

# Licensing Committee

## 11 October 2023

### Licensing Act 2003 Policy – review of Cumulative Impact Area

#### For Decision

**Portfolio Holder:** Cllr L Beddow, Culture and Communities

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

**Executive Director:** J 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

#### Brief Summary:

The Council, as Licensing Authority under the Licensing Act 2003, is required to publish a 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 Statutory Guidance issued under section 182 of the Licensing Act 2003 advises however that any Cumulative Impact Area(s) are reviewed every three years. The Dorset Licensing Policy contains one Cumulative Impact Area in Weymouth Town Centre. Officers have reviewed the evidence base for the Weymouth Cumulative Impact Area and a report is attached for consideration by the Committee. It is proposed to undertake a public consultation regarding the retention of the Cumulative Impact Area, with the results of the consultation being considered by the Licensing Committee and a recommendation made to Full Council.

#### Recommendation

- 1.1 To agree that a public consultation exercise be undertaken on the retention of the Cumulative Impact Area with the results of the consultation being considered by the Licensing Committee and a recommendation made to Full Council.

## **Reason for Recommendation**

- 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.

## **2. Background**

2.1 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.

2.2 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.

2.3 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

2.4 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

2.5 The Statement of Licensing Policy was prepared and adopted 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.

2.6 The Statement of licensing policy was 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

- 2.7 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.
- 2.8 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.
- 2.9 The current Licensing Policy contains one Cumulative Impact Area in the Weymouth Town Centre. A copy of the current Licensing Policy is attached at Appendix 1.
- 2.10 In order to assist with the decision regarding retention of the existing Cumulative Impact Area, up to date statistics have been included at Appendix 2 within this report which indicates that there remains a negative cumulative impact of licensed premises and licensable activities within the area as previously identified.
- 2.11 It is proposed to undertake a public consultation regarding the retention of the Cumulative Impact Area, with the results of the consultation being considered by the Licensing Committee and a recommendation made to Full Council.

### **3. Financial Implications**

The funding for the preparation and consultation of the Cumulative Impact Area contained within the Council's Licensing Policy will come from existing budgets and there are no further financial implications arising from the recommendations of this report.

### **4. Natural Environment, Climate & Ecology Implications**

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

## **5. Wellbeing and health implications**

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

## **6. 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.

## **7. Risk Assessment**

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

Current Risk: Low

Residual Risk: Low

## **8. Equalities Impact Assessment**

An Equalities Impact Assessment was prepared as part of the Policy consultation when originally adopted.

## **9. Appendices**

Appendix 1 Dorset Council Licensing Policy 2021-26

Appendix 2 Cumulative Impact Assessment

## **10. Background Papers**

Licensing Act 2003

Revised guidance issued under section 182 of the Licensing Act 2003 (Aug 2023)