

# 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

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**Report Status:** Public

#### Recommendations:

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

#### Reason for Recommendations:

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

### 1. Executive Summary

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

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

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

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

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

## **2. Financial Implications**

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

## **3. Climate implications**

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

## **4. Other Implications**

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

## **5. Risk Assessment**

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

Current Risk: Low

Residual Risk: Low

## **6. Equalities Impact Assessment**

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

## **7. Appendices**

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

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

## **8.      Background Papers**

Licensing Act 2003

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

## **9.      Background**

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

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

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

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

9.4 Activities regulated under the Licensing Act 2003 include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Footnote:

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