



# Council

**Date:** Thursday, 10 December 2020  
**Time:** 6.30 pm  
**Venue:** A link to the meeting can be found on the front page of the agenda.

## Membership: (Quorum 21)

The Council membership is listed on the following page.

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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 contact Democratic Services - [susan.dallison@dorsetcouncil.gov.uk](mailto:susan.dallison@dorsetcouncil.gov.uk)**

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Due to the current coronavirus pandemic the Council has reviewed its approach to holding council meetings. Members of the public are welcome to view the meeting on line by using the following link to access the Dorset Council meeting.

[Link to Meeting](#)

Members of the public wishing to view the meeting from an i phone, i pad, or android phone will need to down the free Microsoft Team 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.

## Recording, photographing and using social media at meetings

Dorset Council is committed to being open and transparent in the way it carries out its business whenever possible. Anyone can film, audio-record, take photographs, and use social media such as tweeting and blogging to report the meeting when it is open to the public, so long as they conform to the Protocol for filming and audio recording of public council meetings.

A recording of the meeting will be available on the council's website after the event.

## Membership of Dorset Council

|  |   |
|--|---|
| Anthony Alford<br>Jon Andrews<br>Rod Adkins<br>Michael Barron<br>Peter Barrow<br>Shane Bartlett<br>Pauline Batstone<br>Derek Beer<br>Richard Biggs<br>David Bolwell<br>Alexandra Brenton<br>Cherry Brooks<br>Piers Brown<br>Ray Bryan<br>Andrew Canning<br>Graham Carr-Jones<br>Simon Christopher<br>Kelvin Clayton<br>Susan Cocking<br>Robin Cook<br>Tim Cook<br>Toni Coombs<br>Janet Dover<br>Jean Dunseith<br>Mike Dyer<br>Beryl Ezzard<br>Tony Ferrari<br>Spencer Flower<br>Les Fry<br>Simon Gibson<br>Barry Goringe<br>David Gray<br>Matthew Hall<br>Paul Harrison<br>Jill Haynes<br>Brian Heatley<br>Ryan Holloway<br>Ryan Hope<br>Robert Hughes<br>Nick Ireland<br>Sherry Jespersen<br>Carole Jones | Stella Jones<br>Andrew Kerby<br>Paul Kimber<br>Rebecca Knox<br>Noc Lacey-Clarke<br>Howard Legg<br>Robin Legg<br>Cathy Lugg<br>Laura Miller<br>David Morgan<br>Louie O'Leary<br>Jon Orrell<br>Emma Parker<br>Mike Parkes<br>Andrew Parry<br>Mary Penfold<br>Bill Pipe<br>Valerie Potheary<br>Byron Quayle<br>Molly Rennie<br>Belinda Ridout<br>Mark Roberts<br>Julie Robinson<br>Maria Roe<br>David Shortell<br>Jane Somper<br>Andrew Starr<br>Gary Suttle<br>Clare Sutton<br>Roland Tarr<br>David Taylor<br>Gill Taylor<br>David Tooke<br>William Trite<br>Daryl Turner<br>David Walsh<br>Peter Wharf<br>Kate Wheller<br>Sarah Williams<br>John Worth |
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# A G E N D A

## Page No.

### 1 MINUTES

7 - 32

To confirm the minutes of the meeting held on 15 October 2020.

### 2 APOLOGIES

To receive any apologies for absence.

### 3 DECLARATIONS OF INTEREST

To receive any declarations of interest.

### 4 CHAIRMAN'S ANNOUNCEMENTS

To receive any announcements from the Chairman of Council.

### 5 PUBLIC PARTICIPATION - QUESTIONS AND STATEMENTS

A period of 30 minutes is allocated to receive and respond to questions and statements on the business of the Council in the following order:

- (a) Questions and statements from Town and Parish Councils;
- (b) Questions and statements from those living or working in the Dorset Council area;

A person or organisation can ask either 2 questions, or 2 statements or 1 question and 1 statement at each meeting.

**\*\*Important\*\*The full text of the question or statement must be received by 8.30am on Monday 7 December 2020 and each question or statement is limited to 450 words.**

Due to the Coronavirus pandemic public speaking has been suspended, however questions and statements will be published on the website and the Chairman of Council will decide whether a question or statement is to be read out aloud in whole, in part or not at all in the meeting. The Chairman will invite the relevant member to respond to the questions and statements at the meeting.

Details of the Council's procedure rules can be found at: [Public Participation at Full Council](#)

## **6 PUBLIC PARTICIPATION - PETITIONS AND DEPUTATIONS**

A period of 15 minutes is allocated to receive and respond to petitions in accordance with the council's petitions scheme.

A period of 15 minutes is allocated to receive and respond to deputations in accordance with the council's constitution.

The petitions scheme and procedures relating to deputations can be viewed at :

[Temporary Council Procedure Rules](#)

## **7 ANNOUNCEMENTS AND REPORTS FROM THE LEADER OF COUNCIL AND CABINET MEMBERS**

To receive any announcements and reports from the Leader of Council and members of the Cabinet.

## **8 QUESTIONS FROM COUNCILLORS**

To receive questions submitted by councillors. The deadline for receipt of questions is 8.30am on Monday 7 December 2020.

## **9 HARBOUR REVISION ORDER - BRIDPORT AND LYME REGIS 33 - 38**

To consider a recommendation by the Harbours Committee.

## **10 TERMS OF REFERENCE FOR THE DORSET COUNCIL HARBOURS CONSULTATIVE GROUPS 39 - 52**

To consider a recommendation from the Harbours Committee.

## **11 STATEMENT OF GAMBLING LICENSING POLICY 2021 - 2024 53 - 128**

To consider a recommendation from the Licensing Committee.

## **12 STATEMENT OF LICENSING POLICY 2021 - 2026 129 - 252**

To consider a recommendation from the Licensing Committee.

## **13 DORSET COUNCIL HOUSING ALLOCATIONS POLICY 2021 - 2026 253 - 382**

To consider a recommendation from Cabinet.

## **14 NOTICE OF MOTION - PROPOSED BY CLLR L O'LEARY**

On Remembrance Day when as a nation we pause to recognise the sacrifice made by those who serve to defend our democratic freedoms and way of life activists from Extinction Rebellion hung a climate change banner in front of the Cenotaph.

That Dorset Council condemns the behaviour and actions of Extinction Rebellion for their actions at the Cenotaph and their total disregard of those who gave the ultimate sacrifice; and for their continued disregard of the law

Proposed by Cllr L O'Leary

Seconded by Cllr B Pipe

Supported by:

Cllr Cathy Lugg

Cllr John Worth

Cllr Susan Cockings

Cllr Andrew Kerby

Cllr Emma Parker

Cllr Bill Trite

Cllr Simon Christopher

Cllr Mike Parkes

In accordance with Procedure Rule 14.3 (a) this Notice of Motion, upon being proposed and seconded, will be debated by Full Council.

## **15 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.

## **16 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.

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## **DORSET COUNCIL**

### **MINUTES OF MEETING HELD ON THURSDAY 15 OCTOBER 2020**

**Present:** Cllrs Tony Alford, Jon Andrews, Mike Barron, Richard Biggs, Cherry Brooks, Dave Bolwell, Alex Brenton, Piers Brown, Graham Carr-Jones, Simon Christopher, Kelvin Clayton, Robin Cook, Janet Dover, Jean Dunseith, Matthew Hall, Paul Harrison, Sherry Jespersen, Carole Jones, Stella Jones, Andrew Kerby, Rebecca Knox, Nocturin Lacey-Clarke, Howard Legg, Robin Legg, Jon Orrell, Andrew Parry, Mary Penfold, Bill Pipe, Byron Quayle, Molly Rennie, Maria Roe, Jane Somper, Clare Sutton, David Taylor, David Tooke, Daryl Turner, Kate Wheller, Sarah Williams, John Worth, Jill Haynes, Mike Dyer, Mike Parkes (Vice-Chairman), Ryan Hope, Rob Hughes, Tony Ferrari, Beryl Ezzard, Andrew Starr, Derek Beer, David Walsh, Cathy Lugg, David Gray, Toni Coombs, Gill Taylor, Barry Goringe, Pete Barrow, Brian Heatley, Ryan Holloway, Pauline Batstone, Tim Cook, Nick Ireland, Andy Canning, Paul Kimber, Laura Miller, David Morgan, Louie O'Leary, Ray Bryan, Shane Bartlett, Val Potheary (Chairman), Belinda Ridout, Julie Robinson, Spencer Flower, David Shortell, Susan Cocking, Gary Suttle, Roland Tarr, Simon Gibson, Bill Trite, Les Fry, Peter Wharf and Rod Adkins

**Apologies:** Cllrs Emma Parker and Mark Roberts

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

Susan Dallison (Democratic Services Manager), Matt Prosser (Chief Executive), Hayley Caves (Member Development and Support Officer), Kate Critchel (Senior Democratic Services Officer), Jacqui Andrews (Service Manager for Democratic and Electoral Services), Vivienne Broadhurst (Interim Executive Director - People Adults), Grace Evans (Head of Legal Services and Deputy Monitoring Officer), Andy Frost (Community Safety and Drug Action Manager) and Theresa Leavy (Executive Director of People - Children)

**19. Minutes**

The minutes of the meeting held on 3 September 2020 were confirmed and would be signed by the Chairman at a date in the future.

**20. Declarations of Interest**

No declarations of disclosable pecuniary interests were made at the meeting.

**21. Chairman's Announcements**

The Chairman reported on the death of Hon Alderman Andy Hutchings, who had served on the former Weymouth & Portland Borough Council. She paid tribute to him and his service to Dorset.

A minutes silence was held as a mark of respect.

**22. Public Participation - Questions and Statements**

Public questions, statements and the responses from the Leader of the Council and appropriate Portfolio Holders are set out in Appendix 1 attached to these minutes.

**23. Public participation - petitions and deputations**

There were no petitions or deputations.

**24. Announcements and Reports from the Leader of Council and Cabinet Members**

The Leader of the Council reported on a number of important matters which shaped council policy and direction of travel for the delivery of vital front-line services. He referred to the continuing budget pressures largely caused by the impact of COVID -19 and the need for further transformation following the creation of Dorset Council.

The Leader of the Council also updated members on a number of matters and reported:-

- that Cabinet had approved the draft Action Plan covering the period leading up to the council being carbon neutral by 2040.
- on the challenges and service pressures the council faced in preparation of the 2021-2022 budget.
- that the team at Public Health continued to monitor the situation following the increase in COVID case number in the area and stressed the importance to be vigilant and advised that the situation continued to monitored locally
- on the work of the COVID Recovery and Reset and the Dorset Local Plan EAP's.

Following the last meeting of council, the Portfolio Holder for Customer and Community Services advised that she would investigate issues around missed domestic waste collection in and around the Wareham area and report back to this meeting. She reported that following a recruitment process, appointments had be made and new staff would be starting shortly. In addition following problems with vehicles having mechanical breakdowns, a number of replacement vehicles had now been ordered. She was now satisfied that appropriate steps had been taken to resolve the issues raised about the service in the Wareham area.

However so that members could better understand local issues and meet with depot supervisors, the Portfolio Holder was setting up a number of virtual meeting. She urged members to attend these sessions.

**25. Questions from Councillors**



Questions put by councillors to the Leader and relevant Portfolio Holders are attached to these minutes at Appendix 2, together with the responses.

Responding to a supplementary question from Cllr Ireland, the Portfolio Holder for Planning confirmed that the council must deliver a 5 year land supply to meet the needs of the community. However, it was important to provide the right type of land for housing within the right area. Work to meet this need continued.

**26. Community Safety Plan 2020-2023**

The Portfolio Holder for Housing & Community Safety set out the recommendation from Cabinet. He reported that the Community Safety Partnership was required to produce a three year Community Safety Plan that was revised annually. The Portfolio Holder confirmed that Dorset Council was under a legal duty to work with the responsible authorities to identify and tackle community safety issues in its area and recommended the Plan for adoption.

In response to questions, the Portfolio Holder agreed to look at including method to measure progress including targets and timescales within the body any future Plan document.

It was proposed by Cllr G Carr-Jones seconded by Cllr B Pipe

Decision

That the Community Plan for 2020-23 be adopted.

**27. Approval of Youth Justice Plan 2020-21**

In proposing the Annual Youth Justice Plan for approval, the Portfolio Holder for Children, Education, Skills and Early Help advised that the plan had been considered and supported by both People & Health Scrutiny Committee and Cabinet.

The recommendation was seconded by Cllr J Somper

Decision

That the Youth Justice Plan for 2020-21 be approved.

**28. Children and Young People and Families' Plan 2020 - 2023**

Prior to considering the report, a short film was played in which children and young people gave their views on what they'd like to see in Dorset to make it a great place to live. This was used to inform the new Children, Young People and Families Plan.

The Portfolio Holder for Corporate Development and Change, who Chaired the panel for Strategic Alliance for Children and Young People, introduced the work of the panel and proposed the adoption of the Plan.

The Portfolio Holder for Children, Education, Skills and Early Help seconded the adoption of the Plan which had identified priorities through needs analysis, an initial workshop and a series of think tanks. He asked the council to support its adoption.

Members welcomed and spoke in support the plan before them and the focus on improving outcomes for all children and young people through the six priorities detailed within the plan. The Portfolio Holder confirmed that in respect of the needs of care leavers, the council wanted to ensure that it could continue support their transition into adulthood.

Decision

That the Children, Young People and Families Plan 2020-23 be adopted.

**29. Climate Change Notice of Motion**

The Portfolio Holder for Highways, Travel and Environment reported that he had intended to present a report on the Climate Change Notice of Motion. However, upon reflection, he considered the timings to be inappropriate and the item should be deferred.

Responding to the Motion at this time would result in a debate and potentially a decision being made around the climate strategy itself. This would not be appropriate at this time, as the public consultation had not yet started on the draft Strategy and Action Plan. Feedback from the consultation would help finalise the plan. Therefore it was not appropriate to discuss the report at this time.

**30. Urgent items**

There were no urgent items to report.

**31. Exempt Business**

There were no exempt reports.

**Appendix 1 - Public Participation Q&A's**  
**Appendix 2 Councillor Q&A's**

**Duration of meeting:** 6.30 - 8.55 pm

**Chairman**

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**Full Council  
15 October 2020  
Public Participation**

**Question 1**

**Submitted by: Geoffrey Chopping**

The Ministry of Housing Communities and Local Government produced a white paper entitled PLANNING FOR THE FUTURE in August 2020. The paper suggests some radical proposals to reform the planning process, in order to speed up the planning process, with land being classified as: Growth Areas; Renewal Areas; and Protected Areas.

Six paragraphs within the paper mention the Green Belt. It is clear, from those 6 paragraphs, that it is the intention of the Government that the Green Belt should be excluded from consideration as land for development.

The width of the green belt between Wimborne and Furzehill was approximately halved in 2014. The white paper proposes that the quantity and allocation of new housing, would be decided by an algorithm, (sometimes called the mutant planning algorithm) which proposes a large increase in development in the Dorset Council area. According to the current analysis by Lichfields, this is an increase of 41.7% on the current local plan annual requirement of 1464 rising to 2075 by the proposed new standard method.

Will Dorset Council accept the government proposal, that Green Belt Land should be protected from development, and consequently will Dorset Council confirm that current Green Belt areas, within Dorset and in particular around Wimborne and near Furzehill, will be classified as Protected Areas, where development is restricted, as stated on page 20 of the white paper?

**Response by Councillor David Walsh**

The proposed changes to the national planning system have been published for consultation and the council's response to the consultation was considered at the October meeting of Cabinet.

Green belt is strongly protected under current national and local planning policy, and this is expected to continue under the new system. It is however possible to amend the boundaries through the local plan process if there are exceptional circumstances to justify it, and this would be considered through the preparation of the local plan, including public consultation.

We do not yet know whether the White Paper proposals will be changed as a result of the consultation before they are implemented. But if the proposals are

implemented as set out, the council will need to meet a binding housing target, and will need to identify sufficient land as growth or renewal areas to meet that target. This land will need to be in locations that minimise the distances that people need to travel to meet their everyday needs.

It would be premature to commit now to the inclusion of specific pieces of land into any of the three categories. But consultation would take place at the start of the process to enable people to make proposals as to which category they believe certain areas of land should be in.

In relation to housing numbers and the standard methodology for calculating them, it is important to be aware that there are two separate government consultations that have taken place recently.

One of these sets out interim changes to the current national methodology for calculating housing numbers. These would need to be used before the White Paper changes come into effect, and it is these changes that result in the numbers that Lichfields have calculated and that Mr Chopping's question quotes. We will need to use these as the basis for progressing the local plan at the current time, but if the White Paper proposals come into effect then targets will be changed again.

The White Paper proposes that under the new system there would be binding housing targets. These would be based on a standard methodology, but one that takes account of environmental constraints as well as factors such as household forecasts, current housing stock and housing affordability. No further detail of this methodology has been published yet, but we expect there to be further consultation on it next year, and will make sure that we respond.

## **Question 2**

**Submitted by: Cllr Alistair Chisholm, Independent Councillor Dorchester Town Council**

In what way, precisely, will the building of 4000 houses immediately beyond the water meadows of the river Frome north of Dorchester (a proposal very likely to feature in the Dorset Council Local Plan early in 2021) "enhance"\* the landscape of Thomas Hardy's birth parish of Stinsford or, as he termed it in his writing, "Mellstock"?

- the word used by Turnberry, the consultants employed by the North Dorchester Consortium.

## **Response by Cllr David Walsh**

The new local plan is still being developed: Cabinet is due to consider a draft consultation document in December, before widespread public consultation in the New Year. So I cannot at this stage give precise details of what will be in it.

The previous consultation carried out on the West Dorset, Weymouth and Portland local plan, however, included the land north of Dorchester and set out a draft policy indicating a wide range of requirements for any potential development in this location. These included significant copse planting to break up the built form in views from the AONB; the provision of a local nature reserve at the water meadows; and creating opportunities for heritage-led tourism and greater interpretation and appreciation of the heritage assets of the area.

A detailed assessment of the implications for the heritage associated with the north of Dorchester area is currently being prepared. This will enable any development in this location to understand fully and respond positively to the historic environment.

It is good practice to seek environmental enhancements in association with new housing development. This now includes the national expectation of 'biodiversity net gain' which we would be requiring on this and other development sites in the emerging local plan.

### **Question 3**

**Submitted by: Cllr Alistair Chisholm, Independent Councillor Dorchester Town Council**

Given that West Dorset's Member of Parliament, Chris Loder, is opposed to the development of 4000 houses immediately north of Dorchester, how will you use this fact to Dorset's advantage in the protection of its remaining rich biodiversity and the fight against climate change – neither of which would be advanced by slavish adherence to the government's inflated housing targets for the county?

### **Response by Cllr Ray Bryan**

If Dorset Council is to plan positively for the future of its area and retain control over future planning decisions, it is vital that we have an up to date local plan that provides sufficient land for new housing, as well as setting out our requirements for biodiversity, transport and infrastructure. Local plans are independently examined and must demonstrate that they are meeting national policy if they are to progress to adoption. At the moment, the national methodology for setting housing requirements is the starting point, which should be followed unless there are exceptional circumstances. Under the proposals in the government's planning white paper, however, nationally set housing numbers may become binding on local councils.

Sustainable development is the aim of the planning system and there is much that can be done to make sure that development minimises future climate

change. Development in sustainable locations where people can access jobs and services reducing the need to travel by car is critical, and will be a guiding principle in our local plan. This is why the larger settlements such as Dorchester, which already have a wide range of facilities, are being considered. Energy efficiency in new buildings is also vital, and national building regulations are being strengthened so as to achieve this.

Dorset has exceptional biodiversity and this is a very high priority when considering development potential. Areas such as the Dorset Heathlands receive the highest level of national protection and we have local policies to mitigate against any harm to them, through the provision of alternative recreation areas in conjunction with development. And all development will in future be expected to provide a net gain for biodiversity including through the provision of green infrastructure.



**Full Council  
15 October 2020  
Councillor Questions and Responses**

**Question 1**

**Submitted by Cllr Louie O’Leary**

As someone who was proudly born in a council house under the former Weymouth and Portland housing board I know that housing is one of the most important jobs of local government. I believe that since the decline in social housing stock due to Right to buy a policy I wholeheartedly support and the remainder being taken over by housing associations councils no longer have housing committees and as a result I believe councillors and residents who are social housing tenants feel more and more powerless over the vital service of social housing. Members often find that families with genuine housing needs and local connections are overlooked angering local residents and seeing a massive breakdown in traditional communities such as mine that are strongly based around social housing provision. Will the council commit to creating a housing committee once again where members can hold housing associations and relevant officers to account on this vital issue as well as supporting the creation of resident led tenants associations to give residents a voice. Taxpayers money built these houses something that should not be forgotten. We must bring accountability to housing and re-build trust between ratepayers, tenants, members and housing associations.

**Response by Cllr Graham Carr-Jones**

We have identified ‘Suitable Housing’ as one of the five key priorities within the Council’s Plan for 2020 to 2024. In the plan, we state very clearly that we will work with registered housing providers, community land trusts and local housing partners to deliver affordable, suitable and decent housing. Housing Associations and Registered Providers (RPs) of housing are vitally important partners to the council in the provision of suitable homes for our residents, and also contributing to strong, healthy, safe and thriving communities.

Locally active Housing Associations and Registered Providers are all closely engaged with council officers and Lead Members. This includes regular meetings to monitor all of the work they do in our area, including the management, letting and maintenance of their housing stock. This also includes important joint work to fund and provide new affordable homes. As portfolio holder for Housing, I am close to these important relationships with the key partners and work with officers to make sure that the interests of residents and the council are promoted.

Registered Providers are independent organisations with their own systems of accountability in place – also being expected by their own regulator to take account of the views and interests of their tenants and leaseholders. In the event of a complaint, a tenant or leaseholder is encouraged to go directly to them in the first instance – with the Housing Ombudsman available where there is a question of service failure. Direct communications with a councillor or MP about an issue are expected to receive the appropriate response from parties concerned.

We have established a strong system of governance within the council to oversee and scrutinise our Housing policies. It is not necessary to introduce a separate Housing Committee, as there is a good focus on the range of points you raise. There is also an ongoing process of overview and scrutiny to look at developing strategies, issues and matters for decision. This includes current plans to draw the work of Registered Providers into our Scrutiny programmes. A new Housing Allocations policy will be coming to Cabinet and full Council in November and December. This has been through a substantial period of public consultation, involving many elected members.

**Question 2 submitted by Cllr Susan Cocking, Cllr Rob Hughes, Cllr John Worth and Cllr Louie O'Leary**

We hear on a regular basis how Weymouth Portland and Chickerell is plagued by economic deprivation, a low skilled economy based around seasonal jobs and also state funded public sector jobs many of us and our families have seen the effects of de-industrialisation the decline of our fishing, engineering and shipping industry. With Portland port doing so well over the past couple of years, and a potential rebirth of our fishing industry on the cards as well as the need to protect the remaining high skills jobs we have many based on Portland and the Grandby Industrial estate will this council actively commit to fight for the Western relief road? This road has the backing of major industry, big business small business, the civic society, and many residents plagued by living in a congested mess on Weymouth's north side and low pay or insecure jobs on North side areas such as Melcombe Regis and Littlemoor. It's time to bring Weymouth Portland and Chickerell forward and complete this vital missing link in the puzzle of economic pro-growth and diversity. This road has other benefits it will take traffic out of residential roads in Rodwell and Wyke, make the school run in those areas safer for thousands of school children, stop the rat run along South Harbourside and Cross road, reduce air pollution on Boothill and return Lanehouse rocks road to a quieter state. Please commit to fight for this vitally important route we need to show central government that we mean business

## **Response by Cllr Ray Bryan**

Until the A354 between Weymouth and Portland is recognised by Government as being crucial to driving economic growth in Dorset and adds it to the Major Road Network, there will be no Government funding available for a new road to bypass it. Without this recognition and funding any proposed scheme is unachievable. Dorset Council has made this case but it has not been accepted.

Central Government has also made it very clear that road building should be the last resort in any area's transport strategy. Highway Authorities must exhaust all other opportunities to reduce traffic on the road that is proposed to be bypassed to reduce environmental damage. We need to be changing our outlook and behaviour to take unnecessary short-distance car journeys off the road by providing alternative, safe and reliable modes of travel.

In line with the Government's plans to de-carbonise our transport system and Dorset Council's Climate & Ecological Emergency Action Plan, our ongoing work along this route includes investment in walking and cycling options, review of parking and loading restrictions to help the flow of traffic - particularly to improve bus and HGV journey time reliability and consideration of junction improvements.

This year's pandemic has clearly affected travel behaviour and indeed whether people travel at all. Home working, online shopping, increased walking, cycling and staggered school times have changed travel patterns meaning less peak time congestion and improved journey times at certain times of day. Government is keen to lock in the health and economic benefits of improved air quality and increased physical activity by delivering active travel schemes and this is our current focus for Weymouth.

## **Question 3 submitted by Cllr Maria Roe**

### Tree Policy

In January 2019 Dorset Council added a Tree Planting and Climate Emergency paper on its website. It is still there.

It states that Dorset Council is investigating in-house tree planting on land owned by Dorset Council and a group has been established to make recommendations by April 2020. It also states that moving forward and in order to contribute effectively to the Climate Change and Ecological Emergency we will determine a realistic number of trees to be planted annually on Dorset Council land and identify a budget or alternative funding streams to carry out this work. Given that many councils have added doubling the amount of trees on their land to their climate emergency plans this is a positive statement. However, I cannot see anything in the action plan that gives us an indication of a budget or a number of

trees to be planted. The policy document states that within the current policies, there is an onus on us to replace every tree that we must remove for safety reasons on the highway verge. However, there is no specific budget allocation to replace these trees and this cost must be found from within the existing maintenance budget or from income that we have generated. This can mean that tree planting to replace the trees along the highway is not guaranteed.

I should like to know when we can expect a Dorset Council tree policy which includes the number of trees that it will plant on its own land with a timeline for this to be achieved?

### **Response by Cllr Ray Bryan**

The original Tree Planting and Climate Emergency paper was a holding response at the request of the EAP before the work on the Strategy was complete. The paper has now been superseded by the Climate and Ecological Emergency Strategy and Action Plans that will shortly be published for consultation.

The updated Tree Policy is complete in draft and will be presented to Council for adoption in December. The Tree Policy deals primarily with the Council's approach to management of its tree stock, especially in relation to safety inspections and reactive works. The Tree Policy does include commitments around the planting of new trees but does not set any specific targets for new tree planting in relation to climate change.

The primary objective of tree planting in terms of Climate and Ecological Emergency response is to increase carbon sequestration and biodiversity value. Whilst tree planting does provide a valuable contribution towards these outcomes it is by no means the only option and in many cases not the most effective or suitable.

There are many areas in Dorset where due to landscape character, habitat type (unimproved grassland or heathland as examples), ground conditions or practicalities (highway verge or land use classification) considerations there are many other options to provide carbon sequestration and biodiversity improvements.

In order to capture the technicalities and deliver the most effective biodiversity and carbon sequestration benefits we have actioned the work as follows in the Climate and Ecological Action Plan – which will in all cases include tree planting wherever possible.

- 'Identify areas on Dorset Council land to enhance ecological value, carbon sequestration and climate resilience (surface water runoff and natural flood management)'

- 'Develop a scientifically robust approach to identify & monitor carbon sequestration values of council owned open space'
- 'Creation of suitable high ecological value areas on council land (incl. bee-friendly, wild flower, hedge & woodland planting zones) & areas for carbon sequestration & climate resilience'

Work on these actions will begin as a priority following public consultation and be published as part of the ongoing monitoring and review process in 2021

#### **Question 4 submitted by Cllr Cathy Lugg**

I have had a number of complaints recently, from residents, about dog fouling in Ferndown.

One of these was about a dog waste bin which had been removed from a local nature reserve, Slop Bog, and the pile of dog waste bags that were now building up at the site.

Thinking it easy to resolve, I contacted DWP to find out when a replacement would be installed. Oh, that it was only that simple. I am told that when our waste service transferred to DWP in 2012, dog and litter waste bins were not formally part of the contract. Dog waste bins, DWP have, informally, continued to replace bins with black wheelie bins. These are better because they can be used for litter and dog waste, emptied during normal bin deliveries and can go to normal depots to be emptied. However these bins need new stands and concrete fixings to stop them disappearing, and there is no budget for this. Various means have been used. Where there is a Countryside and Greenspace Ranger, and the site is vulnerable to dog waste, there might be money in their budget. Towns and Parish Councils might be willing to fund, especially if they would prefer dedicated dog waste bins, but there is no consistency. With less and less money available this gets trickier and some bins are not being replaced, leaving unacceptable dog fouling. I have had several reports from residents that dog walkers are putting their waste in accessible household bins, including garden waste bins. Not very fair if you don't have a dog. In an ideal world responsible dog owners would take their waste home to dispose, however we all know this doesn't always happen. What are we doing about this as a council? If we are considering asking Towns and Parish Councils to pay for replacements, can we please have those conversations now before budgets are set for next year? As a matter of urgency, can I please ask the Cabinet member concerned to look into this matter, before Ferndown disappears under a tide of dog waste?

## **Response by Cllr J Haynes**

The dog bin at Slop Bog was removed because the post had rotted through and when the new post has arrived this bin will be replaced with a wheeled bin that can be used for dog waste and general litter. During the time that the bin is not there any waste left there will continue to be collected. We not aware of any other dog bin related issues in that area.

Dorset council waste services continue to service the bins which came across to DWP when the district and boroughs joined. In 2015 the then DWP joint committee approved the replacement of dog bins with wheeled bins where waste could be mixed. This practice is continuing today.

Any additional bins requested by a town or parish council are charged as a paid service to the respective council. Funding is available in each operational depot for posts and installation.

Dorset Council encourages responsible dog ownership – if there isn't a dog waste bin, the bag can be put in any suitable litter bin, or alternatively taken home and deposited in the household refuse bin. Failure to clean up after your dog in any area that is open to the public may result in a fixed penalty fine.

## **Questions 5 & 6 submitted by Cllr Nick Ireland**

A planning decision last week concerning the village of Loders in West Dorset highlighted the fact that many Neighbourhood Plans which have been adopted or 'made' are now essentially worthless and carry no weight. In simple terms, if they are more than two years old and the vestigial planning area that they 'belong' to i.e. North Dorset, West Dorset etc. doesn't have a demonstrable five-year housing supply, then the Neighbour Plan goes in the bin. I know full well how much time, effort and financial cost is involved in taking a Neighbourhood Plan from birth to adoption and our local communities have been actively encouraged to pursue the process.

The current government webpage on NPs states ...

*"Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like and what infrastructure should be provided, and grant planning permission for the new buildings they want to see go ahead. Neighbourhood planning provides a powerful set of tools for local people to plan for the types of development to meet their community's needs"*

... and so it is galling for our local communities to find out the fruits of their hard work and hopes for increased local democracy have a shelf-life of two years through no fault of their own.

There are approximately 20 adopted local plans in our council area, some of which are now regarded via the current situation as 'out of date' and many more about to be similarly 'shredded' next year. Another 10 or so are in various states of progress (including some in the final referendum stage, postponed until at least May 2021).

It seems that the lack of a five-year housing supply will likely get worse, at least for several years, rather than improve, and hence there is no prospect of this form of local democracy being returned to the towns and parishes of Dorset. There is also the possibility of NPs being essentially extinguished at the stroke of a Minister's pen if the planning White Paper proceeds to legislation.

My two questions are thus:

What cunning scheme does the portfolio holder have to restore the Neighbourhood Plan back to its proper place in the planning decision process?

What advice does he give to those still in the process of creating a Neighbourhood Plan when indications are that it may well all be for nought?

### **Response by Cllr David Walsh**

Neighbourhood plans, like local plans, form part of the statutory development plan for the council area.

Under current national planning policy, a local planning authority that does not have the required five-year supply of land for housing is not able to give as much weight to its local planning policies relating to the supply of housing, in making decisions on planning applications.

This applies to policies in neighbourhood plans as well as local plans, but there is an additional protection for neighbourhood plan policies, as referred to in the question. Where there is a neighbourhood plan, that has been made within the last two years and that makes allocations of land for new housing development, its policies only lose weight if the housing land supply is below three years.

Having a neighbourhood plan is definitely an advantage for its first two years, if the council does not have a five year land supply.

But the neighbourhood plan does not become worthless after the two years. It is only the policies relevant to housing supply that start to carry less weight. And if the council regains its five year land supply then the policies could be given full

weight again – though it must be recognised that all plans need to be reviewed and will not last forever.

The consultation on the planning white paper leaves many questions unanswered in relation to the intended role of neighbourhood planning, though it does support their continuation. We have raised this matter in our consultation response as considered by Cabinet last week.

And in terms of advice to groups considering starting work on a neighbourhood plan, the council has always stressed the fact that neighbourhood plans are about planning positively for future development in their areas, and a neighbourhood plan that makes provision for development is more likely to be effective.

#### **Question 7 submitted by Cllr Robin Legg**

The Government's online guidance note about the Rule of Six restriction which is set out in Covid-19 (safer public places) says in section 2.7 that those running events following Covid-19 secure guidelines should take additional steps to ensure the safety of the public and prevent large gatherings or mass events from taking place.

With Remembrance Sunday approaching many will be left wondering whether this important event can be marked in the traditional way.

However, there is a confusing gap between the online advice and the law as set out in the Health Protection (Coronavirus, Restrictions) (No.2) (England) Regulations 2020. It would appear that many large gatherings are lawful if the event is one which can pass the "excepted gathering" test. It seems to me that if acts of remembrance are to take place then we may be called upon to decide if highways are premises operated by a public body, if a public outdoor space is the same thing as a public outdoor place (which includes a highway) and whether a parade is a relevant outdoor activity. Unlike the advice the regulations are far from simple.

Is the Leader similarly confused by this mixed message from the Government and will appropriately organised and risk assessed acts of remembrance be possible next month?

#### **Response by Cllr David Walsh**

Although rates of transmission of covid-19 within Dorset remain low the situation faced nationally and globally is a very serious one. If there is confusion then this may reflect what is a rapidly changing situation. Regulations and guidance in



place at the time when Cllr Legg submitted his question may well have changed by the time of the full Council meeting.

The Royal British Legion has prepared a 2020 Remembrance Overview. This suggests that under current restrictions we all have to think differently about how we engage and interact with our neighbours or our wider communities. To ensure that national and local acts of Remembrance can still take place the overview provides some ideas for how we all might want to consider remembering this year whilst keeping ourselves and others safe. I encourage all members to look at the 2020 Remembrance Overview on the Royal British Legion website.

As will be the case across the country during this pandemic, the Dorset Council Remembrance Service this year will be very different from the remembrance service that we are all used to. Staff and Councillors of Dorset Council will not be invited to attend what will be a short, socially distanced service at the Cenotaph at County Hall, Dorchester led by Revd John Yarrien with a maximum of eight wreaths being laid. A bugler will be attendance standing away from others on the raised platform behind the Cenotaph. The Lord Lieutenant and Major Dan Tanner will read the Exhortation and Kohima respectively, and invitations have been strictly limited with a maximum of 14 persons in attendance.

The Chairman will ensure that the service complies with any restrictions or guidance in place at the time of the Service.

#### **Question 8 submitted by Cllr Robin Legg**

I note with astonishment and concern that at the meeting of the cabinet earlier this month members were faced with an agenda and associated reports running to 812 pages. In less than three months cabinet members have comfortably read more pages than are contained in Tolstoy's epic "War and Peace". Does this feat cause the Leader to reflect with pride on their achievement or raise a doubt in his mind about how the effective management of the authority can be properly conducted through a cabinet governance structure.

#### **Response by Cllr Spencer Flower**

The benefits of Cabinet style local government is acknowledged to deliver greater efficiency, transparency and accountability to the decision-making process. That is the general view shared across the Local Government Sector. Members should all be very proud of what we have achieved in the past 18 months. Dorset Council governance was acknowledged during the LGA Corporate Peer Review, which took place during the Autumn of 2019, as having created a well-functioning Cabinet and governance structure supported by a strong cross-party ethos of collaborative working across the chamber.

Cllr Legg's question concerns the Cabinet meeting of the 6 October. The agenda for this meeting did have an exceptional number of items. This resulted in the meeting lasting a few minutes short of three and a half hours.

Members will be aware that due to the unprecedented COVID-19 Pandemic a significant amount of the 'business as usual' items had to be put on hold, to allow officers to be seconded to deal with the crisis, which has and will continue to impact on the number of individual reports coming to Cabinet.

The importance of the key roles played by the Audit and Governance Committee, the Overview Committees and the Scrutiny Committees cannot be overstated. It is worth noting that a significant number of the reports before Cabinet on the 6 October had been seen, commented on and/or endorsed by one or more of these committees. Two reports, notably the Climate and Ecological Change and the review of Leisure Provision had benefited from a significant involvement by cross party EAP's both over a prolonged period of time.

This level of member involvement cross-party is extremely helpful to Cabinet and demonstrates the healthy checks and balances which are so essential in ensuring the council maintains a sound and progressive governance structure fit for the 21 Century and the size of Dorset Council, which has a net budget exceeding £300.0m pa.

#### **Question 9 submitted by Cllr Brian Heatley**

The Draft Climate & Ecological Emergency Strategy issued on 15 July 2020 sets out on page 21 a proposed trajectory for Dorset's emissions from now down to zero by 2050 and claims that this trajectory produces total emissions from now up until 2050 that fit within the budget of 21mt required from 2017 to contain global temperature rise by no more than 1.5 deg C.

This trajectory has the following levels of emissions at certain intermediate dates

|      |          |
|------|----------|
| 2025 | 1.396mt  |
| 2030 | 0.872 mt |
| 2040 | 0.349 mt |
| 2050 | 0 mt     |

I have sought to reproduce the underlying figures in the attached table, assuming about .07 mt reduction per year for the years 2017-2020 by looking at the dots on the graph on page 21.

My table below shows that this trajectory exceeds the budget in 2034, and will break the budget by nearly 4mt by 2050.

Since it is this trajectory which justifies the proposal that the Council adopts a target as late as 2050 rather than the earlier targets proposed in motions to Council from Cllrs Turner and Clayton, perhaps the Portfolio holder would like to comment on my arithmetic?

Appendix to question attached.

### **Response by Cllr Ray Bryan**

As noted, the graph within the strategy aims to plot a trajectory to achieve a 2050 target for the whole Dorset Council AREA while keeping within a total 21 Million tonne carbon budget. The data behind this graph was not explicitly provided with the strategy in order to keep the strategy publicly accessible and understandable, but a review of the annual emissions data shows total emissions (from 2017 to 2050) of 20.7 Million Tonnes of CO<sub>2</sub>, just below the budget identified.

Comparing this to figures provided by Cllr Heatley shows a close approximation, but a slight over estimation of total emissions. This gives a total emissions figure of 24.9million tonnes, 4 million tonnes over the budget. This difference is due to the slight variation in assumptions used in Cllr Healeys emissions trajectory leading to over estimations of annual emission early on in year 2020-2029.

Critically, these large difference in overall emissions from just slight differences in emissions trajectories shows how important it is to reduce emissions quickly early on. It is not the target end date which is important; it is the path that is followed to get there! It is also important to note that the target date for Dorset Council ITSELF to become Carbon Zero is 2040.

### **Question 10 submitted by Cllr Mark Roberts**

The Prime Minister's announcement a few weeks ago that Dorset County Hospital will see a new community hospital, emergency department and intensive care unit is great news for my residents, as well as all the residents of Dorset who use, or might need to use, the hospital's extraordinarily good services.

What does this new investment mean for the integrated care system in Dorset - particularly with regard to our partnerships with our acute hospitals?

### **Response by Cllr Laura Miller**

Dorset County Hospital NHS Foundation Trust has been allocated £62.5million of Government funding to expand key clinical services on its Dorchester site as part of the national Health Infrastructure Plan.

This is a long-term project which will take four to five years to deliver. It includes a new build expansion of the Emergency Department (ED) and Intensive Care Unit (ICU), and a new build integrated acute, community and primary care services hub to better join up health and care services to improve patient experience and outcomes and reduce demand, based on the existing Dorset County Hospital site. The developments will help further facilitate and embed closer integrated working - exact clinical models and infrastructure plans are being worked up at the moment.

Further background information about site development plans can be found here: <https://www.dchft.nhs.uk/about/site-development/Pages/default.aspx>

Dorset Council welcomes the new facilities at Dorset County Hospital. As part of the Dorset Integrated Care System we are working with our partners to deliver improved outcomes for people receiving emergency and planned health interventions. The larger and improved facilities will enhance not only the 24/7 emergency services offered, but will also be a pivotal facility for community services to operate from. These community services could potentially include staff and services from a variety of organisations to create an integrated hub focused around a person's health and social care needs.

#### **Question 11 submitted by Cllr Clare Sutton**

In light of acting CEO John Sellgren's comment that "we [Dorset Council] do not tolerate disrespectful behaviour and take racism very seriously" it is important that the public can have full confidence that we adhere to this. In this context, are there occasions when group leaders should take steps, in addition to applying The Code of Conduct, in order to uphold values which we all share?

#### **Response by Cllr Spencer Flower**

I would like to thank Cllr Sutton for her question because it gives me the opportunity to endorse John Sellgren's statement publicly.

I think we can agree that sometimes group leaders can and do take steps in addition to those available through the Code of Conduct. However, I will not be answering questions or commenting on individual councillors.

I certainly share the view that we must all take member behaviour very seriously indeed and that we are all reminded annually about our responsibilities as elected members of this council.

Arrangements are now in place for Unconscious Bias Training facilitated by an outside organisation. Members will be advised of the date for this training shortly.

**Questions 12, 13 & 14 submitted by Cllr Kate Wheller (Urgent question in 3 parts accepted by the Chairman of Council)**

On Monday I was startled to read on the front page of the Dorset Echo that Dorset “**has a 75% chance of being among the UK’s worst hotspots by October 25<sup>th</sup>**. “

This was based on predictions from Imperial College, but when I looked at their data I found that they didn’t say any such thing. Rather, they predicted that by the end of this month we would be seeing more than 50 new cases per 100,000 population in the Dorset Council area. That is the threshold for a ‘hotspot’ as defined by Imperial College, so we are expected to become a hotspot on that definition.

But even then we would fall far short of being among the UK’s worst hotspots as the Echo claimed.

|            |                                    |
|------------|------------------------------------|
| Nottingham | 800+ new cases per 100K population |
| Liverpool  | ~600                               |
| Newcastle  | ~500                               |

By Tuesday, the Echo had swung the other way, and as well as stating that the latest weekly figure for Dorset is 37 per 100K, they pointed out that the cumulative rate in Dorset is far lower than the England average.

Obviously we mustn’t be either alarmist or complacent. So what steps are we taking –

- 1. To monitor local infection rates against ongoing projections from Imperial College?**
- 2. To provide accurate and timely information to local media?**
- 3. To ensure that adequate track and tracing is being carried out within the Dorset Council area?**

**Responses from Cllr Laura Miller**

**Question 1**

The director of public health has access to daily reports produced by Public Health England that show our infection rates, compared with other Council areas within the South West, and England. In addition, we undertake specific pieces of work to model and project where Dorset might be over the next few weeks, using the EpiCell group, which reports to the Health Protection Board each week. The hotspot threshold referred to was 50 cases per 100,000, which several weeks ago would have seemed very high for our local area – today we are not far off that figure, not just in Dorset but for the SW region as a whole. We are very careful when issuing any figures to the public to be clear about their origin, and not to rely on projections or modelling because they can be subject to variation and misinterpretation.

The director of public health has access to daily reports produced by Public Health England that show our infection rates, compared with other Council areas

within the South West, and England. In addition, we undertake specific pieces of work to model and project where Dorset might be over the next few weeks, using the EpiCell group, which reports to the Health Protection Board each week. The hotspot threshold referred to was 50 cases per 100,000, which several weeks ago would have seemed very high for our local area – today we are not far off that figure, not just in Dorset but for the SW region as a whole. We are very careful when issuing any figures to the public to be clear about their origin, and not to rely on projections or modelling because they can be subject to variation and misinterpretation.

## **Question 2**

Public Health Dorset publishes a briefing on its website every Thursday which is in the public domain, updating on the latest cases, and infection rates, and also showing how this has changed over the past few weeks. We regularly issue press releases to local media outlets about our current situation. In addition, the Director of Public Health and members of the public health team publish regular video briefings on the current situation. We also use a range of social media channels to update the public, as do both of our Councils.

We provide regular system updates which are currently published weekly on our website and shared with a whole range of stakeholders. We promote this on all social media channels across the Local Resilience Forum and direct to people through a range of e-newsletters including Dorset Council, Health and Wellbeing and our new Trusted Voices network reaching a variety of community leaders.

We arrange regular interviews with local and regional media and share audio clips of all our videos with community radio stations.

We issue regular press releases from Public Health Dorset as well as joint releases with the council and LRF wide releases on behalf of all public sector partners.

All local media outlets follow our social media channels and we have worked hard to increase that following tagging them in various posts so that they have timely information.

We have held and would look to hold more online press briefings and are planning to do a live Q&A session with the public in the next couple of weeks.

## **Question 3**

EpiCell routinely monitors performance of the Test and Trace system in the Dorset Council area, to ensure that it is following up people and ensuring completion of information on contacts. The completion rate for the last week for which we have data was 70 per cent. Bear in mind this was based on reaching an increasing number of contacts compared with previous weeks, which has led to a slight fall in performance. In addition to contact tracing via Test and Trace, Dorset Council now calls all positive cases to offer support with any immediate welfare needs, and to make it as easy as possible for people to complete their self-isolation period.

**Question 9 submitted by Cllr Brian Heatley**

**Appendix**

| Year                    | 2017  | 2018  | 2019  | 2020  | 2021  | 2022  | 2023  | 2024  | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 | 2031 | 2032 | 2033 | 2034 | 2035  | 2036  | 2037  | 2038  | 2039  | 2040  | 2041  | 2042  | 2043  | 2044  | 2045  | 2046  | 2047  | 2048  | 2049  | 2050  |
|-------------------------|-------|-------|-------|-------|-------|-------|-------|-------|------|------|------|------|------|------|------|------|------|------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| Total emitted that year | 1.75  | 1.68  | 1.61  | 1.54  | 1.51  | 1.48  | 1.45  | 1.42  | 1.40 | 1.29 | 1.19 | 1.08 | 0.98 | 0.87 | 0.82 | 0.77 | 0.72 | 0.66 | 0.61  | 0.56  | 0.51  | 0.45  | 0.40  | 0.35  | 0.31  | 0.28  | 0.24  | 0.21  | 0.17  | 0.14  | 0.10  | 0.07  | 0.03  | 0.00  |
| Budget left year end    | 21.00 | 19.33 | 17.72 | 16.19 | 14.68 | 13.20 | 11.75 | 10.32 | 8.93 | 7.64 | 6.45 | 5.37 | 4.39 | 3.52 | 2.70 | 1.93 | 1.21 | 0.55 | -0.06 | -0.62 | -1.12 | -1.58 | -1.98 | -2.33 | -2.64 | -2.92 | -3.17 | -3.38 | -3.55 | -3.69 | -3.79 | -3.86 | -3.90 | -3.90 |

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## Recommendation to Council

**From Harbours Committee – 23 September 2020**

**Harbour Revision Order - Bridport and Lyme Regis**

## For Recommendation to Council

**Portfolio Holder:** Cllr R Bryan, Highways, Travel and Environment

**Local Councillor(s):** Cllr Mark Roberts, Chairman - Harbours Committee

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

**Report Status:** Public

### **Recommendation:**

The Harbours Committee recommends to Full Council that in so far as they have power to do so they agree and otherwise support:

- 1) An application being made to the Marine Management Organisation for a joint Harbour Revision Order in respect of Bridport and Lyme Regis Harbours to consolidate and modernise the current applicable legislation;
- 2) Delegated authority is given to the Executive Director of Place in consultation with the Portfolio Holder for Highways, Travel and Environment to determine the wording of the Harbour Revision Order based on legal advice and to undertake all procedures for the submission of the Harbour Revision Order to the Marine Management Organisation
- 3) A budget of £36,000.00 be allocated for this work to include the legal advice, the application fee and public notices. This may be split over 2 years.

### **Reason for Recommendation:**

To secure approval for the submission of a Harbour Revision Order to consolidate and modernise the local legislation for Lyme Regis and Bridport Harbours.

### **Appendices**

Report to the Harbours Committee.

## **Background Papers**

None

# **Harbours Committee**

## **23 September 2020**

### **Harbour Revision Order – Bridport and Lyme Regis Harbours**

#### **For Recommendation to Council**

**Portfolio Holder:** Cllr R Bryan, Highways, Travel and Environment

**Local Councillor(s):** Cllr Mark Roberts, Chair Harbours Committee

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

Report Author: Ken Buchan

Title: Head of Environment & Well Being

Tel: 01305 225132

Email: k.buchan@dorsetcouncil.gov.uk

**Report Status:** Public

#### **Recommendation:**

The Harbours Committee recommends to the Cabinet and Full Council that in so far as they have power to do so they agree and otherwise support:

- 1) An application being made to the Marine Management Organisation for a joint Harbour Revision Order in respect of Bridport and Lyme Regis Harbours to consolidate and modernise the current applicable legislation;
- 2) Delegated authority is given to the Executive Director of Place in consultation with the Portfolio Holder for Highways, Travel and Environment to determine the wording of the Harbour Revision Order based on legal advice and to undertake all procedures for the submission of the Harbour Revision Order to the Marine Management Organisation
- 3) A budget of £36,000.00 be allocated for this work to include the legal advice, the application fee and public notices. This may be split over 2 years.

### **Reason for Recommendation:**

To secure approval for the submission of a Harbour Revision Order to consolidate and modernise the local legislation for Lyme Regis and Bridport Harbours.

#### **1. Executive Summary**

The purpose of this report is to seek authority to prepare and submit a Harbour Revision Order (HRO) to the Marine Management Organisation (MMO) in order to consolidate and modernise the current local legislation relating to Lyme Regis and Bridport Harbours.

#### **2. Financial Implications**

The advice of a specialist marine lawyer is required to make the application. Those fees are likely to be in the region of £25-30K plus the MMO application fee. The application fee is currently £4K although it is anticipated that there will be a substantial fee increase in the region of £15 to £17.5K in the near future. There will also be a requirement to place public notices which will cost about £2K. Based on the maximum potential cost estimates, a budget is required in the sum of £36K, which may be split over 2 years. A budget of £30k was previously approved for the Lyme Regis HRO, so an additional £6k is sought to include Bridport. By combining HROs for both harbours and submitting the application before the expected fee increase, this avoids future application fees of up to £17.5k.

#### **3. Climate implications**

None

#### **4. Other Implications**

None

#### **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**

There are no equalities implications linked to the subject of this report.

### **7. Appendices**

None

### **8. Background Papers**

None

### **9. Background**

- 9.1 A review of the local legislation for Lyme Regis and Bridport Harbours was previously undertaken by a specialist marine lawyer from Ashfords Solicitors. The review identified that for Lyme Regis Harbour the legislation, which dated from 1584, required modernisation and consolidation under a harbour revision order to facilitate improved harbour management and control. The need to amend local legislation for Bridport Harbour was not thought to be as important although issues around powers of general and harbour directions were highlighted.
- 9.2 A report was therefore put before this Committee on 25 September 2019, seeking authority to apply for a Harbour Revision Order for Lyme Regis Harbour only. Approval was given by this Committee and thereafter Cabinet and Full Council (21 November 2019). A budget of £30k over two years was agreed to cover the cost.
- 9.3 Following a subsequent briefing by the specialist marine lawyer, Councillors and Officers expressed a wish to apply for a joint harbour revision order for both Lyme Regis and Bridport Harbours in order to have one set of local legislation which was the same for both harbours, and which linked strongly with that submitted for Weymouth Harbour. This would provide greater clarity for officers in interpreting their powers and would additionally expand the powers of special directions, general directions and harbour directions for both harbours.
- 9.4 It is therefore now recommended that an application be submitted to the MMO for a Harbour Revision Order to cover both harbours. The Marine Management Organisation is expected to increase the application fees for HROs in the near future (from £4000.00 to a maximum of £17,500.00). By submitting a joint Lyme Regis and Bridport application before this fee increase, we will avoid significant additional costs. A budget of £30K was

previously approved for the Lyme Regis HRO, so an additional £6k is sought to include Bridport.

- 9.5 Because, there has been the potential for a fee increase since April 2020, work commenced on drafting the Joint Order early in the year. With the postponement of our last Harbours Committee meeting due to the Covid lockdown, it was necessary to submit the joint HRO application to the MMO with a holding letter. This allowed us to submit a draft application which could be held whilst awaiting formal approval by the Harbours Committee and Full Council avoiding the fee increase.

# **Recommendation to Full Council**

**From Harbours Committee – 23 September 2020**

**Terms of Reference for the Dorset Council Harbours Consultative Groups**

## **For Recommendation to Council**

**Portfolio Holder:** Cllr R Bryan, Highways, Travel and Environment

**Local Councillor(s):** Cllr Mark Roberts, Chairman - Harbours Committee

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

**Report Status:** Public

### **Recommendation:**

The Harbours Committee recommends to Full Council that in so far as they have power to do so they agree and otherwise support, the proposed Terms of Reference for the Dorset Council Harbours Consultative Groups.

### **Reason for Recommendation:**

With the Committee's new responsibility for all of Dorset Council's Harbours it is timely that the Committee considers how the consultative groups will operate in the future, providing consistency across the harbours.

### **Appendices**

Appendix 1 – Dorset Council Harbours Consultative Groups Terms of Reference

### **Background Papers**

None

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# Harbours Committee

23 September 2020

## Terms of Reference for the Dorset Council Harbours Consultative Groups

### For Decision

**Portfolio Holder:** Cllr R Bryan, Highways, Travel and Environment

**Local Councillor(s):** Cllr Mark Roberts, Chair Harbours Committee

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

**Report Author:** Ken Buchan  
**Title:** Head of Environment and Well-Being  
**Tel:** 01305 225132  
**Email:** [Ken.buchan@Dorsetcouncil.gov.uk](mailto:Ken.buchan@Dorsetcouncil.gov.uk)

**Report Status:** Public

### Recommendation:

The Harbours Committee recommends to the Executive and Full Council that in so far as they have power to do so they agree and otherwise support, the proposed Terms of Reference for the Dorset Council Harbours Consultative Groups.

### Reason for Recommendation:

With the Committee's new responsibility for all of Dorset Council's Harbours it is timely that the Committee considers how the consultative groups will operate in the future, providing consistency across the harbours.

## 1. Executive Summary

- 1.1 As the new Dorset Council Harbours Committee develops and delivers its programme of work, continued harbour user consultation through consultative groups and other public meetings will be key to ensure our harbours deliver the social, economic and environmental benefits they have the potential to.
- 1.2 Historically, each harbour has had harbour user consultative groups, but there has been an inconsistent approach to how they have operated. While the Harbours Committee considers other aspects of

the Service such the modernisation of legislation and the longer-term strategy for the harbours, it would also be timely to update the terms under which the consultative groups operate.

- 1.3 The proposed Dorset Council Harbours Consultative Groups Terms of Reference provides an overview of group membership, their role and responsibilities. This will provide consistency across the harbours and improved communications between harbour users and the Harbours Committee.

## **2. Financial Implications**

There are no direct budget implications from this report.

## **3. Climate implications**

There are no climate implications arising from this report.

## **4. Other Implications**

Adoption of the proposed Terms of Reference should improve direct engagement between harbour users and the Committee providing consistency across the harbours.

## **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**

There are no equalities implications arising from this report.

## **7. Appendices**

Appendix 1 – Dorset Council Harbours Consultative Groups Terms of Reference

## **8. Background Papers**

None

## **9. Background**

- 9.1 Dorset Council's Harbours support a number of priorities in the new Corporate Plan focussed around economic growth and strong, healthy communities.

- 9.2 The Dorset Council Harbours Committee is currently going through a process of updating harbour operations, modernising the current legislation governing the harbours and looking more strategically to the future of our harbours by developing a new ten-year harbours' strategy.
- 9.3 Historically each harbour has engaged with harbour users through consultative groups comprised of representatives of harbour user organisations and interested individuals. The composition of these groups and how they have operated has varied considerably across the harbours and there is a need to introduce some uniformity in our approach whilst we update other aspects of our harbour services.
- 9.4 The Port Marine Safety Code highlights the necessity to consult with harbour users on certain issues and the existence of consultative groups is broadly considered as good practise.
- 9.5 The establishment of Consultative Groups with more formalised procedures will allow for improved communications between user groups but also between the Consultative Groups and the Harbours Committee.
- 9.6 The role of the Consultative groups is proposed as follows:
- To be the primary consultative body on all matters that substantially affects the management, maintenance, improvement, conservation, protection, and regulation of the harbours
  - To highlight safety issues with harbour users and promote safety policy and improvements onshore and afloat
  - To make recommendations to the Harbours Committee and Harbour Masters on the operation of the harbours
  - To co-ordinate consultation and community involvement in the development of the harbours
  - To provide an opportunity for the sharing of information between the harbour management and the harbour users, local community and visitors
  - To provide a channel of communication on urgent issues to the Harbours Committee and Harbour Masters.
- 9.7 It is recommended that the Harbours Committee approve the Terms of Reference for the Harbours Consultative Groups.

**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.

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## APPENDIX 1

### DORSET COUNCIL HARBOURS CONSULTATIVE GROUPS

#### Terms of Reference

#### 1. INTRODUCTION

- 1.1 The Dorset Council Harbours Consultative Groups are comprised of representatives of local organisations and individuals with an interest in the Harbours. Group members are committed to working together with Dorset Council's Harbours Committee to ensure the best use is made of the Harbours for the benefit of the harbour users, the local community, visitors to the Dorset Coast and to also ensure the Harbours' long-term future.
- 1.2 The Consultative Groups for each of the three harbours: Weymouth, Bridport and Lyme Regis will form the primary route for all consultations by Dorset Council on substantial matters that affect the current operation of the harbour and its long-term future. The aim is to give harbour users and the local community the opportunity to influence policy decisions affecting the harbour.
- 1.3 In supporting the Consultative Groups the Harbours Committee acknowledges their role and will take note of their views, as they relate to the operations of the harbours.
- 1.4 The Harbours are defined as follows (see Figures 1-3 in Appendix 1).

**Weymouth Harbour** – Seaward, an area enclosed by a line drawn from a point on the shoreline at Nothe Fort in a 090.0 degrees (true) direction to the north-east corner of the dockyard port of Portland (position 50deg 36.42'N 02deg 23.88'W) and thence in a 343.5 degrees (true) direction for 1.675 nautical miles to the shoreline (position 50deg 38.01'N 02deg 24.60'W) at Redcliff Point. Landward to high water mark along the shore and the area from the pier heads to Westham Bridge. In addition, any Dorset Council property within the extent of harbour land.

**Bridport Harbour** – the geographical limits defined by a semi-circle of 1,000 feet (304.88m) radius, centred on the pier ends, the water area between and landward of the pier heads, and any other Dorset Council property within the extent of harbour land.

**Lyme Regis Harbour** – the geographical limits of the Cobb Act and any other DC property within the extent of harbour land.

#### 2. ROLE OF THE CONSULTATIVE GROUPS

- To be the primary consultative body on all matters that substantially affects the management, maintenance, improvement, conservation, protection, and regulation of the harbours
- To highlight safety issues with harbour users and promote safety policy and improvements onshore and afloat
- To make recommendations to the Harbours Committee and Harbour Masters on the operation of the harbours
- To co-ordinate consultation and community involvement in the development of the harbours

- To provide an opportunity for the sharing of information between the harbour management and the harbour users, local community and visitors
- To provide a channel of communication on urgent issues to the Harbours Committee and Harbour Masters

The advice and views of the group will be considered but all decisions will rest with the Harbour Authority and their authorised officers.

### 3. MEMBERSHIP

#### 3.1 Weymouth

The Consultative Group shall consist of **twelve representatives** invited from the following organisations and harbour interest groups:

- (a) **two** Councillors shall be appointed, one nominated by Weymouth Town Council and one a member of the Harbours Committee, to represent Council interests.
- (b) **one** shall be appointed on the nomination of the training and education schools including the Sea Cadet Training Centre, Weymouth Outdoor Education Centre (WOEC) and Royal Yachting Association (RYA) schools.
- (c) **one** shall be appointed on the nomination of the Clubs of Weymouth to represent the interest of the Clubs using the Harbour including sailing, rowing, angling and any other leisure clubs with vessels.
- (d) **one** shall be appointed on the nomination of the Commercial Fishermen using the Harbour.
- (e) **one** to represent the Charter Boat Associations in the harbour including both dive and fishing charters.
- (f) **one** to represent the Leisure Weymouth Beach Users including swimmers, board and kite sailors, personal watercraft users and paddle-boarders.
- (g) **one** to represent commercial passenger carrying vessels interests in the harbour including trip boats, mackerel boats, rowing boats and pedaloes.
- (h) **one** to represent the interests of the boat owners using Council owned Inner Harbour non-commercial moorings including chain and sinker moorings.
- (i) **one** to represent the interests of Dean and Reddyhoff moorings.
- (j) **one**, to represent the Harbour Traders encompassing all shoreside traders alongside the harbour, or regularly employed in the harbour.
- (k) **one** to represent the RNLI.

#### 3.2 Bridport

The Consultative Group shall consist of **ten representatives** invited from the following organisations and harbour interest groups:

- a) **two** Councillors shall be appointed, one nominated by Bridport Town Council and one a member of the Harbours Committee, to represent Council interests.
- b) **one** shall be appointed on the nomination of the Bridport fishermen's association to represent commercial fishermen
- c) **one** to represent commercial passenger carrying vessels interests in the harbour including trip boats and recreational fishing boats
- d) **one** to represent the interests of the boat owners using non-commercial moorings
- e) **one** to represent West Bay traders/businesses
- f) **one** shall be appointed on the nomination of the West Bay Community Forum to represent community interests in the harbour
- g) **one** shall be appointed on the nomination of the Bridport Gig Rowing Club
- h) **one** shall be appointed on the nomination of the Heritage Coast Canoe Club (HCCC)
- i) **one** shall be appointed on the nomination of the West Bay Sea Angling Club

### 3.3 Lyme Regis

The Consultative Group shall consist of **twelve representatives** invited from the following organisations and harbour interest groups:

- a) **two** Councillors shall be appointed, one nominated by Lyme Regis Town Council and one a member of the Harbours Committee, to represent Council interests.
- b) **one** shall be appointed on the nomination of the Lyme Regis Sailing Club
- c) **one** shall be appointed on the nomination of the Lyme Regis Power Boat Club
- d) **one** shall be appointed on the nomination of the Lyme Regis Fisherman's and Boatmen's Association
- e) **one** shall be appointed to represent RNLI interests in the harbour
- f) **one** shall be appointed on the nomination of the Cobb Traders Association
- g) **one** shall be appointed on the nomination of the Lyme Regis Sea School Trust
- h) **one** to represent the interests of the boat owners using non-commercial moorings
- i) **one** shall be appointed on the nomination of the of the Lyme Regis Traders Association
- j) **one** shall be appointed on the nomination of the Lyme Regis Gig Club
- k) **one** shall be appointed on the nomination of the Lyme Regis Cobb Tenants

3.4 The Consultative Groups may propose alternatives to the membership composition of the Group at any time, and this will be subject to approval by the Harbours Committee.

3.5 If the Council does not receive a nomination for any reason from any of the organisations mentioned in sections 3.1, 3.2 & 3.3, the Council may, after consulting with other organisations it thinks appropriate, appoint a suitable alternative or none at all. This procedure will also be followed should any of the organisations mentioned in sections 3.1, 3.2 & 3.3 cease to exist or the function of the organisation changes significantly.

3.6 The Council shall not be obliged to appoint a person who is duly nominated in accordance with the proposed membership for each harbour but may request the body or bodies who made the nomination to nominate another person.

- 3.7 The term of office of a member of the Consultative Group shall be three years from the date of his/her appointment and, on ceasing to hold office, (s)he shall be eligible for re-appointment for a further 3 years only. Members of the Consultative Group may at any time, by notice in writing to the Council, resign his/her office.
- 3.8 Any nominated member that misses two consecutive meetings without good reason (as determined by the group) shall be required to leave the group and the nominating body will be asked to nominate a new representative.
- 3.9 Where an organisation sends a representative to fewer than 50% of meetings each year, the Consultation Group is entitled to review that organisation's membership of the Group and may ask the organisation for an explanation before taking further action.
- 3.10 Members may nominate a substitute to attend the Consultative Group meetings, and where possible, substitutes will be nominated by organisations and user groups at the same time as group member nominations. Where it is necessary to replace a substitute member of the Consultative Group, proposals can be made by members and agreed by the group.
- 3.11 Substitutes when not substituting, and members of the Harbours Committee are welcome to attend Consultative Group meetings as observers but will have no voting rights. Substitutes will be sent meeting agendas and papers when circulated to Consultative Group members.
- 3.12 The Harbour Master and Head of Service/Service Manager shall attend the meetings and may speak, but not vote on any matters. The Clerk to respective Town Councils may also attend on the same basis if required.
- 3.13 The Chairman may invite other people to attend meetings when appropriate to speak on a specific issue.

#### **4. APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN**

- 4.1 A chairman and vice-chairman will be appointed from the Consultative Group for a period of three years and may be re-elected for an additional three years on approval of the Group. The Consultative Group shall nominate its own Chairman who shall not be a Councillor. The Chairman shall represent the group on the Harbours Committee as a non-voting member.

#### **5. THE ROLE AND FUNCTION OF THE CHAIRMAN**

- 5.1
- To uphold and promote the purpose of the terms of reference, and to interpret the terms of reference where necessary;
  - To preside over meetings of the group so that its business can be carried out efficiently and with regard to the rights of harbour users and in the interest of the community;
  - To act as the representative of the Consultative Group at public events.



- Ensure that the Consultative Group operates according to its agreed working practices and that it is inclusive, transparent and open
- Work with supporting officers to ensure that the Consultative Group is achieving its aims, objectives and targets according to an agreed timetable.

## **6. CONDUCT OF MEETINGS**

- 6.1 The Weymouth Harbour Consultative Group will meet four times a year, preceding the Harbours Committee meetings. The Bridport and Lyme Regis Consultative Groups will meet formally at least twice a year; before and after the summer season and on such other occasions as the chairman may deem appropriate to fulfil the functions of the Group. Where possible, Consultative Group meetings will be interleaved with those of the Harbours Committee.
- 6.2 The Consultative Group may appoint working parties, as it considers necessary, to advise the Group in the discharge of its functions.
- 6.3 The Harbour Masters in consultation with the Group Chairs will schedule meetings for the group identifying venues and times for meetings. Dorset Council will provide secretarial support for the Consultative Group meetings.

## **7. PROCEEDINGS OF THE CONSULTATION GROUP**

- 7.1 The Harbour Master in consultation with the chairman of the Group shall draw up meeting agendas. Requests for agenda items will be sent to Consultative Group Members two weeks before meetings with final papers circulated at least one week before meetings. Matters of urgency may be raised without notice at a meeting subject to the chairman's agreement.
- 7.2 Meetings of the Consultation Group are closed to the press and public and attendance is by chairman's invitation only.
- 7.3 It is recognised that the group members may have a vested interest in many matters being discussed by the Group and to exclude them from the debate would be counter-productive. However, in such circumstances the member or their substitutes must declare if they have any pecuniary or personal interest in a matter under discussion. Having declared such an interest, the chairman shall decide whether the representative may vote on the matter if it comes to a vote.
- 7.4 For voting purposes, the Consultative Groups will be quorate with 50% of members present.
- 7.5 Decisions will be made in a democratic manner with all Councillors, organisations and harbour interest groups having an equal vote. Each organisation will have one vote. Observers are not entitled to vote. Any matter will be decided by a simple majority of those organisations voting. The chairman will take the vote by a show of hands, or if there is no dissent, by the affirmation of the meeting. If there are an equal number of

votes for and against, the chairman will have a second or casting vote. There will be no restriction on how the chairman chooses to exercise a casting vote.

- 7.6 Representatives will be expected to abide by decision of the majority.
- 7.7 Minutes will be recorded at all Consultative Group meetings and will be publicly available following approval by the group at the following meeting and will be posted on the Dorset Council and Harbour Websites.

DRAFT

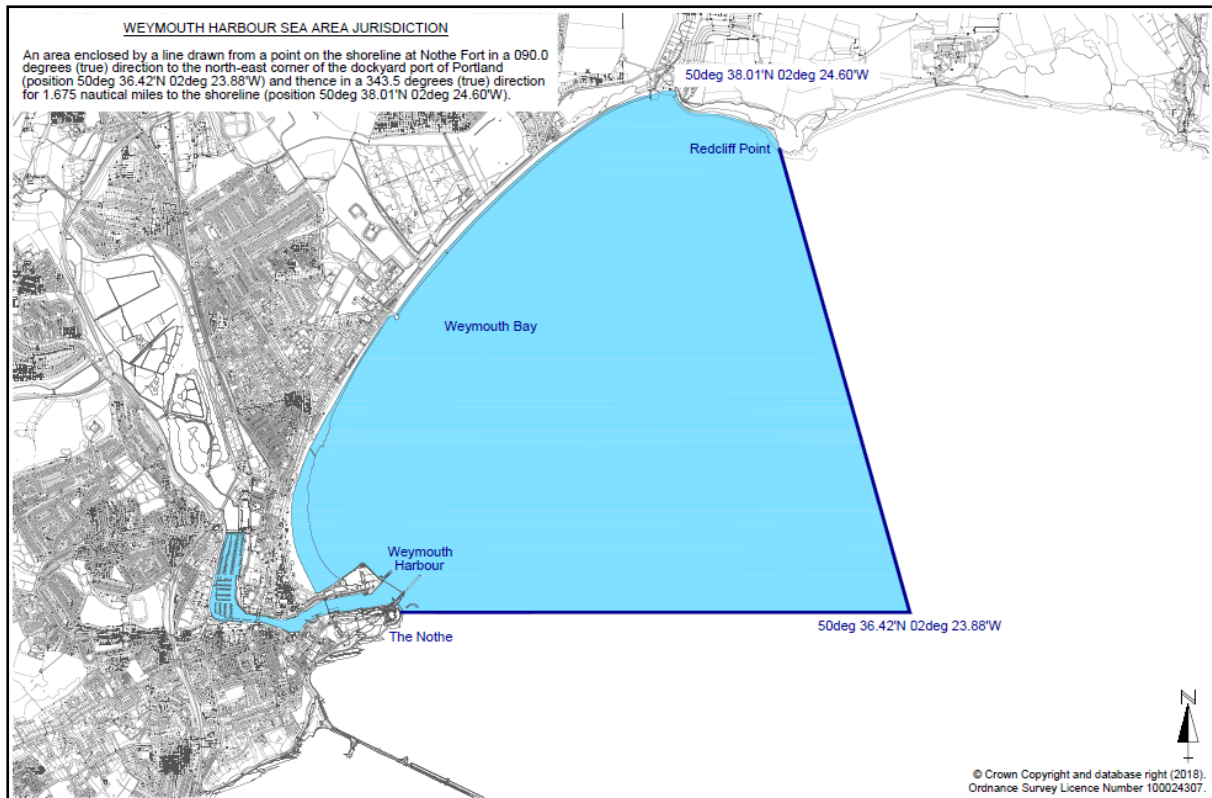


Figure 1: Weymouth Harbour Limits

Figure 2: Bridport Harbour Limits



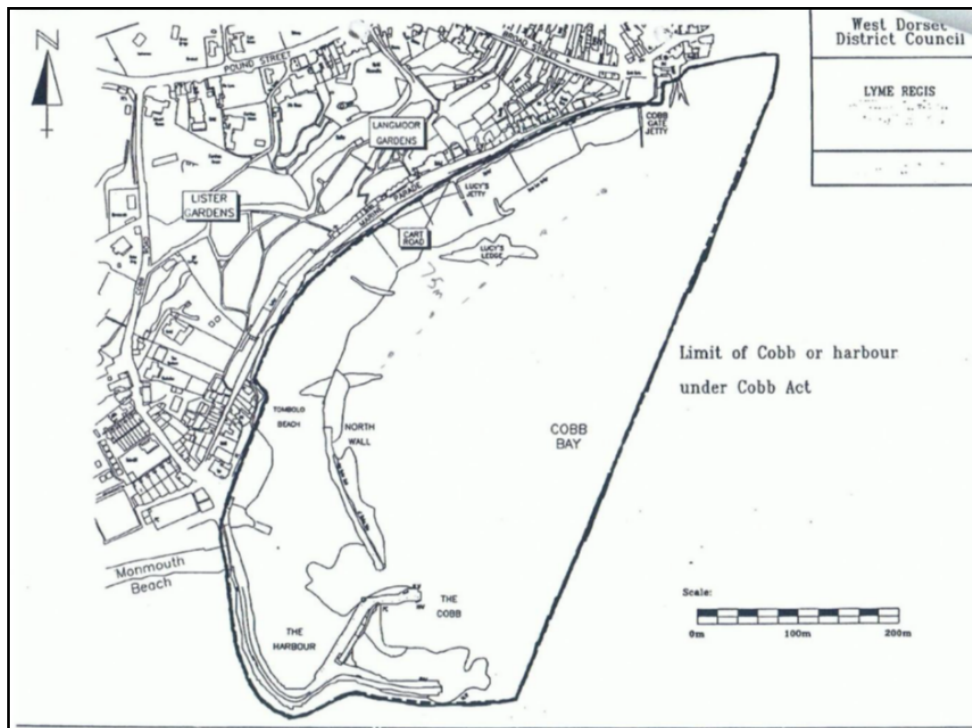


Figure 3: Lyme Regis Harbour Limits

# Recommendation to Full Council

From Licensing Committee 22 October 2020

## Statement of Gambling Licensing Policy 2021-2024

### For Decision

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

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

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

**Report Status:** Public

#### **Recommendation:**

That Full Council adopt the Statement of Gambling Licensing Policy 2021-2024

#### **Reason for Recommendation:**

To comply with legislative requirements. The Council, as Licensing Authority under the Gambling Act 2005, 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.

#### **Appendices**

|            |  |
|------------|--|
| Appendix A | Licensing Committee Report 22 October 2020   |
| Appendix B | Revised Draft Statement of Gambling Licensing Policy 2021-2024                                       |
| Appendix C | Draft Equalities Impact Assessment   |
| Appendix D | Summary of responses received as part of the consultation process and resulting proposed amendments. |
| Appendix E | Comments from Place Resources Overview Committee 19 October 2020                                     |

#### **Background Papers**

Gambling Act 2005

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

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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  
**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 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 Gambling Act 2005, 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 12**

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

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## 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 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 the 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.

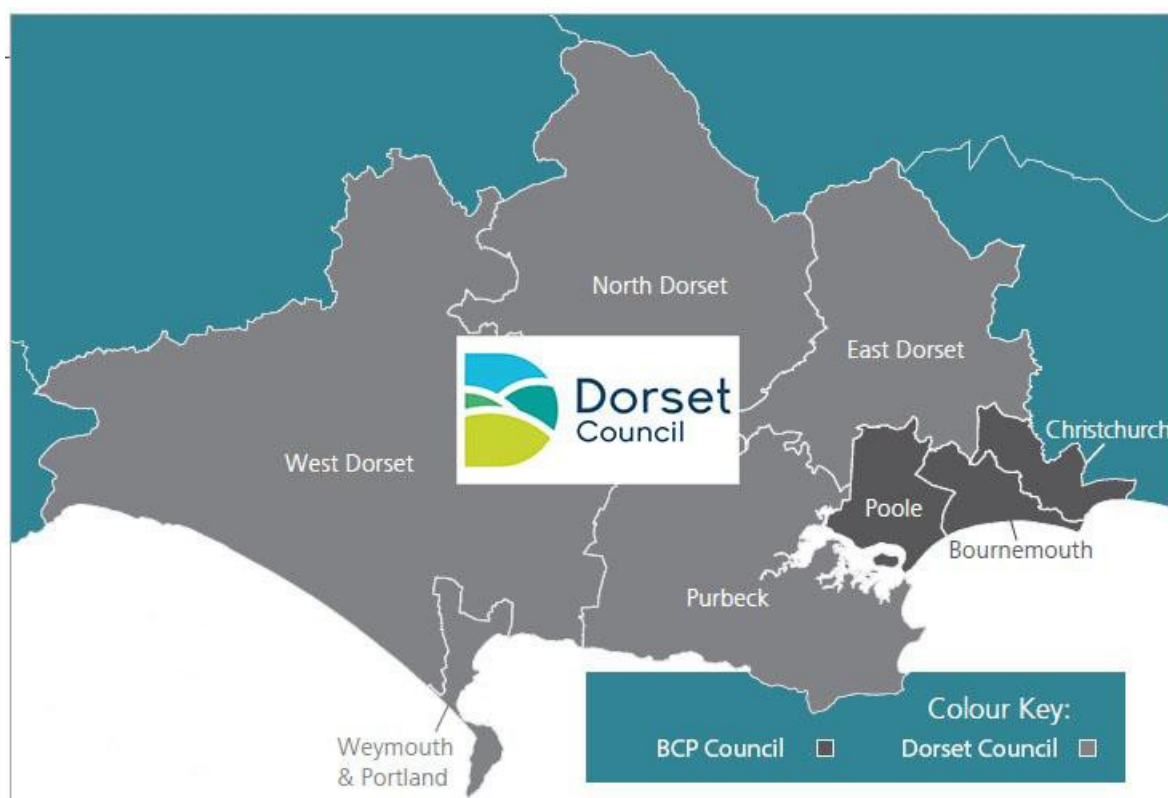
The policy has three appendices, describing the stakes and prizes which determine the category of a gaming machine, a glossary of terms and exempt gaming in pubs and clubs.

## 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 6 July and 27 September 2020 and followed the Cabinet Office’s Code of Practice on Consultation. The consultation elicited seven responses which are available on request. The policy was approved at a meeting of the Full Council on 10 December 2020. The policy came into force on 1 February 2021.



## **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:



|                       |  |
|-----------------------|--|
| <b>Proportionate:</b> | regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised; |
| <b>Accountable:</b>   | regulators must be able to justify decisions, and be subject to public scrutiny;   |
| <b>Consistent:</b>    | rules and standards must be joined up and implemented fairly;  |
| <b>Transparent:</b>   | regulators should be open, and keep regulations simple and user friendly; and  |
| <b>Targeted:</b>      | 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<br><br>(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<br>(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<br><br>(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<br><br>(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

|   | Machine category |   |  |  |    |  |                                 |
|---|------------------|---|--|--|----|--|---------------------------------|
| Premises Type   | A                | B1  | B2   | B3   | B4 | C  | D                               |
| Large casino (machine/table ratio of 5-1 up to maximum)                           |                  | Maximum of 150 machines<br>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<br>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:<br>1) Shall be determined by reference to the aggregate of the stakes paid or agreed to be paid by the people betting<br>2) Shall be divided among the winners or<br>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><br>£1000 per week<br>£250 per day<br>£10 per person per game<br><br><u>Other gaming</u> No limit | <u>Poker</u><br>£1000 per week<br>£250 per day<br>£10 per person per game<br><br><u>Other gaming</u> No limit | <u>Cribbage &amp; dominoes</u> No limit<br><br><u>Poker</u><br>£100 per premises per day<br><br><u>Other gaming</u><br>£5 per person per game |
| <b>Limits on prizes</b>                                | No limit  | No limit  | <u>Poker</u><br>£250 per game<br><br><u>Other gaming</u> No limit   | <u>Poker</u><br>£250 per game<br><br><u>Other gaming</u> No limit   | <u>Poker</u><br>£100 per game<br><br><u>Other gaming</u><br>No limit  |
| <b>Maximum participation fees – per person per day</b> | <u>Bridge and/or whist*</u><br>£20<br><br><u>Other gaming</u><br>£3                       | £18 (without club gaming permit)<br><br>£20 (with club gaming permit) | <u>Bridge and/or whist*</u><br>£18<br><br><u>Other gaming</u><br>£3 (commercial club)<br>£1 (members club)    | <u>Bridge and/or whist*</u><br>£18<br><br><u>Other gaming</u><br>£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



**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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## Equality Impact Assessment – Gambling Policy 2021-24

|                     |  |
|---------------------|--|
| Version number      | DRAFT Version 4  |
| Date last reviewed: | June 2020  |
| Approved by:        | John Newcombe  |
| Date approved:      |  |
| Next review date:   | 16.6.21  |
| 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 promoted 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<sup>1</sup>. 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             |

| 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<br>Continued engagement with the trade to ensure local area risk assessments are undertaken and these are suitable.<br>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... |  |
| Response number  | 3  |
| 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

**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:

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**

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| <b>9</b> | <b>SUPPLEMENTS - COMMENTS FROM PLACE &amp; RESOURCES<br/>OVERVIEW COMMITTEE</b> |
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**3 - 6**

DRAFT

## **Extract from minutes of Place and Resources Overview Committee – 19 October 2020**

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

The committee received and considered a report of the Service Manager, Licensing and Community Safety, which set out the requirement of the Council, as Licensing Authority under the Licensing Act 2003, to publish a Statement of Gambling Licensing Policy at least every three years. The purpose of the policy statement was to define how the Council would exercise its responsibilities under the Act, and had been prepared by officers, considered at an informal meeting of the Licensing Committee and had been published, in draft format, for a period of public consultation of 12 weeks, between 6 July and 27 September 2020.

The reviewed Statement of Gambling Licensing Policy would be considered by the Licensing Committee and then on to Full Council for adoption.

The Place and Resources Overview Committee had the opportunity at this meeting to review the draft Statement of Gambling Licensing Policy and provide any comments to the Licensing Committee.

Councillors welcomed the Statement of Gambling Licensing Policy and a point was made that the policy enabled the council to review a license and take action where appropriate. Reference was made to the work undertaken by the Chairman and Vice-chairman of the Licensing Committee in this area and thanks was expressed for the work of the Licensing Committee and officers involved.

Comments would be passed to the Licensing Committee when they considered the draft policy at their meeting on 22 October 2020.

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**Extract from minutes of Place and Resources Overview Committee – 19 October 2020**

**Statement of Licensing Policy 2021 – 2026**

The committee received and considered a report of the Service Manager, Licensing and Community Safety, which set out the requirement of the Council, as Licensing Authority under the Licensing Act 2003, to publish a Statement of Licensing Policy at least every five years. The purpose of the policy statement was to define how the Council would exercise its responsibilities under the Act, and had been prepared by officers, considered at an informal meeting of the Licensing Committee and had been published, in draft format, for a period of public consultation of 12 weeks, between 6 July and 27 September 2020. The Service Manager, Licensing and Community Safety noted that a few amendments had been made to the draft policy following the public consultation period.

The reviewed Statement of Licensing Policy would be considered by the Licensing Committee and then on to Full Council for adoption.

The Place and Resources Overview Committee had the opportunity at this meeting to review the draft Statement of Licensing Policy and provide any comments to the Licensing Committee.

Councillors considered the issues arising from the report and during discussion the following points were raised:

- The Chairman asked that the use of 12/24 hour timings in the draft policy be standardised
- Councillors supported the contents of the draft policy and felt that it covered all issues in depth. Councillors expressed their thanks to officers involved in drafting the report and to the Chairman, Vice-chairman and members of the Licensing Committee for their role
- A point was raised that there had not been many responses to the public consultation but it was felt that this reflected the strength of the draft policy
- A discussion was held in respect of whether a late night levy should be available to the council and whether this was something that the committee could recommend to the Licensing Committee for further consideration
- Some views in support of having a late night levy were expressed and it was noted that the council could have the ability to have a late night levy which could only be used if necessary. This could be progressed as a separate issue to the draft policy
- The Service Manager, Licensing and Community Safety reported that this issue was to be raised at Licensing Committee on 22 October with a view to bringing a report back to the Licensing Committee at an appropriate time in order to fully consider all related issues. It was noted that a late night levy if agreed, would apply to the whole council

area and all premises, although there was the ability to exclude certain types of premises

- A point was noted that applying a late night levy could be seen as unfair on the late night sector, alongside other cost factors that they had to consider
- All these comments could be taken on board by the members of the Licensing Committee
- Further to the discussion, it was agreed that this committee would not make a recommendation in respect of the late night levy and that it was noted that the issue would be raised at the Licensing Committee with a future report on the issues arising.

Comments would be passed to the Licensing Committee when they considered the draft policy at their meeting on 22 October 2020.



# **Recommendation to Full Council**

**From Licensing Committee 22 October 2020**

## **Statement of Licensing Policy 2021-2026**

### **For Decision**

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

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

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

**Report Status:** Public

#### **Recommendation:**

That Full Council adopt the Statement Licensing Policy 2021-2026

#### **Reason for Recommendation:**

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.

#### **Appendices**

|            |  |
|------------|--|
| Appendix A | Licensing Committee Report 22 October 2020   |
| Appendix B | Revised Draft Statement of Licensing Policy 2021-2026  |
| Appendix C | Dorset Council Cumulative Impact Assessment  |
| Appendix D | Dorset Police Violent Crime Analysis   |
| Appendix E | Draft Equalities Impact Assessment   |
| Appendix F | Summary of responses received as part of the consultation process and resulting proposed amendments. |
| Appendix G | Comments from Place Resources Overview Committee 19 October 2020                                     |

#### **Background Papers**

Licensing Act 2003

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

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# 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                    |

## **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 14**

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

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## 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 10 December 2020 to come into effect on 1 February 2021. 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

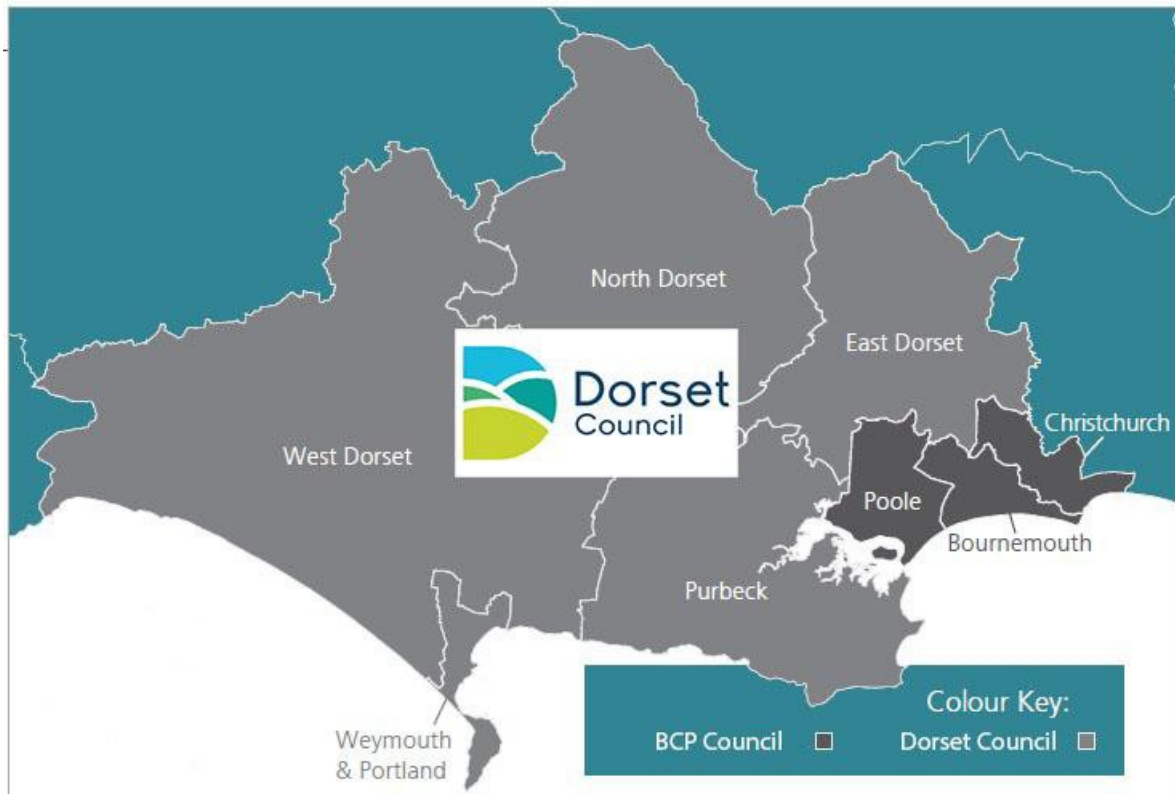
and/or use effective enforcement to address premises, in partnership with key agencies such as Dorset Police, Dorset Fire and Rescue Service , Health and Safety Executive, Crime and Disorder Reduction Partnerships, Director of Public Health, and Dorset Council's Trading Standards and Environmental Health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

- 5.4 In line with General Data Protection Regulation and Data Protection Act 2018, the Council and Dorset

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.

- 5.5 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.
- 5.6 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.
- 5.7 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.
- 5.8 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>
- 5.9 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**

- 5.10 The council is committed to eliminating unlawful discrimination, harassment and victimisation, advancing equality of opportunity and fostering good relations within and between our communities.
- 5.11 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.
- 5.12 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>

- 5.13 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.
- 5.14 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.
- 5.15 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**

- 5.16 Where no representations are made the council will grant a licence subject to conditions consistent with the operating schedule.
- 5.17 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.
- 5.18 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.
- 5.19 Other relevant matters may be considered as the individual case dictates.

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

- 5.20 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.
- 5.21 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.

- 5.22 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.
- 5.23 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.
- 5.24 The Health and Safety Executive provide specialist guidance on event safety through their website at [www.hse.gov.uk](http://www.hse.gov.uk)
- 5.25 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**

- 5.26 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.
- 5.27 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.
- 5.28 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**

- 5.29 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.
- 5.30 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**

- 5.31 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**

- 5.32 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.
- 5.33 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.
- 5.34 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.
- 5.35 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.
- 5.36 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**

- 5.37 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.
- 5.38 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.
- 5.39 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.
- 5.40 '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.

- 5.41 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.
- 5.42 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**

- 5.43 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**

- 5.44 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.
- 5.45 Ward councillors may choose to consult with residents locally in addition to the statutory publication carried out by the applicant.
- 5.46 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.
- 5.47 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.
- 5.48 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, 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 (seven days);
- 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)**

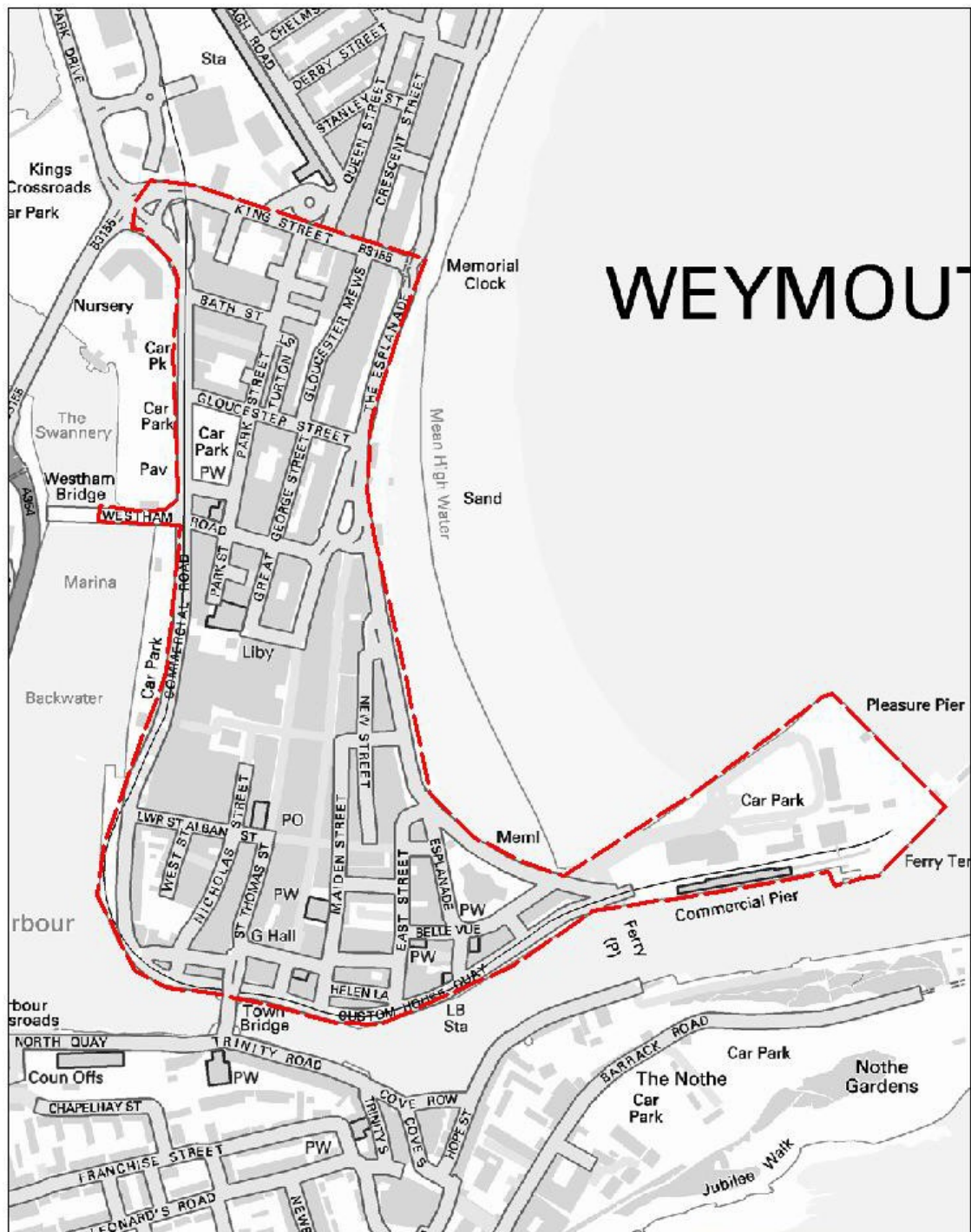
- 13.27 Public Space Protection Orders were introduced in October 2014 by the Anti-social Behaviour, Crime and Policing Act 2014. They are designed to deal with a particular nuisance or problem in a specific area (a public place) that is detrimental to the local community's quality of life, by imposing 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> <ol style="list-style-type: none"> <li>To consider and determine applications for minor variations, whether representations have been made or not, when such applications relate to: <ol style="list-style-type: none"> <li>Changes to the layout and arrangements at premises</li> <li>Reductions in the hours of licensable activities;</li> <li>The removal of licensable activities from a licence.</li> <li>The removal or alteration of defunct or unenforceable conditions on licences;</li> <li>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> </ol> </li> <li>All other minor variation applications</li> </ol> | 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

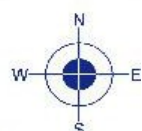
Scale 1:5000

Drawn By: 7889

Cent X: 368161

Cent Y: 79175

Dorset Police



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**Licensing Act 2003**

**Pool of Sample Conditions**

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## 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  | <p>The licence holder shall determine the occupant capacity of the premises on the basis of documented risk assessment(s).</p> <p>(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.</p> <p>(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.</p> <p>(v) Measures must be put in place and documented to ensure that the capacity is not exceeded at any time.</p> <p>(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.</p> <p>(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.</p> |
| 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<br>(1) residents of the hotel and their bona fide guests, or<br>(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;<br>'Directly' means: employ, have control of or instruct.<br>'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>B CCTV</b> |   |
|---------------|---|
| 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.   |

| <b>C CINEMATOGRAPHIC/FILM EXHIBITIONS</b> (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-<br>(i) the title of each film to be shown on that day, other than trailers and films of less than five minutes duration;<br>(ii) the approximate times of commencement of each such film;<br>(iii) whether each such film has received a 'U', 'PG', '12A', '15' or '18' certificate from the British Board of Film Classification, and<br>(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.  |

| <b>D CHILDREN</b> |  |
|-------------------|--|
| D1                | <p><b>1. "Challenge 25":</b><br/>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><br/>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><br/>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.  |

| <b>E CONTROLS FOR SALE OF ALCOHOL</b> |  |
|---------------------------------------|--|
| 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.<br><i>or</i><br>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><br>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.  |

| F DRUG ACTION |  |
|---------------|--|
| 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.   |

| G DOOR CONTROL / STEWARDING/ SEARCHES & SECURITY |  |
|--|--|
| 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  | 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.   |
| G5  | 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.   |
| G6  | Where queuing is allowed outside of a premises door supervisors shall maintain an orderly queue of patrons.  |
| G7  | 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).   |
| G8  | 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.   |
| G9  | Door Supervisors shall be on duty at the premises on each trading day from (Insert commencement hours) until (Insert terminal hours).  |
| G10 | All door supervisors shall be capable of communicating instantly with one another by way of radio or other simultaneous system of communication.   |
| G11 | 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).  |
| G12 | 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.   |

|     |  |
|-----|--|
| 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.  |

| <b>H EXTERNAL AREAS/SMOKING AREAS</b> |   |
|---------------------------------------|---|
| 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:<br>(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.<br>(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.<br>(iii) Patrons must not be allowed to take drinks to the smoking area.<br>(iv) The area must be provided with suitable ashtrays/bins, the use of which is monitored by door staff.<br>(v) The area must be regularly swept to remove cigarette ends<br>(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 (Insert hours) each day.  |
| H7                                    | There shall be no sales of hot food or hot drink for consumption off the premises (after XX.00).  |

| <b>J GENERAL SAFETY AND EVACUATION</b> |   |
|--|---|
| 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. |

|     |   |
|-----|---|
| 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 -<br>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 -<br>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<br>(i) Risk assessments,<br>(ii) Details of type to include design, construction materials, size – e.g. height<br>(iii) Precise location of all elements of the barrier<br>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   |

| K GLASS / BOTTLES |   |
|-------------------|---|
| 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.   |

| L NOISE PRECAUTIONS |  |
|---------------------|--|
| 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                  | <p>Monitoring</p> <p>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.</p> |
| L9                  | <p>(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>).</p> <p>(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.</p> <p>(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.</p>   |
| 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<br>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. |

| <b>M SANITARY FACILITIES</b> |  |
|------------------------------|--|
| 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. |

| <b>N</b> | <b>PROMOTED EVENTS, SPECIAL EFFECTS, NOVEL AND ONE-OFF PROMOTIONS</b>   |
|----------|---|
| 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:<br>(i) Date and time of event and brief description of it;<br>(ii) Name of the promoter(s), that is, the person(s) responsible for organising the event;<br>(iii) Where the promoter is a company, its registered number.<br>(iv) The proper address of the promoter<br>(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;<br><br>(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;<br>(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;<br>(iii) Alcohol sales cease for a period of one hour immediately before the commencement of the relevant designated sporting event;<br>(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).   |

| P WASTE MANAGEMENT / ODOURS |   |
|-----------------------------|---|
| 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.   |

| Q MISCELLANEOUS |  |
|-----------------|--|
| 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>



## **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.**

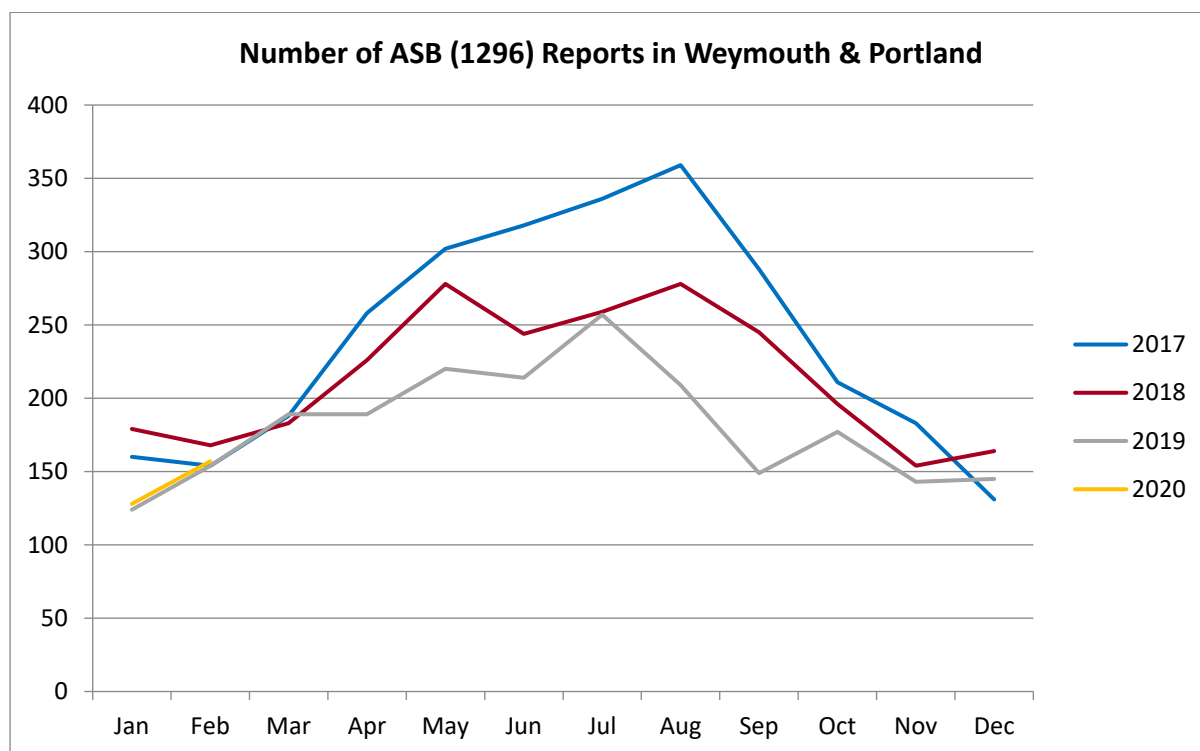
Data from the Licensing Authority register shows that there are currently 180 licensed premises within the Cumulative Impact Area. Data also shows that there were 15 enforcement Interventions during 2019 involving licensed premises from within the Cumulative Impact Area, including seven Multi-Agency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

### **Noise Complaints**

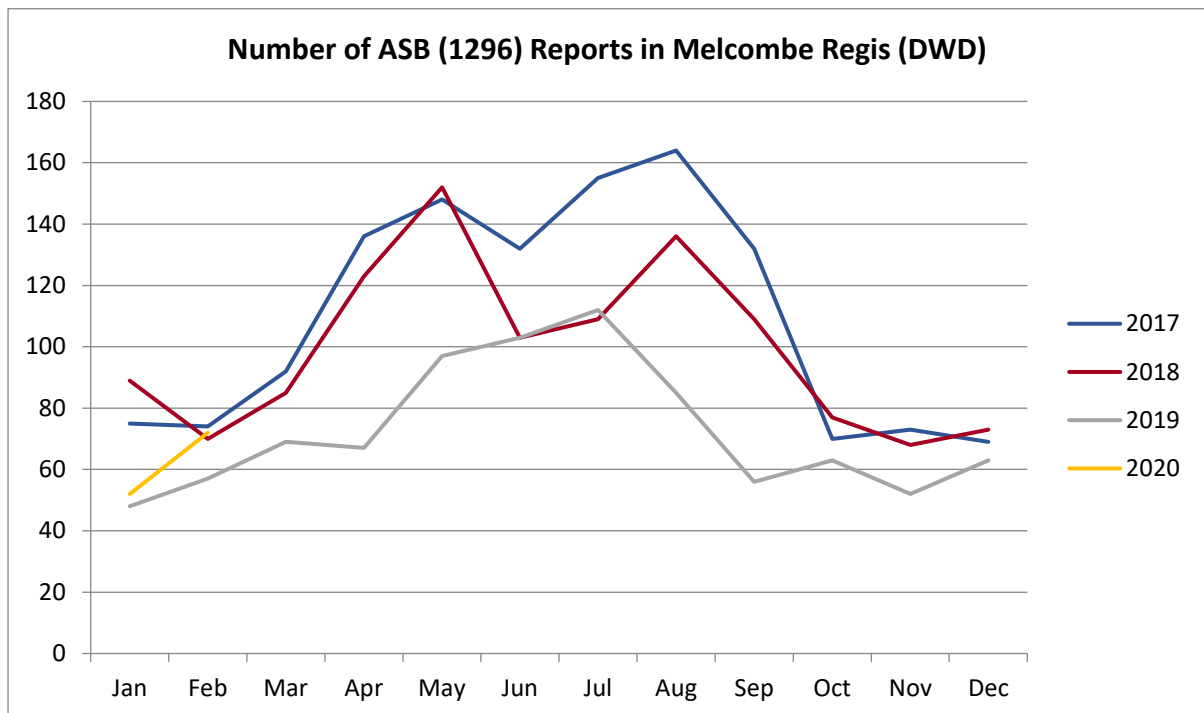
In 2019, the Council's Environmental Protection Team received a total of 57 noise complaints linked to licensed premises within the Cumulative Impact Area.

### **ASB Reports**

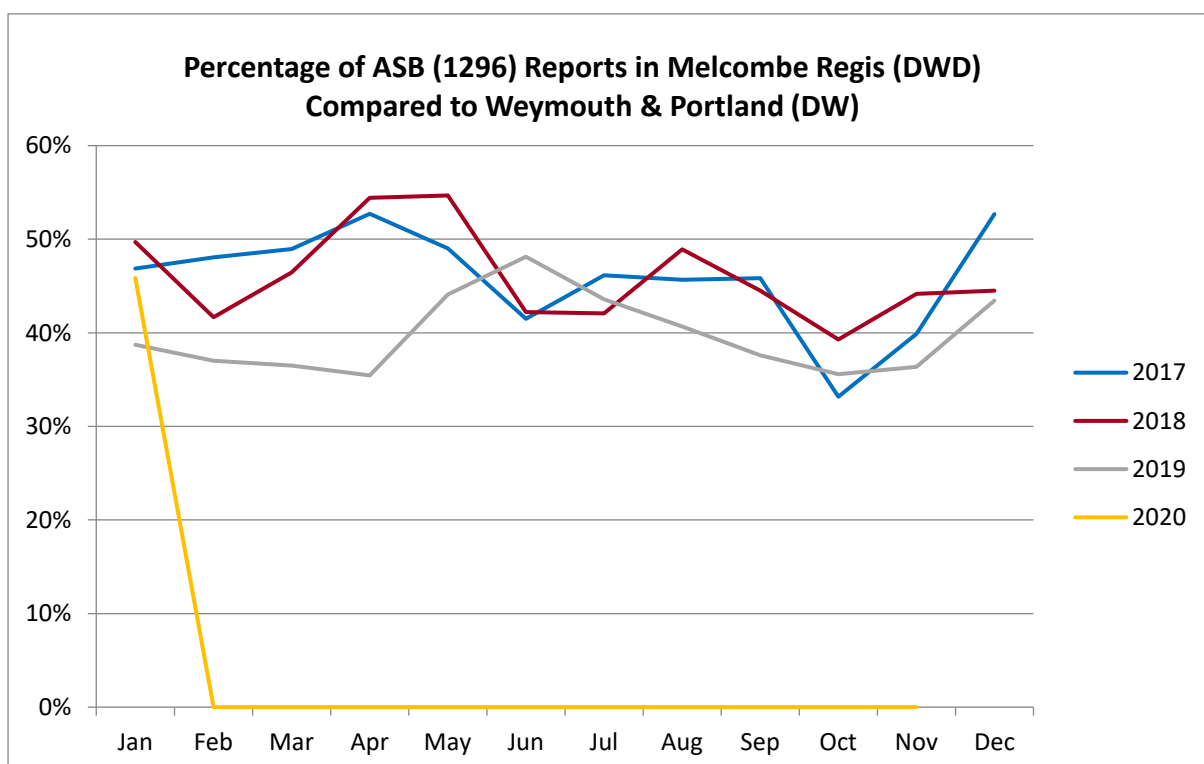
Data provided from Dorset Council's Community Safety Team shows that ASB reports over the last 3 years across the whole of the Weymouth & Portland area have reduced slightly however remain constant at around 180 per month throughout 2019.



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.



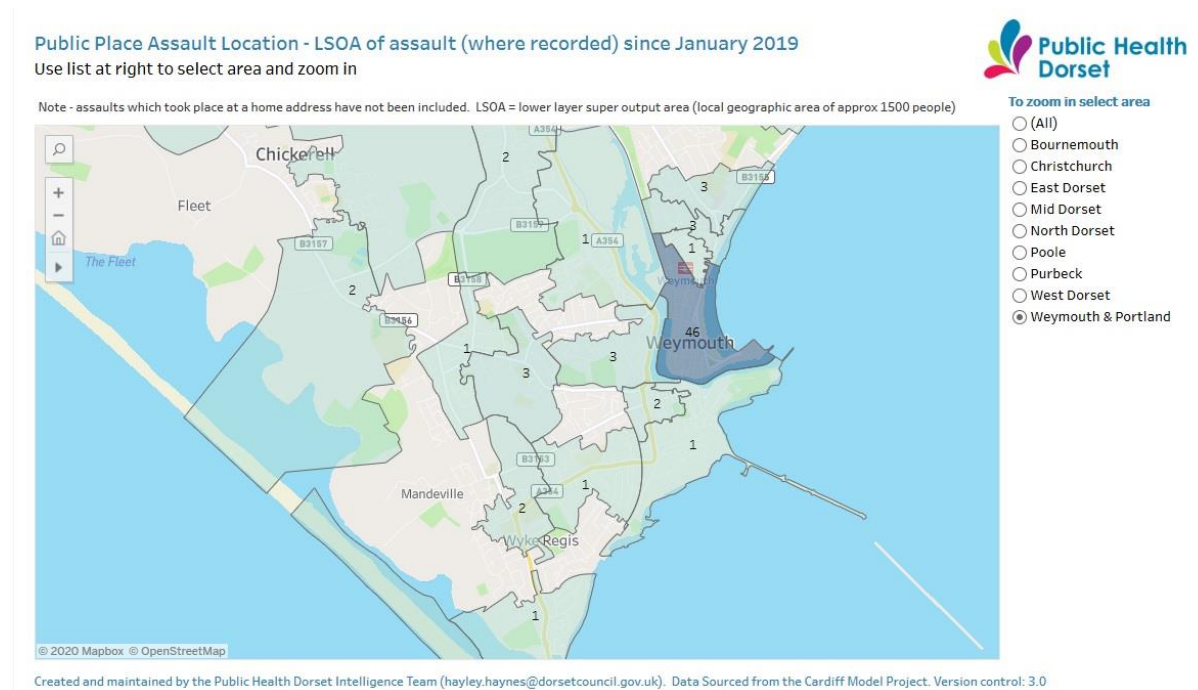
The percentage share of ASB reports arising from the Melcombe Regis area compared to across Weymouth & Portland remains relatively high however at around 40% of the total.



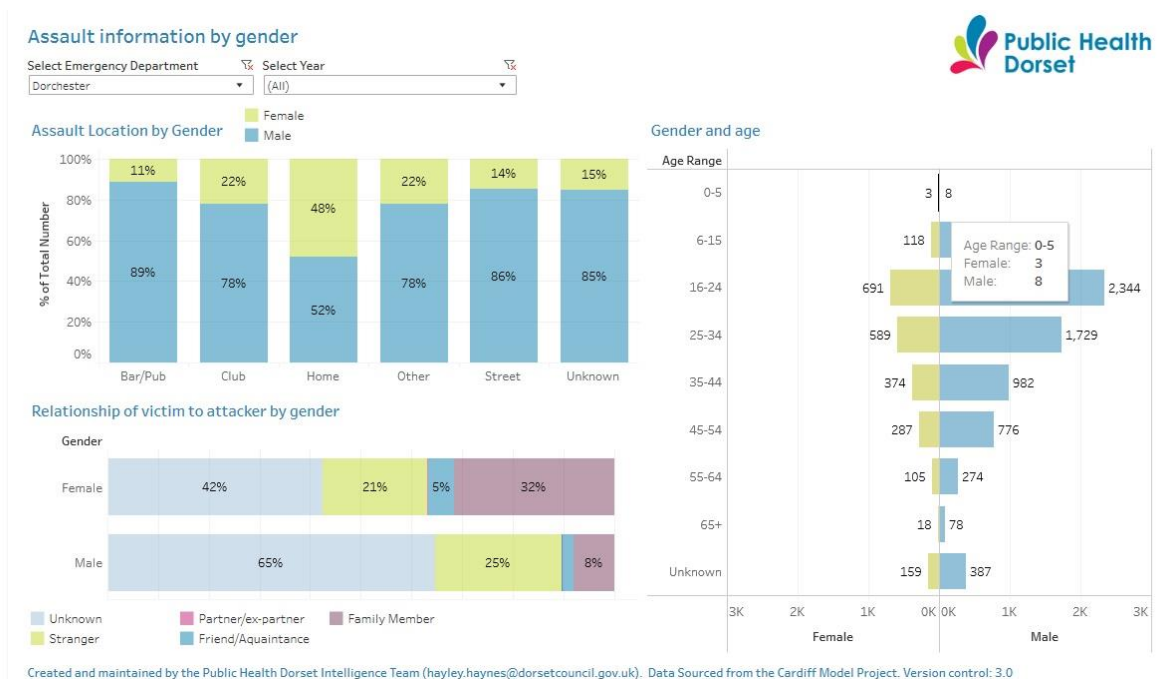
## Public Health Data

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

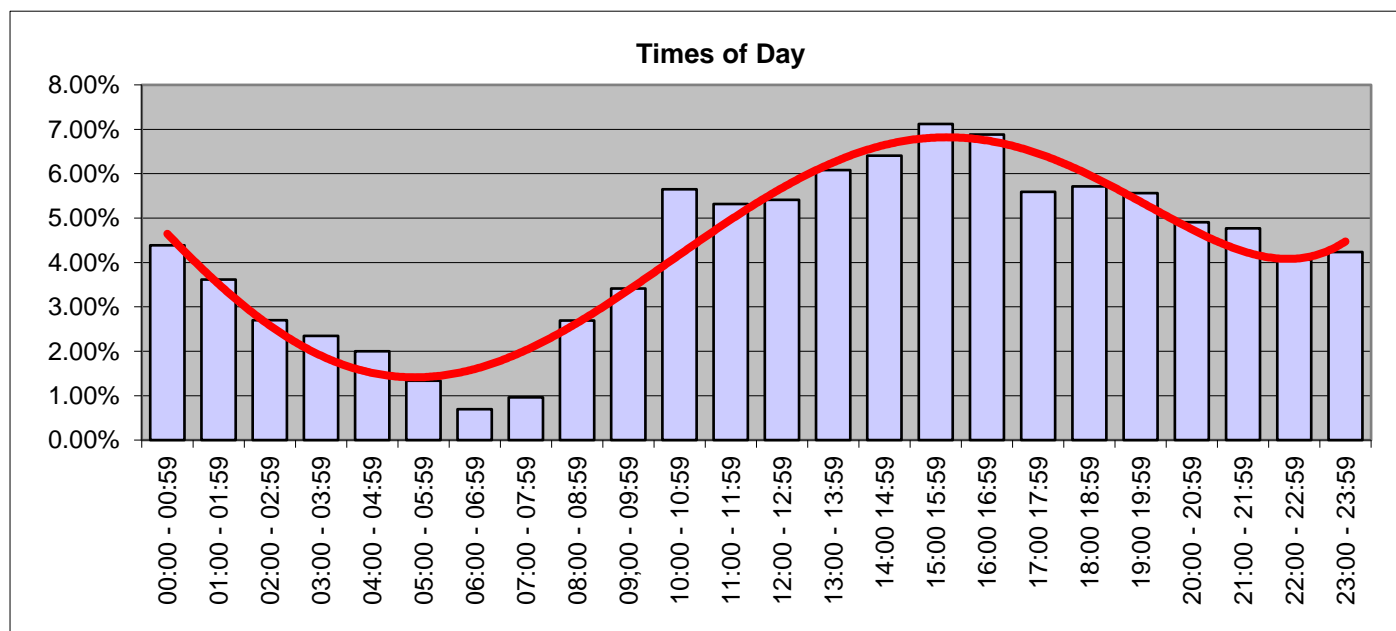
This brief paper has been commissioned with the aim of informing Cumulative Impact Area decisions in relation to the Weymouth night-time economy. The period covered by the data is 1 April 2019 to 31 March 2020. It should be noted that COVID-19 lockdown began on 23 March 2020 and so this will have affected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



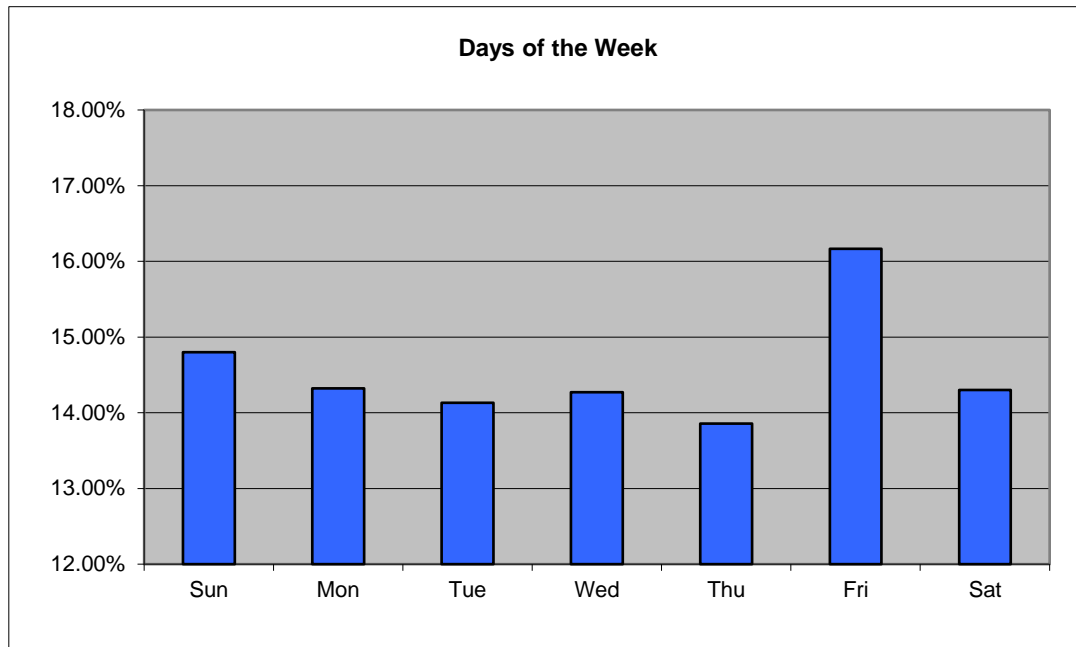
- Within Weymouth and Portland the peak time of day for violent crime falls between 15:00 and 15:59, accounting for just over 7% of the total violent crime recorded in this area. There

<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.

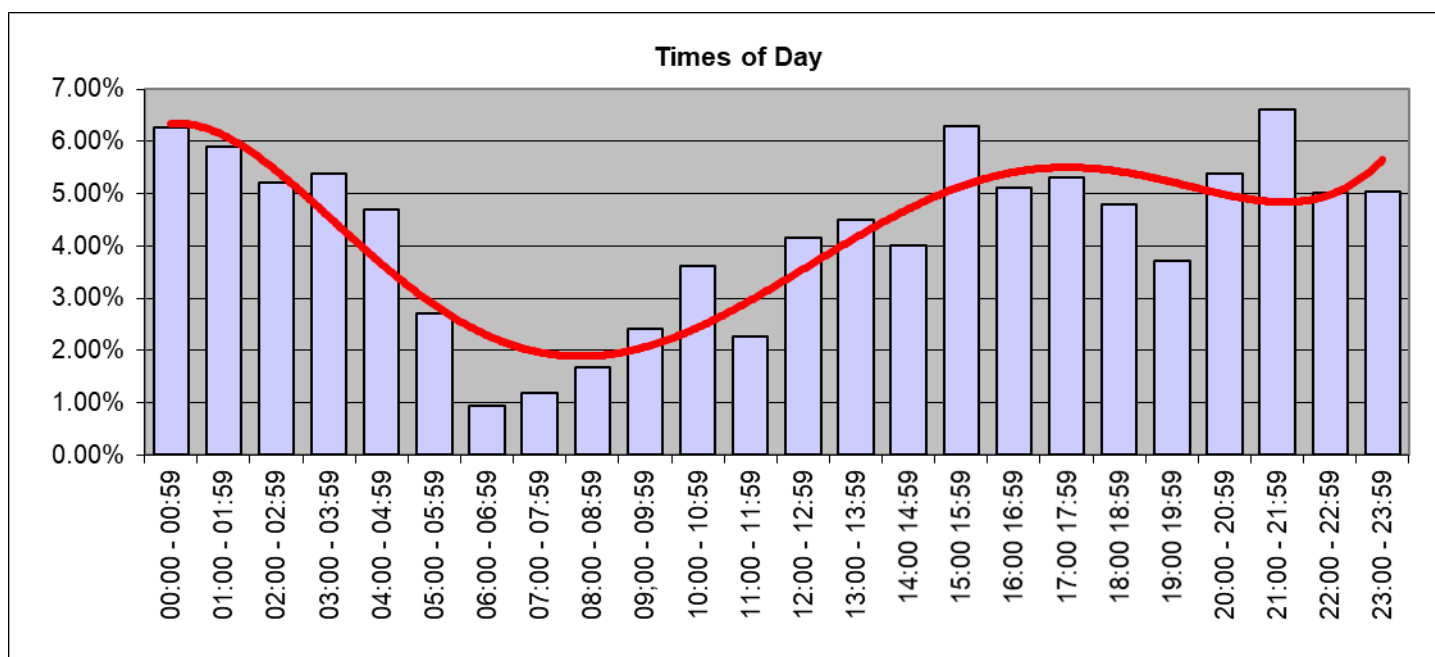
is also a prevalence of violent crimes both the preceding hour between 14:00 and 14:59 and the hour after, between 16:00 and 16:59.

- 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.

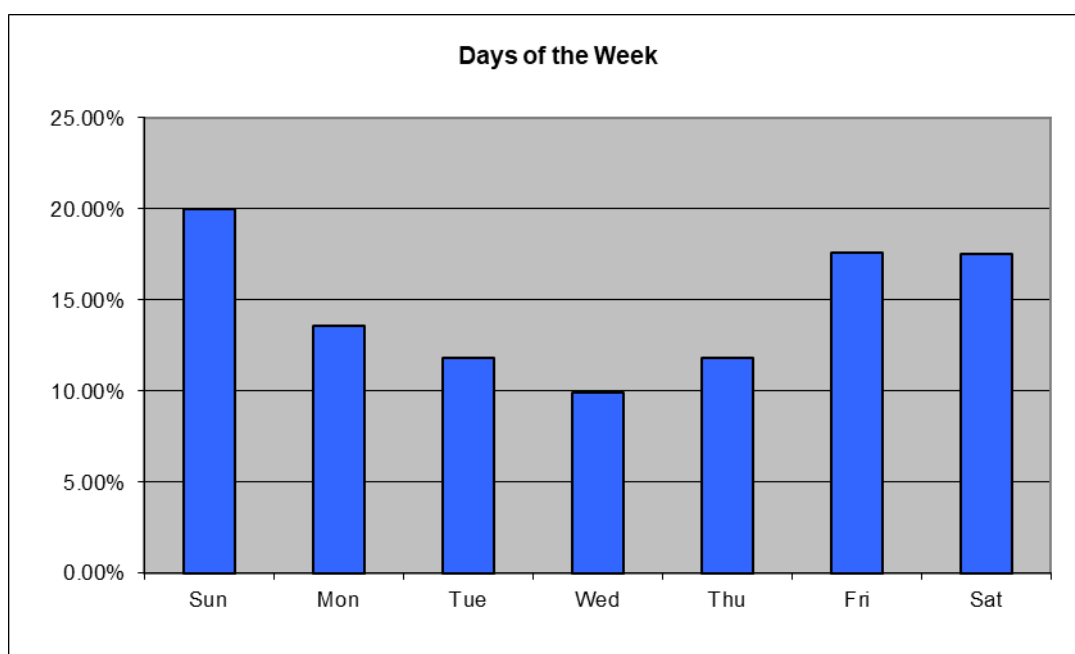


- The peak day of the week for violent crime within Weymouth and Portland is Friday, accounting for just over 16% of the total, followed closely by almost 15% on a Sunday (due to the early morning hours effect) and then just over 14% on a Saturday which is largely in line with the rest of the week.

## 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.

| VAP categories                           | Volume - W&P | Volume - DWDA |
|--|--------------|---------------|
| 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>    |
|  |              |               |
| Sexual Offence categories                | Volume - W&P | Volume - DWDA |
| 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>    |

|                                       | Volume - W&P | Volume - DWDA |
|---------------------------------------|--------------|---------------|
| <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 EqlA**

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 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))

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-stylesurvey/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.geowessesex.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<br>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<br>Enforcement Policy |  |

**6. Formal agreement**  
Date EqIA published on Council website (full or summary version)

**7. Publication of results**  
**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.                          |

|  |  |
|--|--|
| <b>Response Number</b>                                       | <b>3</b>   |
| 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                            |                             |

|  |                      |
|--|----------------------|
| <b>Response Number</b>                                       | <b>8</b>             |
| 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                            |                      |



|  |   |
|--|---|
| <b>Response Number</b>                                       | <b>9</b>  |
| 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                            |   |

|  |  |
|--|--|
| <b>Response Number</b>                                       | <b>10</b>  |
| 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 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.   |



|  |   |
|--|---|
| <b>Response Number</b>                                       | <b>15</b>   |
| 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   |
| 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 f 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                            |  |

|  |   |
|--|---|
| <b>Response Number</b>                                       | <b>18</b>   |
| 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 by 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 receive 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  |

## Comments

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?

|  |  |
|--|--|
| The proposed Cumulative Impact area is shown on the above... | Remain   |
| Please explain why you think this                            | 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   |
| Please include your comments here                            | 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). |



| 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 organisation... | 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   | 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. |
| 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   | <p>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."</p> |
| 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                            |  |



## 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

---

**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:

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.**

- |          |   |
|----------|---|
| <b>9</b> | <b>SUPPLEMENTS - COMMENTS FROM PLACE &amp; RESOURCES<br/>OVERVIEW COMMITTEE</b> |
|----------|---|

**3 - 6**



DRAFT

## **Extract from minutes of Place and Resources Overview Committee – 19 October 2020**

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

The committee received and considered a report of the Service Manager, Licensing and Community Safety, which set out the requirement of the Council, as Licensing Authority under the Licensing Act 2003, to publish a Statement of Gambling Licensing Policy at least every three years. The purpose of the policy statement was to define how the Council would exercise its responsibilities under the Act, and had been prepared by officers, considered at an informal meeting of the Licensing Committee and had been published, in draft format, for a period of public consultation of 12 weeks, between 6 July and 27 September 2020.

The reviewed Statement of Gambling Licensing Policy would be considered by the Licensing Committee and then on to Full Council for adoption.

The Place and Resources Overview Committee had the opportunity at this meeting to review the draft Statement of Gambling Licensing Policy and provide any comments to the Licensing Committee.

Councillors welcomed the Statement of Gambling Licensing Policy and a point was made that the policy enabled the council to review a license and take action where appropriate. Reference was made to the work undertaken by the Chairman and Vice-chairman of the Licensing Committee in this area and thanks was expressed for the work of the Licensing Committee and officers involved.

Comments would be passed to the Licensing Committee when they considered the draft policy at their meeting on 22 October 2020.

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**Extract from minutes of Place and Resources Overview Committee – 19 October 2020**

**Statement of Licensing Policy 2021 – 2026**

The committee received and considered a report of the Service Manager, Licensing and Community Safety, which set out the requirement of the Council, as Licensing Authority under the Licensing Act 2003, to publish a Statement of Licensing Policy at least every five years. The purpose of the policy statement was to define how the Council would exercise its responsibilities under the Act, and had been prepared by officers, considered at an informal meeting of the Licensing Committee and had been published, in draft format, for a period of public consultation of 12 weeks, between 6 July and 27 September 2020. The Service Manager, Licensing and Community Safety noted that a few amendments had been made to the draft policy following the public consultation period.

The reviewed Statement of Licensing Policy would be considered by the Licensing Committee and then on to Full Council for adoption.

The Place and Resources Overview Committee had the opportunity at this meeting to review the draft Statement of Licensing Policy and provide any comments to the Licensing Committee.

Councillors considered the issues arising from the report and during discussion the following points were raised:

- The Chairman asked that the use of 12/24 hour timings in the draft policy be standardised
- Councillors supported the contents of the draft policy and felt that it covered all issues in depth. Councillors expressed their thanks to officers involved in drafting the report and to the Chairman, Vice-chairman and members of the Licensing Committee for their role
- A point was raised that there had not been many responses to the public consultation but it was felt that this reflected the strength of the draft policy
- A discussion was held in respect of whether a late night levy should be available to the council and whether this was something that the committee could recommend to the Licensing Committee for further consideration
- Some views in support of having a late night levy were expressed and it was noted that the council could have the ability to have a late night levy which could only be used if necessary. This could be progressed as a separate issue to the draft policy
- The Service Manager, Licensing and Community Safety reported that this issue was to be raised at Licensing Committee on 22 October with a view to bringing a report back to the Licensing Committee at an appropriate time in order to fully consider all related issues. It was noted that a late night levy if agreed, would apply to the whole council

area and all premises, although there was the ability to exclude certain types of premises

- A point was noted that applying a late night levy could be seen as unfair on the late night sector, alongside other cost factors that they had to consider
- All these comments could be taken on board by the members of the Licensing Committee
- Further to the discussion, it was agreed that this committee would not make a recommendation in respect of the late night levy and that it was noted that the issue would be raised at the Licensing Committee with a future report on the issues arising.

Comments would be passed to the Licensing Committee when they considered the draft policy at their meeting on 22 October 2020.

# Recommendation to Full Council

From Cabinet – 3 November 2020

## Dorset Council Housing Allocations Policy 2021 - 2026

### For Decision

|                             |  |
|-----------------------------|--|
| <b>Portfolio Holder:</b>    | Cllr G Carr- Jones, Housing and Community Safety               |
| <b>Local Councillor(s):</b> | All Councillors  |
| <b>Executive Director:</b>  | V Broadhurst, Interim Executive Director of People<br>- Adults |

**Report Status:** Public

#### Recommendation:

- (a) That the Housing Allocation Policy be adopted;
- (b) That authority be delegated to the Portfolio Holder Housing and Community Safety to make minor amendments to the Policy and any amendments necessary to reflect legislative change.

#### Reason for Recommendation:

To ensure Dorset Council has a legally compliant Housing Allocation Policy that meets the needs of the residents.

#### Appendices

Appendix 1  
Report to Cabinet 3 November 2020 including appendices 1 – 5.

#### Background Papers

[Minutes of Cabinet 3 November 2020](#)

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# **Cabinet**

## **3 November 2020**

### **Dorset Council Housing Allocations Policy 2021 - 2026**

#### **For Recommendation to Council**

**Portfolio Holder:** Cllr G Carr-Jones, Housing and Community Safety

**Local Councillor(s):** All Councillors

**Executive Director:** V Broadhurst, Interim Executive Director of People - Adults

Report Author: Sharon Attwater  
Title: Service Manager Housing Strategy and Performance  
Tel: 01929 557371  
Email: [Sharon.attwater@dorsetcouncil.gov.uk](mailto:Sharon.attwater@dorsetcouncil.gov.uk)

**Report Status:** Public

**Recommendation:** That members of the cabinet:

Endorse the recommendation of the People and Health Overview Committee on 27 October 2020 and the work of the Executive Advisory Panel and recommend to Full Council:

1. The adoption of the Housing Allocation Policy
2. Delegation of authority to the Portfolio holder for Housing and Community Safety to make minor amendments to the Policy and any amendments necessary to reflect legislative change.

**Reason for Recommendation:** To ensure Dorset Council has a legally compliant Housing Allocation Policy that meets the needs of the residents.

#### **1. Executive Summary**

Local authorities are required under Part 6 of the Housing Act 1996(as amended) to have a housing allocation scheme and to ensure social housing is allocated

accordingly. In accordance with the provisions in The Bournemouth, Dorset and Poole (Structural Changes) Order 2018 Dorset Council requires a new Dorset Council Housing Allocation Policy.

This report outlines the process in drafting a new policy and asks the Cabinet to consider the draft housing allocations policy and recommend to Full Council the adoption of the Dorset Housing Allocation Policy and the delegation of authority to the Portfolio holder for Housing and Community Safety to make minor amendments to the Policy and any amendments necessary to reflect legislative change.

## **2. Financial Implications**

None. The housing service resources required to administer the policy are not expected to be affected.

## **3. Climate implications**

It is not anticipated that the Housing Allocations Policy will have an adverse effect on the environment or climate change.

## **4. Other Implications**

The housing service works closely with other partners on areas of mutual interest, including homelessness, corporate parenting; safeguarding boards and case reviews. This work includes having joint approaches to learning lessons and good practice.

The Housing Allocation Policy provides a framework to ensure the allocation of social housing is consistent, inclusive and provides opportunity to consider households exceptionally where necessary.

## **5. Risk Assessment**

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

Current Risk: High

Having considered the risks associated with this decision using the council's approved risk management methodology, the following High risks have been identified and proposed mitigation noted:

- Risk Category Strategic Priority - A new Dorset Council Housing Allocation Policy is required by 1 April 2022.  
Mitigation - Advanced approval provides necessary mitigation to complete associated action in time.



- Risk Strategic Priority - A period of implementation is necessary to ensure all households who wish to be considered for social housing have the opportunity to register and assessments completed.  
Mitigation - Housing service resources will be required to support this work and are being planned.
- Risk Strategic Priority - Housing Allocation Policy contains processes that need to be reflected in the supporting software to enable policy implementation.  
Mitigation – Policy approval will inform procurement of software in progress.
- Risk Category Strategic Priority - Dorset Council residents are currently subject to variations contained in existing housing allocation policies.  
Mitigation – Current policies meet legal requirements and allow for exceptional circumstances. Other variations are not mitigated.

Current Risk: Low

- Risk Category Legislation – Changes to legislation occur during the lifetime of a housing allocation policy and require minor amendments for example from the 1st of January 2021, new immigration law will come into force that will determine eligibility for housing allocations (and homeless assistance, plus welfare benefit rights). The specifics of this new immigration system have yet to be confirmed by the UK Government. Nevertheless, it is expected that future eligibility for an allocation of social active housing for BU EU nationals, will be the same as it currently is for foreign nationals from outside both the UK and the EU. MHCLG should publish advice for local authorities in due course that will help to instruct any subsequent amendments that might need to be made to the policy.  
Mitigation – the draft policy includes the ability for minor amendments to be made with approval from the housing portfolio holder.

Residual Risk: Low

Having considered the risks associated with this decision using the Council's approved risk management methodology, it is the officer's opinion that there are no High risks that need to be reported.

Changes to legislation and guidance will be captured during the lifetime of the policy and during each annual review.

Note: 1 January 2021 new immigration law will come into force that will determine eligibility for housing allocations. Specifics are not yet confirmed. Ministry of Housing Communities and Local Government are expected to publish guidance in due course. Changes to the policy may be required. Mitigation – the policy includes the ability for minor amendments to be made to the policy with consent from the Housing Portfolio holder.

Annual reviews will identify any appropriate revision of the policy.

## **6. Equalities Impact Assessment**

The housing service sought advice from the Dorset Council Equality and Diversity officer and adjusted some scenario examples provided in the policy designed to illustrate various assessment criteria on households. The policy has been considered by the Dorset Council Equality and Diversity Action Group.

The public consultation responses were analysed. Respondents with protected characteristics included age; disability; gender; race; sex; pregnancy.

Other respondents included armed forces and rural isolation.

Reponses were compared to provision in the policy. Amendments were made to strengthen discretionary provisions in relation to armed forces.

Supported by engagement feedback the policy strengthens support to vulnerable people to ensure all people are able to fully participate in the scheme.

## **7. Appendices**

Appendix 1 – Draft allocation policy

Appendix 2 – Results from public consultation

Appendix 3 – Executive Advisory Panel

Appendix 4 – Equalities Impact Assessment

## **8. Background**

8.1 Dorset Council is required to produce a new Housing Allocations Policy in accordance with the provisions in The Bournemouth, Dorset and Poole (Structural Changes) Order 2018. Previously, the 5 district and borough authorities that formed Dorset Council applied two different housing allocation policies. The policies have some different terms, categories and management content. An example is priority banding. Former Dorset Council Partnership residents use Emergency, Gold, Silver and Bronze, compared to former East Dorset Council residents who use Bands 1 to 4. Dorset Council needs to consolidate into one policy to ensure consistent opportunity for all our residents.

8.2 The design of a new policy has involved a Member Executive Advisory Panel (EAP); made up of the following Councillors, Graham Carr-Jones; Gill Taylor; Laura Miller; Simon Gibson; Sherry Jespersen; Toni Coombs; Les Fry; Mary Penfold; Molly Rennie; Matt Hall and Shane Bartlett. The EAP have met six times and their work involved reviewing the current

policies; considering options; data analysis to capture local housing need and previous year allocations.

- 8.3 A benchmarking exercise was shared and discussed with the EAP during the process that considered other local authority housing allocation policies including:
- Bath North East Somerset Council Homeseach Allocation Scheme
  - Wiltshire Council Allocation's Policy
  - Bournemouth, Christchurch and Poole
- 8.4 In preparing the policy a wide ranging public consultation took place. This ran from 2 March 2020 to 20 July 2020 which includes an extension due to the Covid-19 pandemic. Including in a public consultation, engagement took place with;
- Housing Services
  - Registered Housing Providers
  - Internal stakeholders (Adults and Children's services)
  - Voluntary Sector (e.g. homelessness support charities)
  - Other external stakeholders.

In addition the Council engaged with the National Practitioner Support Service (NPSS) and organisation who provide housing advice services to local authorities on best practice. They have provided guidance and an independent desktop review of the draft policy during the process. They have also fed back that the public consultation undertaken by the Council was an excellent example of an inclusive consultation. Appendix 2 contains the results from the public consultation.

## **9. Proposed changes**

- 9.1 The draft policy can be found in appendix 1 however, some of the key proposed changes in the policy are:
- Local connection criteria harmonised to 2 years or 3 out of the last 5 years.
  - Names of bands changed from colour (Gold, Silver and Bronze) or number (1 to 4) to descriptive titles (A – Exceptional Need, B - High Housing Need, C – Medium Housing Need and D – Low Housing Need).
  - New legislation and guidance incorporated – European Union (Withdrawal) Agreement 2020; Domestic Abuse bill 2020; Improving access to social housing for members of the Armed Forces.
  - Changes to banding criteria - removal of shared low cost ownership criteria; removal of increased priority for cumulative criteria; removal of

self-build criteria; addition of criteria for corporate duty and corporate parenting; removal of deliberately worsening circumstances criteria; removal of accepting an offer that does not meet need criteria; removal of community contribution criteria; removal of duty to accommodate following deliberately refusing to co-operate criteria; separating of welfare and medical criteria; addition of social tenants in adapted property no longer needed criteria; social tenant requiring adapted property criteria;

- Amended the parish appendix to only include those listed in statute.
- Amended rural lettings criteria to enable 25% to be let to households who do not meet rural letting restrictions.

**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.



Dorset Council  
Draft Housing Allocations Policy  
2021 - 2026

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## **1 Introduction**

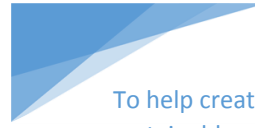
- 1.1. The Housing and Regeneration Act 2008 includes the definition of social housing as low-cost homes for rent to people whose housing needs cannot be met by the general housing market.
- 1.2. The Dorset Council Housing Allocation Policy describes how social housing is available through our Choice Based Letting Scheme, how the scheme operates, its processes and how you can use the service. The information in it explains how to apply to our housing register, how we manage the register, your choice about where you live, how we assess applications and allocate properties. Detailed examples and useful information is found in the appendices.
- 1.3 Dorset Council does not currently have its own housing stock and therefore works with social landlords (housing associations, community land trusts and alms houses) to maintain a housing register and support the aims of the scheme. The policy prioritises those people in most need of affordable housing and is open to social tenants who wish to transfer to a different property.
- 1.4 We have a statutory duty to have a Housing Allocation Policy and have taken into account various legislation and guidance including:
  - i) Housing Act 1996 (as amended)
  - ii) Localism Act 2012
  - iii) Dorset Council Homelessness and Rough Sleepers Strategy
  - iv) Equality Act 2010
  - v) Code of guidance for local authorities published 2002
  - vi) Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2020
- 1.5 Within the framework of the scheme we have included necessary flexibility that will help us to consider all household circumstances and be able to respond appropriately.



## 2 Scheme Aims



To ensure people understand their housing options and have an informed choice about where they live



To help create mixed and sustainable communities



To help social tenants be more mobile in where they live and work



To meet all legal requirements and be flexible and responsive to changes



A scheme for local people that is fair, modern and easy to use.



To offer advice and housing solutions to those in greatest need including the reduction and prevention of homelessness

### **3 Scheme Outline**

- 3.1 Dorset Council's allocation scheme is called Homechoice Dorset and is a Choice Based Letting Scheme (CBL). This means that applicants have some choice about where they will live.
- 3.2 Dorset Council will maintain a housing register. Applications to the register are made online at [www.dorsetcouncil.gov.uk](http://www.dorsetcouncil.gov.uk) and are assessed using the scheme to determine eligibility.
- 3.3 The assessment is described as a band and the reason for that decision, the effective date and number of beds needed.
- 3.4 Homes available will be advertised digitally each day at [www.dorsetcouncil.gov.uk](http://www.dorsetcouncil.gov.uk). Each home advertised will have certain criteria and anyone on the housing register who meets the criteria for that property can express their interest electronically. This is called 'bidding' and must be made within the timeframe shown in the advert. Support is available for the most vulnerable to bid online to ensure everyone can fully participate in the scheme. See section 3.6 for information on getting this support.
- 3.5 Working with our social landlords, allocations will be made with fairness and equity having regard to the priorities of the scheme. Allocations will also take into account any specific criteria the social landlord or housing authority may have and any restrictions in either a local lettings plan or other planning requirement. See section 38 for information about local lettings plans.
- 3.6 Dorset Council will ensure anyone is able to access support to apply and to gain information about the scheme easily. This assistance is available:  
  
Online:        [www.dorsetcouncil.gov.uk](http://www.dorsetcouncil.gov.uk)  
  
Phone:        01305 251010  
  
Email:        [housingoptionsteamb@dorsetcouncil.gov.uk](mailto:housingoptionsteamb@dorsetcouncil.gov.uk)

### **4 Statement on Choice**

- 4.1 There is a very high demand for social housing in the Dorset Council area and we will balance providing choice and housing need to ensure that housing is offered in a way that helps to best manage the housing stock (see appendix 8 for expected average waiting times).
- 4.2 The properties are advertised online at [www.dorsetcouncil.gov.uk](http://www.dorsetcouncil.gov.uk) and will provide valuable information about the property, together with links to information about the local neighbourhood, helping applicants to make informed decisions about which accommodation they want to be considered for.

- 4.3 Whilst the aim of Dorset Council and its' partners is to provide choice in the allocation of social housing in Dorset, there will be a number of exceptional situations where this will not be possible. In such cases the home will be let as a direct offer and not advertised in the scheme. Examples include but are not limited to:
- a) a housing provider needs to make an urgent management move
  - b) the requirement to make a direct offer to deal with an emergency case
  - c) the requirement to make a direct offer to meet the needs of a disabled applicant
- 4.4 The scheme prioritises the need to reduce and eliminate homelessness whilst also supporting the promotion of social and economic mobility by ensuring the best use of social housing stock and providing social housing tenants greater opportunity to move. Applicants will be encouraged to consider whether a property is suitable before they place a bid for example transport, education, employment and support needs or commitments.
- 4.5 Dorset Council is committed to extending choice of housing to those applicants who are accepted as homeless under the council's statutory duties, ensuring effective use of our resources and the provision of temporary accommodation.
- 4.6 Applicants accepted as being owed a prevention or relief duty will be expected to bid on each suitable property that becomes available otherwise Dorset Council may take action that includes making a direct offer of accommodation or reducing prioritisation by lowering the applicant's band.
- 4.7 Applicants accepted as being owed a full statutory housing duty under Part 7 Housing Act 1996 (as amended) will have bids placed on their behalf for each available property.
- 4.8 Applicants who have bids placed on their behalf because they are owed a homeless duty should not remove these bids. If bids are removed by the applicant, they will be replaced.
- 4.9 If a homeless applicant who is subject to Section 193(2) Housing Act 1996 refuses an offer of suitable accommodation, the council's duty is discharged.
- 4.10 In cases where officers need to make decisions outside the policy there will be delegated authority to the Service Manager for Housing Solutions to make such decisions. These cases include but are not limited to the refusal of an offer of suitable accommodation.

## **5 Equality and Diversity**

- 5.1 Dorset Council is committed to encouraging equality of opportunity for all applicants. People will not be treated unfairly due to gender identity, sex, race, colour, ethnic or national origin, religion, disability, marital status, age or sexuality. This list is not exclusive but illustrates the council's intention to ensure equality.
- 5.2 Applicants will be informed of their rights to seek assistance from the Equality and Human Rights Commission, if they believe Dorset Council has breached the Human Rights Act 1998, by contravening their human rights or unlawfully discriminated against them. Regard has been had to advice on allocating housing to disabled people published by the Equality and Human Rights Commission, along with other associated research and guides that are available.
- 5.3 The scheme will be accessible, responsive and sensitive to the diverse needs of individuals. Officers will be trained to a high standard in valuing and promoting equality and diversity in the delivery of the service.
- 5.4 Additional assistance including assisted bidding, translation services, large print, easy read and hearing loops are available to ensure everyone is able to access the scheme in full.
- 5.5 The impact of the policy will be monitored, to ensure that it promotes equality of opportunity to individuals and minority groups. In order to achieve this, all applicants will be invited to provide details of their ethnic origin and other demographic information when they apply to join the housing register.

## **6 Information sharing, confidentiality and data protection**

- 6.1 In accordance with our obligations under the Data Protection Act 1998, we will make all applicants aware when they apply that their personal information will be held and shared with our housing providers and other relevant external agencies. This is for the purposes of assessing an application, considering an offer of accommodation being made or to prevent fraud in accordance with the applicant declaration when making an application.
- 6.2 All personal information will be processed in accordance with the requirements of the Data Protection Act 1998. Applicants have the right to access personal information held about them under section 7 of the Data Protection Act 1998. Applicants may also correct any inaccurate information held about them.
- 6.3 All applicants will be made aware their personal information may be shared within Dorset Council to assist in meeting the applicants' housing or other social needs.

- 6.4 Where an applicant may have difficulty communicating directly themselves, their informed consent will be required before using advocates or interpreters to communicate on their behalf.

## **7. Information and Advice**

- 7.1 Elected Councillors of the Local Authority are prohibited from making decisions about any individual allocation pertaining to any accommodation situated in their electoral ward area or any person who is resident in their electoral ward area.
- 7.2 Elected Councillors may seek to obtain general information about the allocation of housing, can represent their constituents and discuss their cases with administrators.
- 7.3 Elected Councillors should participate in making decisions about the overall content of this scheme.
- 7.4 Elected Councillors should consider whether the Local Authority's Code of Conduct requires them to declare an interest before participating in such deliberations. If in any doubt, the advice of the Local Authority's Monitoring Officer should be obtained.

## **8 The housing register**

- 8.1 Joining the housing register
- 8.2 When considering applications to join the housing register, Dorset Council will ascertain if an applicant is eligible for an allocation of accommodation and if they qualify for allocation of a property. Only if these two criteria are met (subject to certain exceptions set out within this policy) can an applicant join the Homechoice Dorset housing register.

## **9 Eligibility**

- 9.1 Eligible applicants are defined by immigration legislation and include the following (see appendix 1 for a full list):
- a) British and Irish citizens habitually resident in the UK
  - b) Applicants who have Settled Status, Pre-settled Status or who arrived in the UK before 31.12.2020 and are in the process of applying for settled status or their qualifying family members under the European Union (Withdrawal Agreement) 2020

- c) People from outside the European Union with indefinite leave to remain, refugee status or humanitarian protection
- d) Applicants who are not classified as ineligible under S160Z(A) Housing Act 1996 (as amended by the Localism Act 2011)

9.2 Applicants who are not eligible to register with Homechoice Dorset will be informed in writing of:

- a) The decision and the reasons why and
- b) Their right to ask for a review and how to do this

Please note the law on eligibility is complex and subject to change.

## **10 Eligible applicants – providing information**

10.1 Eligible applicants need to provide evidence online when they submit their application. Applicants are required to provide proof of:

- a) their national insurance number (Nino) and
- b) photo identification in the form of either a current passport; driving licence; bus pass; residents permit or issued by the Home Office; national identity card; EEA member state identity card or firearms and shotgun certificate
- c) evidence of their settled or pre-settled status where applicable
- d) proof of local connection and their last 5 year address history
- e) EU Settlement Scheme: evidence of relationship – biometric residence card; family permit; residence card; marriage or civil partnership certificate; valid overseas registration document for same sex relationship under Civil Partnership Act 2004 this list is not exhaustive.

10.2 Applicants from abroad will be required to also provide proof of their nationality and immigration status which will be verified.

10.3 Applicants who are unable to make an online application will be supported in various ways depending on the reason and should contact the housing services team on:

Phone: 01305 451010  
 Email: [housingoptionteamb@dorsetcouncil.gov.uk](mailto:housingoptionteamb@dorsetcouncil.gov.uk)  
 Person: Area office (see appendix 2)

10.4 Applicants whose circumstances change after the date of their application must advise the council of the changes immediately as it may affect their band. Once a change of circumstances is submitted applicants will be unable

to make any new bids until the re-assessment is completed. Re-assessments will be prioritised in these circumstances.

- 10.5 The social landlord will ask applicants to provide evidence of their eligibility and qualification again at the point of making an offer of a property.

## **11 Providing false information**

- 11.1 The Housing Act 1996 section 171 states 'a person commits an offence if, in connection with the exercise by a local housing authority of their functions under this Part – (a) he knowingly or recklessly makes a statement which is false in a material particular, or (b) he knowingly withholds information which the authority have reasonably required him to give in connection with the exercise of those functions'. The offence is punishable on summary conviction by magistrates by a fine of up to £5000.
- 11.2 Obtaining social housing fraudulently may result in eviction and the imposition of a fine.

## **12 Qualification**

- 12.1 In addition to eligibility criteria, applicants are subject to the Dorset Council qualification criteria as follows:
- 12.2 Anyone aged 16/17 years please note a tenancy will not usually be awarded without a guarantor for example social services, parent, guardian, friend etc. Partner social landlords may have differing policies in dealing with applicants aged under 18 years. Details can be provided directly from the provider.
- 12.2 Applicants must also meet ONE of the Dorset Council local connection criteria to ensure wherever possible social housing goes to local people. Individual circumstances will be considered according to statutory guidance and the exceptions in this policy, otherwise they will not qualify to join the housing register.

## **13 Local connection criteria**

- 13.1 Dorset Council local connection criteria are:

|   |  |
|---|--|
| Residency in the area                         | 2 years or 3 years out of the last 5 years |
| Close family continuous residency in the area | 5 years evidenced                          |

|   |   |
|---|---|
| (parents, siblings, non-dependant children)                               |   |
| Paid employment in the Dorset Council area.                               | 16 hours per week average for minimum period of 1 year (including zero hours contracts).  |
| Offer of permanent employment to social tenant in the Dorset Council area | 16 hours per week average for period no less than 1 year (including zero hours contracts) and where it is unreasonable to travel from current social housing property |
| Location requirements   | Any requirements detailed in a Section 106 Town and Country Planning Act 1990 and or a local lettings plan.   |

- 13.2 A local connection is not established if residency is a consequence of being detained under the authority of an Act of Parliament or by being placed in the area to receive treatment or rehabilitation of any kind for any kind of dependency.

## 14 Exceptions

- 14.1 The local connection criteria will not apply to the following applicants:

- a) who are assessed as having an urgent (emergency) need due to imminent risk of violence or those who are part of a witness protection scheme, or
- b) who are homeless within the meaning of Part 7, Housing Act 1996 and Dorset Council has accepted a full housing duty under S.193(2) or S195(2) or S189(b) of the act, or
- c) who are owed a full housing duty when re-applying after private sector rent (S195A(1)) of the above act regardless of priority need and
  - i. the person makes a re-application for assistance within 2 years of accepting a private rented sector offer, and
  - ii. the person is eligible for assistance and has become unintentionally homeless, or
- d) able to demonstrate the need to move for essential and/or critical receipt of support where significant harm would result if this was not provided. This is limited to applicants whose immediate family associations have resided in the Dorset Council area continuously for the past 1 year.
- e) who have special circumstances for example - receive specialist medical services within the area which cannot be provided elsewhere, or
- f) who have experienced domestic abuse (within the meaning of the Domestic Abuse Act 2020) and established accommodation in refuge or other temporary accommodation which is located in the Dorset Council



- area and it is safe to do so, or
- g) are subject to Multi-Agency Public Protection Arrangements (MAPPA) or High Risk Domestic Abuse (HRDA) or witness protection and it is safe to do so, or
- h) a person has received threats to life, racial or homophobic harassment, extreme anti-social behaviour or
- i) a person who has any other significant and or immediate need for a move to more suitable alternative social housing accommodation, or
- j) where the council has a corporate parenting responsibility, or
- k) Those who are currently serving in the Regular Armed Forces or who were serving in the Regular Forces at any time in the 5 years preceding their application for an allocation of social housing or
- l) Bereaved spouses or civil partners of those serving in the Regular Forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease, to be entitled to reside in Ministry of Defence accommodation following the death of their Service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service or
- m) Serving or former members of the Reserve Armed Forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service or
- n) applicants who are eligible for housing for older people, or
- o) a person from the transient community who does not have a connection to another local authority area, or
- p) a person who has been verified as a rough sleeper, where there is proof of rough sleeping in the Dorset Council area and where the person has no connection with another local authority area as defined by S199 of the Housing Act 1996, or
- q) a person with a connection to an adjoining parish that is outside of Dorset Council's area but who's housing need has been used to develop affordable housing within a Parish within the Dorset Council area, these households will only be allowed to bid within the parish identified to meet their housing need

14.2 Applicants who meet any of these exceptions will need provide supporting evidence.

## **15 Exclusions**

15.1 Some eligible applicants may not qualify because of other factors including:

|   |            |
|---|------------|
| Unacceptable behaviour serious enough to make them unsuitable as a prospective tenant | Section 16 |
| People who have assets and/or income above the financial resource limit               | Section 17 |
| People who own their own home   | Section 18 |
| People who have deliberately worsened their circumstances                             | Section 19 |
| Prisoners whose release date is more than 2 months                                    | Section 20 |

## **16 Unacceptable Behaviour**

16.1 This means the applicant, or a member of their household, have been guilty of unacceptable behaviour serious enough to make them unsuitable to be a social housing tenant or would be serious enough that a county court judge would probably make an outright order for the Local Authority to obtain possession, had the applicant been a tenant at the time the unacceptable behaviour was carried out. This behaviour must normally have occurred in the previous two years and that it would, if the applicant had been a secure tenant, or a member of their household, allow the landlord to obtain an outright possession order under section 84 of the Housing Act 1985 in relation to Grounds in Part 1 of Schedule 2 other than Ground 8.

16.2 Examples of unacceptable behaviour may include but are not limited:

- a) Rent arrears of 8 weeks or more or breach of tenancy obligations where no attempt is being made to repay the debt or remedy the breach (debt relating to MOD properties known as mesne profit debt may be excluded on a case by case basis).
- b) Conduct likely to cause serious nuisance, annoyance or harassment to neighbours to the Local Authority or a Social Landlord or agents acting on their behalf to carry out housing management functions
- c) Using accommodation or allowing it to be used for illegal purposes
- d) Serious damage or neglect of a property by the tenant or other occupants
- e) Perpetrators of domestic abuse who are subject to a non-molestation order, an injunction order, an occupation order or a restraining order, which is in force at the date an application is being determined.

- f) Knowingly giving false or misleading information or withholding information that has been reasonably requested
  - g) Threatening or perpetrating violence or abuse against members of staff or a partner organisation
- 16.3 Cases will be considered on an individual basis and when reaching a decision to refuse a registration because of unacceptable or anti-social behaviour. All reasonable and relevant factors will be considered before making any decision
- 16.4 Applicants have a right to ask for this decision to be reviewed (see section 41).

## **17 Financial resource limit**

17.1



- 17.2 This can include disposals for nil (for example, transfer of ownership) or below market value.
- 17.3 The council consider a combination of income, savings, investments and/or capital of £60,000 or more is sufficient to help buy a home or pay market rent in the area.
- 17.4 The following exceptions apply:
- a) people in receipt of an income-based benefit
  - b) existing social tenants with the right to transfer may be excluded from the financial resource limit subject to an agreement we have with a social landlord
  - c) lump sum payments received by a member of the Armed Forces (including former service personnel) as compensation for an injury or disability sustained on active services, or similar awards made to civilian e.g. for industrial injury
  - d) people who meet the criteria for older persons housing
  - e) people who require specialist housing because they have a disability or a medical condition
  - f) if the applicant or partner, where applicable, has been accepted as unintentionally homeless and in priority need by Dorset Council
- 17.5 Applicants have a right to ask for this decision to be reviewed (see section 41).

## **18 Property Ownership**

18.1

People who own their own property  
will not qualify

18.2 The following exceptions apply:

- a) people who are in financial difficulty because their home is being repossessed.
- b) people who meet the criteria for older persons housing
- c) people who require specialist housing because they have a disability or a medical condition where their current accommodation cannot be adapted.
- d) people who are fleeing domestic abuse and where a homeless duty has been accepted

18.3 Assessments will be made on a case by case basis and home owners may be asked to market their property for sale before a social landlord will consider them.

18.4 Applicants have a right to ask for this decision to be reviewed (see section 41).

## **19 Deliberately worsening circumstances**

19.1

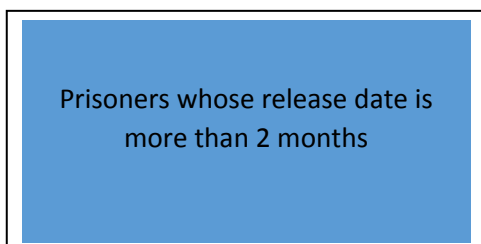
People who have deliberately  
worsened their circumstances

19.2 If an applicant deliberately worsens their circumstances so they can join the housing register or qualify for a higher band and there is evidence of this, their application will be refused unless a homeless duty has been accepted by Dorset Council.

19.3 Applicants have a right to ask for this decision to be reviewed (see section 41)

## **20 Prison Sentences**

20.1



20.2 Applications received from people serving prison sentences who on their release will have a local connection and or be homeless will be considered when less than 2 months from their release date. Applications received in advance will be refused.

## **21 Other factors explained**

21.1 Applicants should be aware the council will take into account other factors that may affect their qualification or assessment.

## **22 Dependent Children**

22.1 Various factors will be considered on a case by case basis regarding whether a dependent child resides with the applicant. They include but are not limited to:

- a) whether the applicant receives child benefit for the dependent child and
- b) confirmation from professional bodies e.g. social worker; school; doctor; health visitor.

22.2 In the case of divorced or separated parents/guardians, if the child is co-resident with the two parents/guardians and is adequately housed with one they cannot be included on a housing application from the other parent/guardian.

22.3 A child's residence is regarded as the place where he/she is cared for by the parents/guardians or others with parental responsibility or legal equivalent and have agreed he/she lives. If this is not the same address as the applicant, he/she cannot be included on the application.

## **23 Sharing a home to provide mutual support**

23.1 Applications will be considered where the applicant; carer; friend or relative provides support, on a case by case basis. Evidence will be required to show the support is already established for a minimum period of 12 months or is essential and supported in a care plan provided by social services or other care agency.

23.2 The applicant will be required to evidence that the care supports the ability to sustain a tenancy or where there is a significant medical need

or overnight care.

23.3 Support and care needs may include:

- a) Age
- b) Mental health
- c) Physical disability
- d) Drug or alcohol abuse
- e) Learning difficulties
- f) Rough sleeping

## **24 Medical Needs**

- 24.1 Medical banding is awarded to housing applicants or those to be rehoused with them who can demonstrate that their medical condition (physical or psychological) is currently being adversely affected by their housing situation AND that a change to more appropriate housing would benefit them medically.
- 24.2 An assessment of medical need is made by the council after receipt of a completed medical assessment form, evidence of any relevant benefits and list of medication. Supporting evidence and reports from medical professionals will be taken into account if provided but they may charge which the council will not pay.
- 24.3 If the assessment places an applicant into a higher band, then the registration will be re-dated to the date of the assessment. If the assessment does not change the band into which the registration falls, the existing effective date and banding remains unchanged.
- 24.4 The assessor determines medical priority based on the current housing circumstances in relation to the illness or disability of the applicant or household member (who is moving with them) as well as considering measures that could be taken to make the current home more suitable.
- 24.5 Applicants who require a specific type of property will normally only be allowed to bid for such as property. If applicants consider they can manage a different type of property, their medical assessment will be reviewed. For example, an applicant who needs a ground floor property due to a disability who wishes to bid for a first-floor property would either not be allowed or would have their medical assessment reviewed.
- 24.6 There are FOUR decisions that can be returned;

**Exceptional Medical Need** – Applicant placed into Band A

**High Medical Need** – Applicant placed into Band B

**Medium Medical Need** – Applicant placed into Band C

**Low Medical Need** – Applicant placed into Band D

## **25 Disrepair**

- 25.1 The level of property disrepair falls into each band and is assessed by the council using a nationally prescribed risk assessment called the Housing, Health and Safety Rating System (HHSRS). There are two categories:
  - a) Category 1 hazard
  - b) Category 2 hazard
- 25.2 Category 1 hazards are the most serious hazards for which local housing authorities have a duty to act and resolve.
- 25.3 Category 2 hazards are less serious hazards for which local housing authorities have a discretionary power to act and reduce.

## **26 Overcrowding**

- 26.1 Statutory overcrowding is assessed under the Housing Act 1985 and takes into account all bedroom space and space used as a living room.
- 26.2 Overcrowding is also assessed on a bedroom entitlement based on the ages and composition of all a household's occupants. A notional number of bedrooms are allocated to each household in accordance with its age, sex and status and then compared to the actual number of bedrooms which are available. Using this standard households may have bedroom space spare, have the correct amount or be deemed to be lacking bedroom space

## **27 Assessment of application**

- 27.1 When a complete application and documentation is received we will assess it and tell the applicant their band; band reason; bedroom entitlement (see appendix 4) and the effective date of their application. The effective date is used to prioritise nominations when applications match all other criteria. The earliest effective date would be given the higher priority in these cases.
- 27.2 Social housing is in short supply in the Dorset Council area and waiting times may vary across the area. An indication of expected waiting times is available in Appendix 8.
- 27.3 The applicant is entitled to ask for a review (see Section 41).
- 27.4 We will explain in writing how the applicant can view properties online and register their interest in them, this is called 'bidding'.
- 27.5 Applicants will be provided with a personal reference number used to access their account and to see adverts online. A user guide will also be available.

27.6 We will support vulnerable applicants who evidence they are unable to bid for properties electronically. This support may include assisted bidding for matched properties. Applicants will qualify for this assisted bidding by:

- a) self-referral
- b) request from support worker or housing officer

27.7 Applications received without all the required evidence will be not progressed until all the evidence is received. The date all evidence is received will be regarded as the effective date.

27.8 Social landlords will require an initial payment known as rent in advance which can vary in amount. Applicants who are socially or economically deprived will be supported or sign posted to suitable services so they can demonstrate their ability to manage their finances and be considered as tenancy ready.

## **28 Banding**

28.1 Housing need is prioritised in the scheme. There are four bands ranked in order of priority as follows:

- ❖ Band A – Exceptional Housing Need
- ❖ Band B – High Housing Need
- ❖ Band C – Medium Housing Need
- ❖ Band D – Low Housing Need

See following table. Detailed explanatory notes are available in Appendix 3



## Dorset Allocations Policy Reasonable Preference Bandings

| Band A – Exceptional Housing Need                                  |  |  |  |   |  |
|--|--|--|--|---|--|
| Exceptional Housing Need that takes priority over other applicants | Statutory Homeless and owed the full Housing Duty by Dorset Council s193 (2) | Exceptional Disrepair Need               | Exceptional Medical Need                                       | Urgent Welfare Need   | Statutory Overcrowding Part X Housing Act 1985 |
| Band B – High Housing Need   |  |  |  |   |  |
| Owed a relief duty under s189B (2)                                 | Under Occupying Social Housing   | Overcrowded by 2 or more bedrooms        | Proven social need/ support delivery of another service        |   |  |
| Severe and/or persistent harassment                                | High Disrepair Need  | Social tenant living in adapted property | Social tenant requiring extensive adaptations                  | High Medical Need   | High Welfare Need                              |
| Corporate Duty   | Supported Housing and ready to move on                                       | Efficient management of Housing Stock    | Owed a relief duty under s189B (2) with no local connection    |   | Corporate Parenting Responsibility             |
| Band C – Medium Housing Need                                       |  |  |  |   |  |
| Owed a Prevention Duty under s195 (2)                              | Homeless Households  | Medium Medical Need                      | Medium Disrepair Need  | Accommodation duty following deliberate and unreasonable refusal to co-operate (S193c(4)) duty owed |  |
| Social Tenant with right to Move for work                          | Split Families   | Medium Welfare Need                      | Owed a Prevention Duty under s195 (2) with no local connection | Need to move for critical/ essential support to avoid hardship                                      |  |

|   |                          |                    |   |   |
|---|--------------------------|--------------------|---|---|
| Unsatisfactory or unsanitary Conditions               | Overcrowded by 1 bedroom | Affordability      | Service Personnel                           |   |
| Band D – Low Housing Need                             |                          |                    |   |   |
| Low Housing Need                                      | Low Medical Need         | Low Disrepair need | Older People's Housing                      | Older peoples Housing no local connection |
| Supported Housing or care leaver not ready to move on |                          | Low Welfare Need   | Applicants with other Housing related debts |   |

## 29 Bidding process

### 29.1 Properties and advertisements

29.2 Properties are advertised on Homechoice Dorset on a daily basis. The information may include but is not limited to:

- a) Type of property
- b) Location of property
- c) Age restrictions
- d) Photograph of property
- e) Number of bedrooms
- f) Floor level and whether there is a lift
- g) Disability adaptations
- h) Type and length of tenancy
- i) Amount of rent and other charges
- j) Garden
- k) If pets are permitted
- l) Details of any local lettings plan
- m) Section 106 agreements
- n) Sensitive let details
- o) Closing date of advert

29.3 Properties may occasionally be withdrawn if necessary, to promote good management.

29.4 Adverts will indicate applicants who can bid and will include information regarding restrictions to applicants with for example supported needs; specialist needs; or older persons.

29.5 The advert criteria may be used by the housing service to:

- a) manage the housing register effectively
- b) meet the requirements of local lettings plans or allocate to a new housing development efficiently
- c) facilitate effective nominations for those with specialist need, medical need or temporary accommodation requirements
- d) promote mobility for existing social tenants
- e) aid social landlords operating alternative eligibility criteria

29.6 Social landlords are required to comply with the Equality Act 2010 if imposing restricted letting criteria and will be required to provide evidence for applying these criteria which may be refused by the housing service. It is acknowledged such restrictions may be required by social landlords to effect good future management of housing.

### **30 How to make a bid for a property**

30.1 Applicants can submit bids online [www.dorsetcouncil.gov.uk](http://www.dorsetcouncil.gov.uk) or by arranging assisted bidding with the housing service. Applicants can place up to 6 bids per day. No further bids can then be placed until an advert closes or a bid is removed.

30.2 Applicants may request support where assistance would enhance successful bids and they would otherwise not be able to participate fully in the scheme. Such circumstances include but are not exhaustive of applicants:

- a) where English is not their first language
- b) with learning difficulties
- c) with literacy difficulties
- d) with physical disability
- e) with mental health conditions
- f) who have a chaotic lifestyle due to alcohol or drugs
- g) domestic abuse
- h) rough sleepers
- i) who are blind or have visual impairment

30.3 Applicants who have not made a bid for a period of 12 months will be contacted to assess the reason. Applicants who fail to respond may be removed from the housing register.

30.4 Applicants in Band A who have not made a bid in the last 3 months **and suitable properties were available during that time** will be contacted, reassessed and their band may be decreased to Band B.

30.5 Where an applicant is accepted as homeless, the housing service will also bid on the applicant's behalf and can make a direct let outside the Housing Act 1996 Part 6 (see section 40) including for those applicants living in temporary accommodation.

### **31 Assessing Bids Received**

- 31.1. Once the bidding cycle for the advertisement is closed all bids will be shortlisted against the advert criteria. The council will contact the successful applicant to verify their circumstances have not changed. Any bid that fails to meet the criteria will not be considered.
- 31.2 Before a nomination is made the council will ask the applicant(s) to provide up to date original documentation.

### **32 Nominations**

- 32.1 The housing service will notify the social landlord of applicant(s) meeting the criteria and provide their applications for consideration.
- 32.2 The social landlord will consider the applicant(s) and may ask for additional documentation. The social landlord may liaise with the housing service and consider various factors including:
  - a) household make-up
  - b) financial matters
  - c) health
  - d) isolation
  - e) support needs
  - f) safeguarding
  - g) own lettings policy
  - h) criminal history
  - i) tenancy history
  - j) community cohesion
- 32.3 The social landlord will write to applicants they refuse and explain the reason, including the applicants' right of appeal in accordance with their own lettings policy.
- 32.4 It is the final decision of the social landlord to accept any nomination from the local authority in accordance with their own lettings policy.
- 32.5 The applicant will be invited to view the property and sign the tenancy agreement. The social landlord will accompany applicants to view the property and will agree a reasonable period to complete this process taking into account any special circumstances such as:
  - a) disability
  - b) hospitalisation
  - c) vulnerability
  - d) travelling arrangements
- 32.6 Those applicants who are owed an accepted homeless duty will be expected to comply with the nomination process which includes the provision of

requested documentation and attendance at arranged viewings. Failure to comply with the nomination process may constitute an implied refusal which may result in a discharge of the homeless duty.

### **33 Withdrawal of Offer**

33.1 The social landlord may withdraw the offer of a property in writing if the applicant:

- a) refuses to co-operate with the social landlord
- b) fails to respond to telephone calls or correspondence about the nomination
- c) fails to agree to accept the offer of the tenancy in a reasonable time
- d) makes a fraudulent or misleading application
- e) outgoing tenant withdraws notice to quit

### **34 Refusal of Offer**

34.1 Applicants can refuse the offer of a property and are required to provide a reasonable explanation for the refusal. The housing service may suspend the applications where two offers of suitable accommodation have been refused in a period of 12 months.

34.2 Applicants may ask for a review of this decision in writing to the housing service within 21 days of the decision (see section 41).

### **35 Specific Lettings descriptions**

35.1 Some properties have specific descriptions and are normally limited to applicants who meet the criteria.

### **36 Older Persons Property**

36.1 This property type is usually one bedroom and either a bungalow or flat. Age restrictions apply these are normally 55+ dependent on the social landlord's criteria.

### **37 Adapted or Accessible Properties**

37.1 Adapted or accessible properties include properties which possess at least one major adaptation or facility which makes them more accessible for a person with a disability who would benefit from that type of facility. These adaptations or facilities can include, but are not limited to:

- a) ramps and accessible access to a property
- b) accessible internal arrangements including widened doors
- c) level Access Shower
- d) home lift

- e) accessible kitchen
- f) ground floor accessible bedroom and bathroom
- g) other similar major adaptations

37.2 Applicants with a medical or other condition which demonstrates the need for an adaptation or similar listed above will be given priority when bidding for accommodation which possesses such an adaptation or facility.

37.3 Applicants with a medical or other condition may bid on a range of accommodation options in accordance with this policy. Where such accommodation requires an adaptation then a range of equipment, assistance, financial help for minor and major adaptations maybe available from Dorset Council at [www.dorsetcouncil.gov.uk/homeadaptation](http://www.dorsetcouncil.gov.uk/homeadaptation). Eligibility criteria applies.

### **38 Local Letting Plan**

38.1 Housing authorities may adopt a local lettings plan in accordance with the Housing Act 1996 (as amended) Section 167(2E) in order to manage:

- a) meeting demand of a particular group
- b) schemes that are having a significant impact on tenants' quality of life
- c) create community cohesion on new development

38.2 Housing providers working on a development are required to discuss the need with the local authority and provide clear evidence and justification of the requirement of a local lettings plan together with detailed plans at least 6 months before completion of the development and/or advertising properties. The details must show consideration has been given to:

- a) meeting the identified housing need
- b) assisting the housing authority meet its homeless needs
- c) mitigation steps
- d) timescale
- e) review date and monitoring arrangements

38.3 The Housing Solutions Service Manager will agree the terms of a local lettings plan which will be advertised on [www.dorsetcouncil.gov.uk](http://www.dorsetcouncil.gov.uk) and nominations will be managed in accordance with the plan.

### **39 Rural properties**

39.1 The availability of private housing in Dorset is restricted by high house prices, high numbers of second homes and a low wage economy. As a significant proportion of social housing in Dorset is rural this policy aims to sustain these rural communities by giving local people in housing need, priority for these properties and reducing reliance on new social housing developments (see appendix 6 for list of parishes).

39.2 Some rural properties are subject to Section 106 agreements imposed during their development which restricts residents to those applicants meeting

specific criteria and these restrictions take precedence over the housing allocations policy standard criteria.

- 39.3 Rural properties not subject to Section 106 agreements will detail whether the personal residency in the local connection criteria and any other factors need to be met in the advertisement. In these circumstances' applicants may be required to hold a connection to a parish or settlement. Those applicants with this connection and the highest priority from the register will be selected.
- 39.4 Where no applicant meets the criteria, the area will be expanded to the neighbouring parish or settlement until a suitable application is received. Failing this, applicants with a less priority on the register would be considered.
- 39.5 Dorset Council will allocate 75% of these properties in this way in order to help create mixed, sustainable communities.

#### **40 Letting outside of the scheme**

- 40.1 Occasionally properties are let outside the scheme and outside Part 6 of the Housing Act 1996 examples include but are not limited to:
  - a) hard to let properties where no suitable bids have been received
  - b) social landlords need to move (decant) tenants due to major refurbishment or demolition of their current property
  - c) at the request of Dorset Council to meet our duty to accommodate statutorily homeless households
  - d) the social landlord needs to transfer a tenant for a management purpose
- 40.2 Cases considered to be urgent and serious enough to require an allocation to be made outside of the council's normal policy and procedure are defined as follows:
  - a) threats to life
  - b) harassment
  - c) extreme anti-social behaviour
  - d) vulnerable witnesses
  - e) any other significant and/or immediate need for a move to more suitable, alternative accommodation
- 40.3 Housing providers will be expected to demonstrate that they have taken reasonable steps to deal with urgent cases before referring for an Exceptional banding request.
- 40.4 The Council will carry out risk assessments and consult The Community Safety team, Police and Probation as well as existing and potential social landlords where appropriate, to assess the appropriateness of any resulting allocation which may arise from the award of Exceptional banding to an applicant.

## **41     Reviews & Complaints**

41.1 In the spirit of the statutory codes of guidance, Dorset Council offers applicants the option to request a review within 21 calendar days of a decision regarding the following matters:

- a) meeting eligibility or qualification criteria
- b) the effective date of their application
- c) reasons leading to the cancellation or suspension of their application
- d) the property type they are able to bid for
- e) entitlement to reasonable preference
- f) household members considered for housing

41.2 Applicants must request a review in writing and can provide supporting evidence at that time. Reviews will be accepted:

By email to: [housingoptionsteamb@dorsetcouncil.gov.uk](mailto:housingoptionsteamb@dorsetcouncil.gov.uk)

In writing to: Service Manager for Housing Solutions  
South Walks House  
Dorchester  
Dorset  
DT1 1UZ

In person at: Local Office – See Appendix 2

41.3 The review will be carried out by a senior officer and consider the facts of the application, the decision, the scheme and relevant legislation at that time. The review will be completed within 56 calendar days unless an extension is agreed with the applicant and will be provided in writing.

41.4 Applicants will be able to bid on properties in accordance with their assessment during a review.

41.5 Support may be available to applicants to request a review who otherwise would be unable to do so and will be considered on a case by case basis and may include:

- a) accepting representation from another person acting on their behalf
- b) accepting a verbal request for a review
- c) depositing a written response at a local Dorset Council office for collection within 30 calendar days where no postal address is available.

41.6 Applicants who remain dissatisfied with the result of a review may choose to make an application for judicial review if they feel they have grounds. Applicants are able to apply for a judicial review at any time.



- 41.7 Applicants may make a complaint to Dorset Council by following our complaints procedure ([www.dorsetcouncil.gov.uk](http://www.dorsetcouncil.gov.uk)) where they feel we have:
- a) failed to provide a service or an acceptable standard of service
  - b) delayed in providing a service
  - c) made a mistake in the way we have provided a service
  - d) failed to act in a proper way
  - e) provided an unfair service
- 41.8 If the outcome of this proves unsatisfactory, an applicant may seek the help of the Local Government & Social Care Ombudsman. Complaints can be made by:
- 1. Telephone: 0300 061 0614
  - 2. Online: <https://www.lgo.org.uk/contact-us>
- 41.9 Applicants will be advised of their right to make a complaint to the Office of the Information Commissioner (“**ICO**”) if they believe we have failed to fulfil our obligations and responsibilities as set out in the Data Protection Act 2018.
- 41.10 Concerns can be reported by telephoning the ICO’s helpline on 0303 123 1113 or online at <https://ico.org.uk/concerns/>

## **42 Scheme monitoring and review**

- 42.1 Dorset Council will continuously monitor the scheme to ensure the following objectives are met:
- a) the aims of the scheme are being met
  - b) the scheme is updated to reflect any changes to legislation
  - c) the scheme is administered in accordance with the terms set out in this document.
  - d) to meet our legal requirements to provide central government with specified data
- 42.2 The policy will be reviewed annually to monitor the objectives set out above. Any changes necessary including any consultation or equality assessments required will be publicised on our website at [www.dorsetcouncil.gov.uk](http://www.dorsetcouncil.gov.uk)
- 42.3 The Portfolio Holder for Housing is able to approve minor amendments to the housing allocation policy at any time to ensure it meets legal requirements without the need for further approval.
- 42.4 A formal review of the housing allocation policy will be carried out by the housing service every 2 years in accordance with the statutory codes of guidance.

- 42.5 Dorset Council will use data stored on the housing register to support the delivery of other Council services meeting the health and wellbeing of our communities.

Last Review Date:

## Appendix 1

### Eligible Applicants

British citizens (constituting the nations of England, Scotland and Wales).

Commonwealth citizens with a right of abode in the UK immediately before 01 January 1983 who have remained commonwealth citizens throughout (excluding non-British citizens from Pakistan and South Africa, but inclusive of citizens from Gambia and Zimbabwe).

Irish citizens (constituting the nations of Northern Ireland and Republic of Ireland). From 24 August 2020 this will extend to a person who have limited leave to enter or remain in the UK as a family member of a relevant person of Northern Ireland, and that family member has been resident in the UK and a family member for at least five years, or the person of Northern Ireland is a worker, self-employed, self-sufficient, student, or have the right of permanent residence in the UK

Isle of Man citizens.

Channel Islands citizens.

EEA nationals with extended rights of residence:

- a. Jobseekers.
- b. Workers.
- c. Self-employed persons.
- d. Self-sufficient persons.
- e. Students.
- f. Family members of the persons referred to above.

EEA nationals with permanent rights of residence:

- g. EEA nationals in UK for a continuous period of 5 years.
- h. Family members of the persons referred to above.
- i. Workers or self-employed persons who have ceased activity.
- j. Family members of the persons referred to above.
- k. Persons who were a family member of the persons referred to above who has died and resided with them previously.

Persons exempt from immigration control (e.g. diplomats and their family members based in the UK and some military personnel).

Persons granted refugee status by the UK Government.

Persons granted exceptional leave to enter or remain in the UK with condition that they and any dependents have resource to public funds (e.g. humanitarian or compassionate circumstances).

Persons with current leave to enter or remain in the UK with no condition or limitation, and who are habitually resident in the Common Travel Area (a person whose maintenance and accommodation is being sponsored must be resident in the Common Travel Area for five years since date of entry or date of sponsorship, unless the sponsor has died).

Persons who have humanitarian protection granted under the Immigration Rules (e.g. a person whose asylum application has failed, but they face real risk of harm if they returned to their state of origin).

Persons who are Afghan citizens with limited leave to enter or remain in the United Kingdom, who are habitually resident in the Common Travel Area.

From 24 August 2020, persons who are habitually resident in the Common Travel Area (see 3.1.2) and who have been granted leave to remain as a stateless person under Immigration Act 1971

The following classes of person will not be eligible to be allocated social rented housing:

Persons not habitually resident in the Common Travel Area, which consists of:

- a. United Kingdom of Great Britain & Northern Ireland.
- b. Republic of Ireland.
- c. Isle of Man.
- d. Channel Islands (Guernsey & Jersey).

EEA nationals (job seekers or their family members) who have only an:

- e. Initial right of residence for 3 months.
- f. Derivative right of residence because the person is the primary carer of a British citizen.
- g. Right to reside as a result of the persons deportation, expulsion or other removal by compulsion of law from another country to the UK (including EEA nationals exercising EU Treaty rights, who were previously settled in the UK prior to deportation).

Persons whose only right to reside in the UK is an initial right for no more than 3 months, including those who would become an unreasonable burden on the social assistance system of the UK.

Persons who are excluded by section 115 of the Immigration and Asylum Act 1999 to entitlement to universal credit under Part 1 of the Welfare Reform Act 2012 or to housing benefit.

## **Appendix 2**

### **Council Contact Information**

South Walks House  
South Walks Road  
Dorchester  
Dorset  
DT1 1UZ  
Phone: 01305 251010

Weymouth Office  
Commercial Road  
Weymouth  
Dorset  
DT4 8NG  
Phone: 01305 838000

Wimborne Office  
Allenvie House  
Hanham Road  
Wimborne  
Dorset  
BH21 1AG  
Phone: 01202 795096

Blandford Office  
Nordon Lodge  
58 Salisbury Road  
Blandford Forum  
Dorset  
DT11 7LN  
Phone: 01258 454111

Wareham Office  
Westport House  
Worgret Road  
Wareham  
Dorset  
BH20 4PP  
Phone: 01929 556561

## Appendix 3

### Banding Explanatory Notes

#### Band A – Exceptional Housing Need

##### Exceptional Housing Need that takes priority over other applicants

Applicants will be placed in the exceptional housing need band if their need for housing is assessed as so exceptional that they take priority over all other applicants or if there is an urgent need to allocate a property for financial or operational reasons.

Substantial evidence must exist and be provided by any relevant statutory or voluntary agencies before such priority is awarded.

##### Examples:

|           |  |
|-----------|--|
| Example 1 | To escape violence or threat of violence, serious harassment or a traumatic event. Where there is immediate and serious risk to a household living in a Dorset Home Choice partner authority. The Police or another appropriate agency will usually provide supporting evidence that the risk exists. The person at risk may be the applicant, or another person who might be reasonably expected to reside with them. |
| Example 2 | There is an operational need to move the applicant quickly where the applicant is in a specific type of temporary accommodation such as a refuge, where they can no longer remain and further temporary accommodation is inappropriate.  |
| Example 3 | Where Dorset Council accepts a household being referred under the Witness Protection Scheme.   |
| Example 4 | Delayed transfer of care from hospital or from an interim care facility which has been a necessary move to avoid a delay in transfer of care from hospital.  |

Applicants will be given this priority for 3 months.

Please note that the award of 'Exceptional Housing Need Band' will be made by a Service Manager within Dorset Council.

## **Statutory Homeless and owed a full housing duty by Dorset Council S193 (2)**

Households owed a full housing duty under Section 193(2) of the Housing Act 1996 (as amended by the Homelessness Act 2002 and the Homelessness Reduction Act 2018) by Dorset Council. This duty is discharged upon the offer of reasonable accommodation for a minimum period of 12 months regardless of whether the applicant accepts the offer or the withdrawal of the application. This banding may be reduced to Medium Housing Need band if the applicant fails to bid for suitable accommodation that becomes available or fail to co-operate subject to Section 193C (4)

### **Exceptional Disrepair Need**

A property which would normally possesses an imminent risk of serious harm to the health or safety of the occupiers akin to section 40 of the Housing Act 2004 (or a similar level of health or safety risk).

|           |  |
|-----------|--|
| Example 1 | The means of escape in case of fire from a second-floor bedroom is via a kitchen – a room of higher fire risk.                         |
| Example 2 | There is significant disrepair to the property's fixed electrical wiring, putting the occupants at demonstrable risk of electric shock |

### **Urgent Medical Need**

Urgent Medical need which is life threatening or which is causing bed blocking with hospital/care facility.

|           |   |
|-----------|---|
| Example 1 | An elderly applicant who the medical specialists will not allow to be discharged from hospital back to a second-floor split-level flat which necessitates the climbing of stairs both to gain access and also within the flat itself. This person suffers from a chronic heart condition and the only accommodation available to them would place their life at risk. This view is amplified when further research reveals that the applicant lives alone, has virtually no contact with any neighbours, becoming in effect, a prisoner within the flat should the medical authorities decide to discharge him/ her from hospital |
| Example 2 | Mr Stevens, a frail, elderly gentleman, lives on his own in an old caravan in the grounds of a house in a country area. The only mains service is electricity. He fetches his water from an outside cold water tap and must use an Elsan bucket toilet situated some distance from the caravan. Mr Stevens suffers from dizzy spells, arthritis and was admitted to hospital as a   |



|  |   |
|--|---|
|  | result of the cold during the winter and the danger of falls when collecting water or using the outside toilet. |
|--|---|

### **Urgent Welfare Need**

Severe and persistent welfare risk to the applicant.

|           |  |
|-----------|--|
| Example 1 | A family living in Sherborne. Son has severe illness that requires access to Dorchester hospital. Family car is in use for work, mother looking after children doesn't drive and isolation from medical care is causing problems for other children. |
|-----------|--|

### **Statutory Overcrowding**

Statutory overcrowding can be caused by too many people living in a dwelling and depends on the size of the habitable rooms.

#### **Room Standard**

The room standard is contravened if two people of the opposite sex have to sleep in the same room the accommodation will be overcrowded unless the two people are:

- a married or cohabiting couple, or
- at least one occupant is under ten years old

The number of people of the same sex - unless they are a same sex couple - who can sleep in one room is restricted by the size of the room within the dwelling.

Rooms that are counted as space for sleeping include living rooms, dining rooms, bedrooms and the living area of an open-plan kitchen/living room. For the space and floor area calculations:

- children under one year old are ignored
- children aged from one to 10 count as a half
- anyone aged over 10 counts as 1.

#### **Space Standard**

The Space Standard is contravened when the number of persons sleeping in the dwelling is in excess of the permitted number having regard to the number and floor area of the rooms of the dwelling available as sleeping accommodation.

- children under one year old are ignored
- children aged from one to 10 count as a half
- anyone aged over 10 counts as 1.

- A room is available as sleeping accommodation if it is of a type normally used in the locality as a living room or as a bedroom

The permitted number for a dwelling is the lower of the figures obtained by reference to both tables below:

Table 1

- 1 room = 2 people
- 2 rooms = 3 people
- 3 rooms = 5 people
- 4 rooms = 7.5 people
- 5 or more rooms = 2 people for each room.

Table 2

- floor area 110 sq feet (10.2 sq metres approx) = 2 people
- floor area 90 - 109 sq ft (8.4 - 10.2 sq m approx) = 1.5 people
- floor area 70 - 89 sq ft (6.5 - 8.4 sq m approx) = 1 person
- floor area 50 - 69 sq ft (4.6 - 6.5 sq m approx) = 0.5 people.

## **Band B – High Housing Need**

### **Owed a relief duty under S189B (2)**

Households owed a relief duty under section 189B of the Housing Act 1996 (as amended by the Homelessness Act 2002 and the Homelessness Reduction Act 2018) by Dorset Council. This banding will be time limited and can be ended in a number of ways.

### **Under-occupying social housing**

The applicant is a social tenant who resides within Dorset Council area, under-occupies their existing property and is looking to move to a smaller, more suitable property that matches their need. Note: Where a tenant lives in specialist two-bedroom property this may not apply.

### **Overcrowded by 2 or more bedrooms**

These applicants are assessed by a housing officer overcrowded by lacking two or more bedrooms according to the bedroom entitlement (see appendix 4) but are not statutorily overcrowded. This criteria will NOT be awarded where evidence exists that proves the overcrowding is deliberate. This banding does not apply to households accommodated in temporary accommodation by Dorset Council.

## High Medical Need

This band is awarded due to serious problems/medical issue(s) which have a serious impact on your housing need or make it unreasonable to remain in your current accommodation. Note that where public monies have been committed or works begun to adapt the applicant's property to meet the applicants housing needs the applicant may be moved to Band D – Low Housing Need.

|           |  |
|-----------|--|
| Example 1 | Mrs Smith, an elderly widow, lives on her own in a first floor flat. She suffers from severe rheumatoid arthritis and is unable to climb stairs. As a consequence, she is housebound. This is clearly not putting her life at risk, but is having a serious effect on her lifestyle, which a move to ground floor accommodation would resolve. [Note the key fact here is that the applicant is housebound because of their condition – were the applicant able to move around more freely this case would likely to be assessed as Band B medium medical need |
| Example 2 | Mr and Mrs Brown, are both aged 70, are the owner-occupiers of a large Victorian property. Mrs Brown also suffers from osteoarthritis and now finds mobility painful, which is aggravated by this large dwelling, where only the WC facilities are on an upper floor. Mr Brown has a blood disorder and has considerable problems keeping warm, which is aggravated by this old property with its large rooms and high ceilings. The GP is concerned on both accounts and has advised the Housing Team accordingly.  |

## High Disrepair Need

Based on the conditions identified by the Dorset Council's Housing Standards Team who have deemed the applicant's (your) home to have at least one or more category 1 hazards (or a similar level of health or safety risk) as defined under the Housing Act 2004 Housing Health and Safety Rating System which cannot be resolved within 6 months (when the disrepair has been resolved the banding will be reviewed and revised accordingly)

|         |   |
|---------|---|
| Example | A property has no fixed central heating system to habitable rooms, no insulation to the loft and rising damp to a number of ground floor rooms. Significant renovation is required to bring it up to an acceptable standard |
|---------|---|

## High Welfare Need

Serious and persistent welfare risk to the applicant

|           |  |
|-----------|--|
| Example 1 | A child within an applicant's family has been abused outside of the family home. The child is now seeing the abuser regularly in the local community and this is causing serious hardship to the child.  |
| Example 2 | An applicant has a terminal illness and the management of their condition would be improved if they could move to a different property.  |
| Example 3 | This would include applicants who are foster carers, those approved to adopt, or those being assessed for approval to foster or adopt, who need to move to a larger home in order to accommodate a looked after child or a child who was previously looked after by a local authority. It would also include special guardians, holders of a residence order and family and friends carers who are not foster carers but who have taken on the care of a child because the parents are unable to provide care. |

## Severe or Persistent Harassment

The applicant is a victim of severe and/or persistent harassment or violence at their current property within the Dorset Council area providing evidence exists to substantiate the claim (e.g. from Police/Housing Officer), and re-housing is the most appropriate course of action.

## Proven Social Need/Support of another Service

Applicants will also be placed in band B if there is a proven social need or to support the delivery of another service. This applies to applicants who, for exceptional reasons, fall outside of the rest of Homechoice Dorset scheme and need to be found secure alternative accommodation. This may include children at risk issues where children would otherwise be accommodated by social services.

## Social Tenant Living in Adapted Property

Social tenant living in a property with extensive adaptations, which are no longer required by either the applicant or a member of the household.

## **Social Tenant Requiring Extensive Adaptations**

Social tenant or a member of their household who requires extensive adaptations and is prepared to move to a property with such adaptations rather than having them done in current home.

Examples of extensive adaptations may include: stair lift; through floor lift; level access shower; ramp

## **Corporate Parenting Responsibility**

Dorset Council has a corporate parenting responsibility where a young person who has been looked after, fostered or accommodated and has had a duty of care accepted under the Children Act in Dorset Council, and is ready for independent living. They should be awarded band B to enable a planned move on to independent suitable accommodation providing a support plan is in place.

The following criteria will apply:

- a) they are ready and prepared to move to independent settled accommodation
- b) they have the life skills to manage a tenancy
- c) they have a support package and appropriate Pathway Plan
- d) they have not, or have not previously, been a tenant of a registered provider as a result of being granted this priority

In exceptional circumstances priority may be given to former relevant children (up to the age of 25) who have completed higher education funded by Dorset Council.

## **Corporate Duty**

Referrals from Adult Social Care and Children's Services will be considered under this band where it is identified that a corporate duty exists under social care legislation and it is demonstrated that an allocation will prevent a residential placement or a placement outside the council's area.

## **Supported Housing and Ready to Move On**

The applicant resides within a short-term Supported Housing project (usually available for up to a maximum of two years) and is seeking to 'move-on' into independent accommodation. NB: The Project Manager of the scheme must confirm in writing and provide evidence that the applicant is ready for such a move and has acquired reasonable skills to sustain a tenancy. Until this time, the applicant will be placed within Band D.

## **Owed a relief duty under S189B (2) with no local connection**

Households without a local connection but who are owed a relief duty under section 189B of the Housing Act 1996 (as amended by the Homelessness Act 2002 and the Homelessness Reduction Act 2018) by Dorset Council. This banding will be time limited and can be ended in a number of ways.

These households will be able to bid for properties, but their bids will only be considered after all bids from other households who do meet local connection criteria have been dealt with in the same band.

### **Efficient Management of Housing Stock**

This priority will be awarded in a number of situations set out below to aid efficient management of social housing stock.

- a) under occupation of social housing
- b) those moving from one bed general needs property to one bed sheltered accommodation
- c) as a management tool to resolve issues affecting a block or estate
- d) as a tool to help partner organisations address their housing responsibilities contained within employment contracts

## **Band C – Medium Housing Need**

### **Overcrowded by 1 bedroom**

These applicants are assessed by a housing officer overcrowded by lacking one bedroom according to the bedroom entitlement (see appendix 4) but are not statutorily overcrowded. This criteria will NOT be awarded where evidence exists that proves overcrowding is deliberate. This banding does not apply to households accommodated in temporary accommodation by Dorset Council.

### **Homeless Households**

People who are homeless including those who have not made an application (within the meaning of Part 7 of the 1996 Housing Act as amended by the Homelessness Act 2002 and the Homelessness Reduction Act 2017). This includes people who are intentionally homeless and those who are not in priority need.

People who are owed a (homeless) duty by ANY local authority under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985). The letter detailing the outcome of a homeless application will specify whether one of these sections applies.

Applicants accepted as homeless or threatened with homelessness by a Local Authority within the Dorset Home Choice area under Part 7 of the Housing Act 1996, (as amended by the Homelessness Act 2002 and the Homelessness Reduction Act 2017 including Rent (Agricultural) Act Cases will be placed in the Medium Band C. Applicants will be placed into this band when they are within 56 days of their notice to quit expiring and following an intervention by Housing Options staff.

### **Owed a Prevention Duty under Section 195(2)**

Households owed a prevention duty under section 195 of the Housing Act 1996 (as amended by the Homelessness Act 2002 and the Homelessness Reduction Act 2017) by Dorset Council. This banding will be time limited and can be ended in certain circumstances.

### **Owed a Prevention Duty under Section 195(2) with no local connection**

Households owed a prevention duty under section 195 of the Housing Act 1996 (as amended by the Homelessness Act 2002 and the Homelessness Reduction Act 2017) by Dorset Council but do not meet the local connection criteria as set out in this policy.

These households will be able to bid for properties, but their bids will only be considered after all bids from other households who do meet local connection criteria have been dealt with in the same band.

### **Accommodation Duty Following Deliberate and Unreasonable Refusal to Co-operate (s193c (4)) Duty Owed**

This band applies to applicants who would ordinarily be deemed as unintentionally homeless and having a priority need but the relief duty has been ended due to their failure to co-operate. The relief duty will have been discharged in accordance with the Non co-operation procedure.

### **Medium Medical Need**

Medium medical issue(s) which have a moderate impact on your housing need or make it unreasonable to remain in your current accommodation.

|           |  |
|-----------|--|
| Example 1 | Sarah and Jane are a same sex couple and live in a rented property. Sarah considers that their relationship has broken down, although her partner refuses to accept this fact. Whilst she has not been subjected to physical violence, there is a great deal of mental cruelty which has led to Sarah seeking the help of a Consultant Psychiatrist and being unable to work for several months. She has been advised that her mental health is being affected by her relationship with her partner. In a case such as this, it would be essential for the Housing staff to consult the Community Physician before making a banding award. |
| Example 2 | Mrs Coles and her daughter are living in a property where Mr Coles (husband and father) died of cancer. The young child (7 years old) is now constantly looking for her father in the property and this is causing considerable upset.   |

### **Need to move for critical/essential support to avoid hardship**

People who **NEED** to move to a particular area to avoid hardship to themselves or to others for example:

- a) The applicants need to receive care
- b) The applicant needs to give critical care or support to someone within the council area
- c) To access specialist medical treatment
- d) Victims of harassment or violence

Evidence will be necessary to show the support can only be attained by moving.

### **Medium Welfare Need**

Moderate and/or intermittent welfare risk to applicant.

|           |   |
|-----------|---|
| Example 1 | An applicant is isolated in a rural area with no family to provide support and no transport to enable them to visit Doctor regularly. |
|-----------|---|

### **Medium Disrepair**

Based on the conditions identified by the Dorset Council's Housing Standards Team who have deemed the applicant's (your) home to have at least one or more high ranking category 2 hazards (ranked D or E) (or similar level of health or safety risk such as a household that is determined to be lacking in 1 bedroom as defined using the 'bedroom standard') as defined under the Housing Act 2004 Housing Health and Safety Rating System which cannot be resolved within 6 months (when the disrepair has been resolved the banding will be reviewed and revised accordingly)

|                  |  |
|------------------|--|
| <b>Example 1</b> | A property has an inadequate means of escape in case of fire and improvements are necessary to bring it up to standard |
|------------------|--|

### **Social Tenant's Right to Move for Work**

Applicants who are able to demonstrate the need to move nearer their place of work within the Dorset Council area because they have secured or have permanent employment (over 16 hours per week average) in the area (evidence of the employment must be provided) and are currently a social housing tenant and would experience hardship if unable to move to the area.

### **Affordability**

Where a property becomes unaffordable due to a change in the applicants circumstances applicants may be awarded Band C Medium Housing Need to reflect this hardship and prevent homelessness. This will be subject to a financial assessment.



## **Service Personnel**

Applicants that fall within one of the following groups will be placed in Band C Medium Housing Need (if no other identified housing need exists) when they have provided proof of their date of discharge, subject to the overall financial assessment set out within the policy:

- a. Former members of the Regular Armed Forces
- b. Serving members of the Regular Armed Forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service.
- c. Serving or former members of the Reserve Armed Forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service.
- d. Bereaved spouses or civil partners of those serving in the Regular Forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease, to be entitled to reside in Ministry of Defence accommodation following the death of their Service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service.
- e) Current members of the Regular Armed Forces

## **Split Families**

Applicants that have previously lived together but who, not by choice are living in separate households due to the lack of suitable accommodation available, and cannot live together and wish to be re-housed together and have not been accepted by Dorset Council under Part 7 of the Housing Act 1996 (as amended by the Homelessness Act 2002 and the Homelessness Reduction Act 2017).

This includes those who may not have been living as part of the household at the time of the application, but whom it would be reasonable to expect to live with the applicant, as part of his/her household.

An application form should be completed by the household living in the worst property out of the households applying, to ensure the application is placed in the correct banding.

## **Unsatisfactory or unsanitary conditions**

Applicants who are living in unsatisfactory or unsanitary conditions such as but not limited to:

- a) lacking a bathroom or kitchen
- b) lacking inside WC
- c) lacking cold or hot water supplies, electricity, gas or adequate heating
- d) sharing living room, kitchen, bathroom/WC
- e) property in disrepair
- f) poor internal or external arrangements

## **Band D – Low Housing Need**

### **Low Housing Need**

Applicants, who at the time of their application, live in a property which is adequate for their needs in terms of size and facilities and do not meet any of the other banding criteria. These applicants will consider their current property does not meet all of their needs but are otherwise excluded from registering. This criteria means their need can be recognised and there may be properties they are interested in, for example:

- a) a Community Land Trust property
- b) independent affordable accommodation
- c) properties that are hard to let

### **Low Medical Need**

The degree of the problem is minor, but it is recognised that a move to another property will be beneficial for the applicant. For example:

|           |   |
|-----------|---|
| Example 1 | A couple in their early 60s have signs of generalised arthritis and rheumatics. There are some difficulties with the accommodation because it is difficult to maintain a constant temperature during winter months. The garden is also becoming an increasing chore, but out of a sense of pride the occupants continue to try and keep on top of it. |
| Example 2 | Minor problems relating to recurring colds/asthma or regular depression or unusual allergies could be pointed under this heading providing a link to the existing accommodation could be demonstrated.  |

### **Low Disrepair Need**

The applicants' home has one or more category 2 hazards (F or below) (or similar level of health or safety risk) as defined under the Housing Act 2004 Housing Health and Safety Rating System as identified by Dorset Council's Housing Standards Team.

|           |   |
|-----------|---|
| Example 1 | A property has mould growth due to condensation in a number of habitable rooms. The property has gas central heating but would benefit from some improved mechanical ventilation to the bathroom and top up insulation to the loft. |
|-----------|---|

## **Low Welfare Need**

Minor and or occasional welfare risk to applicant.

|           |   |
|-----------|---|
| Example 1 | Applicant has a low-level medical condition which requires periodic trips to the hospital for check-ups and lives in a rural location with only limited public transport. |
|-----------|---|

## **Older People's Housing**

Applicants who may otherwise be assessed as adequately housed but have a local connection to Dorset Council with a requirement for older peoples housing. Older peoples housing is often determined when the property is built. This band will be subject to certain age restrictions but not to the financial restrictions.

### **Older People's Housing with no Local Connection**

Households eligible for housing for older persons who are deemed to have no local connection may be considered for hard to let sheltered accommodation. Properties can be hard to let for various reasons for example, they have age restrictions applied at planning or are in areas that have reduced amenities

Households in this band will be able to bid for properties but their bids will only be considered after all bids from households who do meet the local connection requirements have been dealt with in the same band. Any bids placed for properties other than housing for older persons will be considered as ineligible bids and not considered for nomination.

### **Supported Housing Not Ready to Move on**

Applicants who are residing within a short term supported housing project, (usually available for up to a maximum of 2 years), but who are not yet assessed as ready to move on.

### **Other Housing Related Debt**

Where an applicant(s) has any current/former rent arrears or other housing related debt such as such as:

- a) outstanding service
- b) support charges
- c) rent in advance or rent deposit payments
- d) storage and removal costs
- e) housing benefit debts
- f) property repair
- g) cleaning costs
- h) outstanding temporary accommodation or bed and breakfast debts
- i) legal costs associated with debt recovery

The applicant might be accepted onto the housing register and placed in the appropriate band. This would allow applicant(s) to place bids however; social landlords might still refuse to offer a property whilst the debt is still outstanding. Applicants, who have such as debt, should clear the debt or make regular payment to reduce the debt.

**Note:**

In addition to an assessment under Part X of the Housing Act 1985 (Statutory Overcrowding), 'Crowding and Space' can also be assessed as part of a Housing Health and Safety Rating System (HHSRS) assessment under the Housing Act 2004. Any Category 1 or 2 hazard identified via this assessment will be dealt with in accordance with this policy.

Housing Standards enforcement is independent to this policy and details can be found at [www.dorsetcouncil.gov.uk](http://www.dorsetcouncil.gov.uk)

## Appendix 4

### Bedroom Entitlement

| <b>Property type/size</b> | <b>Household</b>  |
|---------------------------|---|
| Bedsit/studio             | Single Applicant  |
| 1 Bedroom                 | Single Applicant or Applicants living as a couple with no children  |
| 2 Bedrooms                | couple, with 1 child; or Single Applicant, or Applicants living as a couple, with 2 children of:<br>(a) The same sex under 16<br>(b) Opposite sex under 10  |
| 3 Bedrooms                | Single Applicant, or Applicants living as a couple with 2 children, with at least 1 of opposite sex over 10;<br>Single Applicant, or Applicants living as a couple, with 3 children or 4 children:<br>(a) Of the same sex under 16; or<br>(b) Two children of each sex under 16<br>(c) of either sex all under 10 |
| 4 Bedrooms                | Single Applicant, or Applicants with 5 or more children<br>Single Applicant or Applicants with 4 children where at least one of them is aged 10 and is of the opposite sex of the others or one of them is aged 16 or   |

Exceptions allowing one additional bedroom:

- a) a disabled tenant or partner who needs a regular non-resident overnight carer
- b) foster carers who have fostered a child, become an approved foster carer within the last 52 weeks, or are about to become an approved foster carer and have written evidence to support.
- c) where the applicant or partner is pregnant, and the due date is within the next 12 weeks and it is the first child
- d) other exceptional circumstances

## **Appendix 5**

### Social Landlord Partners

Aster Group  
Bournemouth Churches Housing Association  
East Borough Housing Trust  
The Guinness Partnership  
Hannover Housing Association  
Hastoe Housing Association  
Home Group  
Housing and Care21  
Magna Housing  
Mill Street Housing Society  
Places for People  
Radian  
Sanctuary Housing  
Sandbourne Housing Association  
Sandown Housing Association  
Sovereign Housing Association  
Stonewater  
Yarlington Housing Group

## Appendix 6

### Parish List

- Abbotsbury, Affpuddle, Alderholt, Allington, Alton Pancras, Anderson, Arne, Ashmore, Askerswell, Athelhampton
- Batcombe, Beaminster, Beer Hackett, Bere Regis, Bettiscombe, Bincombe, Bishop's Caundle, Blandford St Mary, Bloxworth, Bothenhampton, Bourton, Bradford Abbas, Bradford Peverell, Broadmayne, Broadwindsor, Bryanston, Buckhorn Weston, Buckland Newton, Burleston, Burstock, Burton Bradstock, Burton
- Cann, Castleton, Catherston Leweston, Cattistock, Caundle Marsh, Cerne Abbas, Chalbury, Chaldon Herring, Charlton Marshall, Charminster, Charmouth, Chedington, Cheselbourne, Chetnole, Chettle, Chideock, Child Okeford, Chilcombe, Compton Valence, Chilfrome, Church Knowle, Clifton Maybank, Compton Abbas, Coombe Keynes, Corfe Castle, Corscombe, Cranborne, Crossways
- Dewlish, Durweston
- East Chelborough, East Holme, East Lulworth, East Orchard, East Stoke, East Stour, Edmondsham, Evershot
- Farnham, Fifehead Magdalene, Fifehead Neville, Fleet, Folke, Fontmell Magna, Frampton, Frome St Quintin, Frome Vauchurch
- Glanvilles Wootton, Goathill, Godmanstone, Gussage All Saints, Gussage St Michael
- Halstock, Hammoon, Hanford, Haydon, Hazelbury Bryan, Hermitage, Hilfield, Hilton, Hinton Martell, Hinton Parva, Hinton St Mary, Holnest, Holt, Holwell, Hooke, Horton, Hurn
- Ibberton, Iwerne Courtney or Shroton, Iwerne Minster, Iwerne Stepleton
- Kimmeridge, Kingston Russell, Kington Magna
- Langton Herring, Langton Long Blandford, Langton Matravers, Leigh, Leweston, Lillington, Littlebredy, Litton Cheney, Loders, Long Bredy, Long Crichel, Longburton, Lydlinch, Lytchett Matravers
- Maiden Newton, Manston, Mapperton, Mappowder, Margaret Marsh, Marnhull, Marshwood, Melbury Abbas, Melbury Bubb, Melbury Osmond, Melbury Sampford, Melcombe Horsey, Milborne St Andrew, Milton Abbas, Minterne Magna, Moor Crichel, Morden, Moreton, Mosterton, Motcombe
- Nether Cerne, Nether Compton, Netherbury, North Poorton, North Wootton
- Osborne, Okeford Fitzpaine, Osmington, Over Compton, Owermoigne
- Pamphill, Pentridge, Piddlehinton, Piddletrenthide, Pilsdon, Pimperne, Portesham, Portland, Powerstock, Poxwell, Poyntington, Puddletown, Pulham, Puncknowle, Purse Caundle
- Rampisham, Ryde Intrinseca

- Sandford Orcas, Seaborough, Shapwick, Shillingstone, Shipton Gorge, Silton, Sixpenny Handley, South Perrott, Spetisbury, Stalbridge, Stanton St Gabriel, Steeple, Stinsford, Stockwood, Stoke Abbott, Stoke Wake, Stour Provost, Stourpaine, Stourton Caundle, Stratton, Studland, Sturminster Marshall, Sturminster Newton, Sutton Waldron, Swyre, Sydling St Nicholas, Symondsburry
- Tarrant Crawford, Tarrant Gunville, Tarrant Hinton, Tarrant Keyneston, Tarrant Launceston, Tarrant Monkton, Tarrant Rawston, Tarrant Rushton, Thorncombe, Thornford, Tincleton, Todber, Toller Fratrum, Toller Porcorum, Tolpuddle, Trent, Turners Puddle, Turnworth, Tyneham
- Up Cerne
- Wareham St Martin, Warmwell, West Chelborough, West Compton, West Knighton, West Lulworth, West Orchard, West Stafford, West Stour, Whitcombe, Whitchurch Canonorum, Wimborne St Giles, Winfrith Newburgh, Winterborne Came, Winterborne Clenston, Winterborne Herringston, Winterborne Houghton, Winterborne Kingston, Winterborne Monkton, Winter borne St Martin, Winterborne Stickland, Winterborne Whitechurch, Winterborne Zelston, Winterbourne Abbas, Winterbourne Steepleton, Witchampton, Woodlands, Woodsford, Wool, Wolland, Wootton Fitzpaine, Worth Matravers, Wraxall, Wynford Eagle
- Yetminster



## **Appendix 7**

### Legislation

This scheme has been formulated with regard to the law and regulatory requirements, including:

1. Housing Act 1985
2. Housing Act 1996
3. Homelessness Act 2002
4. Housing and Regeneration Act 2008
5. Localism Act 2011
6. Armed Forces Act 2006
7. Asylum and Immigration Act 1996
8. Immigration and Asylum Act 1999
9. Children Act 2004
10. Equality Act 2010
11. Data Protection Act 2018
12. Statutory guidance on the relevant legislation
13. The regulatory framework for Private Registered Providers of social housing in England published by the Homes and Communities Agency, in particular the Tenancy Standard, published April 2012

## **Appendix 8**

### **Expected Waiting Times**

Waiting times for housing vary depending on several factors including but not limited to:

- Location
- Number of bedrooms
- Type of property
- Restrictions e.g. older persons or disabled facilities
- Priority of need

Average waiting times will also be affected depending on the number of households registered at any time. Each application is prioritised according to need therefore potentially increasing waiting times for existing applicants with lower priority need.

Other activities can positively influence waiting times including new housing developments and working with social landlords to maximise the availability of suitable homes through the scheme.

## Appendix 9

### Glossary of terms:

|                        |   |
|------------------------|---|
| “Applicant(s)”         | A person or persons submitting an application for registration and those accepted on the housing register |
| “Application”          | A request for registration submitted on a registration form   |
| “Banding”              | How applicants are prioritised in the scheme  |
| “Bid”                  | The process for applications to say which property they would like to live in                             |
| “CBL”                  | Choice Based Letting  |
| Homechoice Dorset      | Name of the scheme  |
| “Household”            | People who can be reasonably be expected to live with you e.g. children, carers, dependent adults         |
| “Housing Related Debt” | Rent arrears, rent in advance, rent deposit, prevention funds, outstanding debts to landlords             |
| “Policy”               | The choice based lettings scheme detail document  |
| “Registration”         | The method of applying for social housing   |
| “Registration Form”    | The form that must be completed to apply for social housing   |
| “Scheme”               | The housing register  |

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# Housing Allocation Policy **Consultation Response Report**

Produced by Mark Simons  
**for Dorset Council**

**August 2020**



# Proposed Housing Allocation Policy

## Consultation Response Report

|   |   |
|---|---|
| What was the consultation about?                            | Dorset Council has been created out of the existing District/Borough council and the county council. Previously the Councils had their own housing allocation policies. Now it is necessary to create a single allocation policy for the new Dorset Council area. This consultation is about what options the council take in creating this new policy and understanding how those will affect people living the Dorset area Further to this the council needed to understand more about the possible impacts of any changes and if so whether these could be mitigated.  |
| Over what period did the consultation run?                  | The consultation ran for 20 weeks starting on 2 March 2020 and finishing on 20 July 2020, following an extension due to COVID19 Over the latter part of this period the coronavirus pandemic meant council service points were closed. Following this the survey was extended finally closing on 20 July 2020. This allowed for a period to advertise and provide by post paper copies of the survey. The online survey remained open and further responses were received.  |
| What consultation methods were used?                        | The consultation was available both electronically online and in paper form from local libraries/by post directly from Dorset Council. The consultation was promoted widely through both the local press and social media. The consultation had a separate communications plan and consultation plan prepared beforehand.   |
| How many responses were received overall?                   | 766 overall responses were received. 90% of responses were from members of the public. The rest were either organisational responses, elected members, support workers, parish councils or other.   |
| How representative is the response to the wider population? | The response size is good for a council consultation of this type. The response from residents was reasonably representative of the Dorset population. There were significantly more female respondents than male but that is often seen in surveys of this type. Responses came from a wide range of ages matching the Dorset population as a whole. With 90% of the respondents saying their ethnic group was White British this is fairly typical of the wider population. Responses from disabled people were very high at 25.2% of responses compared to a Dorset figure of 4.6% based on those claiming either Disability Living Allowance, Personal Independence Payments or Attendance Allowance. |
| Where will the results be published?                        | Results will be published on the council's website <a href="http://www.dorsetcouncil.gov.uk">www.dorsetcouncil.gov.uk</a>   |
| How will the results be used?                               | Councillors will make the final decision on the Housing Allocation policy having regard to the feedback received during this consultation.  |

|                               |   |
|-------------------------------|---|
| Who has produced this report? | Mark Simons, Consultation Officer, Dorset Council June 2020 |
|-------------------------------|---|

## Background

Dorset Council was formed on 1 April 2019 as part of Local Government Reorganisation in Dorset. Dorset Council is a unitary authority that replaces the previous sovereign authorities, Dorset County Council; East Dorset District Council; North Dorset District Council; Purbeck District Council; West Dorset District Council and Weymouth and Portland Borough Council.

The council has a statutory duty to have a housing allocation policy under The Housing Act 1996 (as amended) and has taken into account the code of guidance for local authorities published 2002, the Localism Act 2012, the Dorset Council Homelessness Strategy and the Equality Act 2010. The new Homechoice Dorset policy will replace the previous allocations policies of:

- ~ **Christchurch and East Dorset Joint Housing Allocation Policy**
- ~ **Dorset Home Choice Common Allocation Policy**

Dorset Council does not own its own housing stock. We work with registered providers to maintain a housing register where people can access social housing in our area. The scheme enables the Council and its partners to work together to ensure we prioritise those in most need of affordable housing. Dorset Council operates a Choice Based Letting Scheme and the Housing Allocation Policy sets out a framework that describes how to register, the assessment process and property allocation process.

## The Consultation

The proposed policy makes some changes that will have an impact on households on the current housing register. Much of the content is determined by law but there are some key areas where we can exercise local discretion. These are the areas which were set out in the consultation questionnaire. We invited comments to make sure we have considered a wide range of views, which will help shape the final version of the new Homechoice Dorset policy.

We wanted to hear from a wide range individuals, and organisations such as registered housing providers, private rented sector landlords, people on the housing waiting list and the general public. A copy of the full draft policy was available online or by post from Dorset Council.

Very few questions were compulsory. A copy of the survey is available in the appendix.



**Analysis Method:** Questions were considered on an individual basis. Overall responses were examined -and also specific responses of respondents who responded with a disability. The official organisational responses were looked at separately. The main method of analysis was looking at the percentage of respondents who expressed a view on each question. For some questions the percentage strongly supporting and supporting are calculated. Those opposing and strongly opposing are also recoded. One is taken from the other giving a net agreement figure. This could be positive or negative. A figure of zero would mean an equal number of people supported and opposed a statement.

For each open question the text comments have been studied and coded depending on what issues were raised. The coded comments are then reported on based on the amount of times those individual issues have been raised. Total redacted comments are provided in an appendix.

Note: some figures may not sum due to rounding.

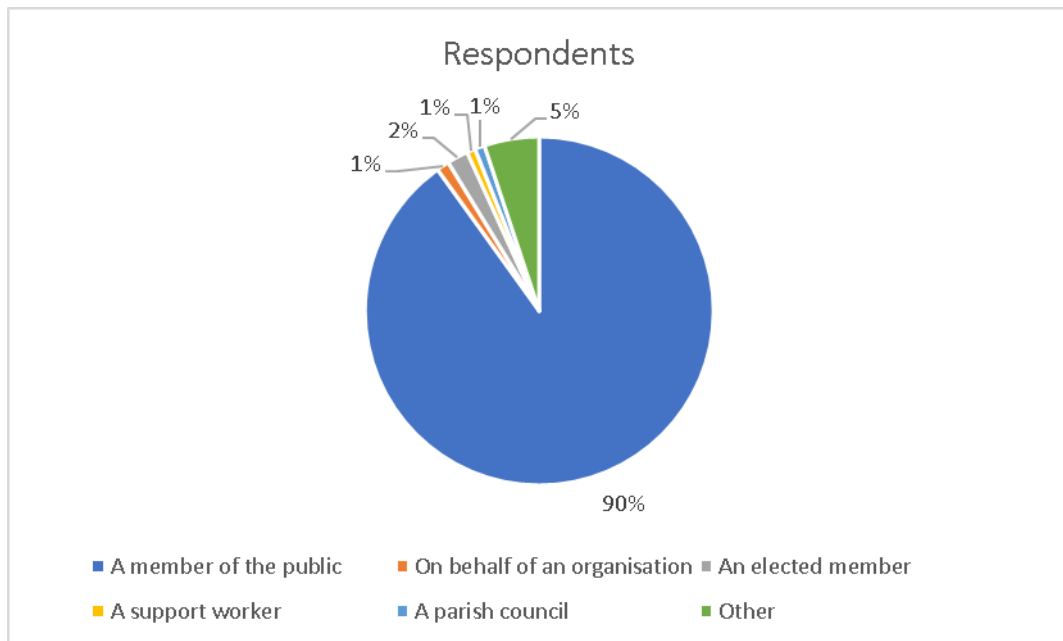
## About respondents

766 overall responses were received.

### Q Are you responding as:

#### Respondents:

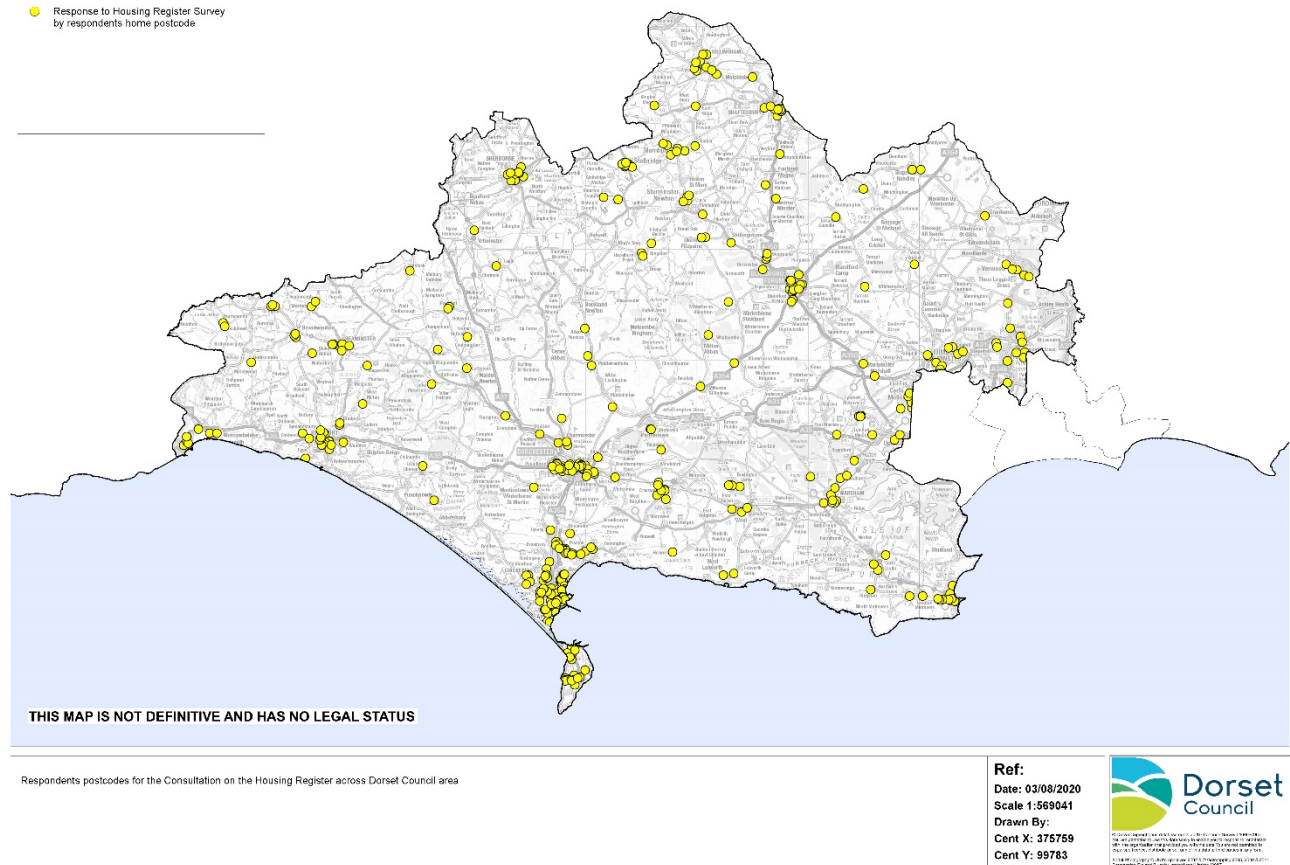
|                              | % of all respondents | Number |
|------------------------------|----------------------|--------|
| A member of the public       | 90.1%                | 689    |
| On behalf of an organisation | 1.2%                 | 9      |
| An elected member            | 2.0%                 | 15     |
| A support worker             | 0.8%                 | 6      |
| A parish council             | 0.9%                 | 7      |
| Other                        | 5.1%                 | 39     |



90% of respondents were responding as members of the public. Other responses came on behalf of organisations, from elected members, support workers and parish councils.

## Map of responses to the consultation

Postcodes were supplied by 561 respondents with the majority of those living in Dorset Council area. The map shows the distribution of overall responses to the consultation demonstrating a good spread across the geographical area. Promotion of the consultation appears to have been successful across all areas.



## Parish/Town Councils

8 parish/ town councils responded including  
:

| Council name                     |
|----------------------------------|
| Dorchester                       |
| Lydlinch Parish Council          |
| Langton Matravers Parish Council |
| Wool Parish Council              |

# Official Organisational Responses

9 organisations provided an official response

| Organisational Responses              |
|---------------------------------------|
| Bridport Cohousing                    |
| Places for People                     |
| Places for People                     |
| Hastoe Housing Association            |
| Citizens Advice Central Dorset        |
| Stonewater                            |
| Middlemarch                           |
| Bridport and District Citizens Advice |
| Dorchester Municipal Charities        |

A further 10 responses came from support workers

## Groups

**Q Please tell us which of the following groups you belong to:** (select all that apply)

|   | % of all respondents | Number |
|---|----------------------|--------|
| <b>On the housing register with Dorset Homechoice Common Allocations Policy</b>                   | 57.3%                | 436    |
| <b>On the housing register with Christchurch and East Dorset Joint Housing Allocations Policy</b> | 3.8%                 | 29     |
| <b>Social Housing Tenant</b>  | 23.8%                | 181    |
| <b>Private Rented Tenant</b>  | 21.3%                | 162    |
| <b>Owner Occupier</b>   | 18.7%                | 142    |
| <b>Other</b>  | 7.2%                 | 57     |

Respondents were asked about which groups they came into shown in the table above. They could be in multiple groups. In responses to each question we will look for similarities and differences based on these (and other) groups. e.g. disabled responses. There were responses from 159 who were disabled and 35 people who were serving/veterans/reservists/family of UK Armed Forces.

Other groups included a wide range of personal situations including people living at home with their parents, people who were homeless, landlords and people waiting to get on the housing register.

## Local Connection

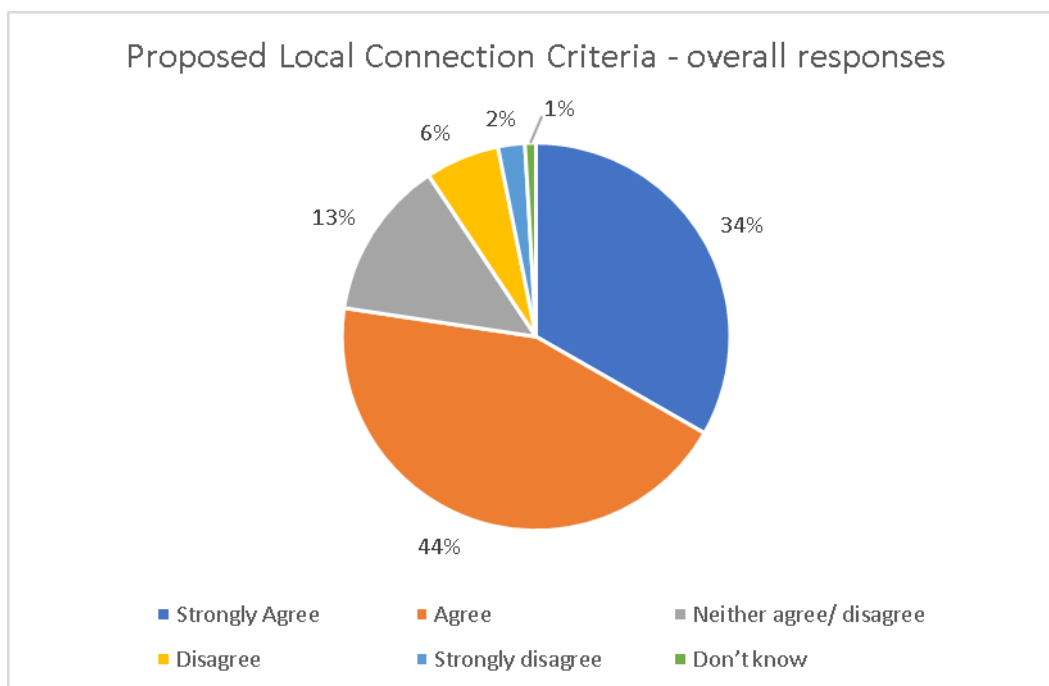
Who can apply to join the register? A key element of the policy is a local connection. To qualify for the Homechoice Dorset scheme applicants must meet **ONE** of the local connection criteria (below) to ensure wherever possible social housing goes to local people (there are some exceptions to this criteria shown in the policy). The current government guidance is that councils should apply a two-year residency test. Dorset Council proposes the following criteria for local connection:

| Requirement   | Qualification   |
|---|---|
| <b>Residency</b> in the Dorset Council area   | 2 years or 3 years out of the last 5 years  |
| <b>Close family continuous residency</b> in the Dorset Council area (parents, siblings, non-dependant children) | 5 years evidenced   |
| <b>Paid employment</b> in the Dorset Council area   | 16 hours per week average for minimum period of 1 year (including zero hours contracts).  |
| <b>Offer of permanent employment</b> to social tenant in the Dorset Council area                                | 16 hours per week average for period no less than 1 year (including zero hours contracts) and where it is unreasonable to travel from current social housing property |
| <b>Location requirements</b>  | Any requirements detailed in a Section 106 Town and Country Planning Act 1990 and/or a local lettings plan.   |

### Q Do you agree with the local connection criteria as described above?

| Overall responses             | Strongly Agree | Agree | Neither agree/disagree | Disagree | Strongly disagree | Don't know |
|-------------------------------|----------------|-------|------------------------|----------|-------------------|------------|
| <b>Number</b>                 | 253            | 335   | 101                    | 47       | 17                | 7          |
| <b>% of all who responded</b> | 33.3%          | 44.1% | 13.3%                  | 6.2%     | 2.2%              | 0.9%       |

Overall there was strong agreement to the local connection criteria with 77.4% either agreeing or strongly agreeing. This compares to only 8.4% with disagree or strongly disagree with it. The figures give a net agreement figure of plus 69, where zero would be an equal amount of people supporting and opposing.



Looking at responses from different groups there are only small variations. The table below show net agreement for all the groups. In all groups there seems to be considerable support for the proposals. The strongest support comes from owner occupiers and private tenants and the weakest support people on the register with Christchurch and East and Social housing tenants.

| Group                                | strongly agree/agree | disagree/ strongly disagree | net agreement |
|--------------------------------------|----------------------|-----------------------------|---------------|
| Owner Occupiers                      | 82%                  | 4%                          | 78            |
| Private Tenants                      | 82%                  | 4%                          | 78            |
| Forces                               | 86%                  | 12%                         | 74            |
| Disabled                             | 78%                  | 9%                          | 69            |
| Dorset Homechoice (on register)      | 75%                  | 9%                          | 66            |
| Social Tenants                       | 73%                  | 11%                         | 62            |
| Christchurch and East ( on register) | 62%                  | 10%                         | 52            |

## Organisational views and comments on these criteria

Bridport Cohousing, Places for People, Hastoe Housing Association, Middlemarch, Citizens Advice (Central Dorset), Bridport and District Citizens Advice and Stonewater all agreed/strongly agreed with this proposal. No organisations disagreed.

**Q. As you disagree what particular part(s) do you not agree with and why?** 63 people responded to this question. The concerns were wide and varied and generally appeared dependent on people's circumstances. There were concerns over the limitations over local authority boundaries. A number of comments related to how local people (who were born in Dorset) did not get the precedence they deserved due to the "openness" of the criteria. Employment criteria were felt to be weak and open to abuse by some but too onerous to others.. The full (redacted) comments are available in the appendix.

| Issue   | mentions |
|---|----------|
| Local connections should go beyond local authority boundaries                         | 6        |
| Local connection period should be longer  | 4        |
| Domestic abuse (fleeing) should override these connections                            | 4        |
| Some people have no options   | 3        |
| Military should be exempt from local connection                                       | 2        |
| 5 years is too long for local connection  | 2        |
| Employment should be longer e.g.2 years not 1   | 2        |
| 2 years out of 5 is ok  | 2        |
| Give flexibility by reducing time of residency  | 2        |
| Misinterpretation of 2 years or 3 out of 5  | 2        |
| Other   | 2        |
| Some people may want to move to a different area                                      | 2        |
| 5 years is reasonable to demonstrate local connection                                 | 1        |
| 2 years is too short for residency  | 1        |
| Working time average should be longer - 30hrs a week for 2 years                      | 1        |
| 3 years would make more sense than 5 years  | 1        |
| working 16 hrs a week is fine - but what if you can't work                            | 1        |
| Some people don't have family   | 1        |
| If your non dependant child moves 5 years is a long time to wait to move to join them | 1        |
| Close family connection should be dropped   | 1        |
| Everyone should have the same opportunity to live where they choose                   | 1        |
| Include working but not schooling   | 1        |
| Disagree with 5 year family residency   | 1        |
| Don't agree with local connection at all  | 1        |
| Priority need should overcome local connection  | 1        |
| Good to use just 1 criterion  | 1        |
| Working should be more than 16 hrs a week   | 1        |
| care/health outcomes should give opportunity to move                                  | 1        |
| Should support people born in the area wanting to return "home"                       | 1        |
| should be local people IN work  | 1        |
| Local connection should include 2 criteria to stop in-migration                       | 1        |
| Should include church link as criteria  | 1        |
| Employment criteria open to abuse   | 1        |
| Working 25 hrs a week would make households more self-supporting                      | 1        |
| Employment criteria gives people precedence over locals                               | 1        |
| Zero-hour contracts difficult to evidence   | 1        |
| 1-year employment is too long   | 1        |
| Need simpler criteria   | 1        |
| Grandchildren and in laws don't count and should                                      | 1        |
| Employment criteria too weak compared to residency                                    | 1        |

## Sample comments

"5 years is a reasonable amount of time to demonstrate a local connection. 2 years is too short."

"As a military family it is almost impossible to form a local connection due to the frequent postings to other areas. As a military family we have no choice as to where we are based or where we are housed."

"Close family continuous residency: e.g., if a non-dependent child moves to the area intending to stay long term and the parent requires social housing, it would be unfair for them to have to wait for their non-dependent child to have lived continuously for five years before they can apply for social housing."

"I am on the border with Somerset and all the family live nearby but in Somerset. I can only bid for Dorset. I can't bid on properties in Somerset, I don't know whether this will change under the new system"

"Everyone should have equal opportunity to live in their chosen area."

"I feel that you shouldn't need to have a local connection with an area, especially if you have a priority need to be rehoused and wish to move to that area to receive support. Not having a local connection could mean a great impact on health and wellbeing if the person is turned down for a bidding property because they didn't have a local connection. How are people supposed to get a local connection in the area they wish to move to receive support if they keep getting turned down"

"I myself and my family applied to be registered on the housing register and were told as we had not been living in Dorset for two years, we would not be eligible. Here it states that registrants have to meet ONE local connection - I am an NHS worker in Dorchester however was told that I did not qualify to go on the register. So it would be good to use just ONE of the local connections rather than the 2 year requirement"

"I think that the residency period for all applicants should be longer to give long term residents of the county more chance of getting a property. People who have only lived in Dorset for less than five years get the chance to queue jump over long-time residents."

"Residency section compared to close family continuous residency. I feel that residency section, the qualifying time is not long enough. If someone has family, parents, siblings in the area, and we're born in the area and grew up in the area, they should be given first priority above all others."

"Some people have various zero hour contracts during a year with different employers, as we are a seasonal town, the requirement to provide proof of previous employment with in that year from another employer may be difficult for some people, what type of evidence would you accept ? , wage slips, p60, bank statements, is all of this evidence really necessary."

"This is too complicated. You've got a variety of housing schemes in the region and some only require a local connection with no housing need requirement and so simplifying any local connection requirement will help the public and the officers administering the register. Restricting people from registering will mean the housing register does not reflect the actual need in the region for accommodation. It is better to get people registered on the list and then use any local connection as a priority for shortlisting alongside any other planning or other restriction. The 3 years out of 5 and the family connection will mean people who are not local will be able to register and this seems to be counter intuitive to the statement that most social housing should go to local people."



# Banding Assessment Criteria

The survey explained the proposed banding criteria, and this is set out below.

“We propose to use a banding system for prioritising applications for an allocation of housing. The following shows the proposed bands and full details can be found in Appendix 3 of the Homechoice Dorset Scheme.

## **Band A – Exceptional Housing Need**

- Exceptional Housing need that takes priority over other applicants
- Statutory Homeless and owed the full Housing Duty by Dorset Council s193 (2)
- Exceptional Disrepair Need
- Exceptional Medical Need
- Urgent Welfare Need
- Statutory Overcrowding Part X Housing Act 1985

## **Band B – High Housing Need**

- Owed a relief duty under s189B (2)
- Under occupying social Housing
- Overcrowded by 2 bedrooms or more
- High Medical Need
- High Disrepair Need
- High Welfare Need
- Severe and/or persistent harassment
- Proven social need/support delivery of another service
- Social tenant living in adapted property
- Social tenant requiring extensive adaptations
- Corporate Parenting responsibility
- Corporate Duty
- Supported Housing and ready to move on
- Efficient Management of stock
- Owed a relief Duty under s189B (2) with no local connection

## **Band C – Medium Housing Need**

- Owed a Prevention Duty under s195 (2)
- Homeless Households
- Accommodation duty following deliberate and unreasonable refusal to co-operate s193c (4) duty owed
- Medium Medical Need
- Medium Disrepair Need
- Medium Welfare Need
- Social Tenant with right to move for work
- Affordability
- Service Personnel
- Split families
- Owed a Prevention Duty under s195 (2) with no local connection
- Unsatisfactory or unsanitary Conditions

## **Band D – Low Housing need**

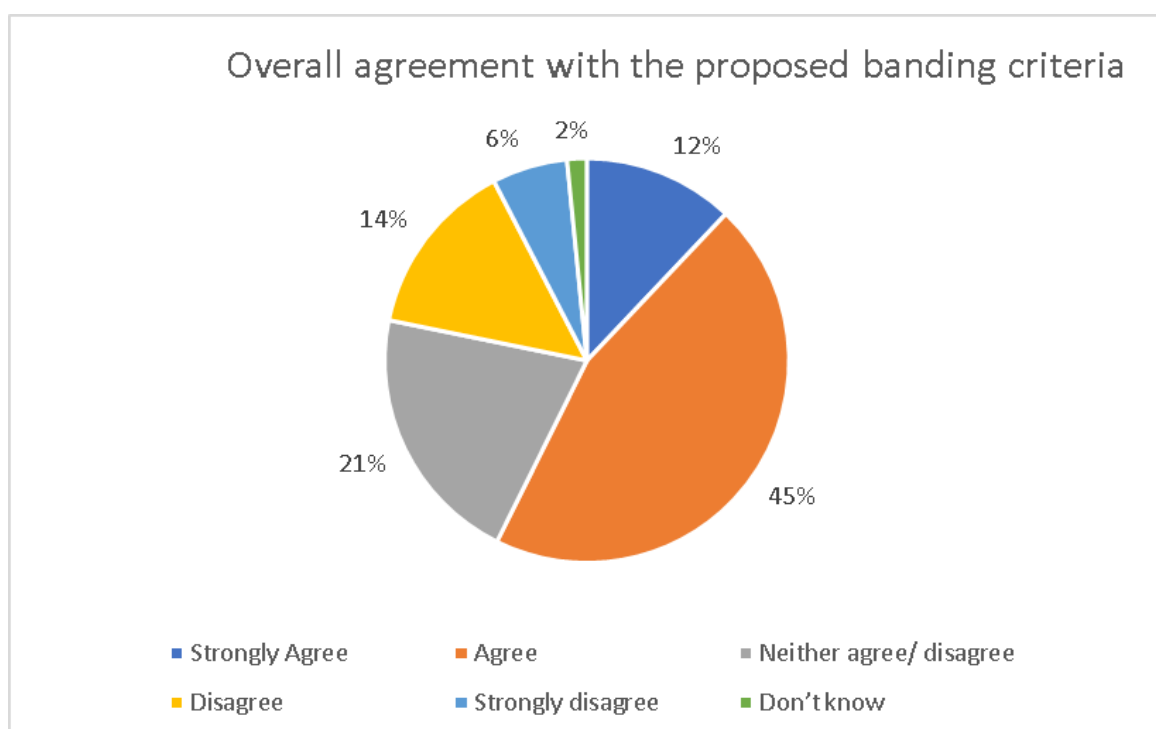
- Low Housing Need
- Low Medical Need
- Low Disrepair Need

- Low Welfare needs
- Older Peoples Housing
- Older Peoples Housing no local connection
- Supported Housing or Care Leaver not ready for move on
- Applicants with other Housing related debts
- Deliberately Worsening Circumstances”

## Q. Do you agree with the banding criteria proposed above?

| Overall responses      | Strongly Agree | Agree | Neither agree/ disagree | Disagree | Strongly disagree | Don't know |
|------------------------|----------------|-------|-------------------------|----------|-------------------|------------|
| Number                 | 92             | 345   | 159                     | 108      | 46                | 12         |
| % of all who responded | 12.1%          | 45.3% | 20.9%                   | 14.2%    | 6.0%              | 1.6%       |

Overall there was relatively strong agreement to the banding criteria proposed with 57.4% either agreeing or strongly agreeing. This compares to 20.2% with disagree or strongly disagree with it. The figures give a net agreement figure of plus 37.2, where zero would be an equal amount of people supporting and opposing. 21% of respondents neither agreed nor disagreed with the banding criteria.



Looking at responses from different groups there are variations. The table below show net agreement for all the groups. In all groups there seems to be support for the proposals with all returning positive agreement. The strongest support comes from people on the Christchurch & East register and owner occupiers with Forces people and Dorset Homechoice respondents the least support. This is shown on the table below.

| Group                               | strongly agree/agree | disagree/ strongly disagree | net agreement |
|-------------------------------------|----------------------|-----------------------------|---------------|
| Christchurch and East (on register) | 69%                  | 14%                         | 55            |
| Owner Occupiers                     | 66%                  | 16%                         | 50            |
| Private Tenants                     | 59%                  | 17%                         | 43            |
| Disabled                            | 62%                  | 19%                         | 43            |
| Social Tenants                      | 53%                  | 20%                         | 33            |
| Forces                              | 60%                  | 29%                         | 31            |
| Dorset Homechoice (on register)     | 51%                  | 23%                         | 28            |

Nearly a third of Forces respondents disagreed/strongly disagreed with the criteria.

## Organisational views and comments on these criteria

Bridport Cohousing, Places for People, Hastoe Housing Association, Middlemarch, Citizens Advice (Central Dorset), Bridport and District Citizens Advice and Stonewater all agreed/strongly agreed with this proposal. No organisations disagreed.

**Q11. As you disagree what particular part(s) do you not agree with and why?** 149 people responded to this question. The concerns were wide and varied and generally appeared dependent on people's circumstances. The table below shows the concerns raised. There were many individual concerns but a number were raised several times. The top five issues were: medical needs should be banded higher, older people should be banded higher, length of time on the register should count for something together with how overcrowding was treated, particularly for overcrowding by 1 bedroom. The full comments are available in the appendix.

| Issue   | mentions |
|---|----------|
| All medical needs should be in higher bands   | 17       |
| Older people should be higher banded  | 16       |
| Length of time on the register really should count for something                            | 13       |
| Overcrowding by 1 bed should be included  | 13       |
| Overcrowding by 2 beds should be higher banded  | 9        |
| Without a local connection should not be on list  | 9        |
| Service personnel need to be higher category and not time limited                           | 9        |
| Working people are disadvantaged  | 8        |
| Bands C & D have no hope and need re assessing  | 6        |
| Older people moving out to free up properties should be higher banded due to knock on gains | 6        |
| Banding doesn't work  | 6        |
| Homeless households should be a higher band   | 5        |
| Disabilities should be higher banded  | 4        |
| Under occupancy should be on list   | 4        |
| Low medical needs should be higher  | 4        |
| All categories of refusal or unreasonable behaviour etc should be lower                     | 3        |
| Affordability and financial hardship should be higher                                       | 3        |
| Need more flexibility   | 3        |
| Other   | 3        |

|  |   |
|--|---|
| Immigrants and prisoners should not score highly                                 | 2 |
| Average person at a disadvantage   | 2 |
| Prevention of Duty should be higher than a C                                     | 2 |
| Unsanitary conditions should be higher   | 2 |
| language not always clear  | 2 |
| Homeless too highly ranked   | 2 |
| People downsizing should be banded higher to make larger properties available    | 2 |
| Age for older peoples housing need to go up                                      | 1 |
| Affordability needs to be higher category  | 1 |
| Private rents so high mean lower standard of living                              | 1 |
| All lower bands ignore personal problems   | 1 |
| Exceptional housing need too vague   | 1 |
| Victim of ASB needs top band   | 1 |
| Service personnel should include break up of marriage                            | 1 |
| Low housing need must be higher banded than deliberately worsening circumstances | 1 |
| Too complicated  | 1 |
| Cramped accommodation not adequately housed                                      | 1 |
| Split families should be higher  | 1 |
| Everyone should have access to housing   | 1 |
| Care leavers should be a higher band   | 1 |
| Process too slow   | 1 |
| Risk of eviction not covered   | 1 |
| Higher band always trump the others leaving no hope                              | 1 |
| Overcrowding often of own making   | 1 |
| Don't agree with band A  | 1 |
| You are housing the wrong people   | 1 |
| Shouldn't include low housing need   | 1 |
| Medical needs and overcrowding are linked  | 1 |
| children staying in split families impact on need                                | 1 |
| Process of bidding too stressful   | 1 |
| ECs always trump everyone else   | 1 |
| Fraud and issue  | 1 |
| Cross authority switching is difficult   | 1 |
| Fleeing violence should be included  | 1 |
| Band A should just be homeless   | 1 |
| Need interview as well as paper assessment                                       | 1 |
| Don't change   | 1 |
| Have different rural bandings  | 1 |
| Need to move for work band   | 1 |
| Foster homes need own banding  | 1 |
| Split families too high  | 1 |

## Sample comments

"Although this prioritises those in the most need it leaves the average person at a disadvantage."

"At the moment we are in the sliver category for overcrowding by one bedroom as we have two bedrooms and 3 children under 6 (one boy and twin girls). Reading the changes we understand it that we would not be under any of the criteria. Also the statutory overcrowding is very confusing."

"Homeless households should be band A. Security for children is paramount. Older people's housing should take priority over older people's housing with no local connection. The council has no responsibility to house people of any age who have no local connection to Dorset. Split families should be band B as parents need to stay close to their children. We have enough housing need. Why does the council have any duty to house people under Prevention Duty, Relief Duty, and people who have refused to cooperate, especially if they have no local connection."

"How about people who have been on the list for a long time, why should they constantly be put back because other people feel they have a right to social housing, Length of time should be taken into consideration"

"I believe over crowding is a high need not just by 2 bedrooms as that is ridiculous. I am over crowded by having my son in my room and it makes me ill through lack of sleep and under this I would never be moved as we all know if your not high priority you will never move".

"I believe that anyone that has a medical problem should be all in same band don't think it's right you have low medical band if you got a medical problem and have proof from a doctor the council should sort it out soon as they can".

"I think medium medical needs should be more important than they are at the moment. Also the amount of years you are bidding should stand for something-i have been bidding for example 4yrs approx. and don't seem to be getting any nearer to being offered a property. I have to use metal stairs to leave the premises and with crutches that is not easy and even my partner has slipped on them and due to this i am even more shaky and don't go out very much if at all these days so i am stuck inside which can be depressing"

"Older people's housing is given no status at all? I live rurally and my husband works in our village. He is the main breadwinner. When I retire in 4 years we will not be able to afford our rented home and would be very much in need of older people's housing locally as my husband will still have another 8 years to work. This discounts us from applying"

"Overcrowding by 1 bedroom should be high priority, families are having to give up their lounge to get additional bedroom space therefore losing a central family hub"

"Some higher priorities should be lower such as refusal to cooperate. Those occupying a property with excess bedrooms should be higher to free it up. Why are single people housed in three bedroom properties? Also why is someone (a middle-aged person in a particular case) entitled to stay in a 4 bedroom house after parent dies? Accept that there will be a small period of allowance but no attempt to free up house years later?"

"Statutory Homeless and owed the full Housing Duty by Dorset Council s193 (2) should be band B Owed a relief duty under s189B (2) should be band c Owed a Prevention Duty under s195 (2) should be band d Deliberately Worsening Circumstances - should be do not qualify for the register Applicants with other Housing related debts - needs clarification as a lot applicants owe money to the council"

# Bedroom Entitlement

The previous policies assessed residents using different bedroom entitlements depending on where they lived. We propose to harmonise the bedroom assessment as shown in the following table:

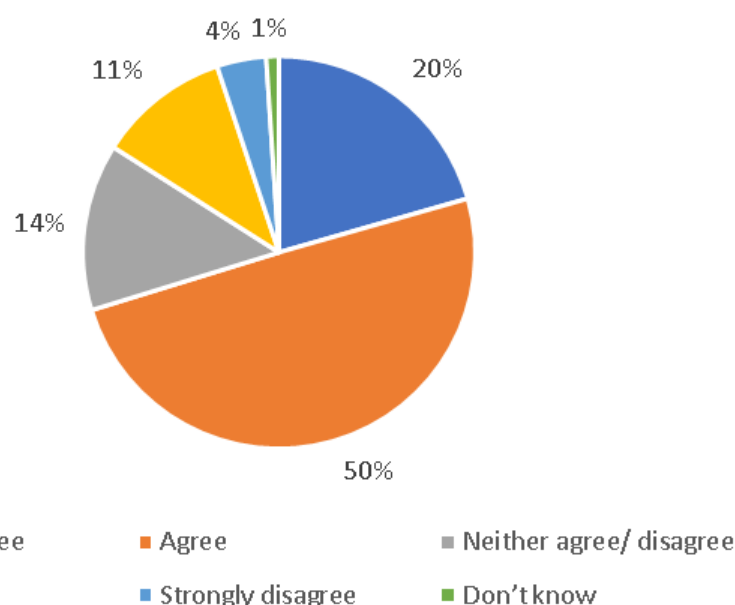
| Property type/size   | Household   |
|----------------------|---|
| <b>Bedsit/studio</b> | Single Applicant  |
| <b>1 Bedroom</b>     | Single Applicant or Applicants living as a couple with no children  |
| <b>2 Bedrooms</b>    | Couple, with 1 child; or<br>Single Applicant, or Applicants living as a couple, with 2 children of:<br>(a) The same sex under 16<br>(b) Opposite sex under 10   |
| <b>3 Bedrooms</b>    | Single Applicant, or Applicants living as a couple with 2 children, with at least 1 of opposite sex over 10;<br>Single Applicant, or Applicants living as a couple, with 3 children or 4 children:<br>(a) Of the same sex under 16; or<br>(b) Two children of each sex under 16<br>(c) of either sex all under 10 |
| <b>4 Bedrooms</b>    | Single Applicant, or Applicants with 5 or more children<br>Single Applicant or Applicants with 4 children where at least one of them is aged 10 and is of the opposite sex of the others or one of them is aged 16 or over  |

## Q. Do you agree with the bedroom criteria proposed?

| Overall responses             | Strongly Agree | Agree | Neither agree/ disagree | Disagree | Strongly disagree | Don't know |
|-------------------------------|----------------|-------|-------------------------|----------|-------------------|------------|
| <b>Number</b>                 | 157            | 379   | 105                     | 83       | 31                | 8          |
| <b>% of all who responded</b> | 20.6%          | 49.7% | 13.8%                   | 10.9%    | 4.1%              | 1.0%       |

Overall there was strong agreement to the bedroom criteria proposed with 70.3% either agreeing or strongly agreeing. This compares to 15.0% who disagree or strongly disagree with it. The figures give a net agreement figure of plus 55.3, where zero would be an equal amount of people supporting and opposing. 14% of respondents neither agreed nor disagreed with the bedroom criteria.

## Bedroom entitlement - overall responses



| Group                               | strongly agree/agree | disagree/ strongly disagree | net agreement |
|-------------------------------------|----------------------|-----------------------------|---------------|
| Owner Occupiers                     | 80%                  | 9%                          | 71            |
| Christchurch and East (on register) | 72%                  | 14%                         | 59            |
| Social Tenants                      | 72%                  | 16%                         | 57            |
| Forces                              | 71%                  | 17%                         | 57            |
| Dorset Homechoice (on register)     | 68%                  | 15%                         | 53            |
| Disabled                            | 70%                  | 18%                         | 52            |
| Private Tenants                     | 66%                  | 19%                         | 47            |

Looking at responses from different groups there are variations. The table below show net agreement for all the groups. In all groups there seems to be support for the proposals with all returning positive agreement, with at least two out of three of all respondent groups either supporting or strongly supporting the criteria. The strongest support comes from owner occupiers and the least support from private tenants. This is shown on the table above.

## Organisational views and comments on these criteria

Bridport Cohousing, Places for People, Citizens Advice (Central Dorset) and Stonewater all agreed/strongly agreed with this proposal.

Hastoe Housing Association, Middlemarch, and Bridport and District Citizens Advice all disagreed with the proposal.

Hastoe Housing Association said "Our own lettings policy allows some flexibility over bedroom allocation. For example, we would allow a single applicant, or applicants living as a couple with two children of opposite sex under 10 to occupy either a 2 or a 3 bedroom



property. We also allow under occupation by one bedroom in rural areas to meet local connection requirements”

Middlemarch said “Please make an exception for rural properties where local connection criteria apply. Allowing occupation of these properties with one spare bedroom assists the allocation of these homes to someone with a local connection because the numbers involved in supply and demand are relatively small and full occupation is not always possible. In addition, households are able to grow into their homes rather than seek larger accommodation which, due to the very low level of supply in rural communities, is rarely available at the right time.”

Bridport and District Citizens Advice said “We would wish to see a more flexible approach taken and consideration of blended households and families which do not fit the standard family unit.”

**Q13. As you disagree what particular part(s) do you not agree with and why?** 110 people responded to this question. The concerns were wide and varied and generally appeared dependent on people’s circumstances. The table below shows the main themes coming through. The top five issues raised were:

- One bedroom not always suitable for all couples as have medical needs
- Size of rooms in modern housing too small
- Children with special needs/disability need own room
- Upper age limit of 10 needs lowering
- Helpers/carers need a room to stay in

The concerns about couples needing to sleep apart due to health reasons and the need to have space for a carer were the main concern for quite a few respondents. The full comments are available in the appendix.

| Issue   | mentions |
|---|----------|
| One bedroom not always suitable for all couples as have medical needs       | 21       |
| Size of rooms in modern housing too small                                   | 9        |
| Children with special needs/disability need own room                        | 8        |
| Upper age limit of 10 needs lowering  | 8        |
| Helpers/carers need a room to stay in                                       | 7        |
| Same sex can't always share   | 6        |
| Issue over parents who have custody/occasional staying visits from children | 5        |
| No under occupancy  | 4        |
| Age issues as kids grow and create need to move... Futureproof              | 4        |
| Single applicants need more than bedsits                                    | 3        |
| Couple should be given option of two bedrooms                               | 3        |
| Family of 4 need 3 beds   | 3        |
| Other   | 3        |
| Be more flexible  | 3        |
| Have no restrictions  | 3        |
| Singles need space too  | 3        |
| One bedroom often too small   | 2        |
| Two beds not suitable for 2 adults and two kids                             | 2        |
| Age of puberty  | 2        |



|  |   |
|--|---|
| Foster children by law must have their own room                  | 2 |
| Singles should not get/keep 2 bed properties                     | 2 |
| Singles should get 2 beds  | 2 |
| Kids need space  | 2 |
| Five kids can manage with less bedrooms                          | 1 |
| Have 4 kids and only qualify for 3 beds                          | 1 |
| Same sex children can share                                      | 1 |
| Feels wrong  | 1 |
| Can choose size if can afford it                                 | 1 |
| mum and child need 2 beds  | 1 |
| Age gap affects sharing  | 1 |
| Seems to reward large families                                   | 1 |
| In rural areas accept under occupancy to allow local connections | 1 |
| Need space to run business/work from home                        | 1 |
| Restrict singles more  | 1 |
| Age 16 should be lowered   | 1 |
| Rules create overcrowding  | 1 |

## Sample Comments

"You do not class a couple living in a cramped studio apartment as being overcrowded or lacking a bedroom. My wife and I, living in a small studio flat, Have challenged this and been told "you and your wife do not meet the criteria for overcrowding". This has resulted in our having to live apart."

"We would wish to see a more flexible approach taken and consideration of blended households and families which do not fit the standard family unit"

"We have been assessed as one bedroom. We have two where we are and there isn't enough room for my husband to mobilise safely. This assessment should consider for options such as equipment, medical supplies and the fact that we don't get adequate rest as my husband is up and down all night and disturbs me crying with the pain in his legs. He needs room to consider for wheelchair as if we had adequate room he could use a pair of wheels now to get around on to take pressure off his legs."

"There is too much focus on bedroom entitlement (number of bedrooms) and not space standards as per the housing act 1985 part X. An example of this is our current property where a child of 5 is expected to share a bedroom with a 1.5 year old that can only fit a single bed with no furniture. This entitlement needs to take space regulation in to consideration instead of just age and sex."

"The upper age of 16, this needs to be lowered."

"The age bands are very high for same sex children. Why shouldn't they be allowed their own private space! Also in modern homes now room sizes are extremely small and cramped! Not ideal to share!"

"Please take into account the space people use to work / run a business. E.G. a single person with no children may still need their 2 bed property, if 1 of the bedrooms is used to run their business / work from home / freelance - i.e. to support themselves financially. More and more people will be working from home in the near and longer term future."

"My wife and myself have to sleep in separate bedrooms as I suffer with Sleep Apnoea and have to wear a face mask every night which is noisy and keeps her awake!"

“Medical needs - some clients I have worked with Need to separately sleep from their partners / carers. However there is little latitude to allow for this when helping with an Occupational Therapy Functional Needs Housing Report. The definition for Bedroom needs is often too onerous and does not allow for this medical need”

“I am an elderly tenant with various disabilities. Often I have a friend or a son staying with me when not well. I am still waiting for social housing 1 bedroom but hope to get a 2 bed so there is no problem for a helper to stay over. Also cheaper then nursing staff home visiting”

“As a family with 4 children (2 boys ( 6 & 10), 2 girls (14 & 8)), we would only be entitled to apply for a three bedroom home. Quite clearly although they are able to share a bedroom, the emotional strain due to age difference is not taken into account.”

“2 bedroom should be made available to couples where for medical reasons (proof from doctor) separate rooms are necessary i.e. where one partner has cancer or similar illness - to ensure the other has good sleeping conditions to enable prolonged care giving thereby reducing pressure on the NHS.”

“applicants as a couple should be allowed a 2-bedroom property”

# Rural Properties

The availability of private housing in Dorset is restricted by high house prices, high numbers of second homes and a low wage economy. As a significant proportion of social housing in Dorset is rural, the policy aims to sustain these rural communities by giving local people in housing need priority for these properties and reducing reliance on new social housing developments. The policy aims to create mixed and balanced communities and manage the register for all those in housing need. We are **proposing to allocate 75% of rural properties to those who meet the local connection criteria** detailed in the Homechoice Dorset policy.:

Below is the list of villages that meet the criteria in Dorset.

## Village List

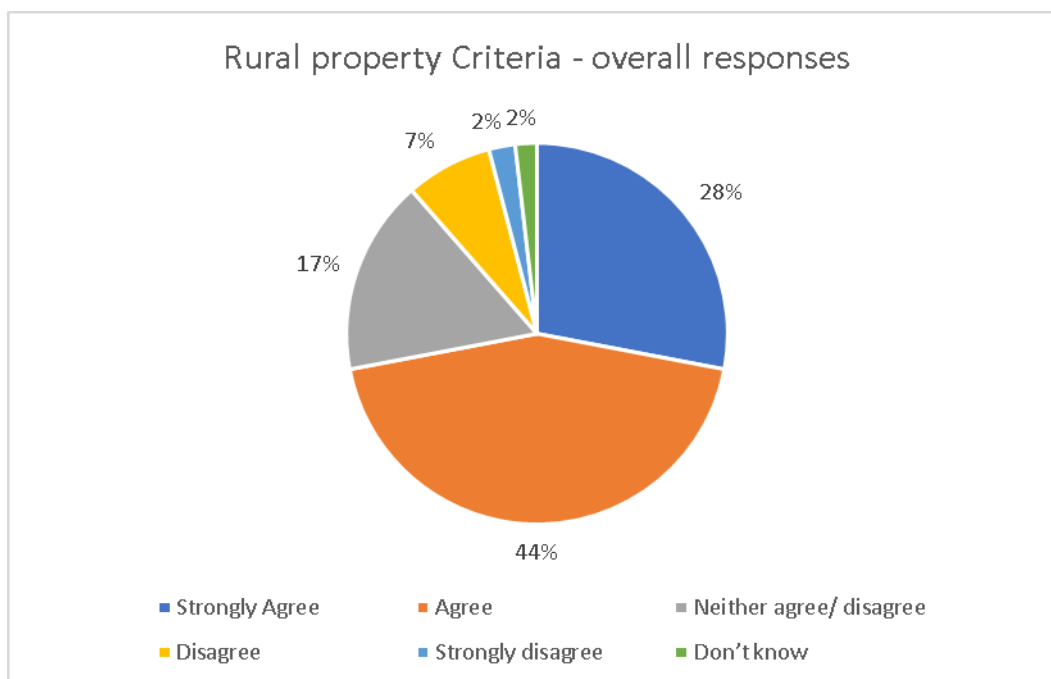
- Abbotsbury, Affpuddle, Alderholt, Allington, Alton Pancras, Anderson, Arne, Ashmore, Askerswell, Athelhampton
- Batcombe, Beaminster, Beer Hackett, Bere Regis, Bettiscombe, Bincombe, Bishop's Caundle, Blandford St Mary, Bloxworth, Bothenhampton, Bourton, Bradford Abbas, Bradford Peverell, Broadmayne, Broadwindsor, Bryanston, Buckhorn Weston, Buckland Newton, Burleston, Burstock, Burton Bradstock, Burton
- Cann, Castleton, Catherston Leweston, Cattistock, Caundle Marsh, Cerne Abbas, Chalbury, Chaldon Herring, Charlton Marshall, Charminster, Charmouth, Chedington, Cheselbourne, Chetnole, Chettle, Chideock, Child Okeford, Chilcombe, Compton Valence, Chilfrome, Church Knowle, Clifton Maybank, Compton Abbas, Coombe Keynes, Corfe Castle, Corscombe, Cranborne, Crossways
- Dewlish, Durweston
- East Chelborough, East Holme, East Lulworth, East Orchard, East Stoke, East Stour, Edmondsham, Evershot
- Farnham, Fifehead Magdalene, Fifehead Neville, Fleet, Folke, Fontmell Magna, Frampton, Frome St Quintin, Frome Vauchurch
- Glanvilles Wootton, Goathill, Godmanstone, Gussage All Saints, Gussage St Michael
- Halstock, Hammoon, Hanford, Haydon, Hazelbury Bryan, Hermitage, Hilfield, Hilton, Hinton Martell, Hinton Parva, Hinton St Mary, Holnest, Holt, Holwell, Hooke, Horton, Hurn
- Ibberton, Iwerne Courtney or Shroton, Iwerne Minster, Iwerne Stepleton
- Kimmeridge, Kingston Russell, Kington Magna
- Langton Herring, Langton Long Blandford, Langton Matravers, Leigh, Leweston, Lillington, Littlebredy, Litton Cheney, Loders, Long Bredy, Long Crichel, Longburton, Lydlinch, Lytchett Matravers
- Maiden Newton, Manston, Mapperton, Mappowder, Margaret Marsh, Marnhull, Marshwood, Melbury Abbas, Melbury Bubb, Melbury Osmond, Melbury Sampford, Melcombe Horsey, Milborne St Andrew, Milton Abbas, Minterne Magna, Moor Crichel, Morden, Moreton, Mosterton, Motcombe
- Nether Cerne, Nether Compton, Netherbury, North Poorton, North Wootton
- Osborne, Okeford Fitzpaine, Osmington, Over Compton, Owermoigne

- Pamphill, Pentridge, Piddlehinton, Piddletrenthide, Pilsdon, Pimperne, Portesham, Portland, Powerstock, Poxwell, Poyntington, Puddletown, Pulham, Puncknowle, Purse Caundle
- Rampisham, Ryme Intrinseca
- Sandford Orcas, Seaborough, Shapwick, Shillingstone, Shipton Gorge, Silton, Sixpenny Handley, South Perrott, Spetisbury, Stalbridge, Stanton St Gabriel, Steeple, Stinsford, Stockwood, Stoke Abbott, Stoke Wake, Stour Provost, Stourpaine, Stourton Caundle, Stratton, Studland, Sturminster Marshall, Sturminster Newton, Sutton Waldron, Swyre, Sydling St Nicholas, Symondsbury
- Tarrant Crawford, Tarrant Gunville, Tarrant Hinton, Tarrant Keyneston, Tarrant Launceston, Tarrant Monkton, Tarrant Rawston, Tarrant Rushton, Thorncombe, Thornford, Tincleton, Todber, Toller Fratrum, Toller Porcorum, Tolpuddle, Trent, Turners Puddle, Turnworth, Tyneham
- Up Cerne
- Wareham St Martin, Warmwell, West Chelborough, West Compton, West Knighton, West Lulworth, West Orchard, West Stafford, West Stour, Whitcombe, Whitchurch Canoniconum, Wimborne St Giles, Winfrith Newburgh, Winterborne Came, Winterborne Clenston, Winterborne Herringston, Winterborne Houghton, Winterborne Kingston, Winterborne Monkton, Winter borne St Martin, Winterborne Stickland, Winterborne Whitechurch, Winterborne Zelston, Winterbourne Abbas, Winterbourne Steepleton, Witchampton, Woodlands, Woodsford, Wool, Wolland, Wootton Fitzpaine, Worth Matravers, Wraxall, Wynford Eagle
- Yetminster

## Q. Do you agree with the rural property criteria?

| Overall responses      | Strongly Agree | Agree | Neither agree/ disagree | Disagree | Strongly disagree | Don't know |
|------------------------|----------------|-------|-------------------------|----------|-------------------|------------|
| Number                 | 213            | 335   | 126                     | 56       | 17                | 14         |
| % of all who responded | 28.0%          | 44.0% | 16.6%                   | 7.4%     | 2.2%              | 1.8%       |

Overall there was strong agreement to the rural property criteria proposed with 72.0% either agreeing or strongly agreeing. This compares to only 9.6% who disagree or strongly disagree with it. The figures give a net agreement figure of plus 62.4, where zero would be an equal amount of people supporting and opposing. 17% of respondents neither agreed nor disagreed with the rural property criteria.



| Group                               | strongly agree/agree | disagree/ strongly disagree | net agreement |
|-------------------------------------|----------------------|-----------------------------|---------------|
| Christchurch and East (on register) | 82%                  | 7%                          | 76            |
| Social Tenants                      | 75%                  | 7%                          | 68            |
| Private Tenants                     | 73%                  | 8%                          | 65            |
| Disabled                            | 73%                  | 9%                          | 64            |
| Dorset Homechoice (on register)     | 70%                  | 8%                          | 62            |
| Forces                              | 72%                  | 14%                         | 57            |
| Owner Occupiers                     | 73%                  | 16%                         | 56            |

Looking at responses from different groups there are variations. The table above show net agreement for all the groups. In all groups there seems to be support for the proposals with all returning positive agreement, with at least two out of three of all respondent groups either supporting or strongly supporting the criteria. The strongest support comes people on the housing register with Christchurch and East and the least support from disabled. A high 28%of respondents strongly agreed with this criteria, the highest of all the questions. This is shown on the table above.

## Organisational views and comments on these criteria

Bridport Cohousing, Places for People, Citizens Advice (Central Dorset), Hastoe Housing Association Middlemarch, and Bridport and District Citizens Advice Centre all agreed/strongly agreed with this proposal.

Stonewater and Dorchester Municipal Charities neither agreed nor disagreed. No organisations disagreed with the proposal and there were no specific comments.

**Q15. As you disagree what particular part(s) do you not agree with and why?** 72 people responded to this question. The concerns were wide and varied and generally appeared dependent on people's circumstances. Most concerns were that the policy didn't go far enough to local people had a good opportunity to get a property. There were quite a few concerns about the problems of rural living and the difficulties over public transport and other facilities. There were some who felt need should always come before local connection. The full range of comments are available in the appendix and a summary of issues provided here.

| Issue  | mentions |
|--|----------|
| Should be 100% not 75%   | 15       |
| Policy does not work due to problems of rurality and lack of facilities like transport | 9        |
| Other (non-related to question)  | 8        |
| Need is better than local connection   | 7        |
| Should be 80% or higher with local connection  | 4        |
| Needs some flexibility   | 4        |
| probably agree with proposals in some way  | 3        |
| The local connection needs to include wider family/friends etc                         | 2        |
| New properties should go to existing good tenants                                      | 2        |
| 50% would be better to let others in   | 2        |
| Should be village focused not wider area   | 2        |
| All Dorset should be local connection - not just rural                                 | 2        |
| It The policy won't work   | 1        |
| New properties should be 100% too  | 1        |
| A gold should always take priority over bronze with a LC                               | 1        |
| Towns should be protected more too   | 1        |
| Town people often don't fit in rural areas   | 1        |
| Could lead to under occupancy in rural properties                                      | 1        |
| Too many people don't have local connections   | 1        |
| New people moving into rural areas bring social benefits                               | 1        |
| Antiquated policy  | 1        |
| Funding only for outsiders to move in  | 1        |
| Don't include Corfe Mullen   | 1        |
| What does local connection really mean - born but moved away is still local            | 1        |
| If you are not local this policy gives little chance of getting a property             | 1        |
| Affordable rent high compared to social rent   | 1        |
| People get stuck in villages   | 1        |
| Not fair on urban people   | 1        |
| Support older people in rural living   | 1        |

## Sample Comments

"I think it should just stay as who comes up highest on the banding. Housing needs are desperate and I don't think for example a silver or bronze applicant should come up higher than a gold just because of a local connection to the area."

"I was allocated a house in Corfe Castle, I would have preferred to be in an area with more facilities for my teenage children and public transport, we all feel rather cut off."

"100% of these properties should be allocated to people with a proven local connection and housing need...not 75%"

"There is a lot of properties in rural areas that we have family members living in but are not parents or siblings. They our aunts/uncles or grandparents"

"We could be a perfectly suitable family for a rural property and definitely have a housing need for the size of property but because we have no local rural connection we will miss out and feel limited to where our local area connection is even though it may only be a few miles down the road, makes no sense when we are a homeless full duty family and limits us to where there is a shortage of housing when I thought the whole point of opening the councils in Dorset up to the different areas/councils was to make it fair and easier to bid on properties a little further afield and actually feel hopeful you have a chance of getting it"

"You don't need this policy criteria to achieve the aim, you can achieve sustainable rural communities by giving opportunity to Dorset residents to embrace neighbouring communities - this is too antiquated in policy"

"Rural properties should be 100 percent local connection widening out to adjacent villages"

"People need housing regardless of where they had the privilege of being born it's not fair otherwise on those in need who were born outside of rural areas and it reduces social mobility"

# Homelessness

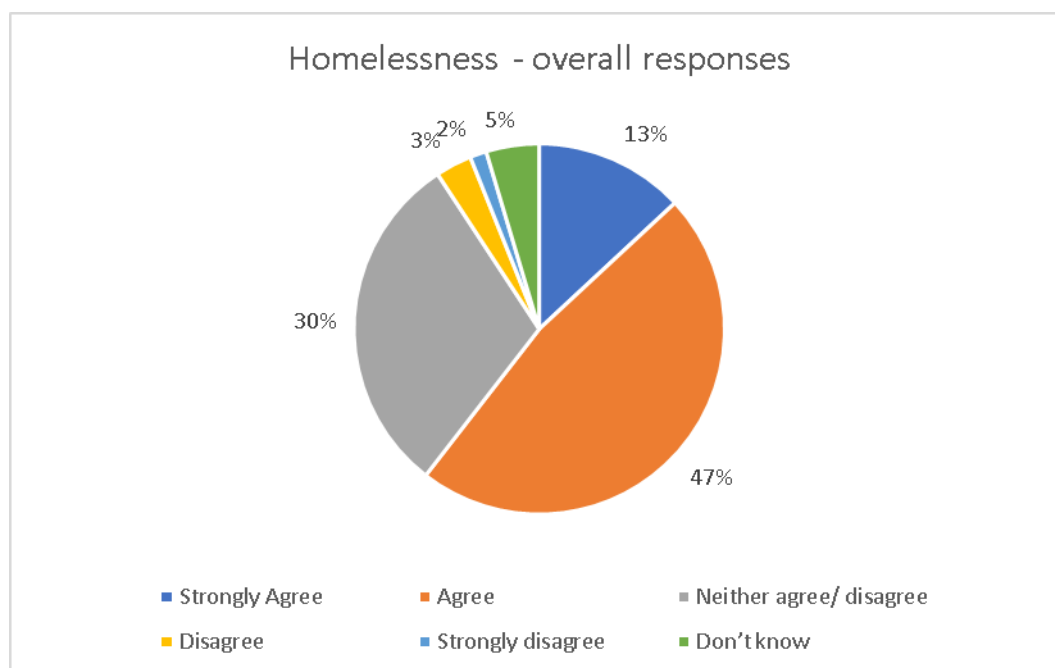
The Homelessness Reduction Act 2017 introduced new duties for the council to prevent or relieve homelessness. We propose to harmonise the variations in the way homelessness applicants are supported on the housing register. That includes:

- ~ Qualification exception
- ~ Financial resources
- ~ Deliberately worsening circumstances
- ~ Banding
- ~ Bidding
- ~ Lettings outside of the scheme

## Q. Do you agree?

| Overall responses      | Strongly Agree | Agree | Neither agree/ disagree | Disagree | Strongly disagree | Don't know |
|------------------------|----------------|-------|-------------------------|----------|-------------------|------------|
| Number                 | 99             | 359   | 229                     | 24       | 11                | 35         |
| % of all who responded | 13.1%          | 47.4% | 30.3%                   | 3.2%     | 1.5%              | 4.6%       |

Overall there was strong agreement to the homelessness criteria proposed with 60.5% either agreeing or strongly agreeing. This compares to only 4.7%% who disagree or strongly disagree with it. The figures give a net agreement figure of plus 55.8, where zero would be an equal amount of people supporting and opposing. 30% of respondents neither agreed nor disagreed with the harmonisation of the homelessness criteria.





| Group                               | strongly agree/agree | disagree/ strongly disagree | net agreement |
|-------------------------------------|----------------------|-----------------------------|---------------|
| Forces                              | 66%                  | 3%                          | 63            |
| Disabled                            | 63%                  | 4%                          | 59            |
| Social Tenants                      | 61%                  | 4%                          | 57            |
| Private Tenants                     | 60%                  | 4%                          | 56            |
| Dorset Homechoice (on register)     | 61%                  | 5%                          | 56            |
| Christchurch and East (on register) | 62%                  | 7%                          | 55            |
| Owner Occupiers                     | 61%                  | 5%                          | 56            |

Looking at responses from different groups there are variations. The table above shows net agreement for all the groups. In all groups there seems to be support for the proposals with all returning positive agreement, with nearly two out of three of all respondents in these groups either supporting or strongly supporting the criteria. The strongest support comes people in the forces and the least support from owner occupiers. This is shown on the table above.

## Organisational views and comments on these criteria

Bridport Cohousing, Places for People, Citizens Advice (Central Dorset), Stonewater, Middlemarch, Stonewater and Dorchester Municipal Charities all agreed/strongly agreed with this proposal.

Hastoe Housing Association & Bridport and District Citizens Advice neither agreed nor disagreed. No organisations disagreed. There were no specific comments on this proposal.

**Q17. As you disagree what particular part(s) do you not agree with and why?** 31 people responded to this question. The concerns were wide and varied and generally appeared dependent on people's circumstances. The concerns had no particular theme but a summary is provided below. The full comments are available in the appendix.

| Issue   | mentions |
|---|----------|
| many homeless people are not actually without a home/queue jumping    | 3        |
| Local connection is important with homeless people                    | 2        |
| Problem caused by selling housing stock                               | 1        |
| Single males get a poor deal  | 1        |
| Overcrowding is an issue  | 1        |
| Banding and bidding is unfair   | 1        |
| Homeless drug and alcohol users affect residents                      | 1        |
| Many "hidden" situations of homelessness not understood               | 1        |
| Getting on the Register in the first place is the issue               | 1        |
| Financial resources shouldn't affect support                          | 1        |
| Special needs/distribution should be more important than homelessness | 1        |
| Need temporary accommodation for homeless people                      | 1        |
| Homelessness doesn't help getting a house                             | 1        |
| Homeless people should go to the top of the list                      | 1        |
| Deliberately homeless - should not be considered                      | 1        |

|   |   |
|---|---|
| Drink and drugs problem shouldn't jump list             | 1 |
| If people don't contribute, they shouldn't get priority | 1 |
| Most homeless need help                                 | 1 |
| Too many categories                                     | 1 |
| Qualification should be the same for everyone           | 1 |
| One offer policy is not good                            | 1 |
| Temporary accommodation is poor                         | 1 |
| Current tenants under occupy houses                     | 1 |

## Sample comments

"After being homeless for 12 months with a young child and been forced to rent privately because I didn't want to go into a flat. If you never started to sell the housing stock to rich outsiders for second homes there would never really of been a problem. For instance long term rental of an ex council house in Dorchester 3 beds with parking £1200 per month !!"

"Deliberately worsening circumstances needs to be described as an exemption rather than a presumption, there are a number of mental and physical health conditions (such as Autism, Obsessive Compulsive Disorder, Asthma (cleaning product triggers) and Arthritis) that are poorly understood in the Dorset area due to a lack of expertise and services but do affect a person's ability to cope living in 'hidden' situations where there is existing mould in properties, irregular neighbourly noise, fluctuating crime rates and fluctuations of health conditions that can be missed due to the lack of services."

"If someone homeless they should be put temporarily housing till housing is available, I find if you have alcohol problems or drugs people get it straight away but if you're working and have no medical problems you told there's no hope why is that everyone should have the same rights as everyone and be equal."

"They should have a local connection, if not then they should return to the council of origin."

"Some homeless are claiming as single but then gaining properties so working partner can move in. Obviously not being declared"

"Qualification exception The rules should apply equally to all. This appears to be a dossers charter to a free home by the sea."

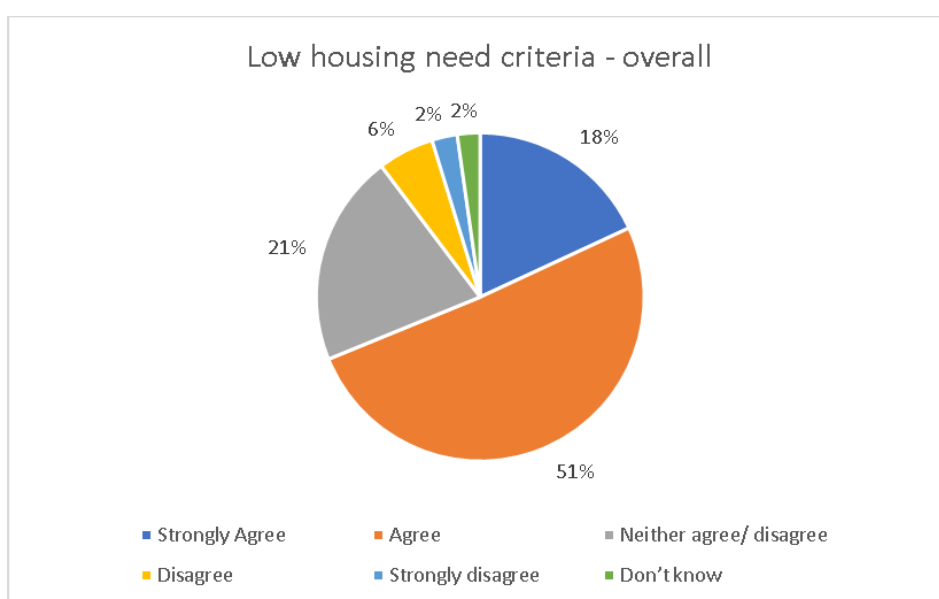
## Low Housing Need

Residents applying who live in a property that is adequate for their needs in terms of size and facilities may have been unable to register according to some previous policies. We propose to harmonise this providing applicants meet the eligibility and qualification criteria. Because the demand for social housing is much higher than the numbers of properties available these applicants have limited opportunity to be offered suitable housing. However, on occasion we may be able consider them for properties that otherwise are hard to let. In addition, new housing developments are best supported when we understand the housing need in the area and we will refer to the housing register for that information.:

### Q. Do you agree with the Low Housing Need banding criteria?

| Overall responses      | Strongly Agree | Agree | Neither agree/ disagree | Disagree | Strongly disagree | Don't know |
|------------------------|----------------|-------|-------------------------|----------|-------------------|------------|
| Number                 | 137            | 384   | 158                     | 42       | 19                | 17         |
| % of all who responded | 18.1%          | 50.9% | 20.7%                   | 5.6%     | 2.5%              | 2.3%       |

Overall there was strong agreement to the rural property criteria proposed with 69.0% either agreeing or strongly agreeing. This compares to only 8.1% who disagree or strongly disagree with it. The figures give a net agreement figure of plus 60.9, where zero would be an equal amount of people supporting and opposing. 21% of respondents neither agreed nor disagreed with the low housing need banding criteria.



| Group                               | strongly agree/agree | disagree/ strongly disagree | net agreement |
|-------------------------------------|----------------------|-----------------------------|---------------|
| Owner Occupiers                     | 79%                  | 6%                          | 73            |
| Christchurch and East (on register) | 72%                  | 3%                          | 69            |
| Disabled                            | 73%                  | 4%                          | 69            |
| Forces                              | 74%                  | 6%                          | 68            |
| Social Tenants                      | 70%                  | 7%                          | 63            |
| Private Tenants                     | 68%                  | 8%                          | 60            |
| Dorset Homechoice (on register)     | 66%                  | 8%                          | 58            |

Looking at responses from different groups there are variations. The table above shows net agreement for all the groups. In all groups there seems to be support for the proposals with all returning positive agreement, with nearly three out of four of all respondents in these groups either supporting or strongly supporting the criteria. The strongest support comes people who are owner occupiers the least support from people on the Dorset Homechoice register. This is shown on the table above.

## Organisational views and comments on these criteria

Bridport Cohousing, Places for People, Hastoe Housing Association, Citizens Advice (Central Dorset), Stonewater and Dorchester Municipal Charities all agreed/strongly agreed with this proposal. Bridport and District Citizens Advice neither agreed nor disagreed with this proposal

Middlemarch had some concerns. They said “

I don't disagree so much as have a question. Will it be possible for households currently occupying expensive private rented accommodation to be registered in Band D. This is assuming that the private rented accommodation is in good repair and a suitable size but where the applicant would be paying >35% of their gross income in housing costs. This appears to be possible under the examples given by a) and b) in Band D: "for example they require: a) a Community Land Trust property b) independent affordable accommodation" People catered for by CLT projects are often in this position: desperate to stay within the support networks provided by their communities and forced into unaffordable private rented accommodation to try to do so.”

**Q19. As you disagree what particular part(s) do you not agree with and why?** 31 people responded to this question. The concerns were wide and varied and generally appeared dependent on people's circumstances. The main theme was that everyone should have the same right to appropriate housing. There were concerns about the criteria which put people in the low housing need category. On the other hand, there were a number of comments about if the property was adequate they don't need to move and don't need to be on the register. A summary of the comments is available below and the full comments in the appendix.

| Issue  | mentions |
|--|----------|
| Everyone should have the same right to appropriate housing           | 9        |
| Low housing need criteria difficult                                  | 5        |
| If property is adequate let them stay put                            | 5        |
| High private rents are creating problems and housing need            | 4        |
| Low housing need shouldn't be on the register                        | 3        |
| Other  | 3        |
| Not good for older people to be homeless/in housing need             | 2        |
| Higher banding should always trump others like this                  | 2        |
| Appropriate individual assessment is necessary                       | 2        |
| Abuse is not classed as need   | 1        |
| In this case all needs are met and just adds to pressure on register | 1        |
| Adequate doesn't always mean suitable                                | 1        |
| Need more accommodation  | 1        |
| Hard to let only   | 1        |
| Does hard to let really exist  | 1        |
| Does affordability put people into low housing need                  | 1        |
| Should first be offered to those who can pay rent                    | 1        |
| Ageist policy  | 1        |
| Need to improve hard to let properties                               | 1        |
| Need to be flexible  | 1        |
| Should help low housing need people straight away                    | 1        |
| problem for young people   | 1        |

## Sample Comments

"As there needs are met and the situation the housing is in at the moment this should not be an option, no added pressure needed. I don't think there would be many cases of hard to let you could use them for temp accommodation."

"because some people may be living in a property that is adequate but it is not always suitable for their means if it is privately rented"

"Being on low housing need band makes it impossible for the elderly to find a permanent home in their old age - makes one very insecure knowing that a private landlord can evict you at any time on 2 months notice and being faced with homelessness in old age is very daunting."

"Because you may consider it low medical need but others with the "needs" and problems may think otherwise".

“Everyone has a right to social housing, just because they don't meet some particular criteria shouldn't mean they are not as eligible”

“I disagree because you are leaving people who you deem low housing need with the houses that are hard to let so they will most likely be in a bad state or too difficult to get to i feel everyone on the list should have a chance at getting a home where they desire so that they are happy and more likely to stay where they are and not re register or ask to be moved.”

“I disagree with having a band when the people in it have virtually no chance of having a property when they still have a need.”

“I don't think people with a low housing need should be on the housing register, unless they have a reason for wanting to move linked to low health or harassment needs. If they don't like their accommodation and want to better their circumstances, they should work towards this themselves, instead of adding extra burden to the housing service.”

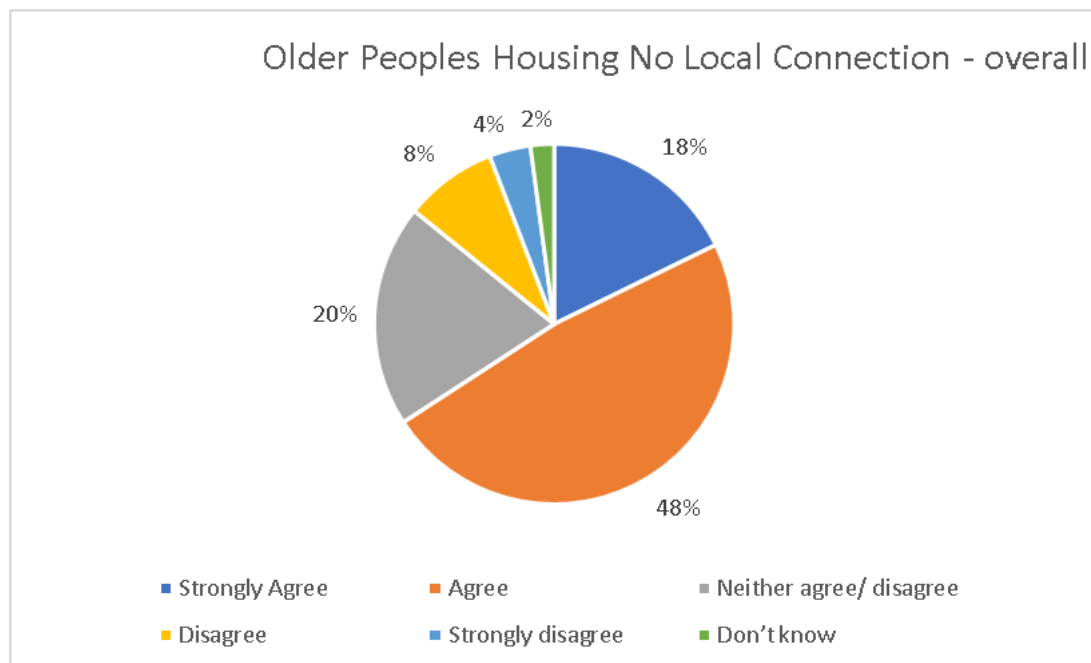
# Older Peoples Housing No Local Connection

Some residents were unable to register for older peoples housing if they didn't have a local connection. We propose to harmonise this so that households eligible for housing for older persons and who are deemed to have no local connection, may be considered for difficult to let older people's housing. Households in this band will be able to bid for properties, but their bids will only be considered after all bids from households who do meet the local connection requirements have been dealt with in the same band.

## Q. Do you agree with the Older Peoples Housing No Local Connection criteria?

| Overall responses      | Strongly Agree | Agree | Neither agree/ disagree | Disagree | Strongly disagree | Don't know |
|------------------------|----------------|-------|-------------------------|----------|-------------------|------------|
| Number                 | 134            | 363   | 151                     | 63       | 28                | 16         |
| % of all who responded | 17.7%          | 48.1% | 20.0%                   | 8.3%     | 3.7%              | 2.1%       |

Overall there was strong agreement to the Older Peoples Housing No Local Connection criteria proposed with 65.8% either agreeing or strongly agreeing. This compares to only 12.0% who disagree or strongly disagree with it. The figures give a net agreement figure of plus 53.8, where zero would be an equal amount of people supporting and opposing. 20% of respondents neither agreed nor disagreed with criteria.



| Group                               | strongly agree/agree | disagree/ strongly disagree | net agreement |
|-------------------------------------|----------------------|-----------------------------|---------------|
| Disabled                            | 70%                  | 10%                         | 61            |
| Owner Occupiers                     | 70%                  | 15%                         | 56            |
| Dorset Homechoice (on register)     | 65%                  | 11%                         | 54            |
| Social Tenants                      | 67%                  | 13%                         | 53            |
| Private Tenants                     | 63%                  | 14%                         | 49            |
| Forces                              | 65%                  | 18%                         | 47            |
| Christchurch and East (on register) | 52%                  | 14%                         | 38            |

Looking at responses from different groups there are variations. Net agreement is generally lower than most previous questions but is still positive net agreement from all groups. The table above shows net agreement for all the groups. In all groups there seems to be support for the proposals with all returning positive agreement, with nearly two thirds of all respondents in these groups either supporting or strongly supporting the criteria. The strongest support comes people who are disabled, and the least support from people on the Christchurch and East register. This is shown on the table above.

### Organisational views and comments on these criteria

Bridport Cohousing, Places for People, Hastoe Housing Association, Citizens Advice(Central Dorset) and Dorchester Municipal Charities all agreed/strongly agreed with this proposal. Middlemarch neither agreed nor disagreed. Bridport and District Citizens Advice disagreed with the proposal. Bridport and District Citizens Advice said "If a property is difficult to let, then the matter should be addressed as to why and corrective action taken. Local households are greatly disadvantaged with regard to accessing social housing. However, if the property is purpose build for older households then the criteria as outlined above may be appropriate."

**Q.21 As you disagree what particular part(s) do you not agree with and why?** 80 people responded to this question. The concerns were wide and varied and generally appeared dependent on people's circumstances

| Issue  | Mentions |
|--|----------|
| Keep local connection meaning just that .... local only                    | 30       |
| Offer housing to younger people with a local connection                    | 8        |
| Sheltered housing shouldn't be age related but need related                | 6        |
| Not a good idea to import older people into area as they need services etc | 5        |
| Should be based on time on list so you move up                             | 3        |
| Are there really properties that are hard to let                           | 3        |
| People "seasiding"   | 3        |
| More old people means more demand so keep local                            | 3        |
| No queue jumping   | 2        |
| What about young disabled people   | 2        |
| Don't agree with local connection  | 2        |
| Shouldn't be treated different by age                                      | 1        |
| Treat older people better  | 1        |
| Should previously not been home owners outside the area                    | 1        |



|  |   |
|--|---|
| Local connection still doesn't help            | 1 |
| Should be flexible                             | 1 |
| Difficult to get into Weymouth anyway          | 1 |
| Re-house older people to release larger houses | 1 |
| Disruptive moving from elsewhere               | 1 |
| Problem with local connection area             | 1 |
| Does this work?                                | 1 |
| Don't mix generations                          | 1 |
| Swaps ok otherwise not                         | 1 |

## Sample Comments

"As we have such a massive housing issue in this area I do not feel it is appropriate for people outside the area with no local connections to move here. Weymouth is well known as a retirement area and as such puts a huge strain on Council resources in all areas. The housing that is not taken by an older person should then be offered to more single people aged 50 plus."

"Could these properties not be let to other people in need with a local connection rather than people from outside the area?"

"I don't feel that just because someone is old that they should get a house even if they don't have a local connection. I've had a local connection to Swanage all my life. Lived here most of my life. Overcrowded and on the housing list for the last 2 years and not been offered anything."

"I think it could become appealing to older people who want to retire in a coastal seaside area to actually move to Dorset to seek Social housing and get on the housing list, they will then be able to go to their doctor if they have age-related medical conditions and use it as a way of prioritising over families who have a local connection and take our homes that are already in a shortage. We will end up with more population and a bigger shortage of housing in the future."

"I think the difficult to let housing for older people should be considered for others (not elderly) with local connections first before offering to those without local connections"

"Do consider younger disabled people first - there is a lot of housing that is 55 + but you can be disabled at any age."

"There will always be a need from local people, no need to open to others"

"Would it not be better to offer these properties for 'older residents' to younger applicants, especially if they have a local connection There are residents with school age children in housing (BUNGALOWS) designed for 'older residents Thorncombe already"

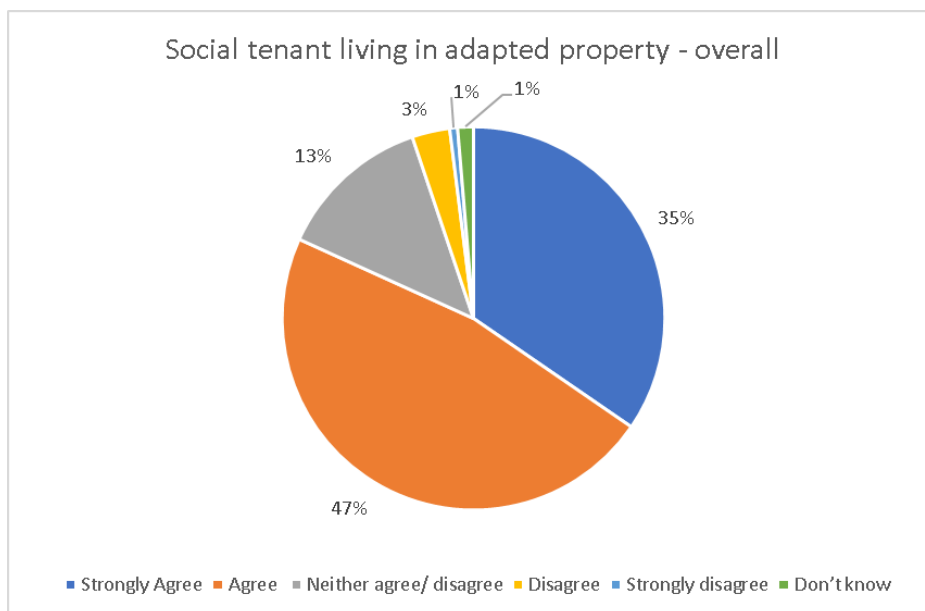
# Social tenant living in an adapted property

We propose to introduce prioritisation criteria for social tenants who live in an adapted property with extensive adaptations that are no longer required by either the applicant or a member of their household. This encourages applicants to move to suitable alternative accommodation and increases the availability of properties already adapted for those who are most in need.

## Q. Do you agree with the social tenant living in an adapted property criteria?

| Overall responses      | Strongly Agree | Agree | Neither agree/ disagree | Disagree | Strongly disagree | Don't know |
|------------------------|----------------|-------|-------------------------|----------|-------------------|------------|
| Number                 | 260            | 355   | 98                      | 24       | 5                 | 10         |
| % of all who responded | 34.6%          | 47.2% | 13.0%                   | 3.2%     | 0.7%              | 1.3%       |

Overall there was strong agreement to the social tenant living in an adapted property criteria proposed with 81.8% either agreeing or strongly agreeing. This compares to only 3.9% who disagree or strongly disagree with it. The figures give a net agreement figure of plus 77.9, where zero would be an equal amount of people supporting and opposing. 13% of respondents neither agreed nor disagreed with criteria.



| Group                               | strongly agree/agree | disagree/ strongly disagree | net agreement |
|-------------------------------------|----------------------|-----------------------------|---------------|
| Forces                              | 86%                  | 0%                          | 86            |
| Disabled                            | 87%                  | 3%                          | 83            |
| Social Tenants                      | 86%                  | 3%                          | 82            |
| Private Tenants                     | 81%                  | 3%                          | 78            |
| Dorset Homechoice (on register)     | 80%                  | 4%                          | 76            |
| Christchurch and East (on register) | 76%                  | 3%                          | 72            |
| Owner Occupiers                     | 67%                  | 4%                          | 63            |

Looking at responses from different groups there are variations. The table above shows strong net agreement for all the groups. In all groups there seems to be strong support for the proposals with all returning positive agreement, with around 8 out of 10 of all respondents in these groups either supporting or strongly supporting the criteria. The strongest support comes people who are in the forces, and the least support from owner occupiers. This is shown on the table above.

## Organisational views and comments on these criteria

Bridport Cohousing, Places for People, Hastoe Housing Association, Citizens Advice (Central Dorset) and Dorchester Municipal Charities all agree/ strongly agree with these proposals. Middlemarch and Bridport & District Citizens Advice had some concerns.

Middlemarch said “Please allow some discretion for those living in rural communities where the alternative accommodation would mean a move away”

Bridport & District Citizens Advice said “Whilst we don't disagree in principle as the need for adapted accommodation is great, however if an able bodied person is living alone in adapted premises it suggests that there has been a change of circumstances including bereavement. Significant sensitivity needs to be applied in these cases.”

**Q. As you disagree what particular part(s) do you not agree with and why?** 25 people responded to this question. Many responses were about the principle of people moving for adaptations rather than whether the benefits of people moving would justify them getting preferential treatment on the housing register. The issues raised are listed below.

| Issue   | mentions |
|---|----------|
| Treat disabled people kindly and with sensitivity | 6        |
| Don't coerce people to move                       | 6        |
| Good idea if adaptations are not needed           | 5        |
| Should consider personal circumstances            | 5        |
| Should be allowed to stay                         | 2        |
| What counts as extensive adaptations?             | 1        |
| Other ways to move people                         | 1        |
| Might have to move to new area                    | 1        |

## Example comments

"I'm not sure I fully understand the proposal, but if it means someone will have to or be made to feel they have to move out of a house they have lived in for a long time and made a home of, I think it would be wrong to make them move out just because there are facilities they don't need. It's their home first. If someone wants to move and they are just being helped to do so, then that is ok."

"It depends how this is implemented. If a sufficient amount of time is granted for existing tenants to overcome bereavement before pressure to move is placed on them, then ok. People may have lived somewhere for considerable periods or have cared for disabled relatives or children in a home that they have deep personal connections to. As long as they are given adequate time to adjust, not booted out while grieving."

"These properties are a persons home they may have built up local support networks with neighbours, friends and should not have to move just because there needs have changed."

"where is the definition of 'extensive adaptations'? example, taps, walk-in shower, ramps, wider doors, and is sheltered included among those properties where a care-line service is installed?"

"This makes sense, I agree on need to save money for adapted property. What would be the impact on children in school?"

"Personal circumstances should be considered"

"I know of at least one person who is living in a sheltered housing bungalow who does not need and adapted property at all so why does this happen?"

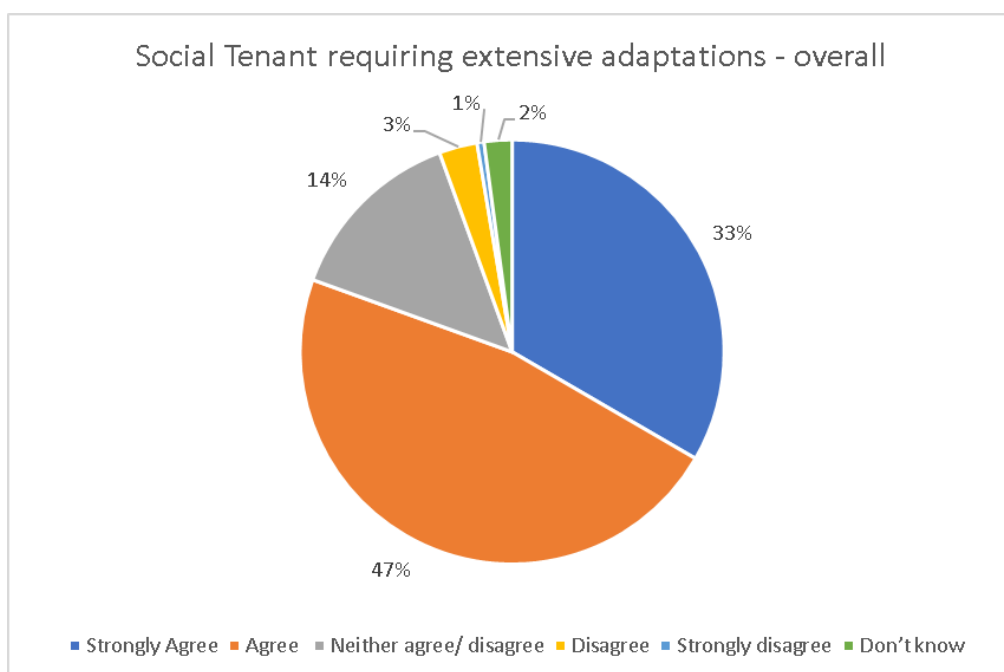
## Social tenant requiring extensive adaptations

We propose to introduce prioritisation criteria for social tenants or members of their household who require extensive adaptations and who are prepared to move to a property with such adaptations rather than having them done in their current home. This will improve the availability of general needs accommodation.

### Q. Do you agree with social tenant requiring extensive adaptations criteria?

| Overall responses      | Strongly Agree | Agree | Neither agree/ disagree | Disagree | Strongly disagree | Don't know |
|------------------------|----------------|-------|-------------------------|----------|-------------------|------------|
| Number                 | 252            | 356   | 105                     | 22       | 4                 | 16         |
| % of all who responded | 33.4%          | 47.2% | 13.9%                   | 2.9%     | 0.5%              | 2.1%       |

Overall there was strong agreement to the social tenant requiring extensive adaptations criteria proposed with 80.6% either agreeing or strongly agreeing. This compares to only 3.4% who disagree or strongly disagree with it. The figures give a net agreement figure of plus 77.2, where zero would be an equal amount of people supporting and opposing. 14% of respondents neither agreed nor disagreed with criteria.



| Group                               | strongly agree/agree | disagree/ strongly disagree | net agreement |
|-------------------------------------|----------------------|-----------------------------|---------------|
| Owner Occupiers                     | 89%                  | 3%                          | 86            |
| Forces                              | 89%                  | 3%                          | 86            |
| Disabled                            | 86%                  | 4%                          | 82            |
| Social Tenants                      | 86%                  | 3%                          | 82            |
| Private Tenants                     | 81%                  | 3%                          | 79            |
| Dorset Homechoice (on register)     | 78%                  | 3%                          | 75            |
| Christchurch and East (on register) | 69%                  | 7%                          | 62            |

Looking at responses from different groups there are variations. In all groups there seems to be strong support for the proposals with all returning positive agreement, with around 8 out of 10 of all respondents in these groups either supporting or strongly supporting the criteria. The strongest support comes people who are owner occupiers, and the least support from those on the register for Christchurch and East. This is shown on the table above.

### Organisational views and comments on these criteria

Places for People, Hastoe Housing Association, Citizens Advice(Central Dorset), Stonewater, Bridport and District Citizens Advice all agreed/strongly agreed this proposal. .Bridport Co-housing neither agreed/disagreed. Middlemarch and Bridport & District Citizens Advice both disagreed with the proposal. Middlemarch said "Please allow some discretion for those living in rural communities where the alternative accommodation would mean a move away". Bridport & District Citizens Advice said "If a household is happy with the move then this is fine, but for many people their home is a place of sanctity and safety and at times of need such as illness or disability, the disruption of moving home may not be in their best interest. The council must view the dwelling as the persons home not as housing stock."

**Q25. As you disagree what particular part(s) do you not agree with and why?** 25 people responded to this question. Many responses were about the principle of people moving for adaptations rather than whether the benefits of people moving would justify them getting preferential treatment on the housing register. The issues raised are listed below.

| Issue   | mentions |
|---|----------|
| People live in a home and should be allowed to stay there         | 6        |
| Too stressful moving  | 6        |
| Tenant should have the choice to stay or move                     | 6        |
| Should do adaptations to existing house if possible               | 3        |
| Should be done on an individual basis                             | 2        |
| Need to move to an urban area for better care and support network | 2        |
| Too costly for people to move                                     | 1        |
| Maybe move for major adaptations                                  | 1        |
| Might have to move to new area                                    | 1        |

## Sample comments

"I'm not sure I fully understand the proposal, but if it means someone will have to or be made to feel they have to move out of a house they have lived in for a long time and made a home of, I think it would be wrong to make them move out just because there are facilities they don't need. It's their home first. If someone wants to move and they are just being helped to do so, then that is ok."

"Please allow some discretion for those living in rural communities where the alternative accommodation would mean a move away."

"What is the point of having a home with adaptations to be put in the position of the upheaval of moving to another property - only if a tenant is absolutely sure they want to move"

"Most villages do not offer the facilities these persons need, and will only stretch the existing social care budgets further. It is my opinion that it is better to settle/resettle the persons involved in more urban areas."

"I believe that the adaptations should be done in their home. It is unnecessary stress requiring a tenant to move even if they are 'prepared' to move or not. A home means a lot to these families"

"If families are involved what happens about the children being stable, secure and familiar surroundings considering the children's psychological and emotional needs? Clearly the effects on everybody's needs within the household."

"Adaptations should be provided in the applicant's current home at all times possible."

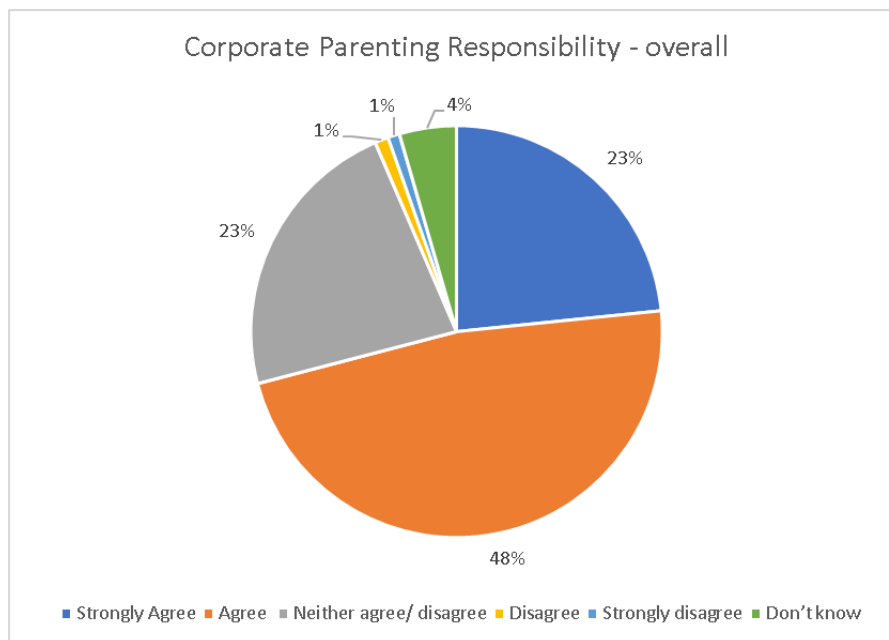
# Corporate Parenting Responsibility

Dorset Council has a corporate parenting duty where there is a responsibility to a young person who has been looked after, fostered or accommodated and has had a duty of care accepted under the Children Act by Dorset Council, and is ready for independent living. We propose to introduce Corporate Parenting criteria.

## Q. Do you agree with Corporate Parenting Responsibility criteria?

| Overall responses      | Strongly Agree | Agree | Neither agree/ disagree | Disagree | Strongly disagree | Don't know |
|------------------------|----------------|-------|-------------------------|----------|-------------------|------------|
| Number                 | 177            | 360   | 171                     | 8        | 7                 | 34         |
| % of all who responded | 23.4%          | 47.6% | 22.6%                   | 1.1%     | 0.9%              | 4.5%       |

Overall there was strong agreement to the corporate parenting responsibility criteria proposed with 71.0% either agreeing or strongly agreeing. This compares to only 2.0% who disagree or strongly disagree with it. The figures give a net agreement figure of plus 69.0, where zero would be an equal amount of people supporting and opposing. 23% of respondents neither agreed nor disagreed with criteria.





| Group                               | strongly agree/agree | disagree/ strongly disagree | net agreement |
|-------------------------------------|----------------------|-----------------------------|---------------|
| Owner Occupiers                     | 82%                  | 1%                          | 81            |
| Christchurch and East (on register) | 79%                  | 0%                          | 79            |
| Forces                              | 77%                  | 0%                          | 77            |
| Social Tenants                      | 78%                  | 3%                          | 75            |
| Disabled                            | 72%                  | 0%                          | 72            |
| Dorset Homechoice (on register)     | 66%                  | 2%                          | 64            |
| Private Tenants                     | 63%                  | 4%                          | 60            |

Looking at responses from different groups there are variations. In all groups there seems to be strong support for the proposals with all returning positive agreement, with around 8 out of 10 of all respondents in these groups either supporting or strongly supporting the criteria. The strongest support comes people who are owner occupiers, and the least support from those who are private tenants. This is shown on the table above.

### Organisational responses on these criteria

Most of the organisations supported this proposal. Bridport Cohousing, Places for People, Hastoe Housing Association, Citizens Advice, Central Dorset, Stonewater, Bridport and District Citizens Advice supported it. Dorchester Municipal Charities and Middlemarsh neither agreed nor disagreed with it. No comments were made.

**Q27. As you disagree what particular part(s) do you not agree with and why?** 9 people responded to this question. The concerns were wide and varied and generally appeared dependent on people's circumstances

| Issue                                  | mentions |
|--|----------|
| Don't know what corporate parenting is | 4        |
| Not done in the past                   | 2        |
| Too complicated and unnecessary        | 1        |
| Agree with it                          | 1        |
| Should be left to fend for themselves  | 1        |

### Sample comments

"Another example of a complicated unnecessary banding category"

"I do not understand what corporate parenting is."

"They should be given a list of landlords with bedsits available that will accept DSS, just like everybody else (just like I was told)."

# General Comments

304 additional comments were made covering a wide range of themes. These have been examined and coded into themes. The main issue raised was about housing local people before people from outside the local area. The second most regular theme was the importance of personal circumstances. Whilst policies need to have rules people often felt the system should be flexible enough to cater for individual circumstances. Further significant concerns were over extortionate private rent and the lack of need build social housing. A significant amount of comments related to the size of properties and how to make best use of the housing stock to meet the requirements of people in need. The table below ranks all the issues raised but the full comments are available in the appendix.

| Issue  | Overall |
|--|---------|
| Outsiders shouldn't get housed before locals                                       | 45      |
| Personal circumstances should be taken into account                                | 31      |
| Private rents extortionate   | 25      |
| Need more housing built  | 22      |
| Do more to enable/force people to downsize when family leave home                  | 20      |
| Other  | 16      |
| Agree with all the survey  | 15      |
| Need to match size of properties to families better (-with register of properties) | 15      |
| Working people get no help and are worst off                                       | 15      |
| Struggle despite working   | 14      |
| Confusingly worded/ hard to understand   | 13      |
| Need to be homeless to have any hope   | 11      |
| System needs some flexibility due to circumstances                                 | 11      |
| Register should relate to length of time on it                                     | 8       |
| Build more larger 3/4 bed houses to rent   | 8       |
| No further comments  | 8       |
| System doesn't work  | 7       |
| Overcrowding a big issue   | 7       |
| Protect vulnerable old people  | 7       |
| Good affordable housing is good for health   | 6       |
| Some people work the system  | 6       |
| Bidding system no good   | 6       |
| Staff ned to implement policy fairly   | 6       |
| Specialist medical needs not really catered for                                    | 6       |
| Domestic violence is an emergency  | 5       |
| Good to know how long each band in the list is                                     | 5       |
| More sheltered accommodation needed  | 5       |
| Bring empty properties back into use   | 4       |
| Implementation important - timely  | 4       |
| Concerned over homelessness issue  | 4       |
| Homelessness must be tackled   | 4       |
| need room for a carer  | 4       |
| Stop people buying social housing  | 4       |
| Detailed response on the finer detail of the proposals                             | 4       |
| Second homes   | 4       |
| Housings issues are often linked to transport                                      | 3       |

|  |   |
|--|---|
| Care leavers out of area need consideration  | 3 |
| Feel like an outsider - too locals focused   | 3 |
| Disabled need more bedrooms  | 3 |
| Give financial support to private renters  | 3 |
| Agree with new bandings  | 3 |
| Selling of Social housing is not good  | 3 |
| Build more to rent in villages   | 3 |
| Financial position should be taken into account                                    | 3 |
| Being able to phone and speak to someone is important, especially for older people | 3 |
| Should be short-term solution  | 3 |
| Changes may give some hope   | 2 |
| ASD issue  | 2 |
| Housing generally well managed   | 2 |
| Housing associations not doing a good job  | 2 |
| People shouldn't have to live next to some of the drug addicts/criminals           | 2 |
| Council have failed me   | 2 |
| Disabled adaptations - why move in people who are not disabled?                    | 2 |
| Distance from workplace should be considered when being placed                     | 2 |
| Floorplans before accepting bid  | 2 |
| More peace of mind in social housing than private rent                             | 1 |
| Don't ruin villages  | 1 |
| Disabled can fit in 55+ housing as facilities already there                        | 1 |
| Guardianship is an issue not covered   | 1 |
| Old people bungalows should be 55 again not 60                                     | 1 |
| Remove persistent offenders/anti social tenants                                    | 1 |
| Help existing tenants move in the system   | 1 |
| Local should mean Dorset not a specific area                                       | 1 |
| Home swapping is difficult and should be easier                                    | 1 |
| Housing Associations should be more involved in allocations                        | 1 |
| More help for older people   | 1 |
| Think ahead for pregnant women - the baby will eventually need a bedroom           | 1 |
| Affordable accommodation for young people who are trying to save for house deposit | 1 |
| Help young people more   | 1 |
| Shared Ownership encouraged  | 1 |

# Demographic Information

## Age

The tables below show the profile of people taking part in the consultation. The consultation has attracted residents covering quite a wide age range and is not dominated by those in the older age groups, with those aged 65+ making up 25% of respondents compared to 29% of the Dorset population. Those responding in other age groups varied between 16% and 21%.

3.1% of respondents preferred not to disclose their age group.

|                                    | Under 18 | 18-24 | 25-34  | 35-44  | 45-54  | 55-64  | 65-and over | Prefer not to say |
|------------------------------------|----------|-------|--------|--------|--------|--------|-------------|-------------------|
| <b>% of responses in age group</b> | 0.0 %    | 3.3 % | 16.9 % | 16.1 % | 17.8 % | 21.3 % | 21.5 %      | 3.1%              |

## Gender

The current profile of the residents of Dorset show 49.8% male and 51.1% female. As the table below shows the responses from females, does vary considerably from the Dorset profile but this is not unusual in this type of survey.

|   | Male  | Female | Use another term | Prefer not to say |
|---|-------|--------|------------------|-------------------|
| <b>What best describes your gender?</b> | 26.4% | 70.2%  | 0.0%             | 3.3%              |

|  | Yes  | No    | Prefer not to say |
|--|------|-------|-------------------|
| <b>Do you consider yourself trans?</b> | 0.5% | 95.5% | 4.0%              |

## Employment status

Respondents were asked their employment status. Nearly half were employed/self employed. 88 people specified other. The status varied considerably but many were not working due to health reasons, some were disabled and other were stay at home mums and others carers.

| What is your employment status        | number | %     |
|---------------------------------------|--------|-------|
| Student                               | 5      | 0.7%  |
| Employed/self employed                | 341    | 45.1% |
| Not employed and looking for work     | 19     | 2.5%  |
| Not employed and not looking for work | 58     | 7.7%  |
| Apprenticeship scheme/training        | 4      | 0.5%  |
| Retired                               | 182    | 24.1% |
| Prefer not to say                     | 59     | 7.8%  |
| Other                                 | 88     | 11.6% |

## Disability

25.2% of respondents considered they had a disability. This equates to 189 people. This is considerably higher than many other surveys. There is no overall figure for Dorset. The data has been used when analysing the responses to all the questions to see if people who have a disability had a different view to the majority on the key questions in the consultation.

|   | Yes   | No    | Prefer not to say |
|---|-------|-------|-------------------|
| Do you consider yourself to be disabled as set out in the Equality Act, 2010? | 25.2% | 66.3% | 8.5%              |

When looking at the specific disabilities the 189 people responding 113 said they had a physical disability 107 had a longstanding illness, 76 had a mental health condition, and 22 a sensory impairment.

## Ethnic Group

The profile of residents in Dorset overall show 95.6% are White British and 4.4% Black and Minority Ethnic (BME). From those who chose to answer this question 3.3% stated they were from a BME background and 89.8% White British.

|   | What is your ethnic group? |
|---|----------------------------|
| White British                                       | 89.8%                      |
| White Irish   | 0.5%                       |
| Gypsy/Irish traveller                               | 0.0%                       |
| Any other white background                          | 2.5%                       |
| Asian/ Asian British - Bangladeshi                  | 0.1%                       |
| Asian/ Asian British - Chinese                      | 0.0%                       |
| Asian/ Asian British - Indian                       | 0.1%                       |
| Asian/ Asian British - Pakistani                    | 0.0%                       |
| Any other Asian background                          | 0.0%                       |
| Black/Black British - African                       | 0.1%                       |
| Black/Black British - Caribbean                     | 0.0%                       |
| Any other black background                          | 0.0%                       |
| Mixed ethnic background – White and Asian           | 0.3%                       |
| Mixed ethnic background – White and Black African   | 0.1%                       |
| Mixed ethnic background – White and Black Caribbean | 0.1%                       |
| Any other mixed background                          | 0.5%                       |
| Prefer not to say                                   | 4.8%                       |
| Any other ethnic group                              | 0.9%                       |

Are you currently serving or a veteran in the UK Armed Forces, a member of service personnel's immediate family or a reservist or in part time service such as the Territorial Army?

|  | Yes          | No             | Prefer not to say |
|--|--------------|----------------|-------------------|
| Are you currently serving or a veteran in the UK Armed Forces, a member of service personnel's immediate family or a reservist or in part time service such as the Territorial Army? | 4.7%<br>(35) | 92.8%<br>(698) | 2.5%<br>(19)      |

Responses were received from 35 from the Armed Forces and their responses were considered under each question.

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## Appendix 3

### Executive Advisory Panel Members – Dorset Council Housing Allocation Policy

Cllr Graham Carr-Jones

Cllr Laura Miller

Cllr Gill Taylor

Cllr Toni Coombes

Cllr Matt Hall

Cllr Les Fry

Cllr Shane Bartlett

Cllr Sherry Jespersen

Cllr Mary Penfold

Cllr Molly Rennie

Cllr Simon Gibson

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## Equality Impact Assessment (EqIA)

Before completing this EqIA please ensure you have read the guidance on the intranet.

### Initial Information

|                                 |  |
|---------------------------------|--|
| Name:                           | Sharon Attwater                                |
| Job Title:                      | Service Manager Housing Strategy & Performance |
| Email address:                  | Sharon.attwater@dorsetcouncil.gov.uk           |
| Members of the assessment team: | Sarah How & Sharon Attwater                    |
| Date assessment started:        | 20 August 2020                                 |
| Date of completion:             | 08 October 2020                                |
| Version Number:                 | 1  |

### Part 1: Background Information

Is this (please tick or expand the box to explain)

|                                |   |
|--------------------------------|---|
| Existing                       |   |
| Changing, updating or revision | √ |
| New or proposed                |   |
| Other                          |   |

Is this (please tick or expand the box to explain)

|   |   |
|---|---|
| Internal (employees only)                   |   |
| External (residents, communities, partners) |   |
| Both of the above                           | √ |

What is the name of your policy, strategy, project or service being assessed?

**Housing Allocation Policy**

What is the policy, strategy, project or service designed to do? (include the aims, purpose and intended outcomes of the policy)

The objectives of the housing allocation policy is:

- To explain how Dorset Council works with social landlords to maintain a housing register and manage housing stock to prioritise those most in need of affordable housing.
- To explain how our choice based lettings scheme works so that applicants understand how to register, the assessment process and property allocation process.
- To give explanations and examples of scenarios.
- To provide useful information for people who need support to participate.

The policy also provides clear information for housing officers carrying out their role. This ensures applicants are awarded the appropriate priority and mitigates customer requests for review.

The policy also provides a framework to collect an accurate and relevant data set to support future housing development in our area reflecting our community housing need.

What is the background or context to the proposal?

Local authorities are required under Part 6 of the Housing Act 1996(as amended) to have a housing allocation scheme and to ensure social housing is allocated accordingly. In accordance with the provisions in The Bournemouth, Dorset and Poole (Structural Changes) Order 2018 Dorset Council requires a new Dorset Council Housing Allocation Policy

Currently Dorset Council residents are subject to existing policies (Dorset Homechoice Common Allocations Policy and Christchurch and East Dorset Joint Housing Allocations Policy) that are not wholly aligned.

This Dorset Council Housing Allocations Policy will apply to all Dorset Council residents.

## **Part 2: Gathering information**

What sources of data, information, evidence and research was used to inform you about the people your proposal will have an impact on?

Housing Register – currently shared amongst all legacy authorities

Public Consultation – any individual or organisation could respond – 766 responses were received

Stakeholders – housing service; social landlords; children’s services; adult services; Executive Advisory Panel

What did this data, information, evidence and research tell you?

There are approximately 6000 current applicants on the housing register. This tells us there is a high level of demand for social housing in the Dorset Council area. The number of lets made during 2019/20 was 925. This tells us that the majority of applicants eligible to register will not be allocated a home quickly. This also tells us many people are living in homes that do not currently meet their need.

The data from the current housing registers illustrates the average waiting time for 1 bedroom homes ranges from 7 months to 15 months; 2 bedrooms from 5 to 15 months; 3 bedrooms from 9 months to 20 months; 4 bedrooms from 9 months to 20 months; (this does not illustrate all property types). The data also suggests there are regional variations in both property availability and need.

90% of responses to the public consultation were from members of the public including those on housing registers/social housing tenants/private rented tenants/owner occupiers. This tells us our residents have views about how social housing is allocated.

Other public consultation respondents are:

- Organisations
- Elected members
- Support workers
- Parish and Town councils
- Voluntary organisations
- Social landlords
- Community Land Trusts
- Charities

This tells us that our residents engage with these organisations. Our relationships with these organisations are established and their work includes supporting applicants, existing tenants and developing new homes.

The profile of residents in Dorset overall show 95.6% are white British and 4.4% black and minority ethnic group.

From those who engaged with the consultation 89.8% described themselves as white British and 3.3% stated they were from a BME background.

Respondents described themselves as:

|   |       |
|---|-------|
| White/British                                       | 89.8% |
| Other White/British                                 | 2.5%  |
| Other Ethnic Group                                  | 0.5%  |
| White Irish   | 0.5%  |
| Other Mixed Background                              | 0.3%  |
| Mixed Ethnic Background – White and Asian           | 0.3%  |
| Asian Background – Bangladeshi                      | 0.1%  |
| Asian/British - Indian                              | 0.1%  |
| Black/British – African                             | 0.1%  |
| Mixed Ethnic Background – White and Black African   | 0.1%  |
| Mixed Ethnic Background – White and Black Caribbean | 0.1%  |
| Preferred not to say                                | 4.8%  |

This tells us our feedback is comparable to Dorset's resident population.

159 people responding to the consultation described themselves as disabled. At 25.2% the number of people in this group compared to a Department for Work and Pensions figure for Dorset of 4.6% based on those claiming disability living allowance, personal independence payments or attendance allowance, is considerably higher. This tells us that people living with some form of disability and

who consider their current home unsuitable may not be claiming or entitled to financial support.

There were 35 responses to the consultation from the Armed Forces and a separate response from the Royal British Legion commenting on the statutory guidance issued June 2020. This tells us that members, former members of the Armed Forces and their families are engaging and consider themselves as committed members of the community. It also tells us that central government considers this group of special interest. Dorset Council has a commitment to this community which is reflected in the Armed Forces Covenant.

The consultation responses reflected a wide range of personal situations including people living at home with a parent; people who are homeless; landlords; people wanting to join the register and those living in conditions they found unsatisfactory or unsanitary. This tells us that a good cross-section of people and circumstances are represented in the response. Responses reflect personal opinions about suitable homes, homes of decent standard; affordability and choice about where you live.

70.2% of consultation respondents described their gender as female; 26.4% described their gender as male; 0% described themselves using another term and 3.3% preferred not to say. This tells us the response is typical of other council consultation responses.

There was a wide range of ages of respondents and a good geographical spread. This tells us there was good representation from our community

There was good overall support for proposals. This tells us the proposal has described the challenge of managing the allocation of social housing and describes a process that is fair.

Housing service information received focussed on the technical application of the policy as perceived by officers on both their behalf and customers. This told us that improvements to software are required to enable better self-service options. A procurement process is expected to be completed 2020/21 and includes accessibility for all processes.

The Housing service feedback also provided challenge regarding how processes will be supported. This told us that offering support for people accessing the service is accurate and is expected to improve successful allocations. A commitment to deliver enhanced training to staff was agreed.

Responses from engagement with social landlords were positive regarding the proposals. Feedback told us managing current housing stock is challenging depending on location and property type. Maintaining stock and keeping all types of social housing fully occupied is not always possible because of restrictions such as specified age requirements and financial pressures. This tells us people use the opportunity to make choices about where they live; property may be considered unsuitable because of location or type; personal circumstances such as access to services, environment and support affect whether a tenancy would be successful.

It also tells us we can support social landlords to maximise their housing stock by including options to offer direct lets to people that would otherwise be precluded and result in unoccupied properties.

Internal services such as Adult Services and Children's Services work with people with specific needs including young people leaving care; people ready to move on; those in need of supported care; for whom we have a corporate duty or parenting responsibility; foster carers or adopters. Advice received and researched confirms the role of housing services is to offer appropriate and suitable support and access to suitable affordable housing. This tells us including specific categories for each of these groups offers an appropriate level of prioritisation.

A member Executive Advisory Panel supported and advised the housing service to design the proposed policy. The group represented all Dorset Council areas and parties. The engagement illustrated how communities engage with their elected members and what experiences they had. The process reviewed current policies and considered the proposed omissions and new inclusions. This told us whether the proposals addressed the needs of the community and the Council.

Is further information needed to help inform this proposal?

No

### **Part 3: Engagement and Consultation**

What engagement or consultation has taken place as part of this proposal?

Housing Register – currently shared amongst all legacy authorities  
Public Consultation – any individual or organisation could respond – 766 responses were received. The consultation period is usually 12 weeks. This consultation ran for 20 weeks from 2 March 2020 to 20 July 2020 to mitigate any potential effects of the covid-19 pandemic. The consultation was available on line and as a hard copy. The consultation was promoted using council social media, community radio and local press. Formats included audio and video clips.  
Stakeholders – housing service; social landlords; children's services; adult services

How will the outcome of consultation be fed back to those who you consulted with?

It will be published on the council website

**Please refer to the Equality Impact Assessment Guidance before completing this section.**

Not every proposal will require an EqlA. If you decide that your proposal does **not** require an EqlA, it is important to show that you have given this adequate consideration. The data and research that you have used to inform you about the people who will be affected by the policy should enable you to make this decision and whether you need to continue with the EqlA.

**Please tick the appropriate option:**

|   |   |
|---|---|
| An EqlA is required<br>(please continue to Part 4 of this document) | √ |
| An EqlA is <b>not</b> required<br>(please complete the box below)   |   |

#### **Part 4: Analysing the impact**

Who does the service, strategy, policy, project or change impact?

- If your strategy, policy, project or service contains options you may wish to consider providing an assessment for each option. Please cut and paste the template accordingly.

For each protected characteristic please choose from the following options:

- Please note in some cases more than one impact may apply – in this case please state all relevant options and explain in the ‘Please provide details’ box.

|                 |   |
|-----------------|---|
| Positive Impact | <ul style="list-style-type: none"> <li>the proposal eliminates discrimination, advances equality of opportunity and/or fosters good relations with protected groups.</li> </ul> |
| Negative Impact | <ul style="list-style-type: none"> <li>Protected characteristic group(s) could be disadvantaged or discriminated against</li> </ul>   |
| Neutral Impact  | <ul style="list-style-type: none"> <li>No change/ no assessed significant impact of protected characteristic groups</li> </ul>  |
| Unclear         | <ul style="list-style-type: none"> <li>Not enough data/evidence has been collected to make an informed decision.</li> </ul>   |

|                                    |  |
|------------------------------------|--|
| Age:                               | <i>Neutral</i>   |
| What age bracket does this affect? | From age 16+   |
| Please provide details:            | No change – statutory eligibility criteria includes age. People aged between 16 and 18 are not legally able to hold a tenancy in their own name but are supported by appropriate representative e.g. social services. The policy includes reasonable preference categories for those who are leaving care; a corporate duty is owed; a corporate parenting responsibility is owed; older people. |

|   |                |
|---|----------------|
| Disability:<br>(including physical, mental, sensory and progressive conditions) | <i>Neutral</i> |
|---|----------------|



|   |  |
|---|--|
| Does this affect a specific disability group? | No   |
| Please provide details:                       | Current policies include increased prioritisation for applicants who meet a minimum of 4 separate criteria. This is removed from the proposal. The effect is to award a priority level based on the highest need. Previously a household with 4 medium level needs would have been assessed at a level one higher. Now the level is not enhanced. A reasonable preference category is included for people who need adapted properties; with a high medical need; medium medical need and low medical need. People who have a need relating to disability may not be housed immediately if a suitable property is not available. This policy has not changed the availability of disabled properties but ensures priority is given to applicants with the highest need. |

|  |  |
|--|--|
| Gender Reassignment & Gender Identity: | <i>Neutral</i>   |
| Please provide details:                | Proposal continues current support. Accommodation suitability includes consideration about environment, community and support service accessibility. The proposal includes provisions to exclude households from meeting local connection criteria where there are threats, anti-social behaviour or other significant or immediate need. Households with this protected characteristic can be prioritised at the highest level if they are victim of serious or significant harassment relating to this characteristic. |

|                          |  |
|--------------------------|--|
| Pregnancy and maternity: | <i>Neutral</i>   |
| Please provide details:  | Applicants or their partners who are pregnant and the due date is within 12 weeks and it is the first child are entitled to apply for properties with one additional bedroom. The current Dorset Common Allocations Policy applied this for any child if impacting the existing household requirement. The East Dorset and Christchurch policy did not allow this. This is not a significant impact and the proposal allows DC Service Manager to use discretion in exceptional circumstances. |

|                         |   |
|-------------------------|---|
| Race and Ethnicity:     | <i>Neutral</i>  |
| Please provide details: | No change proposed. Support is included for people who need additional services or support to full take part in the scheme e.g. language. |

|                     |         |
|---------------------|---------|
| Religion or belief: | Neutral |
|---------------------|---------|

|                                    |   |
|------------------------------------|---|
| Please provide details:            | No change proposed.   |
| Sexual orientation:                | <i>Neutral</i>  |
| Please provide details:            | Proposal continues current support. Accommodation suitability includes consideration about environment, community and support service accessibility.  |
| Sex (consider both men and women): | <i>Neutral</i>  |
| Please provide details:            | No change proposed. There is no effect on entitlement. Bedroom entitlement is calculated for adults in regard to whether the applicant is single or not. Entitlement in relation to bedrooms considers age and sex and uses age 16 as the entitlement to a separate bedroom. Prior to that bedrooms can be shared by two children of the same sex under 16 or of different sex up to age 10.  |
| Marriage or civil partnership:     | <i>Neutral</i>  |
| Please provide details:            | No change proposed. There is no effect on entitlement.  |
| Carers:                            | <i>Neutral</i>  |
| Please provide details:            | No change proposed. Entitled to one additional bedroom for carers who are non-resident but required overnight   |
| Rural isolation:                   | <i>Neutral</i>  |
| Please provide details:            | Opportunity to access the scheme and related services is maintained and enhanced including reference to the availability of user guides, supported applicants and bidding. Software and processes will support accessibility. Scheme continues to acknowledge rural location is a relevant suitability consideration.   |
| Single parent families:            | <i>Neutral</i>  |
| Please provide details:            | No change proposed.   |
| Social & economic deprivation:     | <i>Neutral</i>  |
| Please provide details:            | Proposal identifies people with income, savings, investments or capital of £60,000 or more as ineligible allowing for some specific exclusions. Previous policies capped this figure at 5 times the relevant Local Housing Allowance in the area at that time. The scheme aims commit to ensuring it is easy to use and that all people understand their options and are informed. Whilst some language is prescribed the policy is written in clear English wherever possible. The proposed policy reduces previous documents by more than a third. Homeless |

|  |   |
|--|---|
|  | households are excluded from meeting local connection criteria in order to access the scheme. Reasonable preference categories for homeless households are included in Exceptional/High/Medium bands dependant on individual circumstances, |
|--|---|

|                          |   |
|--------------------------|---|
| Armed Forces communities | <i>Positive</i>   |
| Please provide details:  | Statutory guidance issued June 2020 has been incorporated into the proposal. Families of serving and former members of the Armed Forces are now included. The requirement for local connection criteria is currently 5 years in some parts of the area and the proposed requirement is reduced to 2 years or 3 years out of the last 5 years. The spirit of the guidance has been considered. |

## Part 5: Action Plan

Provide actions for **positive**, **negative** and **unclear** impacts.

If you have identified any **negative** or **unclear** impacts, describe what adjustments will be made to remove or reduce the impacts, or if this is not possible provide justification for continuing with the proposal.

| Issue                    | Action to be taken   | Person(s) responsible                 | Date to be completed by |
|--------------------------|--|---------------------------------------|-------------------------|
| Armed Forces Communities | Have regard for the spirit of the guidance 'Improving access to social housing for members of the Armed Forces' and apply Service Manager's discretionary if appropriate and reflect in annual monitoring. | Service Manager for Housing Solutions | Annually                |
|                          |  |                                       |                         |
|                          |  |                                       |                         |
|                          |  |                                       |                         |

## EqlA Sign Off

|  |                   |       |            |
|--|-------------------|-------|------------|
| Officer completing this EqlA:            | Sharon Attwater   | Date: | 02.10.2020 |
| Equality Lead:                           | Susan Ward-Rice   | Date: | 08.10.2020 |
| Equality & Diversity Action Group Chair: | Rebecca Forrester | Date: | 08.10.2020 |

## **Cabinet - 3 November 2020**

### **Recommendations from the People and Health Overview Committee meeting held on 27 October 2020**

#### Dorset Council Housing Allocations Policy 2021-2025

The Committee considered a report by the Interim Executive Director of People - Adults which outlined the process in drafting the new Dorset Housing Allocations Policy.

The Portfolio Holder for Housing and Community Safety introduced the report highlighting the need for the Council to adopt a Housing Allocations Policy by 2022 and the consultation undertaken. The new Policy had been drafted with the assistance of the Executive Advisory Panel and would replace those of the previous sovereign Councils.

The Policy is established to ensure the allocation of tenancies is carried out fairly and in accordance with the law. It aims to ensure fair and efficient management of the stock and a scheme that is accessible to those households in housing need. The wider questions on how to respond to housing need are being addressed in current work towards a Homelessness Strategy and an overarching Housing Strategy. The new Policy would reflect the Corporate Strategy. The Committee were asked to recommend the Policy and a delegation for the Portfolio Holder to make any necessary minor amendments to the Cabinet.

The Committee then received additional information about the Policy from the Interim Corporate Director for Housing. He explained the approach taken in preparing the policy, the consultation process and the proposed next steps. He highlighted that the Allocations Policy would form part of wider work to develop a Housing Strategy and Homelessness Strategy for Dorset Council.

The Chairman commented that he had researched the approach taken by other Local Authorities and commended the policy for its thoroughness and quality. Members raised various questions and commented on: monitoring; performance measures; activities taking place; that people should not be given false hope of gaining a property by registering; what "local" meant in the Dorset Council area; the possibility of parish councils having an opportunity to influence allocations in their area; schemes to encourage people to move to more appropriate sized accommodation; whether the financial resource limit of £60K was correct for people to be eligible to apply to the housing register and whether any formula was used to set this level.

The Committee asked that information about how and where the Policy would be monitored and reported should be included and asked for this to be reported to the Committee at a later date.

Members noted that there was to be a quarterly housing briefing to be produced for members, people were given information about alternative accommodation they could pursue, that parish councils could have more input at the planning stage of any developments in their area, and officers would discuss a scheme to incentivise people to move from larger family homes (when their families had moved away) with Registered Social Landlords.

Members thanked officers for the work undertaken in producing the Policy and unanimously:-

**Recommended**

That the Cabinet endorse the Policy, noting the work of the Executive Advisory Panel and recommend to Full Council:

1. the adoption of the Housing Allocation Policy
2. delegation of authority to the portfolio Holder for Housing and Community Safety to make minor amendments to the Policy and any amendments necessary to reflect legislative change.

**Reason for Recommendations**

To ensure Dorset Council has a legally compliant Housing Allocation Policy that meets the needs of the residents.

**Decision**

That information about how and where the Policy would be monitored and reported should be included and asked for this to be reported to the Committee at a later date.