

Cabinet

30 June 2020

Statement of Licensing Policy 2021-2026

For Decision

Portfolio Holder: Cllr A Alford, Customer, Community and Regulatory 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

Report Status: Public

Recommendations:

- 1) To agree that the draft Licensing Policy 2021-2026 (attached as Appendix A to this report) be published for a period of public consultation of not less than 12 weeks.
- 2) To agree that the proposed Cumulative Impact Area, as detailed in Appendix A of the Draft Licensing Policy, be published alongside the Cumulative Impact Assessment and Violent Crime Analysis from Dorset Police as part of the public consultation.
- 3) That, subject to their being no relevant representations that the Service manager for Licensing & Community Safety, in consultation with the Chairman of the Licensing Committee recommends to the Council adoption of the Draft Licensing Policy.
- 4) Should relevant representations be received, which require consideration of one or more significant amendments to the policy, instruct officers to bring a further report to the meeting of the Licensing Committee with the outcomes of the consultation.

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 and considered at an informal meeting of the Licensing Committee and is now ready to be published, in draft format, for a period of public consultation, of not less than 12 weeks.

2. Financial Implications

The funding for the preparation and consultation of the draft statement of 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

An Equalities Impact Assessment has been prepared and is attached as Appendix D to this report.

7. Appendices

Appendix A	Draft Statement of Licensing Policy 2021-2026
Appendix B	Dorset Council Cumulative Impact Assessment
Appendix C	Dorset Police Violent Crime Analysis
Appendix D	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 forms a part of the consultation on the wider policy and respondents will be asked specifically whether the Cumulative Impact Area should remain, be expanded, contracted or removed.
- 9.14 The draft Statement of 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 28th May 2020. A number of minor amendments and clarifications were suggested by the Committee which have been integrated into the draft policy at Appendix A to this report.

9.15 It is proposed to carry out the public consultation for a period of not less than 12 weeks. The consultation includes 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 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
- The British Beer and Pub Association
- UK Hospitality
- The British Institute of Innkeeping
- CAMRA
- Licensing solicitors

9.16 Following the period of consultation officers will analyse any responses and should there not be any it is recommended that the Service Manager for Licensing & Community Safety, in consultation with the Chairman of the Licensing Committee recommends to Cabinet and to Council, adoption of the Draft Licensing Policy.

9.17 Should responses to the consultation be received, officers will recommend amendments to the draft policy where appropriate or give reasons why suggested alterations are not made and prepare a report for the Licensing Committee with a final draft policy for committee to recommend to Cabinet and full Council, for adoption.

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.

John Newcombe

Service Manager Licensing & Community Safety

8 June 2020