmental Health section will normally request a review of the licence.

13.14 Where any agency provides evidence of the keeping of smuggled goods, such as counterfeit alcohol or tobacco, or the employment of persons who do not possess the right to work in the UK, the relevant agency may request a review of the premises licence.

### **Matters to be considered**

13.15 When considering a review request or the possibility of enforcement action the council will take into account use of the premises for criminal activities such as the supply of drugs or money laundering

- failure to promptly respond to a warning properly given by a responsible authority
- failure to engage with the RAs in an effective manner
- previous convictions for licensing offences
- previous failure to comply with licence conditions

### **Summary reviews**

13.16 The Violent Crime Reduction Act 2006 amended parts of the Licensing Act 2003 and now expands police and council powers to deal with problem premises in a more expedient manner.

13.17 A power to carry out summary reviews in serious cases of crime and disorder is brought in at section 53A of the Licensing Act 2003. Where a review application is accompanied by a certificate issued by a senior police officer, the Licensing Authority is required within 48 hours to consider whether it is necessary to take any interim steps pending the completion of the review process. This may include the immediate suspension of the premises licence.

### **Immigration Act 2016**

13.18 The Immigration Act 2016 made a number of amendments to the Licensing Act 2003 to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 6 April 2017. The intention of these changes is to prevent illegal working in premises licensed for the sale of alcohol or late-night refreshment.

13.19 The statutory prevention of crime and disorder licensing objective in the Licensing Act 2003 includes the prevention of immigration crime and the prevention of illegal working in licensed premises. The Council will work with the Home Office (Immigration Enforcement) as well as the police, in respect of these matters.

13.20 Section 36 of and Schedule 4 to the Immigration Act 2016 (the 2016 Act) amended the 2003 Act to provide that in England and Wales:

13.21 Premises licences to sell alcohol or provide late night refreshment and personal licences cannot be issued to an individual who does not have permission to be in the UK, or is not entitled to undertake work relating to the carrying on of a licensable activity;

13.22 Licences issued to those with limited permission to be in the UK will lapse when their permission to be in the UK and work in a licensable activity comes to an end;

13.23 Immigration offences, including civil penalties, are 'relevant offences' as defined by the 2003 Act;

13.24 The Home Secretary (in practice Home Office (Immigration Enforcement)) was added to the list of responsible authorities in the licensing regime, which requires Home Office (Immigration Enforcement) to receive premises licence applications (except regulated entertainment only licences) and applications to transfer premises licences, and in some limited circumstances personal licence applications, and permits Home Office (Immigration Enforcement) to make appropriate representations and objections to the grant of a licence; and Immigration officers are permitted to enter premises which they have reason to believe are being used to sell alcohol or provide late night refreshment, to investigate whether immigration offences are being committed in connection with the licensable activity.

13.25 The Licensing Authority will have regard to any guidance issued by the Home Office in relation to the immigration related provisions now contained in the Licensing Act 2003.

13.26 The Licensing Authority will also work in partnership with the Home Office (Immigration Enforcement) and Dorset Police with a view to preventing illegal working in premises licensed for the sale of alcohol or late night refreshment.

### **Public Space Protection Order (PSPO)**

13.27 Public Space Protection Orders were introduced in October 2014 by the Anti-social Behaviour, Crime and Policing Act 2014. They are designed to deal with a particular nuisance or problem in a specific area (a public place) that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are intended to help ensure public places can be enjoyed by all and kept free from anti-social behaviour (ASB).

13.28 A PSPO can cover multiple restrictions, so one order can prohibit several activities such as the drinking of alcohol and dog fouling. Enforcement will be undertaken by authorised officers, with the support of police officers.

13.29 If anyone breaches the requirements of the PSPO, or fails to comply with a request from an authorised officer or Police Officer to cease the prohibited activity, they would be committing a criminal offence and may be issued a Fixed Penalty Notice of £100 or upon conviction a fine of up to £1000.

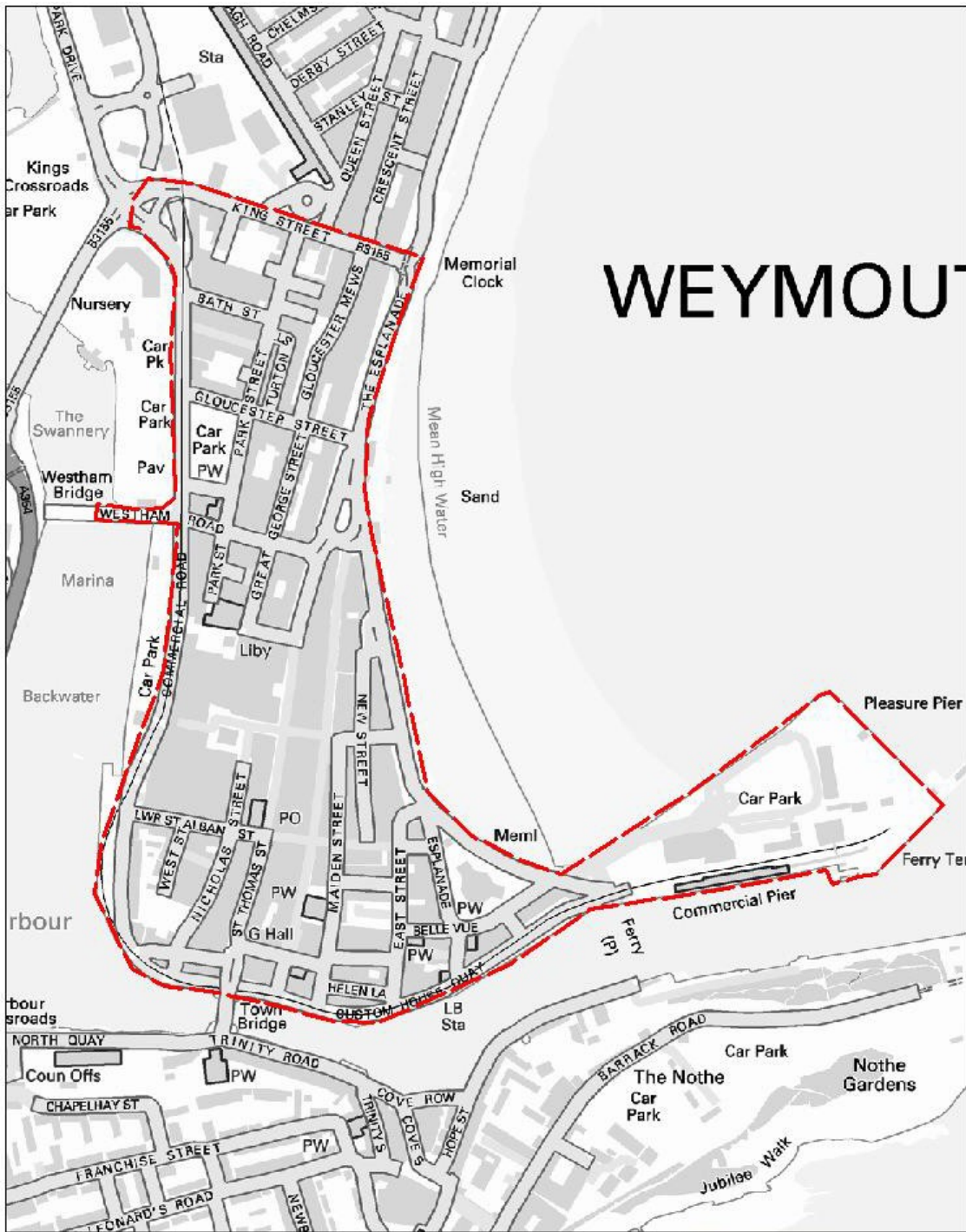
13.30 There is a current PSPO designated area for alcohol consumption in Weymouth. Full details of the Public Spaces Protection Order 2018, and related Schedules, (detailing the restricted areas), can be found here: <https://www.dorsetcouncil.gov.uk/your-community/community-safety/anti-social-behaviour/anti-social-behaviour-in-the-weymouth-and-portland-area.aspx>

## Section 12 Table of Delegations

Matters to be dealt with	Sub Committee	Officers
Application for personal licence	If Police objection is made owing to unspent relevant convictions.	In all cases unless a Police objection is made owing to unspent relevant convictions.
Application for premises licence/club premises certificate	If a relevant Representation is made	If no relevant representation is made
Application for provisional statement	If a relevant representation is made	If no relevant representation is made
Application to vary premises licence/club premises certificate under sections 34 and 84 of the Act	If a relevant representation is made	If no relevant representation is made
<p>Application to vary premises licence/club premises certificate under sections 41A and 86A of the Act - minor variations</p> <p>1. To consider and determine applications for minor variations, whether representations have been made or not, when such applications relate to:</p> <ul style="list-style-type: none"> <li>i) Changes to the layout and arrangements at premises</li> <li>ii) Reductions in the hours of licensable activities;</li> <li>iii) The removal of licensable activities from a licence.</li> <li>iv) The removal or alteration of defunct or unenforceable conditions on licences;</li> <li>v) Alterations to existing conditions and/or the imposition of new volunteered conditions when such an action has been recommended to the licence holder by a responsible authority.</li> </ul> <p>2. All other minor variation applications</p>	If a relevant representation made	Officers in all cases
Application to vary designated premises supervisor	If a police objection is made	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection is made	All other cases
Applications for interim authorities	If a police objection is made	All other cases
Decision on whether a complaint is irrelevant, frivolous or vexatious etc		All cases
Determination of an objection to a temporary event notice	All cases	
Application to disapply the mandatory condition for a Designated Premises Supervisor at community premises	If a police objection is made	All other cases
Decision whether to consult other responsible authorities on minor variation application		All cases
To serve a counter notice for a 'late' Temporary Event Notice		All cases



Appendix A Weymouth Town Centre Cumulative Impact Area



**Map of proposed Cumulative Impact Area (CIA) for Weymouth.**

THIS MAP IS NOT DEFINITIVE AND HAS NO LEGAL STATUS

**Ref:**  
 Date: 15/08/2016  
 Scale 1:5000  
 Drawn By: 7889  
 Cent X: 368161  
 Cent Y: 79175

Dorset Police

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## **Licensing Act 2003**

## **Pool of Sample Conditions**

## Index

	Page
Introduction	52
A Capacity, control and management of customers	53
B CCTV	54
C Cinematographic / Film Exhibitions	55
D Children	55
E Controls for Sale of Alcohol	56
F Drug Action	57
G Door Control / Stewarding/Searches & Security	57
H External Areas/Smoking Areas	59
J General Safety and Evacuation	59
K Glass / Bottles	61
L Noise Precautions	61
M Sanitary Facilities	62
N Promoted Events and one-off promotions	62
P Waste Management / Odours	63
Q Miscellaneous	63

## INTRODUCTION

If an application is made for the grant or variation of a premises licence under the Licensing Act 2003 the authority can do so subject to conditions consistent with the operating schedule and mandatory conditions. However further conditions can be imposed if they are considered appropriate and necessary for the promotion of one or more of the four licensing objectives.

The authority must have regard to the Guidance issued under s182 of the Licensing Act 2003 by the Secretary of State which states licensing conditions should be tailored to the size, type, location, characteristics and activities taking place at the individual premises and standardised conditions should be avoided in all circumstances.

These model conditions have been produced to assist prospective licence holders, responsible authorities and other individuals where they consider they would promote the licensing objectives within individual applications. Following an application, all parties are encouraged to work together and where appropriate, utilise the attached list of model conditions to promote a consistent approach when proposing conditions on a premises licence.

Please note the attached model conditions are not an exhaustive list which can be added on a premises licence and there may be instances where alternative conditions are deemed appropriate for the promotion of the licensing objectives. For example specific conditions may be added to a premises licence for an open air event to meet the specific requirements of the Licensing Authority or the Responsible Authorities dependant on the site, the type of entertainment to be held and the anticipated audience.

(NB: Within the list of sample conditions, where a condition contains an instruction to insert any fact, that information must be supplied).

A CAPACITY, CONTROL AND MANAGEMENT OF CUSTOMERS	
A1	There shall be no entry or re-entry to the premises after <i>(Insert terminal hour for entry)</i> hours. Appropriate signage shall be clearly displayed at each exit from the premises advising patrons that re-entry to the premises after <i>(Insert terminal re- entry time)</i> hours is prohibited and that this prohibition also applies to people wishing to leave the premises to smoke.
A2	There shall be no entry or re-entry to the premises after <i>(Insert terminal hour for entry)</i> hours. Appropriate signage shall be clearly displayed at each exit from the premises advising patrons that re-entry to the premises after <i>(Insert terminal re- entry time)</i> hours on any morning is prohibited. Persons wishing to leave the building to smoke, may do so, provided that they go to an allocated and supervised outdoor area and they are issued passes which they return upon wishing to re- enter the premises that this prohibition also applies to people wishing to leave the premises to smoke.
A3	The occupancy shall be restricted to <i>(Insert number)</i> persons in the premises. <i>(Limits may be also be appropriate for different rooms or floors of premises)</i> The occupancy figure includes staff, performers and public. The Premises Licence Holder shall ensure that there are appropriate management controls to ensure that the occupancy figure is not exceeded at any time. Appropriate controls shall be put in place to ensure that the occupancy of the premises / specified areas are not exceeded at any time.
A4	There shall be no security passes for admission other than those issued to bona fide staff and to statutory authorities.
A5	Admission shall be by ticket only. When presented for admission, the ticket shall be retained by the organisers.
A6	Admission to the event shall be through the approved entrances <u>(or specify entrances)</u> . The entrances shall be manned by stewards who shall allow only persons with tickets or security passes into the concert area.
A7	Adequate procedures must be implemented to ensure overcrowding (such as that which may cause injury through crushing) does not occur in any part of the premises.
A8	The licence holder shall determine the occupant capacity of the premises on the basis of documented risk assessment(s). (i) The risk assessment(s) must take into account all relevant factors including space, audience density, means of access and egress, toilet provision, load- bearing capacity of floors, ventilation, etc and must be reviewed regularly, and if circumstances change. (ii) Where necessary separate occupancy levels must be set for different parts of the premises, and when necessary for different premises layouts and different types of events. (v) Measures must be put in place and documented to ensure that the capacity is not exceeded at any time. (vi) All documentation pertaining to the proposed figure must be kept on the premises and must be available immediately on request to any authorised officer of the Licensing Authority or a constable. (vii) The premises licence holder shall regularly review, update and amend any risk assessments particularly following any changes to the layout or operation of the venue. Such reviews etc shall be fully documented and form an integral part of the risk assessment.
A9	Manual <i>(and/or automatic)</i> electronic number control systems shall be installed, used and maintained at the premises at all times the premises is open to the public.
A10	An attendant shall be on duty in the cloakroom during the whole time that it is in use.
A11	Admission to the <i>specified function room</i> shall be through the premises lobby area only.
A12	There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.

A13	In relation to the <i>specified function room</i> there shall be no admission after (midnight) other than to (1) residents of the hotel and their bona fide guests, or (2) persons attending the pre-booked function
A14	No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity shall cause, permit, employ or allow, directly or indirectly, whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway within the specified area outlined below for the purpose of bringing customers to the premises. The distribution of leaflets or similar promotional material is also prohibited within the specified area. For the purpose of this section; 'Directly' means: employ, have control of or instruct. 'Indirectly' means allowing / permitting the service of or through, a third party. 'Specified' Area' means the area encompassed within (insert name of boundary roads.)
A15	The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
A16	Queuing outside the premises shall be restricted to a designated area located at ( <i>specify location</i> )

B CCTV	
B1	<p>A CCTV system shall be installed at the premises. The CCTV system shall be maintained in working condition and record the premises 24 hours every day. Recordings to be retained for a minimum of 28 days and be made available to the Police or officers of the Council upon request and be of evidential quality.</p> <p>The equipment MUST have a suitable export method i.e. CD/DVD/USB facility so that the Police and officers of the Council can make an evidential copy of the data they require. This data should be in the native file format to ensure that no image quality is lost when making the copy. If this format is nonstandard (i.e. manufacturers proprietary), then the licence holder shall within 14 days of being requested supply the replay software to ensure that the video on the CD can be replayed by the Police and officers of the Council on a standard computer. Copies MUST be made available to the police and officers of the Council upon request.</p> <p>Staff working at the premises will be trained in the use of the equipment and a log will be kept to verify this.</p> <p>Cameras on the entrances must capture full frame shots of the heads and shoulders of ALL people entering the premises, i.e. capable of identification.</p> <p>There shall be signs displayed in the customer area to advise that CCTV is in operation.</p> <p>Should the CCTV become non-functional this will be reported immediately to the Licensing Authority.</p>
B2	CCTV cameras shall monitor all areas used by premise patrons including any external area to monitor numbers and prevent crime and disorder.
B3	At the commencement of work security personnel should ensure that they are recorded on the CCTV system and that a clear head and shoulders image showing their face clear of any hat, glasses or other obstruction is recorded.

C CINEMATOGRAPHIC/FILM EXHIBITIONS (these conditions may not be appropriate for film exhibitions that are ancillary to the main purpose of an event)	
C1	There shall be prominently exhibited at each public entrance whenever the premises are open to the public a notice indicating in tabular form and in clear bold letters and figures- (i) the title of each film to be shown on that day, other than trailers and films of less than five minutes duration; (ii) the approximate times of commencement of each such film; (iii) whether each such film has received a 'U', 'PG', '12A', '15' or '18' certificate from the British Board of Film Classification, and (iv) the effect of such 'U', 'PG', '12A', '15' or '18' certificates in relation to the admission of persons under the age of eighteen years.
C2	The nature of any certificate received in respect of a film from the British Board of Film Classification shall be clearly indicated by the figure 'U', 'PG', '12A', '15' or '18' in any advertisement of the film displayed at the premises.
C3	No category 'R18' film shall be exhibited at the premises.

D CHILDREN	
D1	<p><b>1. "Challenge 25":</b>            The Licensee will adopt a "Challenge 25" policy where all customers who appear to be under the age of 25 and attempt to purchase alcohol or other age-restricted products are asked for proof of their age.</p> <p>The Licensee to prominently display notices advising customers of the "Challenge 25" policy.</p> <p>The following proofs of age are the only ones to be accepted:</p> <ul style="list-style-type: none"> <li>• Proof of age cards bearing the "Pass" hologram symbol</li> <li>• UK Photo Driving licence</li> <li>• Passport</li> </ul> <p><b>2. Staff Competence and Training:</b>            The Licensee will keep a written record of all staff authorised to sell alcohol, the record to contain the full name, home address, date of birth and national insurance number of each person so authorised. The staff record to be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police.</p> <p>The Licensee will ensure that each member of staff authorised to sell alcohol has received adequate training on the law with regard to age restricted products and that this has been properly documented and training records kept. The training record to be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police.</p> <p>The Licensee will ensure that each member of staff authorised to sell alcohol is fully aware of his /her responsibilities in relation to verifying a customer's age and is able to effectively question purchasers and check evidence of proof of age.</p> <p>The Licensee will ensure that each member of staff authorised to sell alcohol is sufficiently capable and confident to confront and challenge under - 18s attempting to purchase alcohol.</p> <p><b>3. Refusals Book:</b>            The licence holder will keep a register of refused sales of all age- restricted products (Refusals</p>

	<p>Book).</p> <p>The refusals book will contain details of time and date, description of the attempting purchaser, description of the age restricted products they attempted to purchase, reason why the sale was refused and the name/signature of the sales person refusing the sale.</p> <p>The Refusals book will be examined on a regular basis by the Licensee and date and time of each examination to be endorsed in the book.</p> <p>The Refusals Book will be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police.</p>
D2	All children under the age of ( <i>insert age</i> ) shall vacate the premises by ( <i>Insert time</i> ) hours.
D3	Children under the age of ( <i>insert age</i> ) must be accompanied by an adult.
D4	There shall be no events for persons under 18 years of age.
D5	A till prompt system shall be installed to assist staff by reminding them to challenge for ID when a sale is made.
D6	If the recipient of a delivery of alcohol or the collection or delivery of a takeaway meal which includes alcohol, appears under 25 years of age, recognised photographic identification will be requested before any intoxicating liquor is handed over. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport.
D7	When the premises are providing services to children/families and staff may come in to contact with children in the course of their working day, you shall prepare and put into force a suitable and sufficient safeguarding policy in line with the expectations of the Dorset Safeguarding Children Partnership. A copy shall be made available to the Licensing Authority upon reasonable request.

#### **E CONTROLS FOR SALE OF ALCOHOL**

E1	There shall be no supply of alcohol for consumption off the premises.
E2	There shall be no supply of alcohol for consumption off the premises except in sealed containers.
E3	All containers of alcohol sold from the premises under the licence shall be clearly and permanently marked with the name and post code of the premises.
E5	Alcohol may only be supplied to customers who are engaging in a sit-down table meal, as an ancillary to that meal.
E6	Beers, lagers, stout and ciders sold at the premises should not exceed ( <i>insert e.g. 5.0 or 5.5 or 6%</i> ) alcohol volume.
E7	Sprits should not be sold in bottles of less than 35cl/70cl.
E8	Beers, lagers, stout, ciders and alcholpops shall be sold in packs of no less than four. <i>or</i> No single cans or bottles beers, lagers stout, ciders and alcholpops shall be sold.
E9	A Personal Licence Holder is to be present at the premises at all times during licensing hours.
E10	A Personal Licence Holder, Premises Licence Holder, or the DPS is to be present at the premises at all times during licensing hours.
E11	Documented delegation of authorisations to sell alcohol shall be maintained at the premises and shall be available on request by an authorised officer of the Licensing Authority or the Police.



E12	Spirits shall be located (insert location). All other alcohol (e.g. beer, lager, cider) for sale are to be displayed in a position that is not obscured from the constant view of the cashier / staff by fixtures.
E13	<i>'off' licences, when the premises has longer opening hours than the times authorised for the sale of alcohol</i> All alcohol shall be made inaccessible to the public within (insert) minutes of the terminal hour for the sale of alcohol. The alcohol shall remain inaccessible until the next commencement time authorised for the sale of alcohol.
E14	There shall be no promotional sales of alcohol at the premises where alcohol is sold at a price lower than that at which the same or similar alcoholic drinks are sold, or usually sold, on the premises
E15	There shall be no self-service of spirits on the premises.
E16	Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
E17	The supply of alcohol shall be by waiter or waitress service only.
E18	With the exception of residents and their bona fide guests, no alcohol shall be consumed more than (XX) minutes after the permitted hour for the supply of alcohol.

<b>F DRUG ACTION</b>	
F1	Where there is reasonable suspicion that drugs, defined as Class A, B or C controlled substances under the Misuse of Drugs Act, or weapons are being carried, the premises licence holder shall ensure that the outer clothing, pockets and bags of those entering the premises are searched by door security personnel. In any event where controlled substances or weapons are found, the premises licence holder shall ensure that the designated premises supervisor or nominated person shall immediately inform the Police.
F2	The premises licence holder shall ensure that a clearly visible notice will be placed on the premises advising those attending, that the Police will be informed if anyone is found in possession of controlled substances or weapons.
F3	The premises licence holder shall ensure that documented security arrangements are implemented at the premises to discourage the sale and consumption of controlled substances. Security arrangements shall include having a member of staff regularly check toilet areas, the date and times of all checks are to be recorded in a bound book kept for that purpose and shall be produced upon request to an authorised officer of the Licensing Authority or a constable. Signage shall also be placed in the toilet areas advising patrons that checks are conducted regularly.
F4	The premises licence shall ensure that, with regard to controlled substances, harm reduction information is displayed within the venue and that there are suitably experienced members of staff, or outreach workers from a local drugs agency, dedicated to providing harm reduction information and to dealing with drug related incidents or emergencies appropriately.
F5	The premises licence holder shall ensure that adequate rest facilities are provided, which are cooler, quieter and preferably separate from the main dance area(s). These 'chill out' areas should offer adequate seating.

<b>G DOOR CONTROL / STEWARDING/ SEARCHES &amp; SECURITY</b>	
G1	Door supervisors, shall be used to vet customers and maintain public order. The vetting process must include implementation of the premises' proof of age policy.
G2	There shall be a minimum of (insert number) door supervisors on duty from (Insert hours) hours on each trading day and who shall remain on duty until the premises closes and is empty of patrons.

G3	<p>[A] The premises licence holder shall ensure that the following details for each door supervisor, are contemporaneously entered into a bound register kept for that purpose:</p> <ul style="list-style-type: none"> <li>(i) Full name,</li> <li>(ii) SIA Certificate number and or badge number, or registration number of any accreditation scheme approved by the SIA.</li> <li>(iii) The time they began their duty</li> <li>(iv) The time they completed their duty.</li> </ul> <p>This register is to be kept at the premises at all times and shall be so maintained as to enable an authorised officer of the Licensing Authority or a constable to establish the particulars of all door stewards engaged at the premises during the period of not less than 28 days prior to the request and shall be open to inspection by authorised officers of the Licensing Authority or the Police upon request.</p>
G4	<p>The premises licence holder shall ensure that all door supervisors on duty at the premises wear a current identification badge, issued by the Security Industry Authority or under any accreditation scheme recognised by the Security Industry Authority, in a conspicuous position to the front of their upper body.</p>
G5	<p>The Premises Licence Holder shall ensure that an “Incident report register” is kept in a bound book, in which full details of all incidents are recorded. This shall be completed as soon as possible and in any case no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry. The register is to be kept on the premises at all times and shall be produced to an authorised officer of the Licensing Authority or the Police when required.</p>
G6	<p>Where queuing is allowed outside of a premises door supervisors shall maintain an orderly queue of patrons.</p>
G7	<p>Door supervisors shall be provided at the premises to a ratio of (<i>*insert ratio e.g. 1:2, 1:3 etc</i>) patrons. Where the premises incorporates a dedicated smoking area within its curtilage a minimum of (Insert number) door supervisors shall permanently monitor the smoking area during (Insert appropriate hours).</p>
G8	<p>A minimum of (<i>*insert number</i>) door supervisors shall be permanently stationed at each entrance/exit to the premise, excluding those exits used solely for the emergency evacuation of the premises.</p>
G9	<p>Door Supervisors shall be on duty at the premises on each trading day from (Insert commencement hours) until (Insert terminal hours).</p>
G10	<p>All door supervisors shall be capable of communicating instantly with one another by way of radio or other simultaneous system of communication.</p>
G11	<p>All door supervisors shall wear distinctive clothing or insignia to clearly identify them as door supervisors. Door supervisors on duty at the front door shall wear some form of 'high visibility' clothing (such as a jacket or waistcoat).</p>
G12	<p>The premises licence holder shall ensure that a documented search policy is implemented at the premises. Any searches shall only be conducted by same sex. Staff training is to be given in the correct procedures and records are to be kept in a bound book. All documentation shall be produced to an authorised officer of the Licensing Authority or the Police upon request.</p>

G13	Drugs and weapons seized will be placed in a locked receptacle set aside for this purpose. The means for securing or unlocking the receptacle will be retained by the premises licence holder or the designated premises supervisor or in their absence any other responsible person. A record shall be made of the seizure, the time, date and by whom, and to whom the items were handed on to in a bound book specifically kept for that purpose. Such a book to be produced to an authorised officer of the Licensing Authority or the Police upon request. The premises licence holder shall make suitable arrangements with the Police for the collection of any seized items.
G14	Hand held metal detecting scanners shall be in use at the premises during all trading hours, other metal detecting scanners may be used such as fixed metal detectors at all entrances. Detectors shall be operated by door supervisors or by suitably trained staff when no door supervisors are on duty, and such detectors shall be operative when any licensable activity is taking place. Fixed detectors shall be installed to the satisfaction of the Licensing Authority and the Police.
G15	The premises shall install and maintain a computer based identification entry system. The details of all persons, including staff are to be passed through the system prior to being permitted entry to the premises. The provision and maintenance of such equipment shall be to the reasonable satisfaction of Dorset Police. The details of persons recorded by the system to be made available to police upon reasonable request for the provision of preventing and detecting crime.

#### **H EXTERNAL AREAS/SMOKING AREAS**

H1	The premises licence holder shall take appropriate measures to ensure that patrons using any outside areas (such as terraces and beer gardens) do so in a quiet and orderly fashion.
H2	The (insert name of area i.e. beer garden, upper patio, etc) shall only be open to customers (Insert days) from (insert commencement time) until ( <i>*insert time</i> ). Adequate notices shall be displayed in appropriate locations to ensure that this information is brought to the attention of patrons.
H3	All outside areas must be closed and cleared of customers by ( <i>*insert time</i> ). Adequate notices shall be displayed to inform patrons of this requirement.
H4	A risk assessment shall be conducted and regularly reviewed to assess the numbers of persons that the outside area can safely accommodate. The premises licence holder shall ensure that there are measures in place to monitor the external area to ensure that a safe occupancy figure is not exceeded.
H5	Smoking Area: If patrons are to be allowed to use an outside area for smoking then: (i) The area must be adequately monitored by door staff and CCTV to ensure that patrons do not cause a nuisance, patrons do not obstruct access to adjoining premises and risk of crime and disorder in this area is adequately controlled. (ii) If there is a risk that patrons may acquire illegal items such as drugs or weapons whilst in this area then they must be searched before being allowed to re- enter the premises. (iii) Patrons must not be allowed to take drinks to the smoking area. (iv) The area must be provided with suitable ashtrays/bins, the use of which is monitored by door staff. (v) The area must be regularly swept to remove cigarette ends (vi) Adequate arrangements must be made to prevent overcrowding or disorder in the area
H6	All tables and chairs shall be removed from the outside area by (XX.XX) each day.
H7	There shall be no sales of hot food or hot drink for consumption off the premises (after XX.00).

#### **J GENERAL SAFETY AND EVACUATION**

J1	No person shall be permitted to sit or stand in any gangway, unless by express permission of the Licensing Authority who shall stipulate the space allowed for standing and the number of persons permitted to stand.
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J2	All gangways, passages, staircases and exit ways must at all times be kept entirely free from chairs or any other obstructions and from any article or substance which may cause a person to slip, trip or fall.
J3	The premises licence holder shall provide training for all staff to ensure that they are familiar with all means of ingress and egress and the appropriate procedures in case of any emergencies that require an immediate evacuation of the premises. A record of the training shall be maintained and shall be available upon request by an authorised officer of the Licensing Authority or the Police.
J4	Predetermined arrangements shall be made for alerting staff in the event of any emergency. These arrangements shall be of such a nature as to not alarm the public.
J5	All employees or persons involved in the organisation and control of events shall have allotted to them specified duties to be performed in the event of emergencies. Such duties shall aim at the avoidance of panic and the safe evacuation of the premises where necessary.
J6	Arrangements must be in place to ensure that all parts of the premises that members of the public may use, whether this be regularly or only in case of emergency are suitably illuminated (this includes internal and external areas, for example such as corridors, lobbies, emergency exits, car parks, etc).
J7	Where the premises is part of a shared property and members of the public may require access through areas not under the direct control of the premises licence holder (such as escape routes), the premises licence holder must ensure that he has liaised with the appropriate persons and has in place such arrangements as are necessary to ensure that the safety of members of the public is not compromised by the use of these shared areas and that none of the other licensing conditions may be breached.
J8	Barriers for checking or controlling admission shall not be used save in accordance with a documented policy that includes the following <ul style="list-style-type: none"> <li>(i) Risk assessments,</li> <li>(ii) Details of type to include design, construction materials, size – e.g. height</li> <li>(iii) Precise location of all elements of the barrier</li> </ul> The said document shall kept at the premises and shall be made available to an officer of the Licensing Authority or the Police upon request.
J9	Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used when XX days prior notice has been given to the Licensing Authority where consent has not previously been given. <ul style="list-style-type: none"> <li>• dry ice and cryogenic fog</li> <li>• smoke machines and fog generators</li> <li>• pyrotechnics including fire works</li> <li>• firearms</li> <li>• lasers</li> <li>• explosives and highly flammable substances.</li> <li>• real flame.</li> <li>• strobe lighting.</li> </ul>
J10	A currently qualified first aider must be employed on the premises at all times that the premises are open to the public. The venue will also provide first aid facilities commensurate with the type of event and customers expected

<b>K GLASS / BOTTLES</b>	
K1	The License Holder shall ensure that any glass bottles or glass drink containers are removed from persons leaving the premises.
K2	All beverages (including alcoholic and non-alcoholic drinks) shall only be dispensed in polycarbonate, plastic, non-glass containers, or toughened or safety glass to the appropriate safety standard (in that they shall not produce sharp shards when broken). All glass bottles are to be retained behind the bar for safe disposal.
K3	Items of glass-wear (such as glasses, bottles, etc) shall not be permitted in the [*specify area].
K4	Glass bottles containing wine may only be sold in connection with a table meal to customers who are seated in an area for the consumption of food that is away from the main bar.

<b>L NOISE PRECAUTIONS</b>	
L1	Amplified music shall not be played at a level that will cause unreasonable disturbance to the occupants of any properties in the vicinity.
L2	Unless contrary to fire precautions/procedures, all access and egress doors and windows shall be kept closed whilst the licence is in use (*or specify time).
L3	No speakers for amplification of music shall be placed on the outside of the premises or on the outside of any building forming a part of the premises.
L4	Alarms shall be fitted to (*Specify location of external windows/fire doors) to alert staff when (they are) (it is) opened without authorisation.
L5	No music or speech shall be relayed via external speakers other than for events where the prior approval of the licensing authority has been obtained.
L6	A noise limiting device shall be used in relation to all sound amplification equipment used in conjunction with the premises licence.
L7	The noise limiting device shall be properly secured so that it cannot be tampered with.
L8	Monitoring The manager, licence holder or other competent person shall carry out observations in the vicinity of the properties at ( <i>insert location</i> ), on at least ( <i>insert time period e.g. hourly</i> ) intervals between ( <i>insert start time</i> ) and ( <i>insert finish time</i> ) whilst the Premises Licence is in use in order to establish whether there is a noise breakout from the premises. If the observation reveals noise breakout at a level likely to cause disturbance to the occupants of properties in the vicinity then the volume of music shall be reduced to a level that does not cause disturbance. A record of such observations shall be kept in a book for that purpose, such a book shall be completed immediately after the observation detailing the time, location and duration of the observation, the level of noise breakout and any action taken to reduce noise breakout. Such book to be made available at all times upon request to an authorised officer of the Licensing Authority or the Police.
L9	(i) A report shall be submitted to the Council detailing the potential for noise from ( <i>insert - amplified music, refrigeration, heating, ventilation and air conditioning plant etc</i> ) at the premises from affecting neighbouring noise sensitive properties at ( <i>insert</i> ). (ii) If the assessment indicates that noise from the premises is likely to affect neighbouring noise sensitive properties then it shall include a detailed scheme of noise mitigation measures to show that nuisance will not be caused to the occupiers of neighbouring noise sensitive properties by noise from the licensed premises. (iii) All recommended works shall be completed prior to the commencement of the premises licence and the Licensing Authority is to be notified at least 5 days in advance of the works being completed and the premises being used.
L10	A clear notice shall be displayed at every exit from the premises to instruct customers to respect the needs of local residents and leave the premises and the area quietly.

L11	Noise from plant & equipment Noise from any ventilation, refrigeration or air conditioning plant or equipment shall not cause nuisance to the occupants of any properties in the vicinity.
L12	Deliveries relating to the licensed activities shall only take place between ( <i>insert hours and days as necessary</i> ).
L13	A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

#### **M SANITARY FACILITIES**

M1	Adequate sanitary accommodation shall be provided at the premises in accordance with the BS6465 standard for sanitary provisions or any British Standard replacing or amending the same.
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#### **N PROMOTED EVENTS, SPECIAL EFFECTS, NOVEL AND ONE-OFF PROMOTIONS**

N1	Where the premises, or parts of the premises are hired out to third parties or used by events promoters, the premises licence holder must ensure that the licence conditions and licensing objectives are not compromised.
N2	In respect of promoted events, that is, any events involving the conduct of licensable activities at the premises that are organised by persons other than the premises licence holder or those under his direct control, the premises licence holder shall ensure that a register is maintained in a bound book kept for that purpose. The register shall be kept at the premises and shall be produced by the designated premises supervisor (or his nominated deputy in his absence) to an authorised officer of the Licensing Authority or the Police upon request. The register shall record the following: (i) Date and time of event and brief description of it; (ii) Name of the promoter(s), that is, the person(s) responsible for organising the event; (iii) Where the promoter is a company, its registered number. (iv) The proper address of the promoter (v) Contact telephone number for promoter
N3	A documented risk assessment of promotional or one-off 'entertainment' events shall be conducted by the licence holder of the premises and such risk assessment shall be available upon request by an authorised officer of the Council or the Police. Promotional or one-off events shall be notified to the Licensing Authority and the Police at least one month prior to the proposed event.
N4	Prior to any "designated sporting event" (as defined in the Sporting Events Control of Alcohol Act 1985) the premises licence holder shall ensure that;  (i) Alcohol sales in respect of cans of beer or cider are limited to no more than 4 cans per person for a minimum of four hours before the commencement of the relevant designated sporting event; (ii) No sales of alcohol in bottles or glass containers are made in the period four hours before the commencement of the designated sporting event; (iii) Alcohol sales cease for a period of one hour immediately before the commencement of the relevant designated sporting event; (iv) On any day where there is a relevant designated sporting event taking place, the premises will not externally advertise as a result of a local store promotion the availability of beer or cider in such a way as to be likely to be the sole inducement to attract persons to the premises who are either attending the designated sporting event or in the vicinity of the premises as a result of the designated sporting event;

	<p>(v) All members of staff working at the premises are informed of this condition prior to taking up employment;</p> <p>(vi) On the day of the relevant designated sporting event, upon the direction of a police officer, using the grounds of the prevention of crime and disorder or public safety, the premises will immediately cease to sell alcohol until further directed by the police or until the relevant designated sporting event has finished.</p>
N5	On any occasion in the premises, where a DJ or MC performs to recorded background music, at any time between 10pm and 6am, which is promoted in some form by either the venue or an outside promoter, where entry is either free, by invitation, pay on the door or by ticket, the premises shall be required to provide to police a completed promoted event risk assessment form not less than 14 days prior to the event.
N6	Any person promoting a music event at the premises will be required to hold the BIIAB award for Music Promoters (or equivalent).

<b>P WASTE MANAGEMENT / ODOURS</b>	
P1	No accumulation of combustible rubbish, dirt, surplus material or stored goods shall be permitted to remain in any part of the premises except in an appropriate place and of such quantities so as not to cause a nuisance, obstruction or other safety hazard.
P2	The premises licence holder shall ensure that adequate measures are in place to prevent the escape of odours from the premises. This includes odour from food preparation and refuse storage.
P3	The licence holder shall ensure that adequate measures are in place to remove litter or waste arising from their customers and to prevent such litter from accumulating in the immediate vicinity of their premises. In particular, where necessary the premises licence holder shall ensure that adequate measures are in place to provide customers with sufficient receptacles for the depositing of waste materials such as food wrappings, drinks containers, smoking related litter, etc.
P4	The premises licence holder shall ensure that a sufficient number of suitable receptacles are located in appropriate locations for the depositing of waste materials such as food wrappings, drinks containers, smoking related litter, etc. by customers.
P5	Activities relating to the onsite disposal ( <i>including placing into external receptacles</i> ) and collection of refuse, bottles and recyclable materials shall only take place between ( <i>insert hours and days as necessary</i> ).
P6	Deliveries relating to the licensed activities shall only take place between ( <i>insert hours and days as necessary</i> ).
P7	The premises licence holder shall ensure that all packaging provided with takeaway food is marked in some way as to show its point of origin.

<b>Q MISCELLANEOUS</b>	
Q1	As soon as possible, and in any event within 1 month from the grant of this licence, the premises shall join the local pubwatch or other local crime reduction scheme approved by the police, and local radio scheme if available.





**Further copies of this document can be obtained from:**

Licensing Team  
Dorset Council  
South Walks House  
South Walks Road  
Dorchester  
DT1 1UZ

Tel: 01305 251010

Email: [licensingteamb@dorsetcouncil.gov.uk](mailto:licensingteamb@dorsetcouncil.gov.uk)

Web: <https://www.dorsetcouncil.gov.uk/business-consumers-licences/licences-and-permits/alcohol-and-entertainment-licences/alcohol-licensing.aspx>

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## Dorset Council Cumulative Impact Assessment May 2020

The Cumulative Impact Assessment draws on data from various sources, including Dorset Council's Licensing & Community Safety Teams, Environmental Protection Team and Public Health Team.

### **Proliferation of licensed premises.**

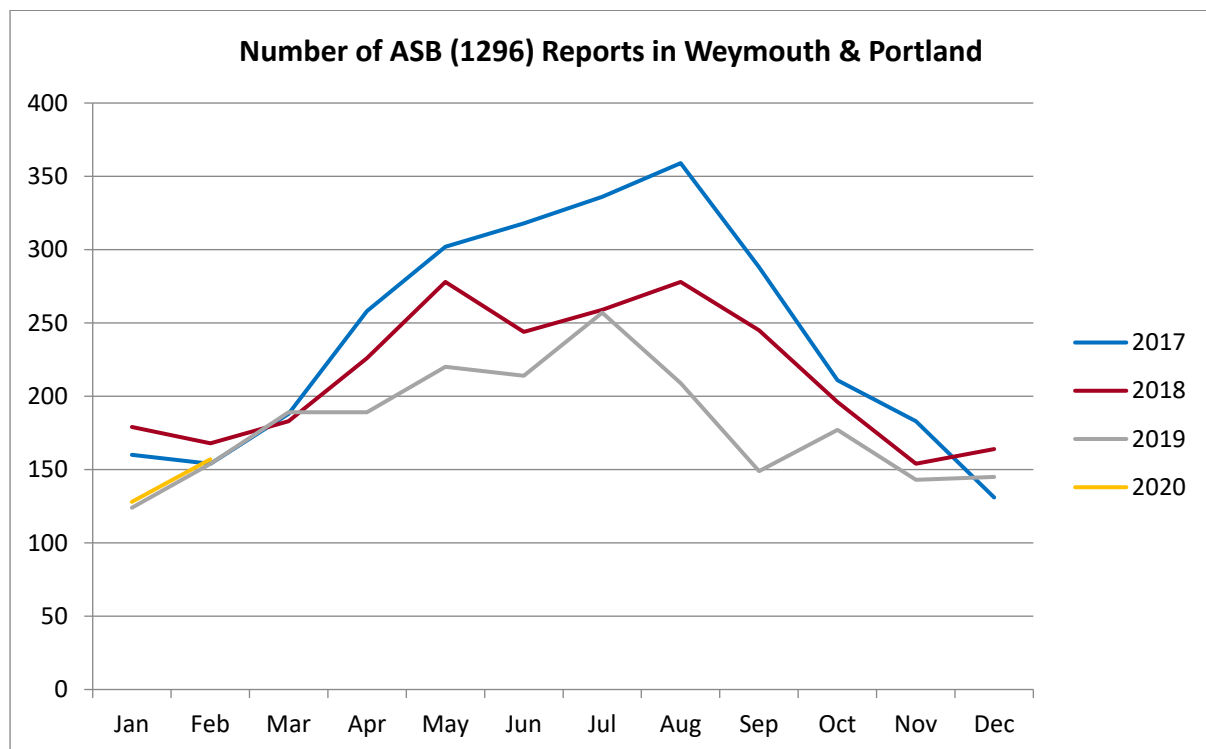
Data from the Licensing Authority register shows that there are currently 180 licensed premises within the Cumulative Impact Area. Data also shows that there were 15 enforcement Interventions during 2019 involving licensed premises from within the Cumulative Impact Area, including seven Multi-Agency interventions. Of the 180 Licensed premises within the Cumulative impact Area, 67 have licences which allow them to trade past midnight (37%).

### **Noise Complaints**

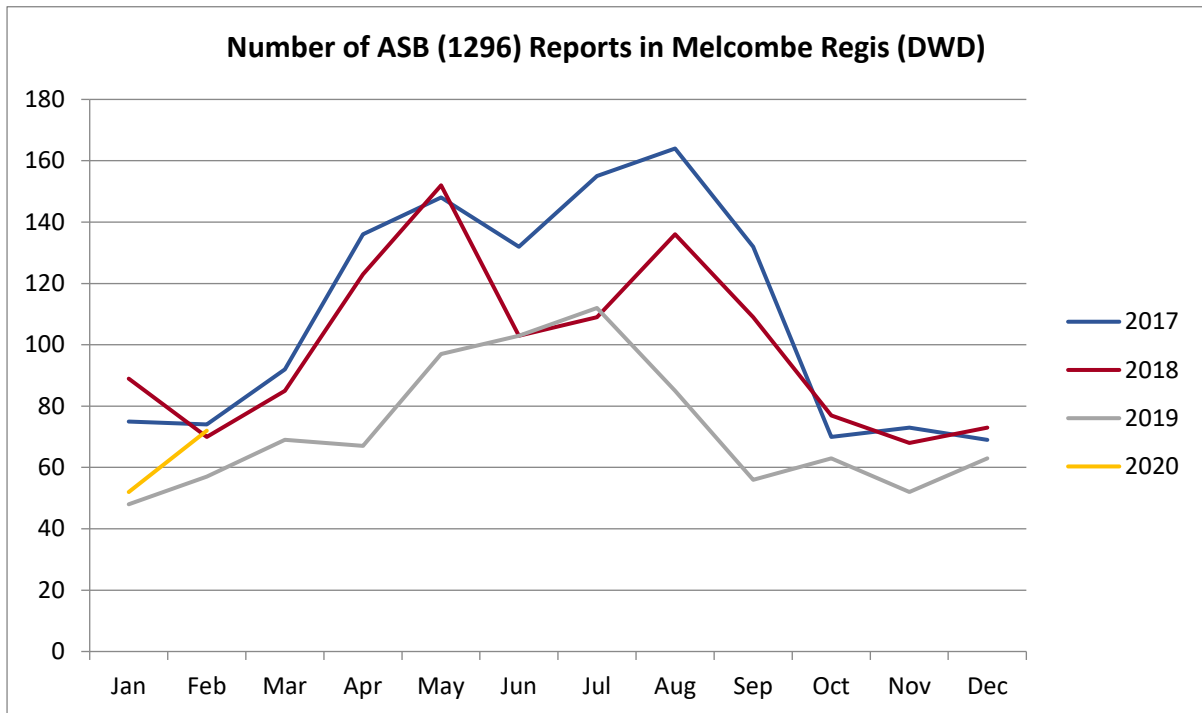
In 2019, the Council's Environmental Protection Team received a total of 57 noise complaints linked to licensed premises within the Cumulative Impact Area.

### **ASB Reports**

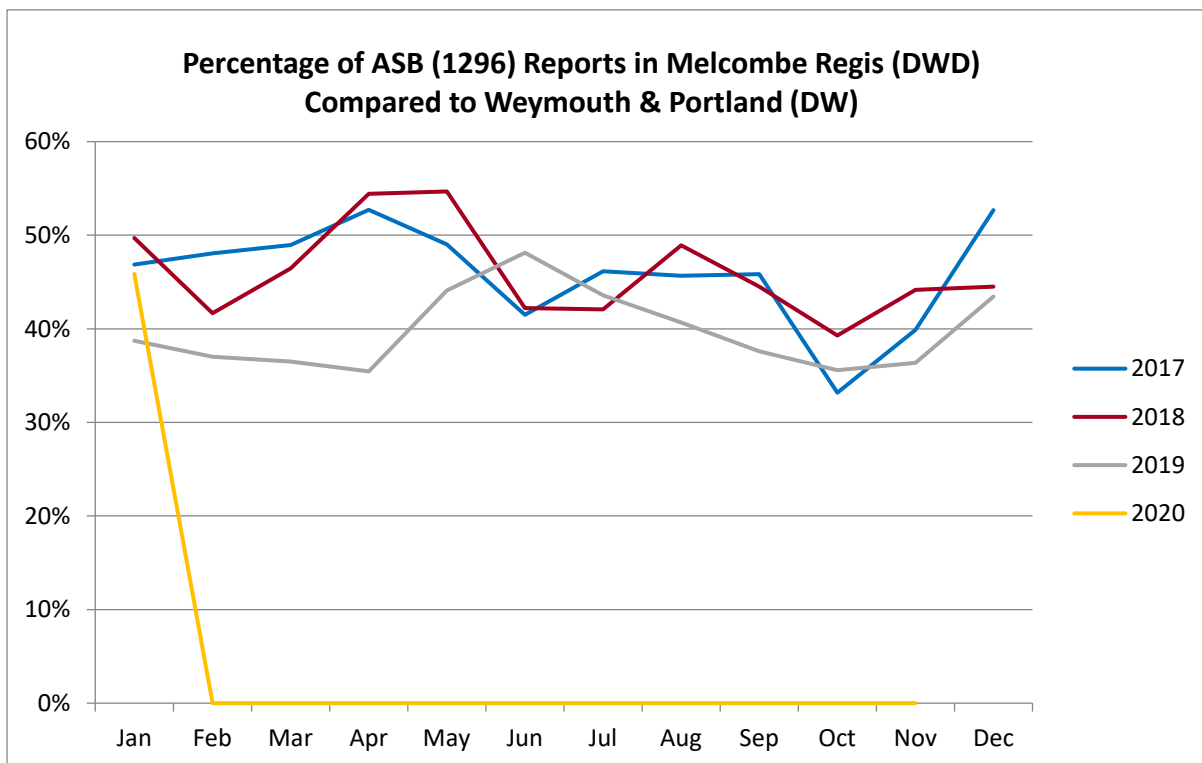
Data provided from Dorset Council's Community Safety Team shows that ASB reports over the last 3 years across the whole of the Weymouth & Portland area have reduced slightly however remain constant at around 180 per month throughout 2019.



ASB reports over the last 3 years have marginally decreased in Melcombe Regis year on year however remain at relatively high levels of an average of around 73 per month.



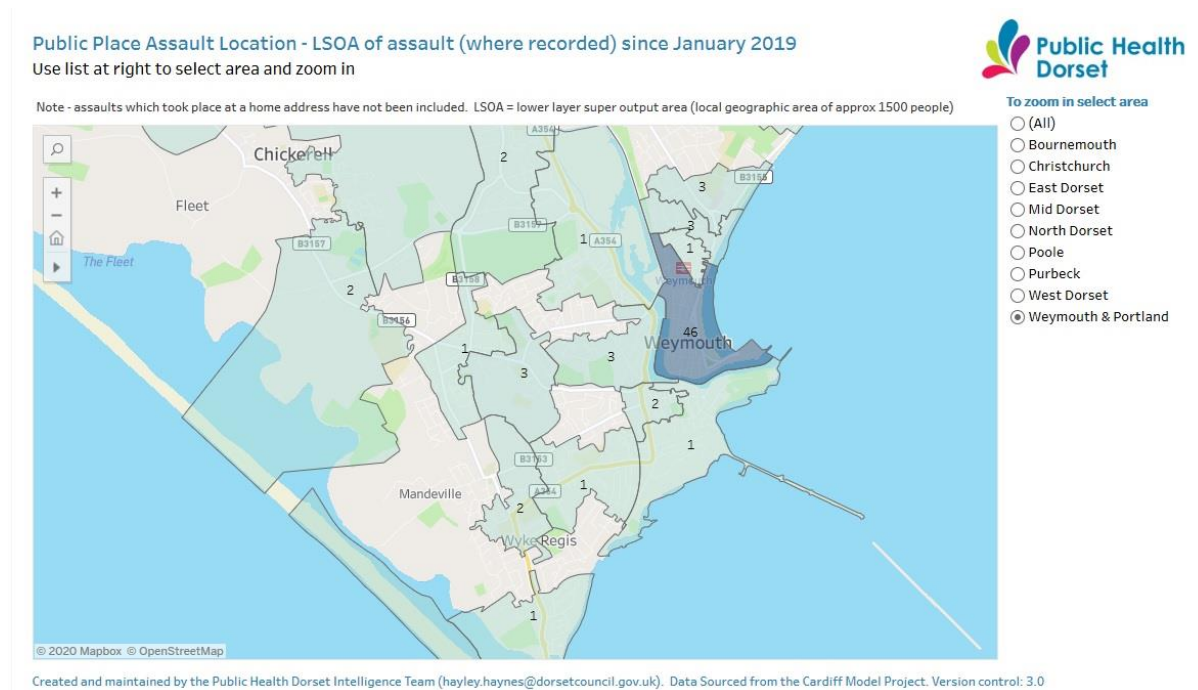
The percentage share of ASB reports arising from the Melcombe Regis area compared to across Weymouth & Portland remains relatively high however at around 40% of the total.



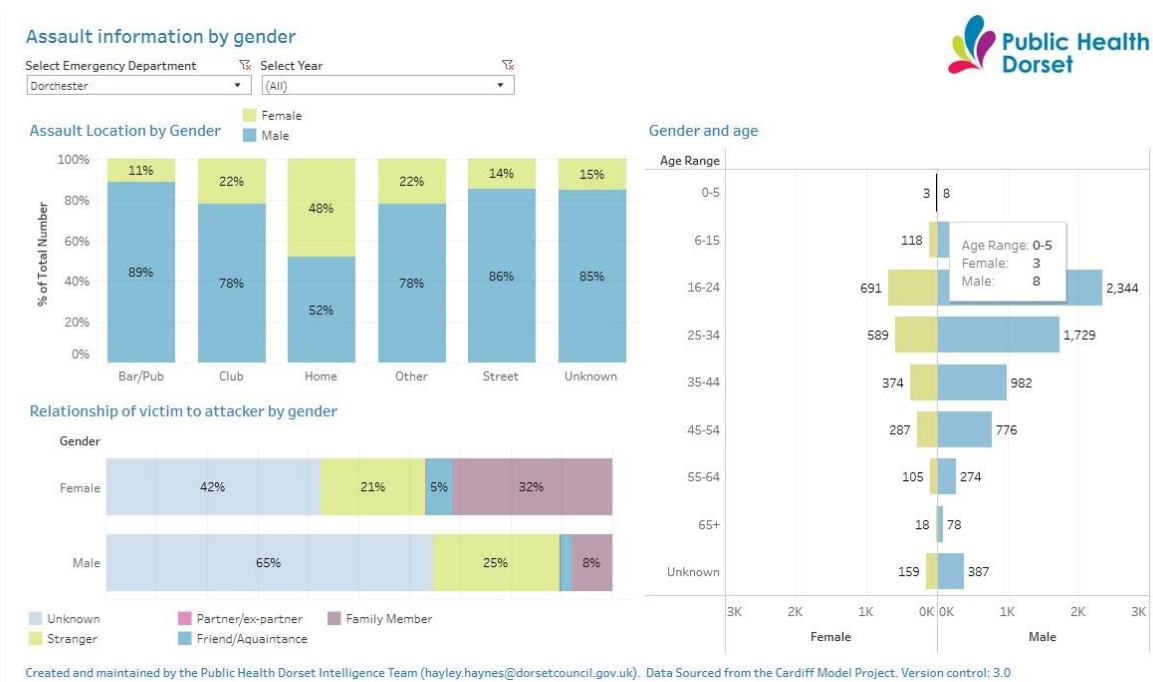
## Public Health Data

Dorset’s Public Health Data Analyst reports that Weymouth street and pub incidents after midnight based on the Cardiff Model data extract reveals an average of around 2.3 incidents per month.

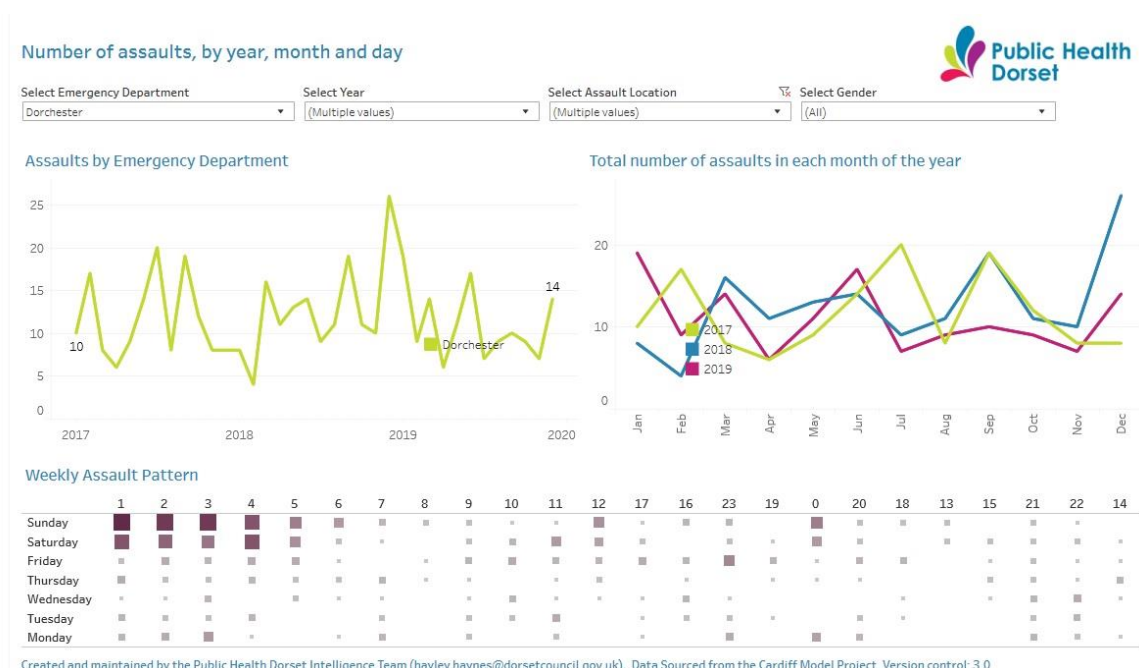
Public place assault location data also shows that the majority (46) of attendees at Dorset County hospital A+E arrived reporting an assault from within the Cumulative Impact Area.



The data also reveals that males aged 16-34 were the most likely to be assaulted;



The data also shows that the majority of incidents occurred at the weekends with peaks during holiday seasons;



This report has been compiled using data from Dorset Council’s Licensing & Community Safety Teams, Environmental Protection Team and Public Health Team.

**References**

Public Health Dorset – Cardiff Model

[https://public.tableau.com/profile/public.health.dorset#!/vizhome/CardiffModel\\_ForPublic\\_0/CardiffModel\\_1](https://public.tableau.com/profile/public.health.dorset#!/vizhome/CardiffModel_ForPublic_0/CardiffModel_1)

Report prepared by John Newcombe Service Manager Licensing & Community Safety

Dorset Council

May 2020

**Melcombe Regis comparison with Weymouth and Portland.**  
**Violent Crime Analysis**

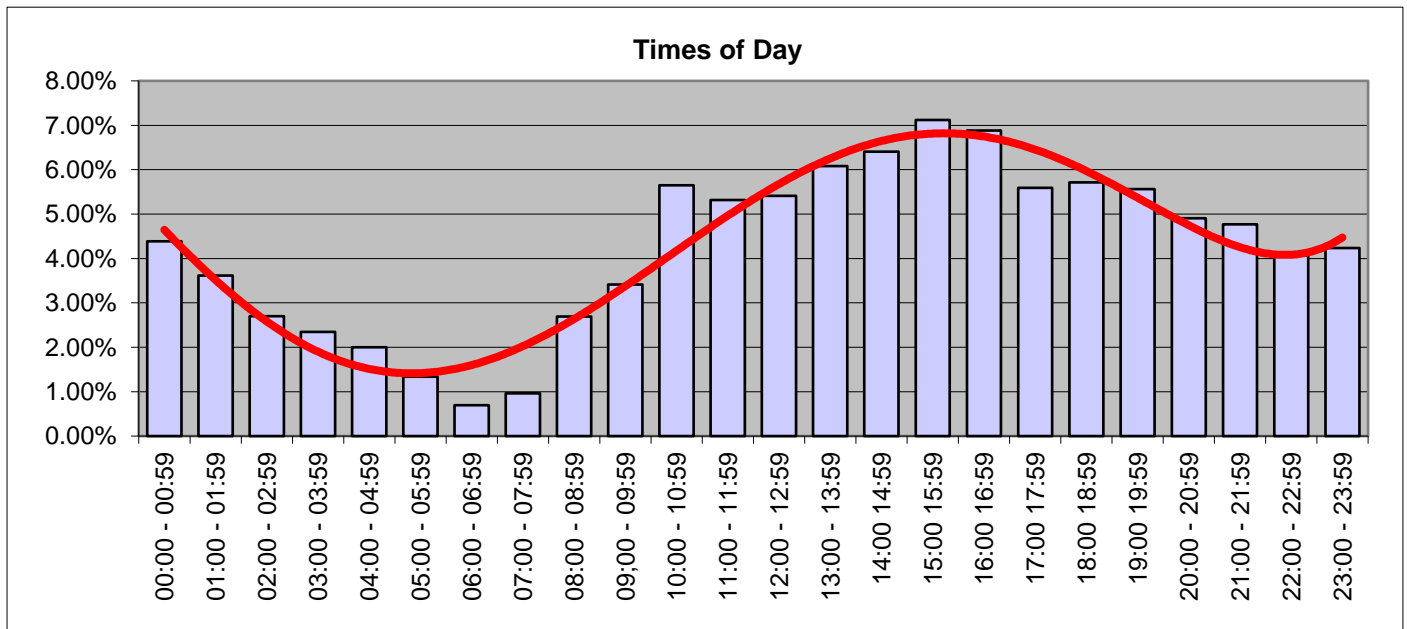
This brief paper has been commissioned with the aim of informing Cumulative Impact Area decisions in relation to the Weymouth night-time economy. The period covered by the data is 1 April 2019 to 31 March 2020. It should be noted that COVID-19 lockdown began on 23 March 2020 and so this will have affected crime rates in the last week of the financial year.

The full data is available in detail at Appendix 1 at the end of this report.

- Melcombe Regis beatcode (DWDA) has contributed 28.5% of total violent crime within Weymouth and Portland during the period 1 April 2019 to 31 March 2020. This includes 25.2% of sexual offences and 28.8% of violence against the person.
- 51.9% of alcohol related violent crimes<sup>1</sup> in Weymouth and Portland over this period were recorded in Melcombe Regis.
- Of the total violent crimes that have been recorded between 1 April 2019 and 31 March 2020, 32.3% within Weymouth and Portland have been flagged as domestic, compared to 26.9% within Melcombe Regis. Overall, Melcombe Regis contributes 23.8% of the domestic flagged violent crime within Weymouth and Portland.
- 53 of the 2,883 total violent crimes within Weymouth and Portland happened within Prisons during 1 April 2019 to 31 March 2020; equating to 1.8% of the total.

An analysis into the time of day and days of week has been completed and the results can be seen below<sup>2</sup>.

**Total Violent Crime within Weymouth and Portland.**



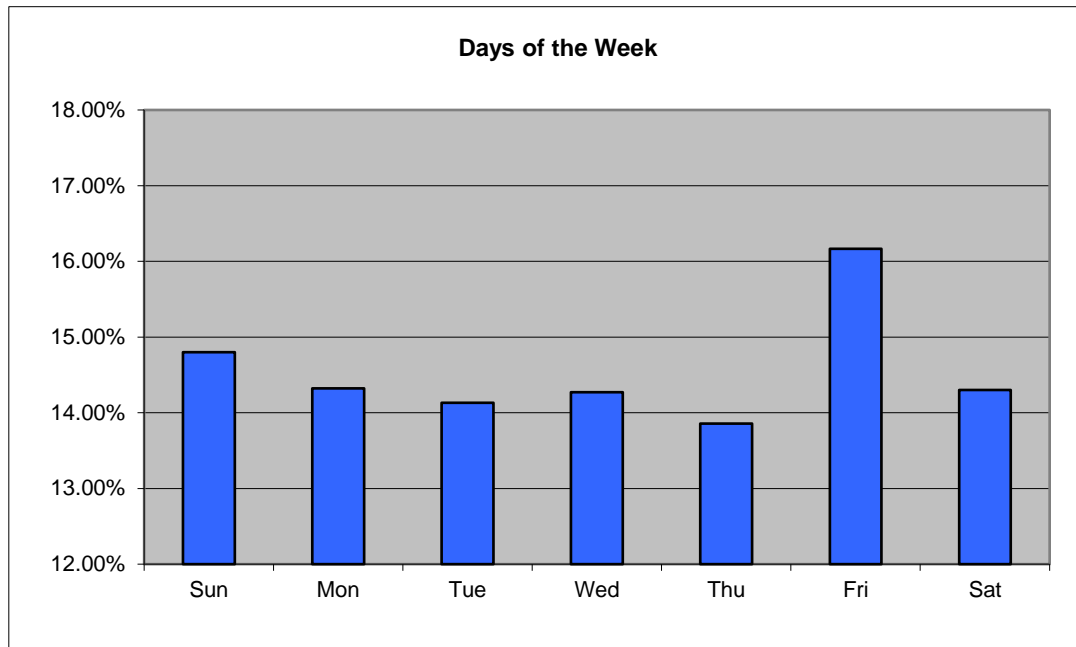
- Within Weymouth and Portland the peak time of day for violent crime falls between 15:00 and 15:59, accounting for just over 7% of the total violent crime recorded in this area. There

<sup>1</sup> Substance use by offender: Affected by alcohol OR affected by drink and drugs

<sup>2</sup> . Please note that the temporal analysis graphs below EXCLUDE a small number of offences reported over the period 1 April 2019 to 31 March 2020 but which were committed many years prior.

is also a prevalence of violent crimes both the preceding hour between 14:00 and 14:59 and the hour after, between 16:00 and 16:59.

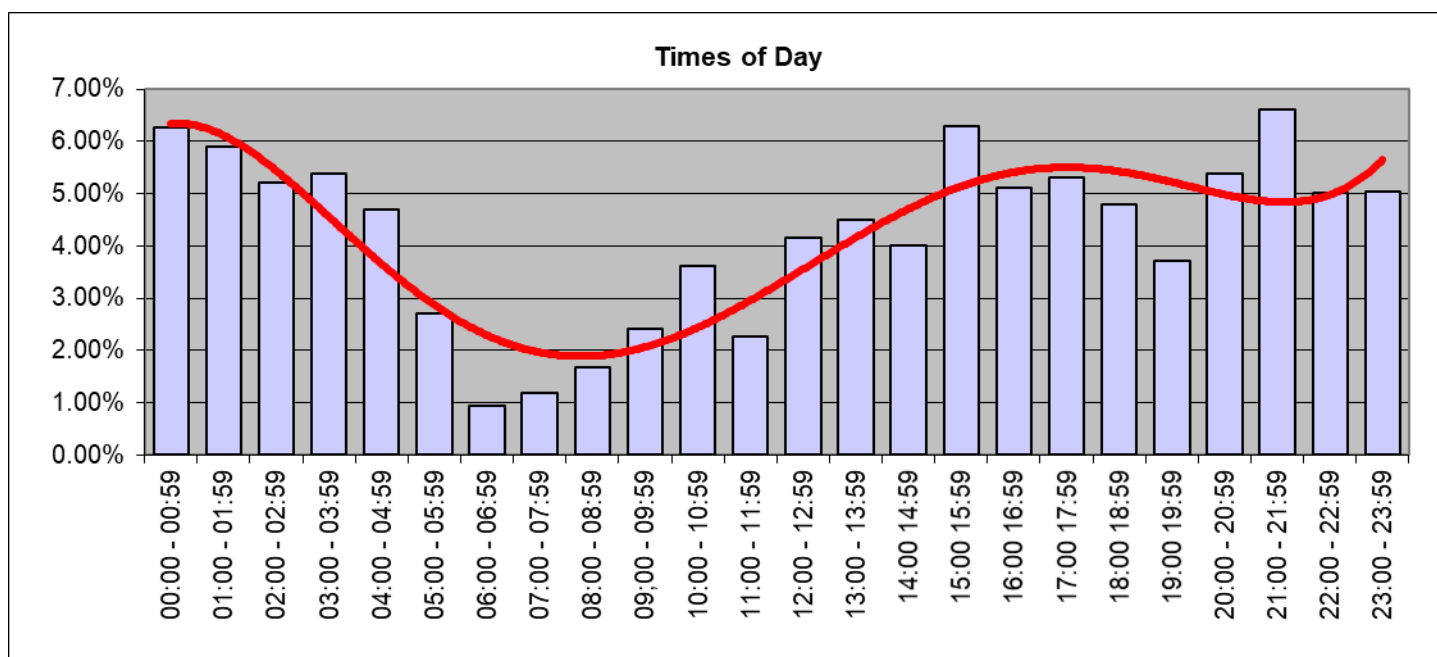
- Whilst there is a slight upturn in the volume of violent crimes recorded overnight between the hours of 23:00 and 00:59, in the main, from 15:00 onwards violent crime levels tend to reduce. Crimes occurring between 23:00 and 00:59 are most prevalent on a Friday and Saturday night.



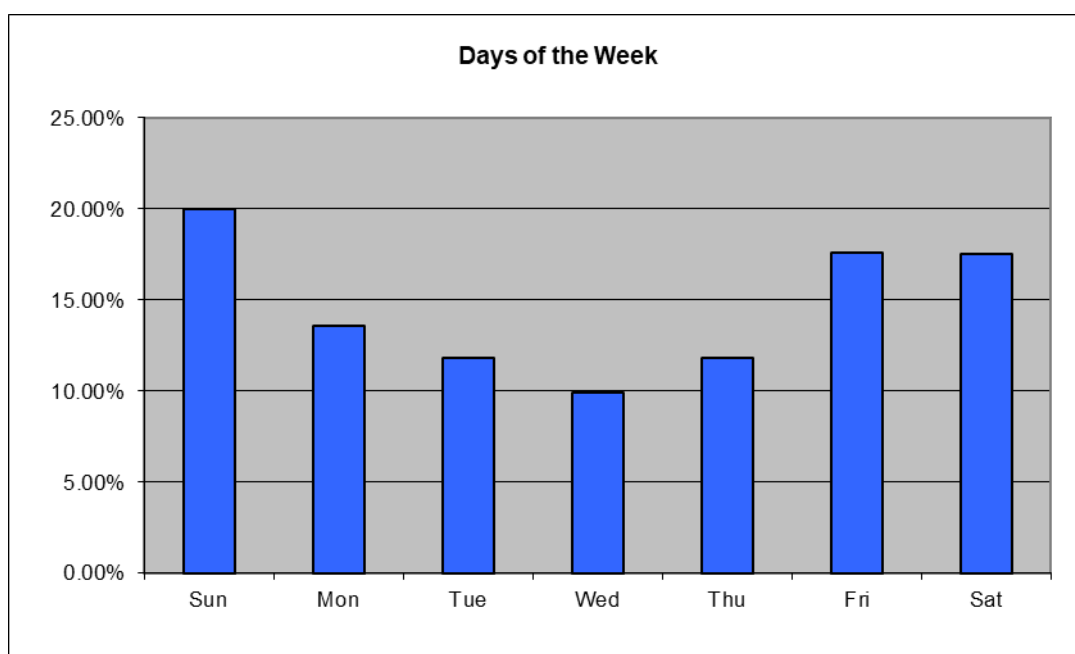
- The peak day of the week for violent crime within Weymouth and Portland is Friday, accounting for just over 16% of the total, followed closely by almost 15% on a Sunday (due to the early morning hours effect) and then just over 14% on a Saturday which is largely in line with the rest of the week.



## Total Violent Crime within Melcombe Regis.



- Within Melcombe Regis, whilst 15:00 to 15:59 is a notable peak for volumes of violent crime as it was within the Weymouth & Portland section as a whole, the hour between 21:00 and 21:59 actually accounts for a slightly higher proportion of violent crime, particularly on a Sunday, Tuesday and Friday. There is also a noticeable difference in the profile of violent crime for the later hours of the day generally; rather than volumes simply reducing as the evening wears on, Melcombe Regis sees a second wave of violent crimes from 22:00 into the early hours of the next morning, suggesting a potential night-time economy influence within this beat area.
- The night-time offending is particularly noticeable in the early hours of a Sunday morning, especially between 01:00 and 04:59. This will be contributing to the fact that in Melcombe Regis, a Sunday accounts for the greatest proportion of violent crime; 20% compared to 18% on a Friday and Saturday and an average of 12% for Monday to Thursday.



## Appendix 1

The data period covered by the figures below concerns 1 April 2019 to 31 March 2020.

<b>VAP categories</b>	<b>Volume - W&amp;P</b>	<b>Volume - DWDA</b>
Assault With Injury	844	299
Common Assault	1044	334
Harassment	367	72
Most Serious Violent Crime	30	8
Violence Without Injury	376	54
<b>Total Violence against the person</b>	<b>2661</b>	<b>767</b>
<b>Sexual Offence categories</b>	<b>Volume - W&amp;P</b>	<b>Volume - DWDA</b>
Other Serious Sexual	5	4
Other Sexual Offence	31	5
Rape Female	70	18
Rape Male	8	1
Sexual Activity Child Under 13	15	1
Sexual Assault Female	79	25
Sexual Assault Male	14	2
<b>Total Sexual offences</b>	<b>222</b>	<b>56</b>
<b>Total Violent Crime</b>	<b>2883</b>	<b>823</b>

	<b>Volume - W&amp;P</b>	<b>Volume - DWDA</b>
<b>Domestic flagged violent crime</b>	930	221
% of total violent crime	32.3%	26.9%

<b>Alcohol flagged violent crime</b>	530	275
% of total violent crime	18.4%	33.4%

<b>Prison violent crime</b>	53	N/A
% of total violent crime	1.80%	N/A

## Equality Impact Assessment - Statement of Licensing Policy 2021-26

Version number	DRAFT Version 3
Date last reviewed:	21/02/2020
Approved by:	John Newcombe
Date approved:	
Next review date:	20/02/2021
Saved as:	Equality Impact Assessment – Licensing Policy 2021-26

### 1. Management of the EqIA

The EqIA has been prepared by John Newcombe, Service Manager, Licensing and Community Safety and Aileen Powell, Licensing Team Leader. It has been prepared as part of the policy drafting process prior to circulation of the draft policy for a period of consultation. It will be reviewed directly following the consultation period close and updated with reference to any feedback from consultees which may have a bearing on the assessment. The assessment has been circulated as part of the report clearance process and updated accordingly.

### 2. Identification of policy aims, objectives and purpose

Licensing authorities are required by the Licensing Act 2003 to publish a Licensing Policy that they propose to apply when exercising their functions under the 2003 Act. The Statement must be published at least every five years and can be reviewed from “time to time” with any amended parts re-consulted upon.

The 2021-2026 Statement will be circulated for consultation for a period of twelve weeks.

The objective of the Licensing Policy is to inform interested parties of the principles the licensing authority proposes to apply when exercising its functions under the Licensing Act 2003. The authority must have regard to the promotion of the licensing objectives as set out in the Act:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

Licensable activities include:

- the retail sale of alcohol,
- the supply of alcohol in clubs,
- the provision of late night refreshment, and,
- the provision of regulated entertainment.

The Licensing Policy aims to align with the Council’s policy priorities of “staying safe and well”, “unique environment” and “economic growth” as found in the Dorset Council’s Plan 2020-2024 Alcohol Delivery Plan 2017-20 <https://www.dorsetcouncil.gov.uk/your-council/about-your-council/dorset-council-plan/dorset-council-plan.aspx>

The Statement of Licensing Policy aims to align with other objectives of the council to;

- Protect young people from harm
- Balance the needs of businesses and local residents
- Encourage tourism and a vibrant, diverse night time economy
- Reduce alcohol misuse
- Reduce unnecessary regulation

### **3. Scope / focus of the EqIA**

The Equalities Impact Assessment has attempted to assess the likely impact of the revised policy on persons living, visiting and working within the County.

There are 2003 licensed premises within the Dorset Council area; these currently consist of 1874 Premises Licences and 129 Club Certificates. These are located across the County with concentrations in the market towns. There are also 6456 Personal Licence Holders currently registered with Dorset as their home authority.

The Licensing Policy has scope to advance equality by promoting good relations and reduce inequality/protect vulnerable persons. The Statement supports a culture of openness where appropriate information can be accessed by all parties, hearings are generally held in public and enforcement is in line with the principles promoted within the enforcement concordat.

Partnership working and the exchange of information (within legal constraints) is also supported by the Policy. In this way we hope to promote understanding between those providing licensable activities and those potentially affected by them. As with applications under other legislation, we will seek to mediate between applicants and objectors and reach negotiated settlements wherever possible.

The following identifies how specific groups may be affected by the revised policy;

#### **Class or socio- economic disadvantage**

##### **Low (positive impact)**

Deprivation has a significant impact on health and wellbeing. The Dorset Council areas of deprivation are largely located in the most urban areas - in particular the former borough of Weymouth & Portland - but many of Dorset's rural communities could also be considered deprived in terms of barriers to housing and essential services.

English Indices of Deprivation (2015), DCLG show

12,900 households are workless

There are ten areas (out of a total of 219) in Dorset within the top 20% most deprived nationally for multiple deprivation, down from 12 in 20101. Nine of these are within the former borough of Weymouth and Portland, one is in the former West Dorset District area.

46% of Dorset's population lives in rural areas. Barriers to housing and essential services are significant in Dorset reflecting rurality and distance from services. 66 Dorset neighbourhoods fall in the 20% most deprived nationally for this measure: in the former council areas, 21 are in West Dorset and 20 in North Dorset.

Seven neighbourhoods in Dorset fall into the top 20% nationally for income deprivation (up from five in 2010) - seven of these are in the former borough of Weymouth and Portland

Weymouth and Portland residence based weekly earnings are £503 per week compared with £571 in Great Britain (Annual Survey of Hours and Earnings (2018), ONS (full time gross weekly earnings))

It is widely recognised that alcohol is a major contributor to disease and health inequality, disproportionately affecting persons of lower socio-economic status. Analysis of alcohol use and harm within the population of different socio-economic groups consistently shows that drinkers of lower socio-economic status are caused more harm than those of higher socio-economic status.  
[https://www.thelancet.com/pdfs/journals/lanpub/PIIS2468-2667\(17\)30089-0.pdf](https://www.thelancet.com/pdfs/journals/lanpub/PIIS2468-2667(17)30089-0.pdf)

The rapid proliferation of convenience stores and metro supermarkets has meant that, in the UK as a whole, access to pubs and bars has decreased by around 8%, whilst access to off trade alcohol has increased by over a third. Deprived postcode areas have around 3 times as many outlets selling alcohol within walking distance than the least deprived areas. Furthermore, cheap alcohol is easier to access now than at any other time in recent history.

<https://www.alcoholpolicy.net/2017/05/alcohol-availability-england-trends-patterns-policy.html>

The licensing policy aims to stem the rise of licensed premises within cumulative impact areas where there are already significant problems arising from alcohol use and dependency.

The policy also highlights the need for operators to not sell alcohol at below cost price or conduct any promotions which might be deemed irresponsible.

It is not however anticipated that the proposed policy will have a negative effect on the grounds of class or socio-economic disadvantage.

## **Age**

### **Low (positive impact)**

There are nearly 59,800 children (0-15) living in Dorset. This represents 15.9% of the total population and is lower than the 19.1% national average. The number of 0-15yr olds is expected to fall slightly over the next 25 years, continuing the trend in place since 2007.

There was also a net loss of 15-19 year olds from Dorset to other parts of the UK, with net gains mostly among those aged 30+

28% of Dorset's population is aged over 65

Over the period 2007-2017, the number aged 65+ grew by 22,500 – up by 27%.

<https://apps.geowessex.com/insights/AreaProfiles/UnitaryAuthority/dorset-council>

The protection of children from harm is a key licensing objective and relates to prevention of access to age restricted products such as alcohol by persons under 18.

Applicants are required to demonstrate how they will promote the four licensing objectives and the policy should therefore have a positive effect on the potential problems arising from consumption of alcohol by under 18's.

Actions and objectives are stated in the policy that will help protect vulnerable and young people and it is proposed to consult with head teachers of all schools within the Borough on the revised Licensing Policy.

There are a number of conditions suggested within the policy which can be offered up by applicants or applied by the Licensing Sub-Committee following representations which can assist with ensuring young people are prevented access to alcohol or adult entertainment, including Challenge 25 scheme, refusals books, staff training, notices and security etc.

It is not however anticipated that the proposed policy will have a negative effect on the grounds of age.

### **Disability**

#### **Low (positive impact)**

According to 2011 Census data, 72,167 Dorset residents had a long-term health problem or disability, this means people whose day-to-day activities are limited a lot or a little by a disability or long term medical condition. <https://apps.geowessex.com/insights/Topics/Topic/Diversity>

In the policy applicants are requested to have regard to the type of people that are likely to visit their premises in their application when identifying the steps they will take to promote the licensing objectives. Applicants will be expected to propose steps to ensure that the physical layout of the premises does not present any risks to 'vulnerable' people, some of whom may be disabled.

During inspections, officers will refer any relevant details to planning if it is suspected there may be accessibility issues or a lack of planning permission.

It is not however anticipated that the proposed policy will have a negative effect on the grounds of disability.

### **Pregnancy and maternity**

#### **Low (positive impact)**

Dorset has a lower number of births than deaths giving a net decline in natural population. <https://apps.geowessex.com/insights/Topics>

It is not however anticipated that the proposed policy will have a negative effect on the grounds of pregnancy and maternity/paternity.

### **Race**

#### **Low (positive impact)**

Dorset has much lower levels (4.4%) of Black and Minority ethnic (BME) residents than the country as a whole (19.5%)<sup>2</sup>. The highest proportion of Dorset's BME population are classified as 'White Other' who make up approximately 41% of Dorset's BME population. This classification includes people who identify as white but who do not have UK national identity (English, Welsh Scottish, Northern Irish and British). An example would be Polish. <https://apps.geowessex.com/insights/Topics>

The Local Authority has established procedures for engaging with the diverse range of businesses within the Council area.

Consultation on the new Statement of Licensing Policy will be undertaken with statutory consultees, including representatives from the business community.

It is not however anticipated that the proposed policy will have a negative effect on the grounds of

race.

### Religion/belief

#### Low (positive impact)

2011 census data shows The five major non-Christian world religions Islam, Buddhism, Hinduism, Judaism and Sikhism constitute 1% of Dorset's residents' religious beliefs

Dorset's main non-Christian religious groups are concentrated in Dorset's towns. Weymouth has just over 300 residents of Muslim faith. There are also concentrations around military establishments such as Blandford Camp where the Gurkhas and their families live who are predominantly Hindu in their religious belief.

<https://apps.geowessex.com/insights/Topics>

The Local Authority has established procedures for engaging with the diverse range of businesses within the borough.

Consultation on the new Statement of Licensing Policy will be undertaken with statutory consultees, including representatives from the business community.

It is not however anticipated that the proposed policy will have a negative effect on the grounds of race.

### Sex (gender)

#### Low

Men at all ages are more likely to drink above the recommended limits than women. There are 105 females for every 100 males in Dorset.

Women will benefit from a better managed Night Time Economy (NTE) environment when the various approaches set out in the policy to restrict alcohol related violence are applied. Women are more severely harmed, emotionally and physically, in alcohol related violence in the NTE and in the home and any activities to lessen such violence are of benefit to women. Better managed premises also benefit women who have drunk harmful amounts of alcohol because such premises will put in place measures to promote a safe drinking environment which restricts serving to people who have consumed harmful levels of alcohol. They will also have procedures in place to assist vulnerable people leaving venues.

Better management of licensed venues will also benefit men who may be deterred from alcohol related violence. Men are more likely to commit crimes when under the influence of alcohol. Nearly a fifth (19%) of all adult binge drinkers reported committing an offence in the previous year compared with 6% of other regular drinkers and 3% of those who occasionally or never drank alcohol (Source: General Lifestyle Survey, 2011)

<https://www.ons.gov.uk/peoplepopulationandcommunity/personalandhouseholdfinances/incomeandwealth/compendium/generallife%20stylesurvey/2013-03-07>

The revised Statement of Principles would have a neutral impact on the protected characteristic of Sex (gender).

### Sexual Orientation and Transgender

#### Low

There is no data available on the spatial distribution of lesbian, gay, bisexual, transgender and transsexual people in the area, and there are no obvious places of congregation of such groups equivalent to those elsewhere in the country. There are 1,866 people are living in a same sex

relationship. <https://apps.geowessex.com/insights/Topics>

According to the Stonewall “LGBT in Britain Health Report” one in six LGBT people (16 per cent) said they drank alcohol almost every day over the last year. Frequency of alcohol consumption increases with age; a third of LGBT people aged 65+ (33 per cent) say they drink almost every day, compared to just seven per cent of LGBT people aged 18-24. One in five GBT men (20 per cent) drank alcohol almost every day over the last year compared to 13 per cent of LGBT women and 11 per cent of non-binary people. According to the Office for National Statistics (ONS), one in ten adults in general (ten per cent) drink alcohol on five or more days in the week. [https://www.stonewall.org.uk/system/files/lgbt\\_in\\_britain\\_health.pdf](https://www.stonewall.org.uk/system/files/lgbt_in_britain_health.pdf)

The revised Statement of Principles would have a neutral impact on the protected characteristic of Sexual Orientation

## Rural isolation

### Armed forces background

#### Low

Research suggests that the rate of Armed Forces veterans with mental health conditions could be as high as 10%, compared to around 3% for the general population (House of Commons Defence Committee, Mental Health and the Armed Forces, Part One: The scale of mental health issues. 11th report 2017 – 19)

The council in partnership with Dorset Armed Forces Covenant Programme is working to ensure that the Armed Forces Community in Dorset has access to the services and assistance it requires.

## 4. Relevant data, research and consultation

In addition to the data sources contained within the assessment above, all relevant parties and organisations situated and operating within the area will be consulted on the draft policy and any responses will be fully considered by the licensing authority and licensing committee.

This assessment will be updated following the consultation period. The consultation will include;

- A draft Policy available at Libraries, Local Service Centres and the offices of the Licensing Team
- Emails to all Councillors, Mayors, and MPs
- Internal consultation process to relevant officers and Corporate Management Teams
- Public notices in the Dorset Echo
- Public consultation advertised on the Council website
- Letters to Premises licence holders and other interested parties
- Responsible Authorities– including Dorset Police, Wiltshire and Dorset Fire Brigade
- Letters to BCP Council, Wiltshire Council and South Somerset Council
- Letters to all Head teachers of schools and education establishments located within the Area
- Armed forces community



## Assessment of Impact and outcomes

Protected characteristics	Issues taken from evidence	Judgement (positive	Recommendations
Class or socio-economic disadvantage	No adverse impact	Low (positive)	N/A
Age	No adverse impact	Low (positive)	N/A
Disability	No adverse impact	Low (positive)	N/A
Pregnancy and maternity	No adverse impact	Low (positive)	N/A
Race	No adverse impact	Low (positive)	N/A
Religion / belief	No adverse impact	Low (positive)	N/A
Sex (gender)	No adverse impact	Low	N/A
Sexual orientation	No adverse impact	Low	N/A
Transgender	No adverse impact	Low	N/A
Rural isolation	No adverse impact	Low	
Armed forces background	No adverse impact	Low	

Equality Impact Assessment Action Plan for Licensing Policy 2019-24							
Issues identified and groups affected	Actions to be taken	Timescales of actions	Who is responsible for delivery	Intended outcomes	Performance measures	Reference to service or other plans	
No gap identified with regards to equalities and diversity and the revised Licensing Policy 2021-26	Will ensure premises are considering their own impact on vulnerable persons such as young persons or street drinkers Continued engagement with the trade to ensure the four licensing objectives are being adequately promoted	Draft Policy consultation period of at least 12 weeks	J Newcombe	Policy Adopted for use	N/A	Corporate Plan Enforcement Policy	

**6. Formal agreement**  
Date EqIA published on Council website (full or summary version)

**7. Publication of results**  
Date EqIA published on Council website (full or summary version)

**8. Monitoring and review**  
Set dates and mechanism for monitoring and reviewing

Response Number	1
Proposed action arising from consultation response.	No change to policy as matters for national regulation & policy
Completion date of interview	06/07/2020
I am responding as a:	Member of the public
Other (please explain)	
If you are giving the official response for an organisati...	
Your name	
Your name (unless you would rather respond anonymously)	richard franklin
Please provide your postcode	HA3 6RE
Comments	I feel very strongly that alcohol, particularly spirits are far too freely available in retail shops. I have seen quite a number of shops which hold themselves out as grocers. The amount of alcohol on sale occupies more shelf space than the other non-alcohol put together. In other words these shops are really just alcohol outlets and provide little benefit to the community in real terms as they are just fronts for the sale of alcohol. If they were selling alcohol alone they probably would not get a licence. I feel very strongly about this as my son died as a result of the easy availability of alcohol. If you stood on his front doorstep you could see 5 separate outlets selling alcohol virtually around the clock. If you walked a few more yards you could see a petrol station selling alcohol. A petrol station - where people can buy petrol and alcohol. This is disgraceful. No premises selling petrol to drivers should be allowed to sell this poison. Sorry for the typing, I do not have my glasses on.# Richard Franklin
The proposed Cumulative Impact area is shown on the above...	Be expanded
Please explain why you think this	See my earlier comments
Please include your comments here	That's it. We should follow the example of Norway, where strong alcohol is only for sale in government controlled shops, in small quantities and it is very expensive. The profits made should go to treating and discouraging alcohol use.

Response Number	2
Proposed action arising from consultation response.	No change to policy as matters for consideration outside of policy consultation
Completion date of interview	08/07/2020
I am responding as a:	Member of the public
Other (please explain)	
If you are giving the official response for an organisati...	
Your name	
Your name (unless you would rather respond anonymously)	
Please provide your postcode	DT4 0LJ
Comments	Weymouth harbour wall has become a magnet for drug use and anti social behaviour largely due to the extended serving area of the public houses along custom House Quay
The proposed Cumulative Impact area is shown on the above...	Remain
Please explain why you think this	Alcohol misuse is a big problem in the highlighted area and any way to empower policing and reduce alcohol use outdoors within that area should be welcomed to make Weymouth attractive to visiting families and not just stag dos
Please include your comments here	The harbour wall is a constant problem. Glasses are left on the harbour wall on a regular basis. Rowdy and anti social behaviour, drug use and nuisance to other harbourside businesses needs addressing.

Response Number	3
Proposed action arising from consultation response.	Policy wording amended at 6.33
Completion date of interview	08/07/2020
I am responding as a:	Member of the public
Other (please explain)	
If you are giving the official response for an organisati...	
Your name	
Your name (unless you would rather respond anonymously)	Philip Eades
Please provide your postcode	Bh192ry
Comments	6.33 states that the 3 contributory factors to reduced life expectancy are alcohol, obesity and smoking. Whilst not disputing that these are three factors there are also others such as poverty, poor life chances, poor environment (substandard housing), crime (domestic and otherwise). The policy as written suggests there are ONLY three factors
The proposed Cumulative impact area is shown on the above...	
Please explain why you think this	
Please include your comments here	

Response Number	4
Proposed action arising from consultation response.	No action arising
Completion date of interview	09/07/2020
I am responding as a:	Member of the public
Other (please explain)	
If you are giving the official response for an organisati...	
Your name	
Your name (unless you would rather respond anonymously)	
Please provide your postcode	DT6 5dy
Comments	
The proposed Cumulative impact area is shown on the above...	Don't know
Please explain why you think this	Don't live there This is a rubbish survey why just one question
Please include your comments here	

Response Number	5
Proposed action arising from consultation response.	No action arising
Completion date of interview	13/07/2020
I am responding as a:	Member of the public
Other (please explain)	
If you are giving the official response for an organisati...	
Your name	
Your name (unless you would rather respond anonymously)	
Please provide your postcode	DT6 5dy
Comments	
The proposed Cumulative impact area is shown on the above...	Don't know
Please explain why you think this	
Please include your comments here	One question for a64 page document??? You are having a laugh

Response Number	6
Proposed action arising from consultation response.	No change to policy - not relevant
Completion date of interview	20/07/2020
I am responding as a:	Other
Other (please explain)	Alcohol drinking customer in Weymouth
If you are giving the official response for an organisati...	
Your name	
Your name (unless you would rather respond anonymously)	Gary Albert Bridle
Please provide your postcode	DT4 0SU
Comments	B ..... CCTV ..... CAN DORSET COUNCIL PLEASE EXPLAIN WHY [REDACTED] nightclub failed as part of its Licensing conditions to retain CCTV footage of INCIDENT on 16/6/19 involving the Doorman and myself which subsequently led to the Arrest and Charge involving Court Case in Weymouth Magistrates Court and the on Appeal to Bournemouth Crown Court and now THE CRIMINAL CASES REVIEW COMMISSION. Why, did [REDACTED] nightclub or Dorset Police use the CCTV footage as Evidence for either PROSECUTION or the DEFENCE ??
The proposed Cumulative Impact area is shown on the above...	Don't know
Please explain why you think this	Could be expanded ?
Please include your comments here	At present, the LICENSED TRADERS and Dorset Police have failed to fully comply with Acts, Rules, Regulations, and so on. [REDACTED] nightclub and Dorset Police SHOULD have retained and used CCTV footage of the Incident dated 16/6/19 in Court. I HAVE SUFFERED AN INJUSTICE I HAVE SUFFERED A MISCARRIAGE OF JUSTICE All because [REDACTED] and Dorset Police failed in their Duties and Obligations to retain the CCTV footage on 16/6/19. As previously stated the matter is now with the Criminal Cases Review Commission for their Decision. Dependant on that Decision the matter could be subject to a LEAVE OF APPEAL at the Criminal Court of Appeal.



Response Number	7
Proposed action arising from consultation response.	No action arising
Completion date of interview	22/07/2020
I am responding as a:	Business
Other (please explain)	
If you are giving the official response for an organisati...	Mona's Thai & Asian Cuisine
Your name	
Your name (unless you would rather respond anonymously)	Saowaros Leewanun
Please provide your postcode	DT4 8 PP
Comments	
The proposed Cumulative Impact area is shown on the above...	Be expanded
Please explain why you think this	
Please include your comments here	

Response Number	8
Proposed action arising from consultation response.	No action arising
Completion date of interview	23/07/2020
I am responding as a:	Member of the public
Other (please explain)	
If you are giving the official response for an organisati...	
Your name	
Your name (unless you would rather respond anonymously)	
Please provide your postcode	DT1 1TU
Comments	
The proposed Cumulative Impact area is shown on the above...	Remain
Please explain why you think this	
Please include your comments here	

Response Number	9
Proposed action arising from consultation response.	No action arising
Completion date of interview	27/07/2020
I am responding as a:	Member of the public
Other (please explain)	
If you are giving the official response for an organisati...	
Your name	
Your name (unless you would rather respond anonymously)	
Please provide your postcode	
Comments	
The proposed Cumulative Impact area is shown on the above...	Be expanded
Please explain why you think this	only covers half of the esplanade. needs to cover park district as well .
Please include your comments here	

Response Number	10
Proposed action arising from consultation response.	No change to policy but respond matters for consideration outside of policy consultation
Completion date of interview	31/07/2020
I am responding as a:	Member of the public
Other (please explain)	
If you are giving the official response for an organisati...	
Your name	
Your name (unless you would rather respond anonymously)	Lynne Gavin
Please provide your postcode	DT9 3BJ
Comments	Licences for late drinking (after 11pm) should only be granted for licensed premises in residential areas for exceptional circumstances, e.g. weddings, and most definitely not for entertainment. Many small pubs see live music as a strong revenue stream, but late music, amplified as it normally is, causes misery for the surrounding residences especially the elderly and young children: these demographics do not tend to go to pubs, so licencees don't worry about annoying them.
The proposed Cumulative Impact area is shown on the above...	Don't know
Please explain why you think this	I do not live in the area, so do not believe I should comment.
Please include your comments here	

Response Number	11
Proposed action arising from consultation response.	Policy wording amended at 4.27; 4.28; 4.29; 4.30;
Completion date of interview	11/08/2020
I am responding as a:	On behalf of an organisation
Other (please explain)	
If you are giving the official response for an organisati...	Dorset Council Children Services
Your name	Louise Dodds
Your name (unless you would rather respond anonymously)	
Please provide your postcode	DT1 1XJ
Comments	MY COMMENTS; 4.28 The protection of children from harm includes protection from physical and psychological harm... there is also emotional abuse, neglect and sexual abuse. Child Exploitation - Child sexual exploitation, slavery, trafficking. 4.30 Issues about access of children to premises may give rise to concern: ... if the landlord/lady is a registered sex offender, they will have requirements about what they can or cannot do. How is this checked? 4.32 Limitations on the hours when children will be present ... Applications I have read allow children until 11pm at night from as young as 6 years of age. Some pubs turn into clubs as the night moves on. Can be more clear about the age of the child and the time they are allowed in a premises'. Requirements for an accompanying adult ... can this please be more clear. If they are intoxicated what action does the licence holder take? If they are allowing children to drink alcohol, not supervising their children, encouraging their children to take part in activities that are not age appropriate. In terms of Child Sexual Exploitation and trafficking taxi drivers can be prosecuted for transporting a child to a location, what could be put into place of a licensee was allowing this to happen on their premises or not acting to stop it?
The proposed Cumulative Impact area is shown on the above...	Be expanded
Please explain why you think this	The Rodwell trail is an area that requires more scrutiny.
Please include your comments here	

Response Number	12
Proposed action arising from consultation response.	Policy wording amended at 5.30 relating to notification arrangements, otherwise majority of suggested amendments are matters for national regulation & policy / consideration of individual applications on their own merit.
Completion date of interview	14/08/2020
I am responding as a:	Business
Other (please explain)	
If you are giving the official response for an organisati...	The Old Watch House, Lyme Regis, DT7 3JF
Your name	Sarah Wilkinson
Your name (unless you would rather respond anonymously)	
Please provide your postcode	DT1 1XG
Comments	<p>1.1 All areas should be in a cumulative impact zone, and be reviewed after 3 years. 1.2 The council method for consulting is not effective . Bias is shown to the applicant, a fair and transparent notification process should take place with public postings and designated newspaper adverts over a period of three weeks. All Town Mayor's and their Clerks should be notified separately, as with Parish Clerks and their Chairmen. It should be a requirement for the local council to be represented at every application. Not a written 'consultation'. 1.5 Taking action after representations is like putting the cart before the horse and instead of protecting residents at the application stage, it shows bias to the applicant. 1.6 This policy should be concerned with the impact it has on neighbours, communities, including economic negative impact on other business as a result. 1.11 The method of notification of an application shows bias in favour of the applicant and until this is addressed, the council should not necessarily grant the application if there are no representations. Unless people are notified adequately, they are not in a position to make a representation. If no representations are received then the council should not automatically grant a license, if they have not put up a public notice in an area to ensure the community has been clearly notified. 1.12 Applicants are not necessarily from a local area and have no knowledge of it except that they look at footfall. By having a nightclub open until 3.00 am in a seaside holiday town like Lyme Regis, when the applicant has a night club in Weymouth, demonstrates that no amount of knowledge can prevent harm to the community by the granting of a late license. ( however the council advises the applicant to tick the right boxes for the objectives to be granted a license) The council uses a light touch to promote any kind of economy at night, even that which is detrimental to other economies in the area. 2.11 Every area in Dorset is unique. Areas need to maintain the special qualities which make them unique. This is key to a successful quality tourist industry. Footfall is dependent on the ethos of an area and this should not be confused with footfall for late night drinking. This is something which has to be seriously considered when looking at licensing policy in</p>

Dorset. Weymouth is a classic example of late night drinking ruining the quality of tourism in Weymouth. The reputation of a place takes years to change for the better, once it has been ruined. This also applies to over tourism. 3.1 It is imperative that local councils examine all applications and have adequate notification to consider the impact of an application on their vision of their town. 3.4 Economic Growth has to be put in context with the ethos of Dorset and the reason people come here. Economic Growth should not be the raison d'etre. It has to be considered along side maintaining the reputation of the County. 3.6 The Dorset Plan will only be as good as the content. If the objectives are not balanced and thought through with consequences in the first place, by people with real knowledge of the County then the County will be denegated for the sake of economic growth in areas which will be detrimental to the ethos of the County and in the wrong areas. 3.8 Restricting licensing hours at night would have a positive economic benefit to the Police and the NHS and would promote healthier lifestyles. 3.9 It should be a prime objective for councils to consider the impact of licensed premises and the availability of alcohol on the community as a whole. 3.11 This can be achieved by restricting licensing hours, with drinking up times, and restricting the number of pubs in an area, when considering the area and the negative impact on the community and other business. Special restrictions on access and exit from any pub or nightclub should be looked at to consider the negative impact on the community. 3.12 Continental cafe style culture is lovely throughout the day. Establishments which attract a large footfall late at night for the purpose of drinking are not lovely and negatively impact communities. They should not be treated with a light touch and closing times should be staggered up until midnight, to bring some balance between the economy and the community and other business. A light touch regulatory regime has been entirely to the detriment of communities and the rights of residents. 3.13 All licenses should be considered within a cumulative impact framework to limit negative impacts. All areas should be balanced and restrictions placed on activities which are not in the spirit of the ethos of an area. 6.1 Sale of hot food and drink after 11.00 pm should not be allowed in residential areas or in areas which will affect other business, ie, hotels holiday flats.

The proposed Cumulative Impact area is shown on the above...

Be expanded

Please explain why you think this

It is not only Weymouth which requires a cumulative impact area. I can only speak from experience and I am very aware that Dorchester , from where we live, requires a cumulative impact area and so does Lyme Regis , where our three businesses are. (The alcohol free zone in the middle of Dorchester was implemented without consultation with residents and only on Police records, which failed to include areas adja

Please include your comments here

The three key points that should be considered and included in the Draft Licensing Policy 2021 2026 are: 1. By the Council not posting an application in a public space such as a lamp post or drain pipe adjacent to the proposed application it is clearly showing bias towards the applicant and is not a balanced approach to the local community, other business in the area and residents. It denies the Local Town or Parish Council from being made fully aware of the application and therefore denies them the legal right as representatives of the community, from examining the type of application and deciding if it fits with their vision for the area and if it will or will not have a negative impact on the health and well being business, tourism, and residents. They will be able to decide with consultation with residents if an application will be harmful to the reputation of the area. It should also be noted that whereas the Licensing Officers are there to enable and advise the applicant to comply on paper with the four objectives of the Licensing Act 2003, this shows bias towards the applicant if they do not provide the same assistance to a community to provide protection in compliance with the objectives, to particularly protect residents by clearly informing them in a large advert in the local paper. ( Not any local paper, which can mean an edition which only comes out in Bournemouth, when the venue is in Dorchester, or an advert in Dorchester when the venue is in Lyme Regis) The Mayor and Chairman of Town and Parish Councils should be notified, along with the Town and Parish Clerks in good time of any application thereby allowing consideration of the impact of the application on communities. Notices should be posted in public places by the Council giving fair and unbiased notification to members of the public and residents. For each application the Council should state clearly to the applicant which Newspaper publication and size of notice is required, and stipulation that it should appear once a week for three consecutive weeks to give local people a fair chance of seeing it, to allow them to respond. 2. The Licensing Policy refers to the four licensing objectives. The policy clearly shows bias towards the applicant throughout the process. The applicant throughout the process is helped to comply with the objectives to obtain a license. A light touch is used throughout to enable the granting of a license. Bias is shown towards the 'night time economy'. A rebalancing should be proposed in this new draft policy to address the imbalance in communities and areas where bias towards the granting of a license, or the extension of a license is to the detriment of a community, residents and other business . Residents and communities should not be placed in a position where they have no option other than the burden of gathering evidence and proof to take court action to have a license revoked when a license has been granted by the Licensing Authority, knowing that it will have a negative impact on the health and well being of many residents and a negative impact on the economic prosperity of other business. The reference to the Human Rights Act, it does not say the Licensing Policy gives a right for the 'night time economy' to destroy the peace and tranquility, preventing people from sleeping in their homes at night and ruining other peoples livelihood. The bias in this policy is palpable towards the applicant and should be addressed in favour of proof of protection with restricted hours at night and far greater transparency and information for communities. 3. Any application should be considered along side the impact on the community and other business when considering closing time and the dispersal of the customers, including ASB in residential areas, damage to property and contravention of the Human Rights Act 2003, .



Response Number	13
Proposed action arising from consultation response.	CIZ zone covers main concentration of licensed premises
Completion date of interview	17/08/2020
I am responding as a:	Member of the public
Other (please explain)	
If you are giving the official response for an organisati...	
Your name	
Your name (unless you would rather respond anonymously)	
Please provide your postcode	DT3 6QE
Comments	
The proposed Cumulative Impact area is shown on the map above...	Be expanded
Please explain why you think this	It should include the seafront and the beach, as these are the areas with the most footfall and where most of the issues lie.
Please include your comments here	

Response Number	14
Proposed action arising from consultation response.	Busking is not a licensable activity under the Licensing Act 2003.
Completion date of interview	17/08/2020
I am responding as a:	Member of the public
Other (please explain)	
If you are giving the official response for an organisati...	
Your name	
Your name (unless you would rather respond anonymously)	Sally Collins
Please provide your postcode	DT4 8EL
Comments	Please do something to stop the buskers setting up outside my home - I live in one of the flats above the Nat West Bank in St Thomas Street and my days are constantly being taken over & ruined by the din of bad singing or instrument playing from outside. All tenants feel the same way. Imagine loud music outside your own home all day long and please do something.
The proposed Cumulative Impact area is shown on the above...	Remain
Please explain why you think this	The town centre needs immediate attention.
Please include your comments here	I really feel something needs to be done about the noise & bad behaviour in our town centre.

Response Number	15
Proposed action arising from consultation response.	No change to policy - covered under separate legislation
Completion date of interview	12/09/2020
I am responding as a:	Member of the public
Other (please explain)	
If you are giving the official response for an organisati...	
Your name	
Your name (unless you would rather respond anonymously)	Jordan Hilton
Please provide your postcode	BH21 1JN
Comments	I am very concerned about pubs and restaurants being allowed to set arbitrary age limits apparently 'because of licencing restrictions' if a person is of legal drinking age in the UK then it is not acceptable for them to be prevented from entering an establishment. In line with the equality act , dorset Council should ensure that all bars and pubs are made available for those over 18.
The proposed Cumulative Impact area is shown on the above...	Don't know
Please explain why you think this	
Please include your comments here	

Response Number	16
Proposed action arising from consultation response.	No change to policy - response provided
Completion date of interview	17/09/2020
I am responding as a:	Elected Member
Other (please explain)	
If you are giving the official response for an organisati...	
Your name	
Your name (unless you would rather respond anonymously)	Cllr Susan Cocking
Please provide your postcode	DT5 2DQ
Comments	Found it a very informative and useful guide, clear and concise My other comment would be under Personal Licences from 11 11.1 It does not state how long a personal licence holder has this licence for and is there any expiry date for these types of licence ? the same could apply to the club licence ? I know on our training event we was told there was no expiry date however if I was reading this document for the first time I would not know that .I believe licence holders previously had a licence card with an expiry date on it ,so do they need a new card when their card expires ?
The proposed Cumulative Impact area is shown on the above...	Remain
Please explain why you think this	With my local knowledge that is the highest density of where licences are held
Please include your comments here	No thank you to the officers involved in this consultation for all their hard work

Response Number	17
Proposed action arising from consultation response.	Comments noted but no change to policy as policy cannot impose blanket conditions or restrictions onto licences as each application must be considered on its own merits.
Completion date of interview	21/09/2020
I am responding as a:	Member of the public
Other (please explain)	
If you are giving the official response for an organisati...	
Your name	Robert Rodway
Your name (unless you would rather respond anonymously)	
Please provide your postcode	BH21 1NF
<p data-bbox="91 730 136 911" style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 181</p> Comments	<p>The target demographics and size of premises dictates whether nearby residents suffer from Anti-Social Behaviour associated with patrons. The size and scale of the premises means that noise and nuisance is inevitable and falls into two categories; noise in the street and noise from the beer garden. There appears to be a grey area of responsibility once patrons have left a premises. Whenever patrons leave a premises they create noise nuisance. Most town centre residents understand there has to be a balance between peaceful enjoyment of their home and the vibrancy of a town centre. That balance does not exist with 1.00am+ licences and such licences should only be granted where there are no nearby residents, i.e. larger towns and cities. Licensing should take a tougher approach where criminality by patrons occurs within the vicinity of the premises, rather than rely on the police to intervene. To adhere to the four licensing objectives premises need to have their hours reduced or there needs to be a continual police presence outside premises. However tragic the circumstances in which lockdown occurred, the shutting of the public houses had an immediate impact in improving the living conditions within the town centre (Wimborne) We experienced no anti-social behaviour at all during lockdown. This is the opportunity to reset the balance and encourage families into the town in the evening, rather than rely on the binge drinkers. This can be done by reducing the opening hours to send out the message that the other evening businesses in the town are as important as the public houses. It comes as no surprise to learn that nationally there was a 31% increase in attacks on emergency workers once the public houses reopened. [this is an extract from the consultation response as it also relates to an ongoing investigation concerning a specific premises and cannot therefore be published.]</p>
The proposed Cumulative Impact area is shown on the	
Please explain why you think this	

Response Number	18
Proposed action arising from consultation response.	Policy wording amended at 5.30 relating to notification arrangements
Completion date of interview	25/09/2020
I am responding as a:	Parish Council
Other (please explain)	
If you are giving the official response for an organisati...	Lyme Regis Town Council
Your name	John Wright
Your name (unless you would rather respond anonymously)	
Please provide your postcode	DT7 3BS
Comments	The town council is particularly concerned about late night licences and the impact they can have on the surrounding community. The town council has been approached be local residents and business owners adversely affected by late opening at the SWIM. In this particular instance, the SWIM is a tenant of the town council but the town council didn't received any formal notification of the late licence application. The town council would like to be consulted about all licencing applications. If this is not possible, the town council would like to be notified of licencing applications, particularly if they are late licencing applications.
The proposed Cumulative Impact area is shown on the above...	Remain
Please explain why you think this	
Please include your comments here	

Response Number	19
Proposed action arising from consultation response.	There is no proposal to introduce a Late Night Levy at this time
Completion date of interview	25/09/2020
I am responding as a:	Parish Council
Other (please explain)	
If you are giving the official response for an organisati...	Dorchester Town Council
Your name	Georgina Wakely
Your name (unless you would rather respond anonymously)	
Please provide your postcode	DT1 1JF
Comments	Para 9.3 The Dorchester Town Council Planning and Environment Committee considered the Draft Licensing Policy at a meeting held on 7 September 2020 and felt that Paragraph 9.3 should read 'The licensing authority is currently satisfied that it is appropriate to introduce a Late Night Levy.' The Committee agreed that it would be appropriate to introduce a Late Night Levy to fund extra policing enforcement.
The proposed Cumulative Impact area is shown on the above...	
Please explain why you think this	
Please include your comments here	

Response Number	20	
Proposed action arising from consultation response.	Policy wording amended at 5.30 relating to notification arrangements, and 5.37 in relation to withholding details, 6.4 Local Plan and 6.6 local knowledge otherwise majority of suggested amendments are matters for national regulation & policy / consideration of individual applications on their own merit.	
Completion date of interview	25/09/2020	
I am responding as a:	Other	
Other (please explain)		
If you are giving the official response for an organisati...	On behalf of Respect Weymouth Action Group	
Your name		
Your name (unless you would rather respond anonymously)	Nigel Shearing	
Please provide your postcode	DT4 8AX	



Page 5, and 1.4, the public has a significant responsibility under the Licensing Act but very little is made of it in the policy, perhaps it would be useful to raise this, supported by the last aim in 1.5 of the Guidance, "encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them". It is the group's view that there is a significant gap in community engagement and understanding, and this really needs to be strengthened, with improved online guidance about community responsibilities and reviews for example. There is some excellent good practice in other authorities that deliver on this. The community can help to regulate poor licensing practice on the ground and they need to be more aware. 2.17, There is also a balance to be had for events, to ensure that they are not unfairly monopolising prime times, like bank holidays, and in some instances this is restricting diversity and growth of a licensed area, like Weymouth harbour on every bank holiday for example, which is forced head first into Quayfest, and this impacts opportunities for other events and changing culture requirements with pedestrianisation for example. 4.25, This is good, but in reality, direct experience has shown that the culture and attitude of the licensing team has not always been supportive or sufficiently balanced towards the needs and rights of residents. This has discouraged the community from taking action. 4.27 There are also impacts for children within the community, it's not just about inside the venue, especially where behaviour outside in controlled areas impacts residents and their families. For example, foul language, intimidating and violent behaviour, drug use, lewd acts, drug paraphernalia, discarded glass, etc. Think the Fat Cat. 5.17, There seems to be a critical need to assess the suitability of a building to ensure that it is fit for purpose and of a standard that is able to contain licensed activity. A high number of premises in Weymouth are not fit to contain the licensed activity they provide. made worse by irresponsible landlords. And this can cause significant nuisance issues for residents. Where this is likely, measurable and objective 'preventative' conditions could strengthen protection for the community and encourage licensees to make modifications to reduce their impacts. Formal requirements for noise assessments might also be useful where needed. 5.18, this is good, but 'agreed' by who? Especially if impacts and complaints are not resolved. 5.37, this is good, but in reality the guidance and support has not always been sufficient or balanced, at worse the support has been overly defensive and dismissive of people's concerns and rights. Especially around noise and in town centres. 5.38, This is not strictly true, the Act and Guidance enables makers of representations to be anonymous to the applicant and his representatives where there is fear of retaliation, which is a common scenario. The policy needs to make this clear and encourage the community to have a voice without fear of incrimination or retaliation. 5.41, The process for reaching agreement is confusing and not transparent to the community. It feels like the balance is out of synch with the rights bestowed on the community by the Act. And more open, transparent and constructive methods need to be considered, and offered, perhaps like the process of 'mediation', where applicants and those making representations can try to negotiate an agreement with the authority at the chair. At the moment, it feels like the relationship between the applicant and the authority is too close and this raises issues around trust. This has been experienced recently with representations for a licensing review. 5.42, please define 'public interest', this was also an issue in a recent review. 6.4, doesn't the community have a role here? 6.6, and local communities?

<p>The proposed Cumulative Impact area is shown on the above...</p>	<p>Remain</p>
<p>Please explain why you think this</p>	<p>Because of the cumulative impacts on the local community. The concentration of licensed premises already in being. There are, however, some areas within this where cumulative impacts are significantly greater than others, particularly in the town centre where venues are adjacent to long standing and increasing residential areas. And further increases in activity or venues could have a detrimental impact on this</p>
<p>Please include your comments here</p>	<p>This policy feels more balanced towards the community than the last one, but it still feels like more could be done, practically, to strengthen community knowledge and engagement, so we can properly play our part in the regulation and enforcement of licensed premises. At the moment, it feels like the community has been held back and kept in the dark. Consider creating a small consultation group with community representatives to explore how this could be improved. There are plenty of groups with applicants and licensees, but it feels like the community is under represented (accepting that cllrs have a role to play in this).</p>

Response Number	21
Proposed action arising from consultation response.	Comments noted but no change to policy as policy cannot impose blanket conditions or restrictions onto licences as each application must be considered on its own merits.
Completion date of interview	25/09/2020
I am responding as a:	On behalf of an organisation
Other (please explain)	
If you are giving the official response for an organisati...	Wimborne Residents Action Group
Your name	John Gatrell
Your name (unless you would rather respond anonymously)	
Please provide your postcode	BH21 1LT
Comments	<p>Response from Wimborne Residents Action Group (WRAG) Context: Our group was set up by Wimborne town-centre residents largely to address problems created by late night drinking in the town. Wimborne has more than twice the per capita national average of public drinking establishments. The high incidence of public houses with weekend late night licenses has made Wimborne a magnet for younger drinkers from surrounding towns. These drinkers see drunkenness as a goal for their evening's entertainment. Comments on the Statement of Licensing Policy 2021 – 2026: Crime and Disorder. Sub-sections 4.10, 4.22 The impact on Wimborne of late night drinking can be seen virtually every Saturday and Sunday morning throughout the year – broken shop windows, broken glass, damage to parked cars, flower containers and pots overturned and vomit-stained (and occasionally blood-stained) pavements. Town-centre residents suffer rowdy, aggressive, disturbing and often criminal behaviour until after (licensed) late-night opening hours of 1.30am. Our evidence shows that this problem is caused largely by those drinking establishments with opening times beyond 11.00pm. Despite imposed conditions requiring the employment of door staff and control of customers' drinking, door staff do not control the behaviour of ejected customers once they have moved a few yards from the drinking establishment. Here they are no longer the responsibility of the licensed drinking establishment, nor of Environmental Health. Only the hard-pressed police have authority to act, and are seldom available to deter consequent criminal damage and anti-social behaviour.</p> <p>Recommendation: It should be a condition placed on all licensees that they are required to inform the police immediately they eject a drunken customer from their premises. Just having a system which allows "communication between premises and the police" is clearly insufficient. Public Nuisance Sub-sections 4.22 "Conditions will focus on .... noise from premises in the late evening or early morning when residents may be attempting to sleep". This highlights the problem. The noise "emanates" from the licensed premises but is caused by its customers who have left, and therefore are no longer under its</p>

control. Human Rights Sub-sections 5.3 Article 1 of the first protocol states: "every person is entitled to the peaceful enjoyment of his or her possessions". Article 8 "everyone has the right to respect for his home and private life". Each time the Licensing Authority permits regular late-night opening hours beyond 11.00pm to a premises serving alcohol as its main object, this is in the knowledge that it will lead to breaches of Articles 1 and 8. Recommendation No Alcohol Licence should ever be granted in a town like Wimborne (with its high number of residences in close proximity to public houses) that allows drinking time beyond 11.00pm except on a limited number of specified occasions. Temporary Event Notices TENs are easily exploited to avoid scrutiny. A few years ago a local night-club (which was heavily in debt and notorious for its customers who regularly created night-time disturbance) closed following the death of its owner. The premises licence subsequently lapsed due too the company being de-registered. Local residences enjoyed a full night's sleep at weekends for the first time in years. In 2019 two family members of the owner re-opened the Club for fifteen nights over five weeks by using a series of late TENs. Only after the police received complaints regarding noise and disturbance at night was any action taken. By then, of course, the damage was done and many residents had suffered from a lack of into this system for by-passing the licensing process. Recommendation Environmental Health or Dorset Police should be required to consult with local residents likely to be affected by the temporary event application, either through the Parish/town Council or directly with residents' groups, before agreeing to the event. Conclusion The Council's Licensing Policy contains many good intentions. The experience of our town-dwellers is that there is a large gap between intentions and outcomes. This is mainly due to successive Licensing Committees failing to acknowledge and take responsibility for the impact of drinkers on the town in the period after closing time, particularly if public transport has stopped running by that time. During this period, with police presence minimal, most damage and disturbance is done. A more consistent approach to limiting opening times to 11.00pm should be embedded in this policy statement.

The proposed Cumulative Impact area is shown on the above...

Remain

Please explain why you think this

As a town-centre resident of Wimborne Minster I am acutely aware of the impact of the Licensing Committee ignoring the ever-increasing impact of licensing new premises without taking into account the existing level of night-time disturbance experienced by those whose rights "to respect for home and private life\*" and "to the peaceful enjoyment of his or her possessions\*" are breached each weekend by the rowdy

Please include your comments here

There is a vast difference between the Council supporting the development of a night-time economy in a town the size of Bournemouth and in much smaller towns such as Wimborne Minster. The evolution of the economies of towns of such different sizes and built environment must be taken into account when planning and licensing decisions are made. The cultures, communities and physical character of smaller scale towns demand a greater respect for the contribution made to the town by those residents living out their lives within the town. Populations need to be stable (and in smaller towns they usually are). So much of the character of these smaller towns depends on public-spirited behaviour such as voluntary work for local institutions (in Wimborne the local museum, tourism information office, Tivoli theatre among others could not survive without the steady input from residents). Such people are driven away by late night disturbances created by organisations that contribute to a "night-time economy". The evening economy in Wimborne (that is, restaurants and pubs open until 11.00pm) serves the town well. To venture beyond this time as a means to achieve economic development will be at a heavy cost to the day-time life of the town, and consequently to the businesses that depend on tourism and the many other daily visitors to the town who are attracted by its character, not by money-making schemes aimed at extracting from, rather than giving to, the town.

Response Number	22
Proposed action arising from consultation response.	There is no proposal to introduce an early morning alcohol restriction order at this current time.
Completion date of interview	27/09/2020
I am responding as a:	Member of the public
Other (please explain)	
If you are giving the official response for an organisati...	
Your name	
Your name (unless you would rather respond anonymously)	David Yates
Please provide your postcode	DT4 8RX
Comments	<p>Firstly, I must congratulate the author(s) for producing a readable, clear and comprehensive overview of the position. As a resident of Dorset for 50 years, and of Weymouth for the last 12, it has always been known that Weymouth "has a problem" in the small hours, almost certainly owing to alcohol - an indefensibly lax attitude that has attracted badly behaved night-time visitors. Thus I have never understood why some premises have been allowed to sell alcohol until 0500 or even 0600.</p>
The proposed Cumulative Impact area is shown on the above...	Remain
Please explain why you think this	The report explains very clearly the problems in Weymouth's "centre". If it isn't already, it would seem to me that Early Morning Alcohol Restriction Orders should be imposed throughout the CIA
Please include your comments here	I am not at all convinced of the benefits of the (late) night time economy. In any event, the amenity of residents must be paramount. It is well known that law-abiding, well behaved residents try to avoid the town centre after 10pm. What an appalling indictment of the town's licensing regime.

Response Number	23
Proposed action arising from consultation response.	Policy amended at 1.2, 3.1, 3.9, 5.22 & 6.34.
Completion date of interview	28/09/2020
I am responding as a:	On behalf of an organisation
Other (please explain)	
If you are giving the official response for an organisati...	Public Health Dorset
Your name	Robert Spencer
Your name (unless you would rather respond anonymously)	
Please provide your postcode	DT1 1XJ
Comments	1.2 REMOVE Dorset Council – Public Health (Primary Care Trust) REPLACE WITH "Public Health Dorset" 3.1 ADD Dorset Health and Well Being Strategy 3.1 ADD Dorset Alcohol and Drug Strategy 3.8 Note that these priorities may change 3.9: REMOVE END OF PARAGRAPH THAT READS... and can impact on community wellbeing. It is therefore important that the council considers the impact of licensed premises and the availability of alcohol on the community as a whole. REPLACE WITH "...and can impact on personal health and community wellbeing. It is therefore important that the council considers the impact of licensed premises and the availability of alcohol on the community as a whole." 3.9 REMOVE PHRASE "alcohol abuse" REPLACE "harm arising from alcohol use on the family and others" 5.20 ADD "Any outside event should have a drug policy and a link to local drug and alcohol services with the potential use of drug testing at outside events to reduce fatalities". 6.34 DELETE BULLET POINT "Sale of Alcohol 6.34 DELETE BULLET POINT "The ability for people with mental health or alcohol problems to easily obtain alcohol. REPLACE WITH "The ability for vulnerable adults and YP with alcohol problems to easily obtain alcohol."
The proposed Cumulative Impact area is shown on the above...	Remain
Please explain why you think this	
Please include your comments here	

Response Number	24
Proposed action arising from consultation response.	Policy amended at 1.2
Completion date of interview	28/09/2020
I am responding as a:	On behalf of an organisation
Other (please explain)	
If you are giving the official response for an organisati...	Dorset & Wiltshire Fire and Rescue Service
Your name	Graham Kewley
Your name (unless you would rather respond anonymously)	
Please provide your postcode	SP1 3NR
Comments	Reference to responsible authority for fire safety should be: Dorset & Wiltshire Fire and Rescue Service (not Dorset Fire and Rescue) Any reference to address for paper submission if included should give the full address as Dorset & Wiltshire Fire and Rescue Service Five Rivers Health and Wellbeing Centre Hulse Road Salisbury SP1 3NR Electronic submissions may be made at <a href="mailto:fire.safety@dwfire.org.uk">fire.safety@dwfire.org.uk</a>
The proposed Cumulative Impact area is shown on the above...	Don't know
Please explain why you think this	
Please include your comments here	