

Katy Sharp

From: Laila Summers
Sent: 16 October 2015 16:39
To: Rebecca Pordage
Subject: FW: Licensing review

FYI

Laila Summers
Technical Support Officer (Licensing)
Dover District Council
Council Offices, White Cliffs Business Park, Whitfield, Dover CT16 3PJ

Tel: 01304 872284
Email: laila.summers@dover.gov.uk
Web: <http://dover.gov.uk>



From: Laila Summers
Sent: 16 October 2015 16:36
To: DDC Licuser
Subject: Licensing review

Dear Sir/Madam

Please see below comments that Deal Town Council are submitting for the licensing policy consultation;

Deal Town Council has reviewed the draft licensing policy and would like to request that full consideration is given to ensuring that there is a variety of closing times for all premises selling alcohol to assist with alleviating the problem of a concentration of customers leaving premises simultaneously, which can cause more of a disturbance to residents in the area and encourage further anti-social behaviour.

The council has noted that Deal is becoming more popular for wine bars, micro pubs, fun pubs and local convenience shops that sell alcohol and whilst this is welcomed to a certain degree because it increases visitors and businesses to the town it is also a concern that there may be a negative impact if a particular part of the town has a high concentrate of licensed premises.

The council is also very aware that the Police have limited resources with regard to policing the area throughout the evening and night.

Please acknowledge receipt of this email.

Yours faithfully

Mrs Lorna Crow
Town Clerk
Deal Town Council

From: Bill Gardner
Sent: 16 October 2015 11:39
To: Rebecca Pordage
Subject: DDC Licensing Policy Review.

I wish to submit the following.

NOTIFICATIONS.

I wish the policies to go back to the previous standards for notification, rather than the new ones that have crept in by stealth.

- 1) All 45 DDC Cllrs must be informed of all applications for the sale of alcohol, whether Shop Club or Pub. This is the current policy and should stay as it is, because then if the property is on or near the boundary of 2 or more wards, then everyone has been told.
- 2) All 45 DDC Cllrs must be informed of all applications for street furniture for pubs clubs tea rooms etc. This used to be the policy then sometime in the last 12 months a decision was made to streamline the process by not only not informing all 45 Cllrs it was agreed that not even the Ward Cllrs would be informed. This policy change must be reversed to what used to happen.

Because of the change of policy I as ward Cllr for North Deal recently was not informed of 4 applications in my ward. Bloody Mary's, which I was just in time with my objection, the new Cafe on the seafront that I missed, the Clarendon which I missed and an application in the High St near Poundland that I would not have objected to.

- 3) Until June or July it was the policy that all Town Councils and Parish Councils would be informed of licensing applications in their area. Then suddenly this was changed without notice or discussion. I request that this change of Policy is reversed.

Cumulative Impact Policy.

I would like to see DDC have a CIP with respect to both Betting Shops and Adult Amusement Centres and also Licensed premises such as Pubs and Clubs.

Such as in North Deal, there are 2 Betting Shops and two adult amusement centres all within a matter of 200 yards of each other.

Such as in Dover where there are 4 Betting Shops in the length of Pencester Rd, again some 200 yards.

Also a ward like North Deal which has a very large number of Pubs and "that" club all in a small area. This has caused residents and ward Cllrs problems when asking for reviews of licenses because they say we have no proof which premises the problem drinkers have come from. Because the CCTV is rarely working this problem is made even harder.

Therefore I would like to see somewhere in the policy that where there are a number of licensed premises in close proximity that the Licensing Authority will make sure that there is enough CCTV in the area and that it will be maintained and in working order.

Furthermore DDC should have as part of its policy that all licensed pubs and Clubs must have CCTV that covers both the inside and outside of the premises.

**Clr Bill Gardner,
Labour Councillor for North Deal.**

Katy Sharp

From: Cllr-Susan Hill
Sent: 16 October 2015 16:36
To: Rebecca Pordage
Subject: Licensing Policy Review.

I wholeheartedly support the Notification Policies put forward by Cllr Bill Gardner and I would duly like that noted.
With regards, Susan Hill, District Councillor for the Buckland Ward.

Sent from my iPad

Katy Sharp

From: -
Sent: 19 October 2015 12:35
To: Rebecca Pordage
Subject: DDC Licensing Policy Review.

Please see response below

1) All DDC Cllrs and Parish/town Councils must be informed of all applications for the sale of alcohol, whether Shop

Club or Pub. This is the current policy and should stay as it is, because then if the property is on or near the boundary of 2 or more wards, then everyone has been told.

2) All DDC Cllrs and Parish/town Councils must be informed of all applications for street furniture for pubs clubs

tea rooms etc. This used to be the policy then sometime in the last 12 months a decision was made to streamline the process by not informing any DDC Cllrs – not even the ward Cllr. .

3) Until June or July it was the policy that all Town and Parish Councils would be informed of licensing applications in their area. Then suddenly this was changed without notice or discussion. I request that this change of Policy is reversed.

Cllr Linda Keen

telephone: t

The Policy details well its objectives and aims that are designed to control, wherever possible through Licensing strategies, Anti - Social Behaviour in the District.

It is noted that the Policy identifies –

- ❖ The potential Anti- Social Behaviour outside of the licensed establishment and its reliance on the community and Kent Police to assist in controlling the impact of such behaviour.
- ❖ The cumulative impact of a concentration of licensed premises of which it is understood to be negative in the Dover District at this time.
- ❖ That not only Kent Police in the District has been widely consulted in the drafting of this policy but also the community representation. It is pleasing that Community Safety Partnership and its multi-agency Anti-Social Behaviour group are consulted in Policy building.
- ❖ The requirement where alcohol is dispensed that a Designated Premises Supervisor is identified as a specified person responsible for the operation of that premises. It is noted that such a person is assessed as suitable for such a role and that they are 'acceptable ' and 'fit for purpose'.
- ❖ There are no EMRO's in the District
- ❖ Reviews of licensed premises can be requested on an evidence basis. The Policy is clear about this and the Appeal process is equally detailed.
- ❖ The Government Enforcement Concordat principles are adopted by the Council in ensuring Public protection services are 'fair, open and consistent'.
- ❖ That if required The Licensing Authority has protocols that enable the focussing of Kent Police, Kent Fire and Rescue and KCC Trading Standards resources to high risk premises and activities that may require closer attention.

Overall the Policy ensures that all aspects of safety, protection and respect for the community are fundamental and core to its purpose. However, it is also good to note the understanding of the need for support for the enjoyment and entertainment for our population. It is the quality of community life that seems to be the aim of this Policy. Our local economy is vital at this time of regeneration but not to the expense of public safety and the right to live peacefully and without distress.

The Policy, in its entirety, addresses those concerns and clearly details the methods, protocols, responsibilities and duties of the agencies and partners tasked with public protection.

DOVER TOWN COUNCIL

Council Offices, Maison Dieu House, Biggin Street,

Dover, Kent CT16 1DW

Telephone / Answer Machine

Website: www.dovertowncouncil.gov.uk



Subject: Dover Town Council's response to Dover District Council's consultation on the Draft Licensing Policy

Please find attached the response by Dover Town Council to the consultation by Dover District Council on their Draft Licensing Policy.

We trust that full consideration will be given to this response, which represents the concerns of businesses, residents and visitors to the town of Dover as expressed to members of the Town Council.

We look forward to your reply to the comments and constructive proposals in our response document.

Kindly acknowledge receipt.

Dover Town Council response to the Dover District Council Draft Licensing Policy

We express our thanks for the invitation to respond to the DDC Draft Licensing Policy. As you know, parish and town councils perform an important function in local government, representing as they do the legitimate concerns of residents and businesses in their local areas. We are therefore grateful for this role to be properly acknowledged by inclusion in this consultation.

Although a Licensing Policy must be kept under constant review and can be revised as the Licensing Authority considers appropriate (Para 13.2 Guidance), we recognise that this consultation is an important five-year opportunity to re-visit the entire document to ensure it properly reflects the requirements of the legislation and the needs of those that live in, work in and visit our district.

This response represents the views and concerns of businesses, residents and visitors to the town of Dover as expressed to members of the Town Council and is intended make a positive contribution to a sound and cohesive licensing policy for the district. Throughout we have acknowledged the pivotal role of the Four Licensing Objectives and have consulted both the Licensing Act 2003 and the Guidance issued under S. 182 (published March 2005).

To assist, reference is made to the relevant paragraph in the draft document. On occasion reference will also be made to the current policy (dated 2010).

Introduction

1.4 We are fully in agreement with all the aims of the policy as expressed in this paragraph. In particular we applaud those aims expressed at sub-paragraphs (e) "protection of local residents from anti-social behaviour and disturbance" and (h) "the reduction of alcohol misuse and the consequential effects of that misuse". Whilst the positive contribution of this important sector of the local economy is fully acknowledged, the balance must be struck to reduce the negative effects of anti-social behaviour and alcohol abuse impacting on those that live in, work in and visit Dover.

1.16 We have concerns regarding this paragraph (copied directly from the 2010 policy) that, "Longer licensing hours with regard to the sale of alcohol are an important strategy to ensure that the concentration of customers leaving premises simultaneously is avoided". This statement seems illogical as it appears that the Licensing Authority is advocating that all licensed premises should seek to stay open later. Should all licensed premises stay open until, say 01:00 hrs that would not resolve any problems, merely move the mass exodus to a later time. Surely to achieve the avoidance of, "... the concentration of customers leaving premises simultaneously ..." you want staggered closing hours.

This council prefers intention stated at 1.16 to be expressed a (variety) of closing times for premises selling alcohol for on premises consumption are an important strategy to ensure that the concentration of customers leaving such premises simultaneously is avoided." We oppose strongly extended hours for sales of alcohol for consumption off premises as this has a direct negative impact on local residents

1.18 We note that the first bullet point has the phrase, "...disorder and antisocial behaviour..." added to it. It is, in our view, an important addition to this section as it is precisely the disorder and antisocial behaviour of the minority that impacts on the quality of life of the vast majority of those that live in, work in and visit Dover.

Cumulative Impact of a concentration of Licensed Premises

1.29 and 1.30 The Cumulative Impact of a concentration of Licensed Premises is a legitimate concern, particularly in Dover town centre. Where there is evidence of drink related antisocial behaviour, crime and disorder associated with a geographical concentration of licensed premises, those affected by such behaviour often feel powerless, as they believe that unless they can show that a particular premises is the direct cause of the problems they are experiencing they are unable to resolve the issue e.g. by calling for the Review of a Premises Licence. We therefore feel it important that the Licensing Policy document should clearly inform the public that the Licensing Authority is able to address this problem on behalf of the community, including advising the public of the steps that are taken to establish the need for and the result of an adoption of such a Special Policy.

Sub-paragraph 1.29 in the draft is a straight copy from the current policy document. However the truncated information provided in sub-paragraph 1.30 of the draft misses out, in our view, essential information needed by all parties. The process, including the consultation and effect of adoption of a 'special policy' has been entirely cut from the document. We would urge DDC to re-instate paragraphs 1.30 to 1.38 from the current policy into the draft document.

Furthermore, considering the high incidence of drink related issues, we would ask DDC to commit to the commencement of the process leading to the adoption of a Cumulative Impact Policy in Dover town centre as identified in our submitted maps to include the following streets – Bench Street, King Street, Queen Street, Castle Street, Pencester Road, Market Square, Cannon Street, Biggin Street, Ladywell, High Street, Church Street, Worthington Street, Priory Street & Stembrook.

Reviews

Paragraphs 1.49 and 1.50 are a straight copy from the current (2010) policy document; however paragraph 1.51 (a copy of paragraph 1.76 in the 2010 document) has been seriously cut.

The final sentence has been lost from 1.76, in copying to the new draft policy together with the accompanying list:

"It views particularly seriously applications for the review of any premises licence where it involves the:

- (a) use of licenced premises for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crimes
- (b) use of licensed premises for the sale and distribution of illegal firearms
- (c) evasion of copyright in respect of pirated films and music
- (d) underage purchase and consumption of alcohol
- (e) use of licensed premises for prostitution or the sale of unlawful pornography
- (f) use of licensed premises for unlawful gaming
- (g) use of licensed premises as a base for organised criminal activity
- (h) use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks
- (i) use of licensed premises for the sale of smuggled tobacco or goods
- (j) the use of licensed premises for the sale of stolen goods
- (k) prolonged and/or repeated instances of public nuisance
- (l) where serious risks to public safety have been identified and the management is unable or unwilling to correct those risks
- (m) where serious risks of harm to children have been identified

(n) permitting drunkenness and for encouraging binge drinking

We feel that it is essential to publish this information, including the accompanying examples of behaviour that might give rise to a Review.

Please re-instate this paragraph (formerly 1.76) in full.

Within this section you have removed the paragraphs in the 2010 document that refer to Summary Expedited Reviews. Given the esoteric nature of this piece of legislation we would agree with its removal from the draft.

1.53 and 1.54. These paragraphs are directly lifted from paragraphs 1.81 and 1.85 of the current policy (paragraphs 1.82 to 1.84 don't exist in that document) and refer specifically to the appeal procedure following an Expedited Review Hearing. As such they are not relevant in the draft policy and in the context that they are now sitting appear to be wrong in law. (The last sentence in 1.54 talks of interim steps remaining in force pending an appeal – there aren't any 'interim steps' in an ordinary Review case. Any sanction applied by the Licensing Sub-Committee cannot take effect once an appeal has been launched until either the appeal is abandoned or is lost at the Magistrates' Court.)

Licensing Objectives

We are surprised at the omission from the draft policy of the sentence at 2.2 in the 2010 policy document,

"The Licensing Authority accepts the right of any person to apply for a variety of permissions under the Act and to have the application processed in accordance with the Act."

- We would urge the reinstatement of this sentence which clearly states the position in law and is unambiguous.

2.2 In the draft document:

This may seem pedantic, however, the phrase generally used is, "responsible authority or any other person" rather than the other way around.

2.3 Line 2: after 'licence' should it say 'or certificate'?

Prevention of Crime and Disorder

3.6 5th Bullet Point – speaks of "Citizen Card".

The Home Office now uses the phrase, "A proof of age scheme card which carries the PASS hologram."

3.7 is a little confusing. The penultimate sentence states that, "Applicants should consider the benefits of stopping serving alcohol well before *other licensable activities stop* or more than half an hour before the premises close and customers must leave." (*our italics*) It would be reasonable to assume the *other licensable activities* referred to would probably be live or recorded music (although they are not licensable before 23:00 hrs on most premises now).

The last sentence then states, "They should consider stopping playing music or dancing before they stop serving alcohol and food to customers in very noise sensitive areas." This would seem to contradict the previous sentence and in any case dancing, if it means patrons dancing, is not a licensable activity. Perhaps consider removing both these sentences from this paragraph?

Prevention of Public Nuisance

5.3 As a policy it is extremely surprising that DDC does not consider the difference between, for example, town centre licensed premises and those clearly in residential or rural areas. To state that, "... all parts of

the District are to be considered residential areas to some degree...” is in our view a failure to recognise and understand the legitimate needs of the various communities that make up the District. For example, the effect of late night loud music from a public house on a housing estate or in a village might be greater than in a bustling town centre.

Whilst to impose within the Policy a zoning system with later opening hours allowed in a town as opposed to a village setting might be challenged (although we recommend reading the Licensing Policy for the London Borough of Lambeth, where such a scheme has existed, without challenge, since 2014), nevertheless we feel the policy should indicate both to potential applicants and residents that DDC does understand the differences between urban, rural and residential/business environments and will quite properly consider this in terms of the Licensing Objectives.

5.4 We are concerned that this laissez-faire statement has emboldened off-licence applicants to pursue ever broader licensing hours and that this may be connected to the anti-social and criminal behaviour experienced by those living, working and visiting Dover town centre. We ask DDC to remove this paragraph from the Policy. Each application must be treated on its individual merits; not on the assumption of the grant of longer hours. As it stands this paragraph appears to support unconditionally applications for extended licensing hours on premises.

We would strongly oppose the principles contained in Paragraphs 5.3 and 5.4 draft Policy document & request their removal.

5.6 and 5.7 We are in agreement with the proposed examples of control measures and Conditions that may be proposed in an application for the Grant or Variation of a Premises Licence or Club Premises Certificate.

We request the adoption of the Institute of Licensing's 'Guidance on Premises Licence Conditions', when published early next year. Following much research by national experts from across the spectrum of licensing, including representatives from enforcement agencies, the hospitality sector and the legal profession, we understand that this document will contain a basket of easily understood and enforceable Conditions that have been 'tried and tested' across the country and stood up successfully to legal challenge. We believe that other Licensing Authorities are looking to adopt this Guidance as a Best Practice document to inform both applicants and Licensing Committee Members in the exercise of their function.

Protection of Children from Harm

6.6 8th Bullet Point – speaks of “Citizen Card”.

We would repeat the comment made at 3.6 (5th Bullet Point)

The Home Office now uses the phrase, “A proof of age scheme card which carries the PASS hologram.”

6.9 This lacks clarity. No person under 16 years of age is allowed in the bar of licensed premises without being accompanied by a person of at least 18 years of age (S. 145(4) L.A. 2003). However that restriction does not apply to the remainder (e.g. restaurant area) of a licensed premises (S.145(a)) unless it is between midnight and 05:00 hrs (S.145(b)) when this restriction applies throughout licensing premises. We suggest that it would be more helpful to state clearly the provisions of the Act, before expressing those Conditions listed in this paragraph that might provide further restriction to that required by law.

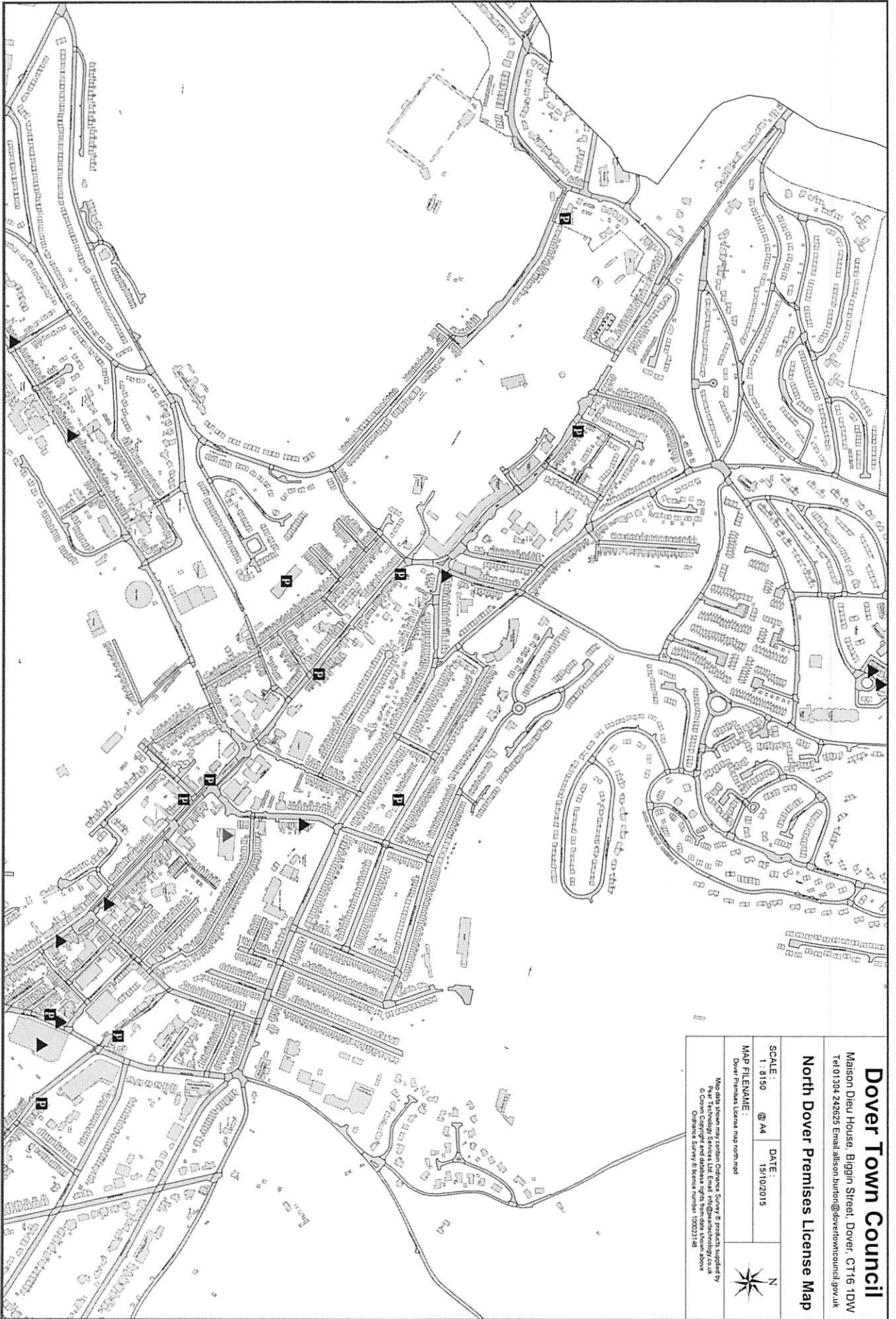
Although not referred to in the policy we strongly request the re-instatement of the process by which Town & Parish Councils were advised of licensing applications in the District.

We would like our complete response to the consultation document along with all other submissions to be provided unedited to all members of DDC's Licensing Committee & all members representing Dover Town Wards

Map Key

P = Public Houses

▲ = Off Licence



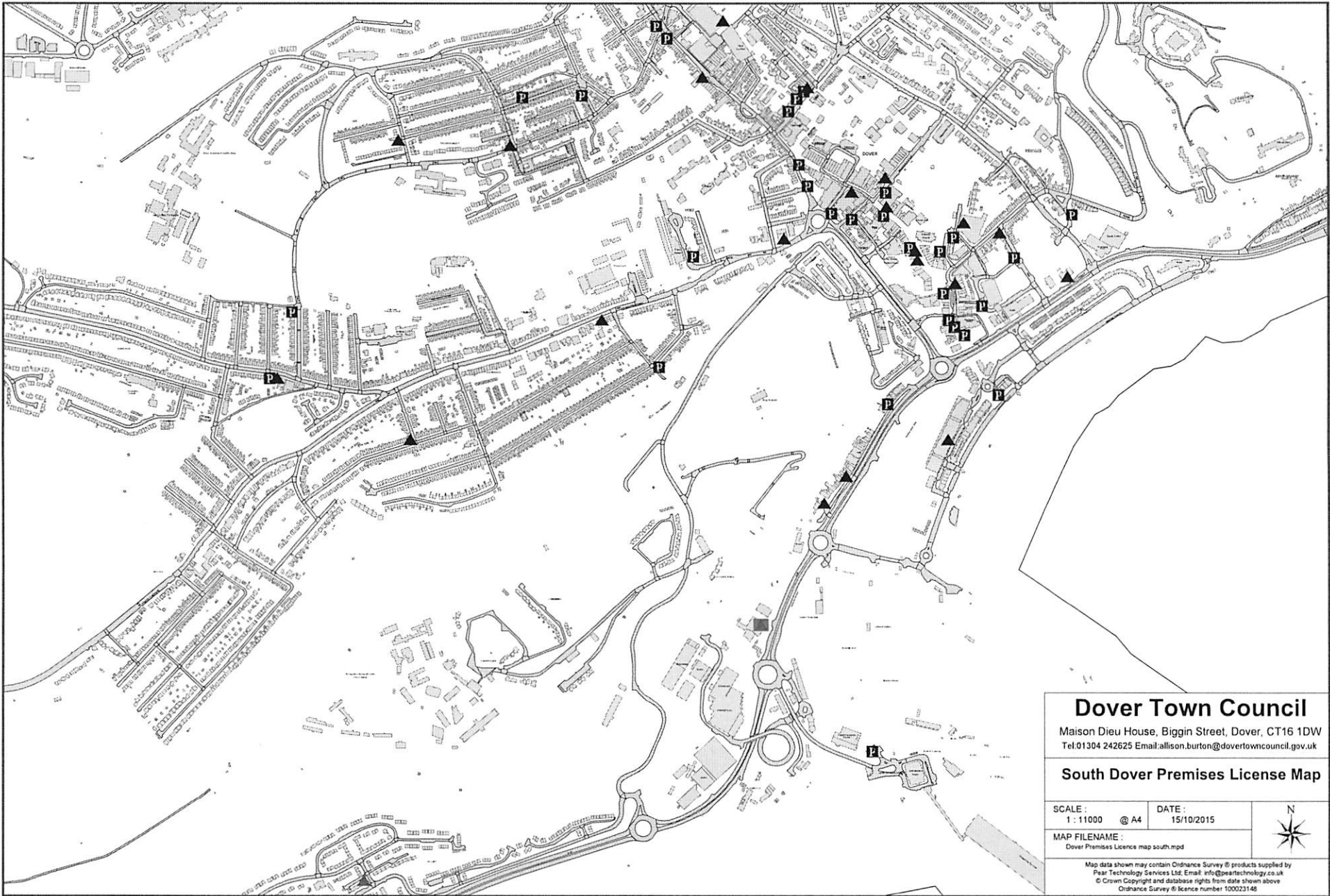
Dover Town Council
 Maison Dieu House, Biggin Street, Dover, CT16 1DW
 Tel: 01304 242625 Email: allison.burton@dovertowncouncil.gov.uk

North Dover Premises License Map

SCALE : @ A4 DATE : 15/10/2015
 MAP FILE NAME : Dover Premises License map north.mxd



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Dover Town Council

Maison Dieu House, Biggin Street, Dover, CT16 1DW
Tel 01304 242625 Email: allison.burton@dovertowncouncil.gov.uk

South Dover Premises License Map

SCALE : 1 : 11000 @ A4 DATE : 15/10/2015

MAP FILENAME :
Dover Premises Licence map south.mpd



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