

Licensing Committee

28 November 2023

Statement of Licensing Policy – review of Cumulative Impact Area

For Recommendation to Council

Portfolio Holder: Cllr L Beddow, Culture and Communities

Local Councillor(s): All Councillors

Executive Director: J Sellgren, Executive Director of Place

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Report Status: Public

Brief 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 Statutory Guidance issued under section 182 of the Licensing Act 2003 advises however that any Cumulative Impact Area(s) contained within the policy are reviewed, as a minimum every three years. The Statement of Licensing Policy contains one Cumulative Impact Area in Weymouth Town Centre.

Officers have conducted a public consultation regarding the retention of the Cumulative Impact Area, with the results of the consultation being attached as part of this report for consideration by the Licensing Committee and a recommendation made to Full Council. Officers have also reviewed the evidence base for the Weymouth Cumulative Impact Area and a report is attached for consideration by the Committee. The report formed part of the public consultation.

Recommendations:

1. To review the responses received during the consultation period and
2. To consider the review of the Cumulative Impact Area contained within the Statement of Licensing Policy.

3. To make recommendations to Full Council in relation to the Cumulative Impact Area contained within the Statement of Licensing Policy.
4. To commission a further report into the long term effects of retaining the Cumulative Impact Area as part of the next policy review.

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. Background

- 1.1 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.
- 1.2 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.
- 1.3 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
- 1.4 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
- 1.5 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.
- 1.6 The Statement of licensing policy was prepared with regard to, and sought to integrate with, the following Council strategies:

- Dorset Council Plan
- Dorset Council Community Safety Plan
- Dorset Council's Local Plan and Development Framework
- Dorset's Economic Growth Strategy
- Dorset Council's Enforcement Policy
- Dorset Council's Children, Young People and Families' Plan

1.7 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.

1.8 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.

1.9 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 and the plan of the current CIA is at page 48.

1.10 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.

1.11 Officers have conducted a public consultation regarding the retention of the Cumulative Impact Area, with the results of the consultation being attached at Appendix 3 for consideration by the Licensing Committee and a recommendation made to Full Council.

1.12 The consultation ran for 4 weeks finishing on Thursday 9 November 2023. The exercise 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
- 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

1.13 There were a total of 36 responses received to the main question of whether the Cumulative Impact Area should remain. Of those responses, 20 (56.6%) were in favour of retaining the existing Cumulative Impact Area with another 9 (25%) expressing a preference for it to potentially be expanded. The two responses together making up over 80% of the total. Just two (5.6%) respondents were in favour of removing the Cumulative Impact Area.

1.14 In order to help provide context to the answers submitted there was an ability to provide further information, which is also included in the report. Officers have reviewed the responses and have summarised the highlights below;

- Additional areas proposed for expansion included Chapelhay, Park District, Hope Square, Radipole Park, the Yacht Club, Northern end of King Street, St John’s Church, Greenhill and the Rodwell Trail.
- Multiple respondents raised concerns around off-licences and street drinkers.
- One respondent highlighted the improvement within the nighttime economy since the Cumulative Impact Area was introduced however also raised concerns over the number of late night venues which have ceased trading since the introduction of the CIA and the need to fully understand the long term ramifications for retaining the restrictions.

1.15 Officers have reviewed the responses received and agree with the majority of points of view. It is felt that a piece of work should be commissioned to fully understand the wider impacts on economic development and vibrancy of the

late night economy in Weymouth. Such a study would take time to develop and complete but would potentially be useful in future decision making when the Licensing Policy is reviewed prior to its expiry in Feb 2026. Should the Committee be minded to commission such a study then officers would be happy to set the ball rolling.

- 1.16 In relation to the expansion of the CIA into additional areas, officers do not currently have sufficient data to justify an extension. If the Committee wished to widen out the scope of the review further then the study could also potentially look at the additional areas proposed to see if there is supporting data to justify an extension. The supporting data would be submitted for consideration as part of the full policy review prior to Feb 2026.

2. 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.

3. 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.

4. 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.

5. 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.

6. Risk Assessment

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

Current Risk: Low

Residual Risk: Low

7. Equalities Impact Assessment

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

8. Appendices

Appendix 1	Dorset Council Licensing Policy 2021-26
Appendix 2	Cumulative Impact Assessment
Appendix 3	Consultation report

9. Background Papers

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