
Subject: REVIEW OF STATEMENT OF LICENSING POLICY - LICENSING ACT 2003

Meeting and Date: Council – 25 November 2015

Report of: Head of Regulatory Services

Classification: Unrestricted

Purpose of the report: To seek approval of the revised Statement of Licensing Policy under the Licensing Act 2003

Recommendation: That the Council approve the revised Statement of Licensing Policy, with the suggested amendments following consultation responses, for implementation on 7 January 2016 and agree that there is currently no evidential basis for a special policy relating to cumulative impact.

1. Summary

1.1 By virtue of section 5 of the Licensing Act 2003, the licensing authority is required to publish a Statement of Licensing Policy (The Licensing Policy) and that policy must be reviewed every five years. The Policy was last reviewed during 2010 and came into effect on 7 January 2011. This is now due for further review in order that it can be published by 7 January 2016.

2. Introduction and Background

2.1 On 22 July 2015, the Council approved the draft Statement of Licensing Policy for consultation. This consultation took place between 27 July and 19 October 2015. A copy of the policy was displayed on the Council's website and letters were sent to the Statutory consultees as required by s.5(3) Licensing Act 2003 and to stakeholders.

2.2 In addition to consulting the statutory consultees, the general public were consulted by placing the draft document on the Dover District Council website. In addition, the Council has consulted with various bodies as listed in the draft statement of licensing policy.

2.3 Six responses have been received in respect of the draft policy, and are shown in full at **Appendix 1**.

2.4 Full consideration has been given to the responses, and a table identifying the proposed amendments is shown at **Appendix 2**.

2.5 In particular, two of the consultation responses made reference to the need for a special cumulative impact policy. A cumulative impact policy or CIP would ordinarily be considered where an area is saturated with licensed premises, or an area is experiencing serious problems of nuisance or disorder directly associated with licensed premises. It is currently felt that a CIP would be disproportionate to the issues currently experienced within Dover District.

- 2.6 To date, the Licensing Authority have not been presented with any evidence from either the Police or any other party, showing a saturation of licensed premises or a defined link between the number of licensed premises in a particular area, and specific crime and disorder in the same area. Should sufficient evidence be provided in the future that there is a cumulative impact associated with licensed premises which is having a detrimental effect on the promotion of the licensing objectives, the Licensing Authority will consider whether a specific cumulative impact policy is appropriate.
- 2.7 The Licensing Authority recognises that as well as licensing legislation, there are a number of other mechanisms/initiatives for addressing issues of noise nuisance and anti-social behaviour which occur in the vicinity of licensed premises.

3. **Identification of Options**

- 3.1 Option 1 – to approve the revised Statement of Licensing Policy, with the suggested amendments following consultation responses, for implementation on 7 January 2016 and agree that there is currently no evidential basis for a special policy relating to cumulative impact.
- 3.2 Option 2 – to approve the revised Statement of Licensing Policy, with the suggested amendments following consultation responses and require the commission of a specific study into the need for a cumulative impact policy
- 3.3 Option 3 – to approve the draft Statement of Licensing Policy, without the suggested amendments following consultation responses, for implementation on 7 January 2016.
- 3.4 Option 4 – to reject all the changes to the Statement of Licensing Policy and resolve to retain the Statement in its current form.

4. **Evaluation of Options**

- 4.1 Option 1 – This is the recommended option as it complies fully with the legislation and the consultation process accords with the statutory requirements and the Council's policy on community involvement.
- 4.2 Option 2 – This is not recommended for a number of reasons. Firstly, as stated at paragraph 2.5, it is currently felt that a CIP would be disproportionate to the issues currently experienced within Dover District. Secondly, the Revised Guidance under s.182 of the Licensing Act 2003 (issued in March 2015), which the Council is required to have regard to, states that the Licensing Authority may consider conducting or commissioning an evidential study but only if they consider there are problems in the district resulting from the cumulative impact of licensed premises – this is not the case in Dover District. Finally, any study such as this would require significant additional resources and the need to engage external consultants to carry out the work.
- 4.3 Option 3 – This is not recommended as it does not take into account the views submitted through the consultation process.
- 4.4 Option 4 – This is not recommended as it is a statutory requirement to review the Statement of Licensing Policy every 5 years.

5. Resource Implications

5.1 If the preferred option is chosen (Option 1), there will be no resource implications.

6. Corporate Implications

6.1 Comment from the Section 151 Officer: Finance has been consulted and has nothing further to add (SB)'.
6.2 Comment from the Solicitor to the Council: The Head of Legal Services has been consulted in the preparation of this report and has no additional comments to make.
6.3 Comment from the Equalities Officer: 'Whilst the report does not specifically highlight any equalities implications, consideration has been given to the protection of children from harm. The report also refers to consultation with a number of groups and all consultation responses are included. Members are reminded that, in discharging their responsibilities they are required to comply with the public sector duty as set out in section 149 of the Equality Act 2010.'

7. Appendices

Appendix 1 – Consultation responses

Appendix 2 – Table identifying proposed amendments to Statement of Licensing Policy following consultation

Appendix 3 - Proposed revised Statement of Licensing Policy (with tracked changes)

Appendix 4 – Clean copy of the Statement of Licensing Policy (with changes accepted)

8. Background Papers

Guidance issued under Section 182 of the Licensing Act 2003

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